



July 7, 2022

Dear Prospective Applicant:

The Illinois State Board of Education (ISBE) is seeking applicants to become special education impartial due process hearing officers. Impartial hearing officers (IHOs) preside over educational disputes brought pursuant to procedures prescribed by federal and state law, as outlined in Section 14-8.02a and 8.02b of the Illinois School Code, Section 1415 of the Federal Individuals with Disabilities Education Improvement Act of 2004, and their respective implementing regulations. In order to fulfill this mandate, Illinois maintains a small cadre of IHOs that accepts cases on a rotation basis. Illinois has averaged between 200 and 250 cases per year since 2015. This is designed to be part-time position, but the time commitment for an individual IHO will vary depending on the IHO's number of active cases, their complexity, and their scope.

Qualifications:

The attached appendix furnishes a detailed description of the qualifications required to become an Illinois IHO. In summary, an IHO may not be an employee of either ISBE or of any local school district, special education cooperative, private or public school providing education to students with disabilities, regional service area/center, or Regional Office of Education. This prohibition does not apply to persons who are retired from any of the aforementioned entities.

Applicants must, at a minimum, hold one of the following qualifications:

- a) A juris doctor degree; or
- b) A master's degree or higher in education or another field related to disability issues.

In addition, all applicants must be able to:

- 1) Demonstrate an ability to write with clarity and precision;
- 2) Demonstrate speaking abilities that clearly articulate the applicant's position;
- 3) Demonstrate an ability to discern relative evidence to resolve the given issues in the case from an array of documentary and testimonial sources; and
- 4) Demonstrate an ability to understand and apply complex rules and procedures.

Listed below are the qualifications for hearing officers as required by federal and state statutes and regulations. In addition, the objective criteria set forth by the Illinois Due Process Screening Committee and the Illinois State Advisory Council on the Education of Students with Disabilities are outlined in the attached application.

34 CFR Sec. 300.511(c) Impartial due process hearing

(c) *Impartial hearing officer.* At a minimum, a hearing officer --

- (i) Must not be --
 - (A) An employee of the State Education Agency or the Local Education Agency that is involved in the education or care of the child; or
 - (B) A person having a personal or professional interest that would conflict with the person's objectivity in the hearing;
- (ii) Must possess knowledge of, and the ability to understand, the provisions of the [Individuals With Disabilities Education] Act, federal and state regulations pertaining to the Act, and legal interpretations of the Act by federal and state courts;
- (iii) Must possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice; and
- (iv) Must possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice.

(Authority: 20 United States Code Sec. 1415(f)(3)). See also, 105 ILCS 5/14-8.02c(b) (Public Act 94-1100, eff. July 1, 2006).

Further information pertaining to the conduct of special education due process hearings in Illinois can be found in Article 14 of the Illinois School Code at 105 ILCS 5/14-8.02a through 14-8.02a through 14-8.02d. Further regulatory authority can be found at Title 23 of the Illinois Administrative Code, Part 226.600 through 226.690.

Application Procedure:

You are encouraged to complete the attached application if you believe that you meet the qualifications described above and in the appendix. In addition to completing the application, you must provide ISBE with a full disclosure of your professional background and professional work experience (i.e., work experience since receiving a bachelor's degree or its equivalent). You may include a resume or curriculum vitae not to exceed three standard typed pages in length. Please note that the application includes a scenario for which you must provide a written response not to exceed four double-spaced, typewritten pages. Failure to include to any of the foregoing components will disqualify the applicant for further consideration.

Completed applications may be sent to:

Andrew Eulass
Due Process Coordinator
Special Education Department
Illinois State Board of Education
100 N 1st Street
Springfield, IL 62777
Fax: 217-782-0372

Completed applications must be received in our Springfield Office by no later than 5 p.m. CDT on Monday, August 8, 2022. Incomplete applications or applications received after that time will not be considered without exception.

Applicant Screening, Interviews, and Final Screening:

All completed and timely applications will be initially screened by the ISBE due process coordinator to determine whether the applicants have met the minimum qualifications as set forth previously. Any applicant whose application does not demonstrate that the applicant meets the minimum requirements will be rejected. All other applications will be forwarded to the Illinois Due Process Screening Committee for consideration.

Upon completion of its review, the Screening Committee will select applicants it will interview. Please note that not all of the applicants who meet minimum qualifications will be selected for an interview. The Screening Committee will conduct interviews via remote access (Zoom or an equivalent). Interviews will be scheduled to take place during August 2022. **Should a candidate fail to appear for the scheduled interview, alternative dates will not be provided.**

At the conclusion of the interview process, the Screening Committee will select up to eight candidates (a lower number may be chosen) to participate in a three-day orientation and initial training that will take place in a format (in-person or remote access) and at a date to be determined. In the event the initial training occurs in-person, candidates selected for participation in the orientation will be reimbursed the cost of their lodgings (at the state rate), as well as for mileage, and receive a modest per diem for meals. The orientation will include basic training on special education law and practice and include writing and oral exercises. Of the maximum eight candidates chosen, up to six will be selected to serve as active hearing officers, while up to two will be offered positions to serve as reserve (i.e., inactive) hearing officers. Final selection of active and reserve hearing officers will be made at the conclusion of the orientation. (See below.)

Selection and Terms of Contract:

All candidates selected to participate in the orientation either may be offered a contract as an active hearing officer or designated as a reserve hearing officer. A candidate may not be offered a position, depending on the number of final candidates selected. Decisions concerning who will be offered an active or reserve hearing officer appointment will be based on candidates' participation in the orientation and demonstration of requisite skills.

Active hearing officers will, upon the effective date of the contract, be available to receive assigned cases. The contract itself, running from the effective date of the contract through June 30, 2023, will provide the IHO with an annual stipend of \$500 (payable on or around July 1) as well as \$90 per hour compensation for work rendered on active cases. Some travel expenses (for trips involving train or airplane) will be eligible for reimbursement in accordance with ISBE and state of Illinois reimbursement policies. Active IHOs are expected to accept all cases assigned, regardless of location (absent a pre-existing conflict that would prohibit the hearing officer from accepting the case). Active IHOs will receive periodic training and technical assistance and will be expected to attend mandatory hearing officer trainings, which will be held three times a year. Active IHOs will have their performance evaluated annually by an independent evaluator. All candidates selected for active service will be eligible for consideration of a contract renewal for one year beginning July 1, 2023 (absent substantial failure to perform any mandatory duty of a hearing officer). Each hearing officer will be considered for subsequent renewals of one year based on satisfactory performance in subsequent contract years.

Reserve IHOs will be available to be elevated to active status in the event an active IHO is unable to accept new cases for an extended period. Reserve IHOs will not be compensated while they are in reserve status. Upon elevation to active status, a reserve IHO will receive a contract covering the expected term of the IHO's active status. While on active status, the reserve IHO will receive a \$500 stipend payment, pro-rated to cover the period of active status, as well as other compensation to which active IHOs are entitled as described above.

Questions and Contact Information:

If you have questions, please feel free to contact Andrew Eulass at the Illinois State Board of Education at aeulass@isbe.net or 217-782-5589.

Sincerely,

A handwritten signature in cursive script that reads "Barbara A. Moore". The signature is written in black ink and is positioned above the typed name and title.

Barbara Moore, Director
Special Education Department
Illinois State Board of Education