**Section 475.70 Pre-Hearing Conferences and Consent Orders**

a) Convening a Conference: Upon the hearing officer's own motion or the motion of a party, the hearing officer may direct the parties or their counsel to meet with the hearing officer for a conference to consider:

1) Simplification of the issues;

2) Necessity or desirability of amendment to documents for purposes of clarification, simplification or limitation;

3) Stipulations, admissions of fact and of contents and authenticity of documents;

4) Limitation of the number of witnesses;

5) Propriety of prior mutual exchange between and among the parties who have prepared testimony or exhibits; and

6) Such other matters as may tend to expedite disposition of the proceedings and assure a just conclusion thereof.

b) Record of Conference: The hearing officer shall make an order that recites the action taken at the conference, the amendments allowed to any documents that have been filed, and the agreements made between the parties as to any of the matters considered. This order shall limit the issues for hearing to those not disposed of by admissions or agreements, and such an order, when entered, shall control the subsequent course of the hearing unless modified at the hearing to prevent manifest injustice.

c) Consent Orders: At any time before the reception of evidence in any hearing or during any hearing, a reasonable opportunity may be afforded to permit negotiations by the parties or an agreement containing consent findings and a rule or order disposing of the whole or any part of the proceedings. The allowance of such opportunity and the duration thereof shall be in the discretion of the hearing officer after consideration of the nature of the proceedings, the requirements of the public interest, the representations of the parties, and the probability of an agreement that will result in a just disposition of the issues involved.

1) Any agreement containing consent findings and rules or orders disposing of a proceeding shall also provide:

A) That the rule or order shall have the same force and effect as if made after a full hearing;

B) That the entire record on which any rule or order may be based shall consist solely of the application or complaint and the agreement;

C) A waiver of any further procedural steps before the hearing officer; and

D) Waiver of any right to challenge or contest the validity of the findings and of the rule or order made in accordance with the agreement.

2) On or before the expiration of the time granted for negotiations, the parties or their counsel may:

A) Submit the proposed agreement in writing to the hearing officer for his or her consideration; or

B) Inform the hearing officer that agreement cannot be reached.

3) In the event that an agreement contains consent findings and a rule or order is submitted in the time allowed, the hearing officer, upon written approval of the final decision-maker, i.e., the ISBE, the STCB, or the State Superintendent, may accept the agreement by issuing a decision based upon the agreed findings in accordance with Section 10-25(c) of the Illinois Administrative Procedure Act [5 ILCS 100/10-25(c)].

(Source: Amended at 29 Ill. Reg. 10146, effective June 30, 2005)