**Section 475.50 Hearing Officer: Qualifications, Powers and Duties, and Appointment**

a) When a hearing is requested in accordance with Section 475.40(e) of this Part, the SEPLB or its designee may appoint a hearing officer.

b) For the purposes of this Subpart A, a "hearing officer" is defined as either the individual so appointed by the SEPLB or, when none is appointed, the SEPLB as a whole. The hearing officer shall be an attorney licensed to practice law in Illinois (see 5 ILCS 100/10-20) and, at the direction of the SEPLB, may either preside over the hearing in the presence of the SEPLB or conduct an independent hearing. When a hearing officer is appointed, the parties shall be notified. When no hearing officer is appointed, all authority to conduct the hearing pursuant to this Subpart A shall be exercised by the SEPLB.

c) The hearing officer shall have all powers necessary and appropriate to conduct a fair, full and impartial hearing, including without limitation the following:

1) To exercise the power of the State Superintendent of Education to issue subpoenas pursuant to any applicable statute;

2) To initiate, schedule, and conduct pre-hearing conferences, and issue related orders, pursuant to Section 475.70 of this Part;

3) To rule upon requests by either party for discovery in accordance with Section 475.90 of this Part;

4) To hold conferences for the settlement or simplification of the issues;

5) To regulate the course of the hearing and the conduct of the parties and their counsel during the hearing;

6) To administer oaths and affirmations;

7) To receive offers of proof and relevant evidence;

8) To consider and rule upon procedural requests;

9) To rule upon motions, objections, and evidentiary questions;

10) To examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable limits on the amount of time each witness may testify; and

11) To make decisions in accordance with applicable law and rules.

d) *Except in the disposition of matters that agencies* *are authorized by law to entertain or dispose of on an ex parte basis,* no agency employee or hearing officer *shall, after notice of hearing* pursuant tothis Part*, communicate, directly or indirectly, in connection with any issue of fact, with any person or party, or in connection with any other issue with any party or representative except upon notice and opportunity for all parties to participate. However, an agency member may communicate with other members of the agency, and an agency member* or hearing officer *may have the aid and advice of one or more personal assistants.* [5 ILCS 100/10-60]

e) Disqualification

1) When a hearing officer deems himself or herself disqualified to preside over a particular hearing, he or she shall withdraw by notice on the record directed to the Secretary of the SEPLB.

2) The SEPLB, on its own motion or the motion of any party, may disqualify a hearing officer for bias or conflict of interest as provided under Section 10-30(b) of the Illinois Administrative Procedure Act [5 ILCS 100/10-30(b)], for physical or mental incapacity, or for persistent failure to meet statutory or other timelines. A party's motion shall be supported by affidavits setting forth the alleged grounds for disqualification. A motion by the SEPLB shall state the alleged grounds for disqualification.

3) In the event that a hearing officer is disqualified, the SEPLB or its designee shall appoint a new hearing officer in accordance with subsection (b) of this Section.

f) Failure or Refusal to Appear or to Obey the Rulings of a Hearing Officer

1) Contumacious or improper conduct at any hearing before the hearing officer may be grounds for exclusion from the hearing.

2) If a witness or a party refuses to answer a question after being directed to do so or refuses to obey an order to provide or to permit discovery, then the hearing officer may make any orders with regard to the refusal as are just and appropriate, including an order regulating the contents of the record of the hearing or recommending the sanction recommended by the State Superintendent in the Notice of Opportunity for Hearing.

g) At the request of any party, the hearing officer shall exclude all witnesses from the hearing room, except that, at any time, one representative of each party in addition to counsel shall be allowed to be present, even if that representative is also a witness. Individuals who are not witnesses are not affected by this subsection (g).

h) On any procedural question not regulated by this Subpart A, the appropriate Act, or the Illinois Administrative Procedure Act [5 ILCS 100], a hearing officer may be guided to the extent practicable by any pertinent provisions of the Illinois Supreme Court Rules or the Illinois Code of Civil Procedure [735 ILCS 5].