**Section 51.40 Qualifications of Hearing Officers; Conditions of Service**

a) Each hearing officer proposed by the State Board of Education shall possess the following qualifications:

1) He or she must be accredited by a national arbitration association.

2) He or she must be a non-resident of the school district involved in the hearing at the time of the hearing, unless the hearing involves a school district organized pursuant to Article 34 of the School Code.

3) He or she must be disinterested and impartial.

4) He or she must have no financial or personal interest in the result of the hearing.

b) The State Board of Education shall provide the local board of education and the teacher with a list of five prospective impartial hearing officers. The State Board of Education shall select the first five hearing officers from the master list who do not reside in the school district, if required by Section 24-12 of the School Code. The State Board of Education shall place the names of the four hearing officers not selected at the bottom of the master list and shall rotate the names on the list accordingly.

c) Upon notice of his or her appointment as a hearing officer, the prospective hearing officer shall disclose any circumstances he or she believes might disqualify him or her as an impartial hearing officer.

1) Upon receipt of such information the State Board of Education shall immediately disclose it to the parties.

2) The parties may waive the presumptive disqualification.

3) If either party declines to waive the presumptive disqualification, the State Board of Education shall declare a vacancy.

d) If any hearing officer shall resign, die, withdraw, refuse or be unable or disqualified to perform the duties of his or her position, the State Board of Education shall, on proof satisfactory to it, declare the position vacant.

1) Vacancies shall be filled in the same manner as that governing the making of the original appointment.

2) Should a vacancy occur during the course of a hearing, the entire matter shall be reheard by a new hearing officer.

e) The State Board of Education shall pay the Hearing Officer a per diem of $300 or such greater amount as the State Board of Education may determine based on available resources. Billing procedures shall be arranged on an individual basis between the State Board and the Hearing Officer.

f) All communication from the parties to the hearing officer other than at oral hearing shall be in writing and copies shall be sent at the same time to the opposing party and the State Board of Education. However, where circumstances necessitate, the hearing officer may make other appropriate arrangements, including but not limited to conference telephone calls. The hearing officer shall promptly report to the other party the complete substance of any unilateral communications.

g) All hearing officers shall abide by the professional standards set forth in "The Code of Professional Responsibility for Arbitrators of Labor Management Disputes" (2003), published by the National Academy of Arbitrators, 1 No. Main Street, Suite 412, Cortland, New York 13045; no later amendments to or editions of these standards are incorporated.

(Source: Amended at 29 Ill. Reg. 10108, effective June 30, 2005)