**Section 475.100 Orders**

a) The provisions of this subsection (a) shall apply in those cases where the hearing officer is authorized by statute or rule to act as the personal representative of the State Superintendent of Education and in those cases where no hearing officer has been designated by the entity authorized to conduct the hearing and that entity or its representative is acting as the hearing officer, as provided in Section 475.15 of this Part.

1) The hearing officer's findings and conclusions shall be in writing and shall include findings of fact and conclusions of law separately stated and in conformance with Section 10-50(a) of the Illinois Administrative Procedure Act [5 ILCS 100/10-50(a)]. Findings of fact shall be based exclusively on the evidence presented at the hearing or known to all parties, including matters officially noticed. Findings of fact, if set forth in statutory language, shall be accompanied by a statement of the underlying, supporting facts. Each conclusion of law shall be supported by authority or reasoned opinion.

2) The hearing officer shall, in addition to the findings of fact and opinion required by subsection (a)(1) of this Section, render a decision and issue an order upon consideration of the record as a whole or such portion thereof as may be supported by competent, material and substantial evidence. The decision in the case will be the decision for and of the ISBE, the State Superintendent of Education, or the STCB, as applicable.

b) The provisions of this subsection (b) shall apply in those cases where the final decision is required to be rendered by an individual or entity other than the hearing officer, including all hearings conducted under the jurisdiction of the State Teacher Certification Board pursuant to Section 21-1 or Section 21-23 of the School Code for which hearing officers are appointed.

1) Hearing Officer's Recommendations:

A) Initial Recommendations: The hearing officer shall prepare proposed findings of fact and conclusions of law and make recommendations by way of a proposed order that complies with Section 10-45 of the Illinois Administrative Procedure Act. These recommendations shall be made upon consideration of the record as a whole or such portion thereof as may be supported by competent, material and substantial evidence.

B) Opportunity to File Exceptions: The hearing officer shall forward a copy of the proposed findings of fact, conclusions of law and recommendations to each party of record in the hearing and each party of record shall be allowed 21 days in which to submit exceptions to the findings, conclusions and recommendations of the hearing officer and to present a brief to the hearing officer in support of the position of the party.

2) Preparation of Final Order: Upon the hearing officer's recommendations, the ISBE, the STCB, or the State Superintendent of Education shall review the record and the hearing officer's findings, conclusions, and recommendations, together with exceptions thereto and briefs in support thereof, and shall either:

A) request the hearing officer to prepare a final set of findings and conclusions and a recommended order for approval and issuance;

B) issue a final order, within 90 days unless an extension is agreed to by the parties, that complies with Section 10-50 of the Illinois Administrative Procedure Act [5 ILCS 100/10-50] and as set forth by applicable statutes.

c) Effectiveness of Orders: The final decision in each case will become effective immediately upon the execution of the order or as specified by applicable statute. The parties shall be immediately notified either personally or by mail, postage paid, certified or registered, addressed to the last known address of each party. A copy of the order shall be delivered or mailed to each party and to the party's attorney of record. *Each order shall indicate whether it is final and, if so, that it is subject to the Administrative Review Law* [735 ILCS 5/Art. III]. [5 ILCS 100/10-50(b)]

(Source: Amended at 29 Ill. Reg. 10146, effective June 30, 2005)