**Section 51.30** **Notice of Charges to Tenured Teachers**

The provision of notice of charges to the affected tenured teacher shall be as set forth in Section 24-12(d)(1) or 34-85 of the School Code, as applicable, and this Section.

a) Notice of Charges for School Districts Not Organized under Article 34 of the School Code

1) The notice shall be mailed by first-class U.S. mail to the tenured teacher and provided either by certified mail, return receipt requested, or personal delivery with receipt, within five days after the Board's adoption of a motion for the dismissal (see Section 24-12(d) of the School Code). If the teacher cannot be found by diligent inquiry, then the charges may be sent by certified mail, return receipt requested, at his or her last known address. A return receipt showing delivery to the teacher's last known address within 20 calendar days after the date of approval of the charges shall constitute proof of service.

2) The notice shall include a bill of particulars and inform the tenured teacher of his or her right to request, in writing to the school district, a hearing within 17 days after receiving the notice (see Section 24-12(d) of the School Code).

A) The notice shall inform the tenured teacher of the requirement to copy the State Board on a request for a hearing submitted pursuant to subsection (a)(3) of this Section addressed to the General Counsel, Illinois State Board of Education, 100 W. Randolph Street, Chicago, Illinois 60601.

B) In addition, *any written notice sent on or after July 1, 2012 shall inform the teacher of the right to request a hearing before a mutually selected hearing officer, with the cost of the hearing officer split equally between the teacher and the Board, or a hearing before a Board-selected hearing officer, with the cost of the hearing paid by the Board* (Section 24-12(d)(1) of the School Code)*.*

3) If the tenured teacher chooses to have a hearing, then the tenured teacher shall submit a request for a hearing in writing to the school district within the timeline set forth in subsection (a)(2) of this Section that specifies his or her desire to have the hearing either before a mutually selected hearing officer or a Board-selected hearing officer. The tenured teacher shall send a copy of his or her request for a hearing to the General Counsel, Illinois State Board of Education, 100 W. Randolph Street, Chicago, Illinois 60601.

A) Failure of the tenured teacher to notify the State Board of his or her request for a hearing is not jurisdictional.

B) If a tenured teacher fails to specify the method by which a hearing officer is to be selected, then the hearing officer shall be selected as set forth in Section 51.40(a)(3) of this Part.

b) Notice of Charges for School Districts Organized under Article 34 of the School Code

1) The written notice shall be served upon the tenured teacher within 10 business days after approval of the charges (see Section 34-85(a) of the School Code). For purposes of this subsection (b)(1), "service" shall be by first-class U.S. mail, and also either by certified mail, return receipt requested, or personal delivery. If the tenured teacher cannot be found upon diligent inquiry, then the charges may be served by certified mail, return receipt requested, sent to the tenured teacher's last known address. A return receipt showing delivery to the teacher's last known address within 20 calendar days after the date of approval of the charges shall constitute proof of service. (See Section 34-85(a)(1) of the School Code.)

2) The notice shall include the specifications of the dismissal and inform the tenured teacher of his or her right to request, in writing to the general superintendent, a hearing within 17 days after receiving the notice (see Section 35-85(a) of the School Code).

A) The notice shall inform the tenured teacher or principal of the requirement to copy the State Board of Education on a request for a hearing submitted pursuant to subsection (b)(3) of this Section addressed to the General Counsel, Illinois State Board of Education, 100 W. Randolph Street, Chicago, Illinois 60601, if the teacher elects not to participate in the process to select a hearing officer.

B) In addition, *any notice sent on or after July 1, 2012 shall inform the teacher or principal of the right to request a hearing before a mutually selected hearing officer, with the cost of the hearing officer split equally between the teacher or principal and the Board, or a hearing before a qualified hearing officer chosen by the general superintendent, with the cost of the hearing officer paid by the Board* (Section 34-85(a)(1) of the School Code).

3) If the tenured teacher chooses to have a hearing, then the tenured teacher shall submit a request for a hearing in writing to the general superintendent within the timeline set forth in subsection (b)(2) of this Section that specifies his or her desire to have the hearing either before a mutually selected hearing officer or a hearing officer selected by the general superintendent. If the tenured teacher elects not to participate in the process to select a hearing officer, then he or she shall send a copy of his or her request for a hearing to the General Counsel, Illinois State Board of Education, 100 W. Randolph Street, Chicago, Illinois 60601.

A) Failure of the tenured teacher to notify the State Board of Education on his or her request for a hearing is not jurisdictional.

B) If a tenured teacher fails to specify the method by which a hearing officer is to be selected, then the hearing officer shall be selected as set forth in Section 51.40(b)(3) of this Part.

(Source: Amended at 36 Ill. Reg. 12829, effective July 25, 2012)