

RULES OF PROCEDURE  
OF  
THE LEE/OGLE REGIONAL BOARD OF SCHOOL TRUSTEES  
FOR  
HEARINGS ON PETITIONS TO WITHDRAW FROM SPECIAL EDUCATION  
COOPERATIVES

These Rules of Procedure are hereby adopted by the Lee/Ogle Regional Board of School Trustees (hereinafter “Regional Board”), and are intended to supplement, and are subordinate to, the statutory requirements for withdrawal from special education cooperative agreements under Articles 7 and 10 of the Illinois School Code (105 ILCS 5/7-6 and 105 ILCS 10-22.31). These Rules of Procedure shall govern all hearings conducted by the Regional Board concerning petitions for withdrawal from special education cooperative agreements.

1. For purposes of these Rules, the special education cooperative from which withdrawal is sought by a Petition filed with the Regional Board shall be referred to as “Respondent.” “Parties” shall refer collectively to the Petitioner and the Respondent.
2. The President of the Regional Board shall have authority to conduct the hearing, and to rule on all procedural questions and the admissibility of evidence. All such rulings shall be final. No interlocutory appeal from the rulings shall be allowed.
3. The President of the Regional Board may recess, continue, or adjourn the hearing as he or she determines to be necessary or convenient.
4. All pleadings subsequent to the filing of the Petition shall be filed with the ex officio Secretary of the Regional Board at the Regional Office of Education, 7772 Clinton Street, Dixon, IL 61021 and served upon counsel for the opposing side.
5. Prior to the public hearing of evidence on the substantive issues presented by a Petition, the Regional Board shall rule upon any objections relating to the sufficiency of the Petition and shall determine whether the Petition, as filed or amended, is legally sufficient.
6. If the Regional Board determines that a Petition, as filed or amended, is legally sufficient, the Petition is admitted and becomes part of the record.
7. If the Regional Board determines that the Petition is legally sufficient and that proper notice of the public hearing on the Petition has been given, the Regional Board shall hold said public hearing to receive evidence on the substantive merits of the Petition on a date in accordance with the Illinois School Code.
8. To facilitate the examination of documentary evidence at the public hearing, unless otherwise provided by law, the parties shall submit to the Regional Board ten (10) copies of all documents or other written evidence that they intend to offer at the hearing on the Petition. Those copies

shall be provided to the Regional Board prior to the date set for the hearing, if practicable, care of the ex officio Secretary of the Regional Board at the address given above.

9. Evidence in support of the Petition shall be heard first, followed by evidence in opposition to the Petition. Thereafter, the opportunity to present rebuttal evidence will be allowed to Petitioner. Each party shall have the opportunity to reasonably cross-examine witnesses called by the other.

10. An opening statement may be made by the Petitioner and Respondent immediately prior to the presentation of evidence, and a summation immediately following the close thereof. A rebuttal summation may be made by Petitioner after Respondent's summation. Any rebuttal summation must be limited to directly addressing the arguments made in Respondent's summation. Opening statements and summations shall be concise and not repetitious. The Regional Board President, at his or her discretion, may limit the time for opening statements and summations. The Regional Board President may also, upon the application of the parties or *sua sponte*, call for the submission of written post-hearing briefs setting forth law and arguments in support of, or in opposition to, the Petition. No evidence or testimony shall be introduced in any opening statement, summation, or post-hearing written brief.

11. Prior to the conclusion of the public hearing, any resident of the territory described in the Petition, or any resident in any district affected by the proposed withdrawal, may appear in person, or by an attorney, to present evidence in support of or in opposition to the Petition. The Regional Board President, at his or her discretion, may reasonably limit the time for public comment by residents affected by the Petition during a given session of the public hearing. Residents shall not have the opportunity to call witnesses or to cross-examine any witnesses. Residents giving evidence, however, shall be subject to reasonable cross-examination by the parties. Residents wishing to present evidence shall submit a written appearance at the commencement of the hearing in a form prescribed by the Regional Board President.

12. All evidentiary statements, testimony, or other evidence offered in support or in opposition to the Petition shall be given under oath.

13. At the public hearing, the individual Trustees of the Regional Board may inquire of or examine any witness making statements or presenting testimony or evidence. The Regional Board President, upon the request of any Trustee of the Regional Board, or upon his or her own motion, may call witnesses to testify. Petitioner and Respondent shall have the right of reasonable cross-examination of any such witness.

14. Judicial Rules of evidence shall not apply to the hearing, and all evidence which is relevant and probative shall be admissible unless otherwise excluded by these Rules. No expert opinion or report shall be admitted into evidence, however, unless such expert is available to testify at the hearing.

15. The only evidence admissible at the hearing as being relevant is that evidence bearing directly on the issues set forth for the Regional Board's determination by the filing of the Petition and the School Code.

16. No documentary evidence shall be admitted unless the proponent of such evidence has, reasonably prior to the hearing date, disclosed such documentary evidence to the other party. Upon timely objection made by the opponent of the documentary evidence, the Regional Board President shall inquire into the fact of prior disclosure. If the Regional Board President determines, in his or her sole discretion, that the documentary evidence has not been previously disclosed to the other party reasonably in advance of the hearing date, the Regional Board President shall refuse to admit such evidence into the record. The parties shall exchange documentary evidence reasonably in advance of the hearing. If, upon the receipt of the other party's documentary evidence, either party feels that it has insufficient time to prepare for hearing owing to the volume of documents received, the timing of the receipt of the documents, or some other legitimate reason, that party may petition the Regional Board to continue the hearing. Upon a legitimate showing of prejudice to the movant, the Regional Board may continue the hearing.

17. Cross-examination of witnesses shall not be so lengthy as to unduly delay or hinder the proceedings. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. For these purposes, the Regional Board President shall have the right to make reasonable limitations on the presentation of statements, testimony, and evidence.

18. Offers of proof may be made for excluded evidence (other than evidence excluded under Rule 16 of these Rules) but may only be submitted in writing. Ten (10) copies and the original of any offer of proof must be submitted within two working days of the conclusion of the public hearing at which it was requested or it is deemed waived. No offers of proof will be accepted unless a party requested the President of the Regional Board to accept an offer of proof at the public hearing. The Regional Board President will rule on the offer of proof within two working days of the written submission. Offers of proof shall be submitted to the ex officio Secretary of the Regional Board at the address given above.

19. Unless the Regional Board President permits a greater length, no written request or motion and response thereto, including any supporting memorandum, shall exceed a total of ten (10) double-spaced typewritten pages with one-inch margins (excluding exhibits), and no reply thereto, including any supporting memorandum, shall exceed a total of ten (10) double-spaced typewritten pages with one-inch margins (excluding exhibits). In addition to the original, the movant shall provide the Regional Board with ten (10) copies of the motion or response, including any memorandum. Also, the movant or requester shall furnish the Regional Board President with one copy of each authority cited in the motion, request, and/or memoranda. No written response to any reply shall be made without leave of the Regional Board President. Any such written request or motion shall be filed with the ex officio Secretary of the Regional Board at the address given above. Upon the filing of any written request or motion, the ex officio Secretary of the Regional Board shall notify, in writing or by a means agreed to by the parties, the Petitioner and Respondent and any attorney representing such parties, whether a written response is required to the written request or motion, and if such a written response is required, provide a reasonable deadline for the receipt of such responses. The terms of this Rule shall not apply to post-hearing briefs as provided for in Rule 10, above.

20. All persons in attendance at the public hearing shall comply with these Rules and conduct themselves in a decorous manner appropriate to the hearing.

21. The Regional Board President shall have all powers accorded him or her by law to enforce these Rules and to otherwise facilitate and expedite the hearing of the Petition.

22. The Regional Board shall have the right to amend these Rules of Procedures before each public hearing at which they apply. A concurrence of a majority of the Regional Board members present at the hearing is necessary for amendment. Such amendment(s) shall be in effect for that hearing only and any continuance thereof.

23. At a time subsequent to the close of the hearing, to be determined by the Regional Board, the Regional Board shall meet in closed session to discuss the evidence heard at hearing in accord with the Open Meetings Act. The written decision of the Regional Board with respect to the Petition shall be entered and delivered to the parties and any other persons who have submitted their written appearance within 30 days of the conclusion of the hearing, in accord with the provisions of the School Code.

24. No Trustee of the Regional Board shall communicate with any party to the Petition, including any school board member, school superintendent, or any other interested person regarding the substance of the Petition, the evidence adduced at hearing, the deliberations regarding the Petition, or any other matter in any way relating to the Petition until after the Regional Board has entered its written decision.

These Rules of Procedure were adopted by the vote of the Lee/Ogle Regional Board of School Trustees on July \_\_\_\_\_, 2009.

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Amy Jo Clemens,  
Lee/Ogle Regional Superintendent of Schools  
and Ex Officio Secretary of the Lee/Ogle Regional Board of  
School Trustees

