**Section 51.55 Pre-Hearing Procedures**

a) The parties and the hearing officer may agree to a location for the hearing. If there is a dispute as to the location of the hearing, the hearing officer shall fix the place of the hearing at a location within the district's boundaries.

b) The tenured teacher shall answer the bill of particulars or charges and specifications, aver any affirmative defenses, and update the answer and defenses, in accordance with the schedule set forth by the hearing officer pursuant to subsection (c) of this Section. (See Sections 24-12(d)(6) and 34-85(a)(5) of the School Code.)

c) Pre-Hearing Conference

No later than 10 days after being selected as the hearing officer, the hearing officer shall convene a pre-hearing conference with the parties for the purpose of, among other things, setting a schedule. The schedule shall be contained in the hearing officer's order that reflects the action taken at the conference and include:

1) The deadline for the tenured teacher's answer and any affirmative defenses to the bill of particulars or charges and specifications submitted pursuant to subsection (b) of this Section and for the updating of that information after pre-hearing discovery;

2) A schedule for discovery, including any written interrogatories and requests for production of documents;

3) The deadline for initial disclosures and updated disclosures to be sent to the other party, which deadline may be no later than 10 days prior to the commencement of the hearing (see Sections 24-12(d)(6) and 34-85(a)(5)); and

4) The dates, times and locations of any subsequent pre-hearing conferences, as needed.

d) Initial Disclosures and Updated Disclosures

Subject to the deadline established by the hearing officer in his or her order issued pursuant to subsection (c) of this Section, and in accordance with Sections 24-12(d)(6) and 34-85(a)(5) of the School Code, each party shall disclose in writing to the other, with copies to the hearing officer, the following information:

1) *The names and addresses of persons who may be called as witnesses at the hearing*;

2) *A summary of the facts or opinions each witness will testify to*; and

3) *All other documents and materials, including information maintained electronically, relevant to its own as well as the other party's case (the hearing officer may exclude witnesses and exhibits not identified and shared, except those offered in rebuttal for which the party could not reasonably have anticipated prior to the hearing).* (Sections 24-12(d)(6) and 34-85(a)(5) of the School Code)

e) Discovery

The hearing officer shall allow for interrogatories and requests for production of documents, and may allow for other discovery, subject to reasonable limitations set forth by the hearing officer, in the order reflecting the pre-hearing conference or any future order. The hearing officer shall not allow for discovery depositions (see Sections 24-12(d)(6) and 34-85(a)(5) of the School Code).

1) Application for discovery shall be made by written motion to the hearing officer, with copies to the other party.

2) The motion shall state the specific nature of the discovery and the circumstances necessitating the discovery. If interrogatories are sought, a copy of the interrogatories shall be attached to the motion.

3) The hearing officer shall rule on the motion within five days after receipt of the motion, sending copies of the decision to both parties. The ruling shall set a date by which discovery shall be completed. In the case of interrogatories, receipt of the hearing officer's ruling shall be deemed service of the interrogatories when the provisions of subsection (e)(2) of this Section have been complied with.

4) In ruling on the motion, the hearing officer shall not permit discovery that will unnecessarily delay the proceedings or harass a party, and shall allow only that discovery that will further the resolution of the dispute, avoid surprise to a party, or aid in doing substantial justice.

5) Each party providing answers to discovery requests shall sign his or her responses under oath, and each attorney making objections shall sign his or her objections under oath.

f) Other pretrial motions may be filed and resolved prior to the hearing at the discretion of the hearing officer, provided that no motion shall be resolved prior to the hearing that would result in a default judgment against the tenured teacher.

g) Any party who proceeds with the hearing after knowledge that any provision of this Subpart B has not been complied with prior to the hearing and who fails to state his or her objection to the noncompliance in writing to the hearing officer shall be deemed to have waived his or her right to object.

(Source: Amended at 36 Ill. Reg. 12829, effective July 25, 2012)