**Section 510.90 Impartial Hearing Officers**

a) A hearing must be heard by an individual randomly selected from the list of DHS-ORS approved Impartial Hearing Officers and designated by the Associate Director except:

1) for grievances arising from modification of school records or school sex equity, the Impartial Hearing Officer shall be the DHS-ORS Director of Education Services or his/her designee; and

2) for grievances arising from HSP, the Impartial Hearing Officer shall be approved by DPA.

b) If the grievant, or the parent, family member, guardian, advocate or duly authorized representative of the grievant, believes the Impartial Hearing Officer selected to conduct the hearing is biased against the grievant, or the parent, family member, guardian, advocate or duly authorized representative of the grievant, or has a conflict of interest, the grievant may make a written request to the Hearings Coordinator at least 5 working days prior to the hearing for removal of the individual thought to be biased or to have a conflict of interest and for assignment of another individual as the Impartial Hearing Officer. The request must be accompanied by an affidavit signed and dated by the grievant, or as appropriate, a parent, family member, guardian, advocate or duly authorized representative of the grievant, setting out specific facts upon which the claim of prejudice or conflict of interest is based.

c) When an affidavit, as described in subsection (b) above, is received, the DHS Hearings Coordinator shall assign another individual to serve as the Impartial Hearing Officer if it is determined by the DHS Hearings Coordinator and other appropriate staff that prejudice or conflict of interest exists.

d) The Impartial Hearing Officer has the power to:

1) control the conduct of the hearing to prevent irrelevant or immaterial discussion;

2) rule upon all motions and other matters arising in the course of the hearing, including, but not limited to, a party's motion or objection concerning the admissibility of evidence;

3) examine any of the witnesses at any time or request additional information from either party; and

4) require the parties, at any stage of any hearing or after all parties have completed the presentation of their evidence, to present further evidence including, but not limited to, the production of any and all documents, books, paper and accounts the Impartial Hearing Officer deems material or relevant to any issue.

(Source: Amended at 23 Ill. Reg. 13195, effective November 15, 1999)