

Our Center is in the process of working on some additional performance guidelines for hearing officers. Following are general expectations of the hearing officer in regards to the parties. Just want to keep you up to date. A more formalized information sheet will follow later.

1. After the Due Process Complaint Notice is filed and assigned, the Hearing Officer will make contact with the parties within 7 days.
2. The Hearing Officer will clearly communicate the Officer's expectations of the parties at the outset of the process.
3. The Hearing Officer will instruct the parties on how to make contact with him/her. Give any specific instructions. Suggestions: email, fax, phone.
4. If a case representative (parent, school district, attorney for either party) contacts you, please respond to that contact as soon as possible – but no later than 2 days.
5. When arranging a pre-hearing conference, clearly communicate the directions to the parties for arranging and participating in the conference. (Ex: Often a h.o. will instruct the school district to arrange a conference call at a certain time, etc. Consider if a court reporter is needed or if the conference call would be recorded and make appropriate directions to arrange. Sometimes, hearing officers make a physical attendance at a pre-hearing conference.)
6. During the pre-hearing process, make sure that you are using language that is clear and understandable to all parties in your written and verbal communications.
7. During any pre-hearing conferences, make sure you direct the proceeding: start on time, direct the conference and maintain order.
8. During any pre-hearing conference, analyze the problems and identify key issues. Ask questions to establish clearly what the issues are in the hearing. Suggestion: initially ask the parties to identify all procedural violations, all substantive violations and least restrictive environment issues. Having a good understanding of the issues at this point will help you to identify the appropriate governing law and the material facts to carry the burden of proof; narrow the scope of testimony to the relevant matters, and aid in formulating finding of facts and conclusions of law.
9. During the pre-hearing conference, separate the issues that have been resolved from the issues that you must determine.
10. Prior to the actual hearing, clearly communication directions to the parties for arranging the hearing location, dates and times.
11. During the hearing, use clear understand language in written and verbal communications.

12. During the hearing, control the proceeding: start on time, direct the hearing and maintain order.
13. During the hearing analyze problems and identify key issues. A hearing officer may ask questions to obtain material facts not yet presented by the parties.
14. At all times, display a professional demeanor to the parties. Treat all parties equally. Do not indicate a more familiar relationship with one party over another. Do not discuss issues of being a hearing officer with the parties to the hearing (pay, assignments, etc)
15. At all times, actively and attentively listen to the parties.
16. At all times, display a demeanor that would indicate you are unbiased and that you are treating both parties fairly and impartially.
17. At all times, display the ability to understand the issues of the dispute and the material presented. Ask questions to clarify what you may not understand. You may take short breaks to refresh your understanding of the law.
18. At all times, display knowledge and ability to conduct hearing in accordance with standard legal practice. Be prepared.