**Section 108.110 Hearing officers**

a) Within five calendar days after receipt of the request from the facility, the Secretary shall provide a list of five prospective trained impartial hearing officers, one of whom shall be selected as the impartial hearing officer to conduct the local hearing. Criteria for the hearing officers are as follows:

1) Shall not be an employee of the Department, Illinois State Board of Education, the facility, any local school district, joint agreement or cooperative program with which the facility interacts, or any other agency or organization that is or has been directly involved in the diagnosis, education or care of the recipient.

2) Shall not be a resident of the school district in which the parent is a recipient or in which the facility is located.

3) Shall not be involved in the decisions already made about a recipient regarding identification, evaluation, or placement, and may not have a personal or professional interest which would conflict with his or her objectivity.

4) Shall possess knowledge, information acquired through training under the auspices of the Illinois State Board of Education and the Department about the nature and needs of the type of recipient. An awareness and understanding of the types and quality of programs available for the type of recipient is essential.

b) The Department shall pay expenses to the hearing officer for his or her services at the local hearing.

c) Selection of one hearing officer from the list shall occur within five calendar days after receipt of the list from the Secretary, and shall occur as follows:

1) The parents shall first strike a name from the list.

2) The facility shall next strike a name from the list.

3) Both parties shall continue striking from the list until one name remains; that person shall serve as the impartial hearing officer.

4) The facility shall notify the Secretary and the State Superintendent of Education, within five days after receipt of the list, the name of the person to be the impartial hearing officer.

5) This notification may be transmitted verbally to the Secretary, provided that the verbal notification is confirmed in writing, with verification by the facility and the parent, to the Secretary and the State Superintendent of Education within five days.

6) Upon receipt of the notification, the Secretary shall appoint the hearing officer selected by the facility and the parent(s) to convene the hearing. If the selected hearing officer is unable or unwilling to accept the appointment, the Secretary shall seek from the facility and parent a mutually acceptable alternate. If the facility and parent are unable to agree to a mutually acceptable alternate, the Secretary shall provide the facility and parent with an additional list of five prospective hearing officers. The facility and parent shall then repeat the selection process as detailed above.

7) The Illinois State Board of Education shall maintain a list of those persons who serve as hearing officers, along with their qualifications. From the list, the Secretary shall select a list of persons especially qualified in mental disabilities and offer further training to make them eligible to serve as Department educational hearing officers.

d) The hearing shall not be considered adversarial in nature, but shall be directed toward bringing out all facts necessary for the hearing officer to make a decision.

(Source: Amended at 15 Ill. Reg. 6122, effective April 15, 1991)