

Scenario: Parent Witness

Mock Exercise No. 1:

Alleged Issues:

The Parent in her due process complaint on behalf of her 13 year-old daughter alleges that: a) the IEP dated June 7, 2016 that the School District proposes for the current school year is inappropriate; and, b) the School District violated the IEP dated June 4, 2015 that was in effect this past school year in a couple ways.

At the prehearing conference (PHC):

The PHC is held over the phone. The Parent is unrepresented. The School District has counsel.

At the PHC, the IHO reviews the DPC with the parent seeking further clarification of the issues. During this discussion, the Parent shares that she believes that the June 2016 IEP is inappropriate because her daughter needs more accommodations than what is included in the IEP, as well as more help in reading.

The IHO further inquires about the Parent's concerns with the June 2015 IEP and the Parent shares that she believes that the IEP was not followed in that: a) some accommodations were not consistently provided to her daughter; and, b) her daughter was not provided with resource room services when the resource room teacher was out sick.

Q1: As the IHO handling the PHC, given what you've learned above regarding the June 2016 IEP, are you comfortable that the Parent understands what evidence is needed to allow you to assess the validity of her claim? If so, why? If not, what would you do/say to her, if anything?

Q2: As the IHO handling the PHC, given what you've learned regarding the June 2015 IEP that the Parent contends was violated, are you comfortable that the Parent understands what evidence is needed to allow you to assess the validity of her claim? If so, why? If not, what would you do/say to her, if anything?

At the hearing:

The Parent takes the stand as her first witness. She testifies generally about her daughter, including her learning disabilities in the area of reading (namely dyslexia), some past problems in school, and some current problems she has in reading and in various classes given her reading problems (e.g., reads very slowly, has difficulty understanding the materials, and does poorly in quizzes and tests). The School District counsel then briefly cross-examines the Parent but no new information is obtained.

Q3: Would you respond to the apparent lack of details in the Parent's testimony? If so, why and how? If not, why?

The Parent takes the stand. The evidence in the record so far is simply that the June 2015 IEP included various accommodations that were made available to the student and that resource room services were provided consistent with the student's IEP. The Parent fails to mention anything about the accommodations that were allegedly not provided by the school. Nor does the Parent provide any information regarding the school's alleged failure to provide resource room services when the resource room teacher was out sick. The School District's counsel does not address the topic either during her cross-examination of the Parent.

Q4: Would you address the apparent void in the hearing record? If so, why and how? If not, why?

The Parent has just started to testify about the accommodations and extra reading help he believes his daughter needs. The School District's counsel objects on the ground that she believes the Parent has not been qualified as an expert in educational programs or services nor does he have a degree in education. The Parent responds to the objection by saying, "You mean I don't get to tell you what my child needs?"

Q5: How do you handle the objection?

Allowed to testify despite the School District's objection, the Parent, in support of his claim that his daughter's needs require certain additional accommodations and extra help in reading, moves to admit articles on both topics he found on the internet. The articles were marked for identification at the start of the hearing but not admitted. Counsel for the School District objects on the ground that no

foundation has been laid and that she has no opportunity to cross-examine the authors.

Q6: How do you handle the objection?

The Parent also proposes to admit a private evaluation report. But, the evaluator who prepared the report is not available to testify. Counsel for the School District objects on the ground that she has no opportunity to cross-examine the evaluator who prepared the report.

Q7: How do you handle the objection?

Mock Exercise #2:

Alleged Issue:

The Parent in her due process complaint requests reimbursement for various evaluations she obtained and related services she provided her child.

At the pre-hearing conference (PHC):

The PHC is held over the phone. The parent is unrepresented. The School District has counsel. The PHC proceeds to the point of identifying the remedies the parent seeks, namely reimbursement for various evaluations and services. The Parent provides no further details and the School District's counsel does not seek any clarification.

Q1: As the IHO handling the PHC, at this point, are you comfortable that the Parent understands what evidence is needed to allow you to assess the validity of her claim? If so, why? If not, what would you do/say to her, if anything?

At the hearing:

The Parent has completed her testimony and indicates to you that she is done covering what she wanted to say. Counsel for the School District briefly cross-examines the Parent but does not address her reimbursement request.

Q2: Would you address the apparent void in the hearing record? If so, why and how? If not, why?