**Section 51.75 The Decision: School Districts Organized under Article 34 of the School Code**

When a hearing is held under Section 34-85 of the School Code regarding performance pursuant to Article 24A of the School Code or conduct, *the hearing officer shall, within 30 calendar days after the conclusion of the hearing, report to the general superintendent findings of fact and a recommendation* *as to whether the teacher or principal shall be dismissed* (Section 34-85(a)(6) of the School Code).The hearing officer shall provide a copy of the findings of fact and recommendation issued pursuant to this Section to the State Board of Education by certified mail addressed to the General Counsel, Illinois State Board of Education, 100 W. Randolph Street, Chicago, Illinois 60601.

a) In a dismissal hearing regarding performance pursuant to Article 24A of the School Code, *the hearing officer shall consider and give weight to all of the teacher's evaluations*, subject to their introduction at the hearing, *that are relevant to the issues in the hearing*. (Section 34-85(a)(5) of the School Code)

b) *The hearing officer shall report to the general superintendent findings of fact and a recommendation as to whether the teacher or principal shall be dismissed and shall give a copy of the report to both the teacher or principal and the general superintendent* (Section 34-85(a)(6) of the School Code). A copy of the hearing officer's findings of fact and recommendation shall be given by certified mail to the tenured teacher or his or her legal representatives of record.

c) If the hearing officer is appointed from the master list developed by the State Board and he or she fails, without good cause, to render findings of fact and recommendation within the required timeframe, then his or her name shall be struck from the master list of hearing officers for a period of at least 24 months. Other action may be taken as provided in Section 51.70(c) of this Part.

d) The decision of the hearing officer regarding dismissal due to either performance or conduct rendered pursuant to Section 34-85 of the SchoolCode is the findings of fact and recommendation to the Board.

1) The Board shall make a decision as to whether the tenured teacher shall be dismissed within 45 days after receiving the hearing officer's report of findings and recommendation.

2) A copy of the Board's decision shall be given by certified mail to the tenured teacher and his or her legal representatives of record, and to the State Board at the address set forth in this Section.

3) The Board's decision to dismiss a tenured teacher from its employ is final unless reviewed under the Administrative Review Law, as provided in Section 34-85b of the School Code [105 ILCS 5/34-85b], with the review required to be initiated in the Illinois Appellate Court for the First District (see Section 34-85(a)(8) of the School Code).

A) In the case of an administrative review, the Board shall prepare and file the record of proceedings and the parties shall share the costs of preparing and filing the record equally.

B) The record of the hearing shall contain each of the items enumerated in Section 51.70(b)(3)(B) of this Part.

4) Pursuant to Section 34-85(a)(7) of the School Code, *the failure of the Board to strictly adhere to the timeline set forth* in subsection (d)(1) of this Section *does not* *render it without jurisdiction* *to dismiss the tenured teacher*.

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