RULES OF PROCEDURE
OF
THE REGIONAL BOARD OF SCHOOL TRUSTEES
OF DUPAGE COUNTY, ILLINOIS
FOR
HEARINGS ON CHANGES OF SCHOOL DISTRICT BOUNDARIES

These Rules of Procedure are hereby adopted by the Regional Board of School Trustees of DuPage County, Illinois (hereinafter "Regional Board"), and are intended to supplement, and are subordinate to, the statutory requirements for Boundary Changes under Article 7 of the Illinois School Code (105 ILCS 5/7-01 et. seq.). These Boundary Rules of Procedure ("Boundary Rules") shall govern all hearings conducted by the Regional Board concerning Petitions for changes in school district boundaries ("Petitions").

I. GENERAL RULES

A. The Regional Superintendent of Schools ("Regional Superintendent") is vested with the authority to make final decisions on all preliminary, administrative and scheduling issues related to Petitions. This includes, but is not limited to, scheduling any and all dates and meetings related to the Petition process, such as the filing of objections or other pleadings, the format of filings, or the granting or denying requests for date changes or extensions of time.

B. The Regional Superintendent is vested with the authority to make final decisions on all evidentiary matters pertaining to a Petition that may arise outside of regularly scheduled meeting and/or hearing dates of the Board, and when the designated Hearing Officer (as defined in these Rules) presiding over a hearing on the validity or merits of a Petition is unavailable and cannot be reached after reasonable inquiry.

C. Attorneys representing the Petitioners or the affected school districts of a Petition shall file their appearance in the matter with the Regional Superintendent.

II. RULES FOR PETITION FILING

A. Petitions shall be prepared in accordance with the requirements of the Illinois School Code and filed in the Regional Office of Education ("ROE").

B. Petitions shall be assigned a Petition number by the ROE in the format of "[CURRENT YEAR] PDA [SEQUENTIAL NUMBER OF PETITION FILED IN CURRENT YEAR]," e.g., "2013 PDA 01."

C. A Petition must be accompanied by a financial deposit made with the ROE to cover all costs related to the Petition proceedings, the amount of which to be determined by the Regional Superintendent.
a. The Regional Superintendent or Hearing Officer may, from time to time, require the Petitioners to deposit such sums of money, as he or she determines are reasonable and appropriate, in order that there shall always be sufficient monies on hand to cover the expenses that the Petitioners are obligated to pay under Section 7-6 of the School Code (105 ILCS 5/7-6).

b. Any monies so deposited that remain after final disposition of the petitioned matter shall be refunded to the Petitioners. The Petitioners may request, in writing, a current balance of the deposit on hand.

III. RULES FOR OBJECTIONS TO PETITIONS

A. Prior to a public hearing of evidence on the merits of 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 is legally sufficient.

B. Objections to a Petition must be filed within thirty-five (35) days from the date that notice of the Petition has been submitted to the School Boards of the districts affected.

C. 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, however it shall not be considered evidence in the hearing on the merits of the Petition.

IV. RULES FOR ANY HEARING ON THE VALIDITY OR MERITS OF A PETITION

A. The Hearing Officer shall be the President of the Regional Board of School Trustees or another person appointed by the President to preside over the hearing. If not the President, the Hearing Officer shall remain subject at all times to the direction and control of the President, and the Hearing Officer shall be able, at his or her discretion, to consult with the President and the other Trustees.

B. The Hearing Officer shall have authority to conduct the hearing, rule on all procedural questions and the admissibility of evidence. All such rulings shall be final. Where the Hearing Officer is not the President, the rulings and decisions of the Hearing Officer shall be deemed to be those of the President and no appeal from the rulings and decisions shall be made to the President.

C. The Hearing Officer shall have all powers accorded him or her by law to enforce the Rules of the Regional Board and to otherwise facilitate and expedite the hearing of the Petition, including but not limited to recessing, continuing, or adjourning the hearing as he or she determines to be necessary or convenient.
D. Hearings will generally span five days or less but may be extended by the Hearing Officer as he or she deems necessary. Two evenings shall be afforded to the Petitioner, two evenings shall be afforded to the Objectors, and a final evening shall be provided for summations of both parties as well as deliberations by the Regional Board. To properly accommodate Public Evidence (as outlined in Section IV-H of these Rules) while respecting the time allotments for both Petitioners and Objectors, a sixth evening may be added at the discretion of the Hearing Officer.

E. Appearance by the Petitioner(s) or Objector(s) at a hearing on a Petition may be made in person or by counsel.

F. Any and all evidence presented during hearings on the validity or merits of a Petition shall adhere to the set rules of evidence and procedure.

   a. The Regional Board shall not be bound by common law or statutory rules of evidence, or by technical or formal rules of procedure, but shall conduct its hearings in such a manner as seems best calculated to conform to substantial justice and the spirit of the Illinois School Code. To that end:

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

      ii. All evidence which is probative shall be admissible. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The Hearing Officer shall have the right to make reasonable limitations on the presentation of statements, testimony, cross-examination, and other evidence.

      iii. Evidence or testimony which has been determined by the Hearing Officer to be hearsay, pursuant to an objection, shall not be admissible unless it satisfies the requirements of an exception to the hearsay rule under Illinois law. However, evidence not admissible under hearsay rules may be admitted (except where specifically precluded by statute) if it is of a type commonly relied upon by reasonably prudent men in the conduct of their affairs.
iv. Notice may be taken of matters of which the circuit courts may take judicial notice, or of generally recognized technical or scientific facts within an agency's specialized knowledge. Opposing parties shall have an opportunity to contest the material so noticed.

b. The Regional Board will consider such other evidence as may be submitted and made a part of the record, including, but not limited to, other documentary evidence, and oral testimony. Affidavits will not be admissible.

c. Any affected school district or Petitioner, or in those cases where a Committee of Ten represents the Petitioners, or any attorney representing such parties, shall have the right of reasonable cross-examination of any witness. Cross-examination of witnesses shall not be so lengthy as to unduly delay or hinder the proceedings, as determined by the Hearing Officer.

d. The individual Trustees of the Regional Board and/or the Hearing Officer may also inquire of or examine any witness making statements or presenting testimony or evidence.

G. An opening statement may be made by the Petitioner(s) and any affected school districts immediately prior to the presentation of evidence, and a summation made immediately following the close of all evidence. Opening statements and summations shall be concise and not repetitious. The Hearing Officer, at his or her discretion, may limit the time for opening statements and summations.

a. Evidence in support of the Petition shall be heard first, followed by any evidence in opposition to the Petition. Exceptions may be made to this order if the Hearing Officer, in his or her discretion, determines that such exception would facilitate the hearing, or upon a showing of inconvenience by a person entitled to appear at the hearing. Rebuttal evidence shall be allowed only upon leave of the Hearing Officer.

H. 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 change of boundaries, may appear in person, or by an attorney, to present evidence under oath—subject to cross-examination—in support or in opposition of the Petition. Traditional unsworn public comment shall not be allowed during hearings on changes of school district boundaries.
i. The Hearing Officer, at his or her discretion, may extend the time limit for such public evidence during a given session of the public hearing. A three (3) minute time limit per resident may be assessed by the Hearing Officer based on the number of residents seeking to present evidence.

ii. The time, date and parameters for presentation of public evidence shall be included with the publication of the dates of the hearing in accordance with 105 ILCS 5/7-6(f) of the Illinois School Code.

iii. Persons appearing will be requested to present proof of residency in the affected petitioning area by Illinois state issued identification, such as a state ID or driver’s license, copy of current utility bill or proof of child’s school enrollment.

iv. Persons appearing to present evidence will be sworn in and present their evidence under oath, which may be subject to cross-examination limited in scope to information relevant to the hearing.

I. All persons in attendance at the public hearing shall comply with these rules and conduct themselves in a decorous manner appropriate to the hearing, or they may be ordered removed from the hearing at the direction of the Hearing Officer.

J. 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.

First Adopted: July 14, 2008
As Amended: October 7, 2013
As Amended: January 5, 2015

Dr. Darlene J. Ruscitti,
Regional Superintendent of Schools for DuPage County and Ex-Officio Secretary of the Regional Board of School Trustees of DuPage County