**Section 51.70 The Decision**

When a hearing is held under Section 24-12 of the School Code, *the decision must be rendered within 30 days after the conclusion of the hearing or closure of the record, whichever occurs later.*  When a hearing is held under Section 34-85 of the School Code, *the hearing officer's findings of fact and recommendation must be rendered within 45 days after the conclusion of the hearing.*  For purposes of the remainder of this Section, "decision" means either a decision under Section 24-12 of the School Code or the findings of fact and recommendation under Section 34-85 of the School Code.

a) The hearing officer shall make a decision in writing as to whether or not the teacher shall be dismissed. The hearing officer's decision shall include findings of fact.

b) If the hearing officer fails, without good cause, to render a decision within the required timeframe, his or her name shall be struck from the master list of hearing officers maintained by the State Board of Education for a period of at least six months.

c) A copy of the hearing officer's decision shall be given to the State Board of Education to be forwarded by certified mail to both the teacher and the Board, or their legal representatives of record. If Section 34-85 of the School Code applies, the decision of the Board shall also be given to the State Board of Education to be forwarded by certified mail to the teacher.

d) The decision of the hearing officer, if rendered pursuant to Section 24-12 of the School Code, is final unless reviewed under the Administrative Review Law [735 ILCS 5/Art. III], as provided in Section 24-16 of the School Code [105 ILCS 5/24-16]. The decision of the hearing officer, if rendered pursuant to Section 34-85 of the School Code, is only a finding of fact and recommendation to the Board. The Board's decision to dismiss a tenured teacher from its employ is final unless reviewed under the Administrative Review Law, as provided in Section 34-85b of the School Code [105 ILCS 5/34-85b].

1) If neither party appeals, then either party desiring a transcript of the hearing shall pay for the cost thereof.

2) The costs of preparing and filing the record of proceedings in the case of a review shall be paid by the Board.

3) The record of the hearing shall include:

A) all pleadings and exhibits,

B) a statement of matters officially noticed,

C) a transcript of the hearing, and

D) the decision of the hearing officer (and the decision of the Board, if Section 34-85 of the School Code applies).

e) Pursuant to Sections 24-12 and 34-85 of the School Code, *the Board shall not lose jurisdiction to discharge a teacher if the hearing officer fails to render a decision within the applicable time specified in this Section.*

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