Performance Criteria

This form will be completed for cases reviewed by the Evaluator as part of the Hearing Officer’s performance assessment. For each criterion, the Hearing Officer’s overall performance will be reported where data are available and areas, if any, in need of professional development will be noted. Any officer’s overall performance will be reported where data are available and areas, if any, in need of professional development will be noted. Performance criteria/measurements only after the effective date. However, a Hearing Officer’s voluntary performance criteria/measurements may be reported thereafter. A Hearing Officer may be noted as a Hearing Officer’s voluntary.

1. Pre-hearing Process, including the Pre-hearing Conference

The Hearing Officer must manage the pre-hearing conference and pre-hearing conferences, in accordance with the procedures and requirements included in the Illinois School Code and Section 226.645 of the Illinois Administrative Code. Any officer’s overall performance will be reported where data are available and areas, if any, in need of professional development will be noted.

Performance Evaluation

Date of Review: 2013-2014
Evaluator: ___________________________
Method of Collection: __________________
Verification Data Source: (T=transcript; D=decision; R= other hearing record; O=other observation)
Case Number: _______________________

Hearing Officer: ___________________________
II. Hearing

The Hearing Officer must conduct the hearing in accordance with appropriate, standard, legal practice and in accordance with the procedures and requirements (including, without limitation, timelines) set forth in Chapter 105, Article 14 of the Illinois School Code and Title 23, Part 226 of the Illinois Administrative Code and the IDEA law and regulations.  

Performance Assessment:

Professional Development Needed:

III. Case Management

The Hearing Officer must demonstrate efficient case-management strategies.  

Performance Assessment:

Professional Development Needed:

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3 Specifically, as indicators, the Hearing Officer must have: Conducted the hearing fairly, effectively, and efficiently: Timely scheduled the hearing, including the final day of the hearing in accordance with Section 14-8.02a(g-55) of the School Code, and notified the parties in a timely manner; Maintained order/control of the hearing process; Handled cumulative and irrelevant testimonial and documentary evidence while balancing the parties’ rights to be heard; Ruled on and properly admitted documentary evidence in the record; Ruled on objections and motions raised at the hearing, providing an opportunity for response to disputed motions, and a clear record; Ensured the testimony of witnesses was under oath properly administered; Limited the scope of the hearing to identified issues properly raised; Ensured an accurate verbatim record was made of the proceeding; and Used ISBE mandatory forms and templates commencing with their availability on SEDs. Authority: 20 USC 1415(f) and (h), 105 ILCS 5/14-8.02a(g-40), (g-50) and g-55), 105 ILCS 5/14-8.02c (b) and (i)), 23 IAC 226.660, Schaffer v. Weast, 546 U.S. 49 (2005), Hearing Officer Contract.

4 Specifically, as indicators, the Hearing Officer must have: Established and implemented procedures to monitor the status of the case, including anticipating probable occurrences and monitoring the status of the resolution process; Timely identified and complied with the timeline for an expedited hearing; Ensured all extensions of timelines were at the written request of a party (parties) and, if granted, were date certain, including the date the decision is due, and limited to the time period necessary and submitted to the ISBE no later than 72 hours after granting such extension; Issued the written decision/closing order in compliance with all applicable timelines; Complied with the timeline for action on requests for clarifications under Section 14-8.02a(h) of the Illinois School Code; and Used ISBE mandatory forms and templates commencing with their availability on SEDs. Authority: 105 ILCS 5/14-8.02a(h), 14-8.02b(k)) 23 IAC 226.640, Hearing Officer Contract.
IV. Judicial Temperament

The Hearing Officer must maintain judicial temperament at all times, including complying with the standards of neutrality, confidentiality, and conduct required by IDEA; FERPA; Illinois law and regulation; and the Hearing Officer’s contract.  

Performance Assessment:

Professional Development Needed:

V. Render and Write decisions in Accordance with Appropriate, Standard Legal Practice

The Hearing Officer must render and write decisions in accordance with appropriate, standard, legal practice and the decision must be clear, comprehensive, concise and founded upon demonstrable facts based in the record, and include the application of appropriate legal authority.

Performance Assessment:

Professional Development Needed:

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5 Specifically, as indicators, the Hearing Officer must have: Conducted/expressed himself/herself in an impartial, temperate, and dignified manner; Exercised reasonable, prudent judgment in addressing procedural issues or problems throughout the hearing process; Withheld judgment until the record was closed; Maintained order and decorum throughout the hearing process; Avoided ex-parte communications in accordance with Section 14-8.02a(g-45) of the School Code; Disclosed any personal or professional interest to the parties that could conflict with his/her objectivity in the hearing and recused himself/herself unless the parties otherwise agreed in writing; Ruled on requests for recusal, including providing conclusions of law; and Used ISBE mandatory forms and templates commencing with their availability on SEDs. Authority: 105 ILCS 5/14-8.02c(i), 20 USC 1415 and 20 USC 1232g) Hearing Officer Contract.

6 Specifically, as indicators, the Hearing Officer must render decisions that: Dispose of all issues in the case within the Hearing Officer’s jurisdiction; Make coherent, relevant and necessary findings of fact (including resolution of conflicting evidence, e.g., credibility); Provide conclusions of law that articulate the applicable legal standards and apply the law to the facts; Employ the applicable legal standards for the burden of proof and the standard of proof when noted in the decision; Provide orders with sufficient detail and clarity to inform the parties of all steps necessary to ensure timely and accurate implementation of the Hearing Officer’s directives, including, if corrective action is ordered, clearly stated timelines to ensure enforceability and the timeline for the district to submit evidence to the ISBE to demonstrate compliance; Provide the right of the parties, in writing, to request a clarification of the orders issued, and the parties’ right to appeal the decision to a court of competent jurisdiction within 120 days of the transmission of the decision to the parties; and Used ISBE mandatory forms and templates commencing with their availability on SEDs. Authority: 105 ILCS 5/14-8.02c(b) and 5/14-8.02a(h), 20 USC 1415, Hearing Officer Contract.
VI. Knowledge and Understanding

The Hearing Officer must demonstrate knowledge and understanding of the IDEA and Illinois law and regulations, including legal interpretations, and binding, as well as persuasive, case law.  

Performance Assessment:

Professional Development Needed:

VII. Administrative Record

The Hearing Officer must ensure a complete and accurate administrative record is made of the proceedings.  

Performance Assessment:

Professional Development Needed:

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7 Specifically, as indicators, throughout the hearing process, the Hearing Officer must demonstrate knowledge and understanding of the IDEA (20 U.S.C. §1400 et seq; 34 C.F.R. Part 300) and the Illinois School Code, Article 14, and 105 ILCS 5/14-1.01 et. seq; Part 226 of the Illinois Administrative Code, interpretations of the IDEA by the USED, OSEP, if the explicit language of the statute or regulation is unclear; and binding, as well as persuasive, case law. Authority: 20 USC 1415(f)(3)(A), 105 ILCS 5/14-8.02c(b), Hearing Officer Contract.

8 Specifically, as indicators, the Hearing Officer must: Timely document and maintain a record of all proceedings from appointment to final disposition; Include in the record all exhibits submitted by any party that were admitted into evidence, all pleadings, motions, briefs, or other documents filed with the Hearing Officer. (Consistent with the training of the Hearing Officers, an exception will be allowed for letters, emails and/or facsimiles by the Hearing Officer that are not required to document the basis for any rulings, relate to compliance with any IDEA or Illinois legal requirements, or might be relevant to any possible basis for appeal.); After issuance of an Order of Withdrawal, Order of Dismissal or Decision, the Hearing Officer must, in a form prescribed by ISBE, prepare an index of the record, including without limitation, a listing of all evidentiary exhibits admitted, briefs or other written arguments received, and motions received and rulings thereon; Organize the record in chronological order and include a certification signed by Hearing Officer representing that the record is complete and accurate; Return the record to the ISBE no later than thirty (30) calendar days of the issuance of the Order of Withdrawal/Dismissal or Decision; and Used ISBE mandatory forms and templates commencing with their availability on SEDs. Authority: Hearing Officer Contract.
NOTICE- Comparable Areas

As Requested by the Due Process Screening Committee- Notification of Comparable Area(s) Needing Improvement in Formative Evaluation 2013-2014 identified as needing improvement in Summative Evaluation 2012-2013:

NOTICE-Likelihood of Recommendation to Reappoint