**Section 475.40 Notice of Opportunity for Hearing**

a) All actions conducted under the jurisdiction of the SEPLB shall be initiated when the State Superintendent of Education issues a written Notice of Opportunity for Hearing. The Notice shall be served by the State Superintendent or designee upon the licensee and the Secretary of the SEPLB.

b) The Notice of Opportunity for Hearing shall include:

1) A Statement of Charges alleged against the licensee, which shall consist of:

A) a short and plain statement of the material allegations asserted,

B) the citations to the statutes and rules that the licensee allegedly violated, and

C) the sanction recommended by the State Superintendent of Education;

2) The legal authority and jurisdiction under which the hearing is to be held;

3) The address to which a licensee shall send the request for hearing in accordance with subsection (e) of this Section;

4) A statement that failure to request a hearing within 10 days after receipt of the Notice of Opportunity for Hearing shall result in the recommended sanction set forth in the Notice immediately taking effect; and

5) A statement that upon the final order of the SEPLB to revoke or suspend a license, the SEPLB or its designee shall report the final disposition of the licensee to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Clearinghouse or its agent.

c) The service of a Notice of Opportunity for Hearing on the licensee shall be complete when it has been:

1) served in person; or

2) sent by certified or registered United States Mail, addressed to the last known address of the licensee; or

3) if service as described in subsection (c)(1) or (c)(2) of this Section cannot be perfected, then a Notice of Opportunity for Hearing shall be sent via regular United States Mail to the last known address of the licensee, and the State Superintendent shall cause publication to be made in some newspaper published in the county of the last known address of this person. If there is no newspaper published in that county, then the publication shall be in a newspaper published in an adjoining county in this State having a circulation in the county in which action is pending. The publication shall contain, at a minimum, notice of the pendency of the State Superintendent's action; reference to the SEPLB as the relevant tribunal; the name of the Secretary of the SEPLB; the name of the licensee;and the date on or after which default may be entered against the licensee. Pursuant to this subsection (c)(3), and for purposes of subsection (d) of this Section, receipt shall be deemed to occur upon publication.

d) If and once a licensee has requested a hearing in accordance with subsection (e) of this Section, any subsequent documents related to the matter that are served via regular United States Mail shall be sent to the address provided by the licensee on his or her written request.

e) If a licensee receiving a Notice of Opportunity for Hearing wishes to request a hearing, then he or she must file a written request for hearing within 10 days after receipt.

1) The written request for hearing shall be addressed to the State Superintendent of Education or designee, 100 North First Street, Springfield, Illinois 62777, unless another address or an alternative means of filing (such as electronic transmission or submission of facsimile copies) is designated in the Notice of Opportunity for Hearing.

2) *If the State Superintendent does not receive from an individual a request for a hearing within 10 days after the individual receives notice, the suspension or revocation shall immediately take effect in accordance with the notice.* [105 ILCS 5/21B-75]

f) When the request for hearing is received, the State Superintendent or designee shall notify the Secretary of the SEPLB and request a hearing officer be designated in accordance with Section 475.50 of this Part.