**Section 51.60 The Hearing**

a) The hearing shall be closed to the public unless one of the parties requests that it be open and the hearing officer so orders. The hearing officer shall exclude witnesses during the testimony of other witnesses upon the motion of either party, except that, at any time, one representative of each party in addition to counsel (or other authorized representative) shall be allowed to be present, even if that representative is also a witness. In open hearings, individuals who are not witnesses are not affected by exclusion under this subsection (a).

b) The parties may be present and represented by counsel and by other authorized representatives.

c) The order of proceeding shall be as follows:

1) The hearing shall be opened by the recording of the place, time, and date of the hearing, the presence of the hearing officer and the parties and counsel, if any, and any stipulations as to facts. Pre-hearing motions submitted in accordance with Section 51.55 of this Part and not previously disposed of shall be heard at this time.

2) Upon the opening of the hearing, the hearing officer shall allow the parties to make opening statements.

3) The board shall proceed first to present its evidence.

4) Either party may cross-examine the witnesses, offer evidence, and present a defense or rebuttal.

5) All testimony shall be taken under oath or affirmation administered by the hearing officer.

6) The hearing officer may issue subpoenas requiring the attendance of witnesses and subpoenas duces tecum, and, at the request of either of the parties, shall issue such subpoenas but may limit the number of witnesses to be subpoenaed on behalf of either party to not more than ten.

7) The hearing officer shall cause a record of the proceedings to be kept and shall employ a competent reporter to take stenotype notes of all the testimony. The State Board of Education shall pay for the attendance and services of the court reporter as well as for the transcript, if any, ordered by the hearing officer for the purpose of making his or her decision.

8) Exhibits, when offered by either party, may be received in evidence by the hearing officer. The names and addresses of all witnesses and exhibits, in order received, shall be made a part of the record. The hearing officer shall make rulings on the admissibility of exhibits.

9) The hearing officer, for good cause shown, may continue the hearing upon the request of the teacher or the board or upon his or her own initiative.

10) The hearing may proceed in the absence of either party, who, after due notice, fails to be present or fails to obtain a continuance.

11) *The hearing officer shall consider and give weight to all of the teacher's evaluations written pursuant to article 24A of the School Code.*

12) The hearing officer may, at his or her discretion, vary the normal procedure under which the board presents its case first, but in any event shall afford full and equal opportunity to all parties for presentation of relevant proof.

13) At the conclusion of the hearing, each party may make a closing statement (orally and/or written at the discretion of the hearing officer) incorporating arguments of fact and law.

14) The hearing shall not be considered closed until all evidence has been submitted and briefs, if allowed by the hearing officer, have been received by the hearing officer. The hearing officer shall notify the parties, in writing, of the closing date of the hearing. A copy of the notice shall be forwarded to the State Board of Education.

d) Evidentiary rules to be followed during the hearing shall be as follows:

1) The parties may offer such evidence as they desire, and each party shall produce such additional evidence as the hearing officer may deem necessary to an understanding and determination of the dispute. *The hearing officer may limit the number of witnesses on behalf of either party to no more than ten.*  (Sections 24-12 and 34-85 of the School Code)

2) The hearing officer shall be the judge of the relevancy and materiality of the evidence offered and strict conformity to legal rules of evidence shall not be necessary.

3) Objections to evidentiary offers may be made and shall be noted in the record. The hearing officer shall have the power to make rulings, including the power to exclude evidence. "Offers of Proof" shall be permitted.

4) Any witness designated as hostile by the hearing officer may be examined as if under cross-examination.

5) If the hearing officer grants a party's request to submit a document after the evidentiary portion of the hearing is closed, the party shall file that document with the hearing officer, with copies to the State Board of Education and the other party, within the time designated by the hearing officer.

e) When the hearing officer determines that neither party has further proof to offer or witnesses to be heard, he or she shall declare the hearing concluded and a minute thereof shall be so noted in the record. If written briefs are to be submitted subsequently, the hearing officer shall so note.

(Source: Amended at 29 Ill. Reg. 10108, effective June 30, 2005)