

HEARING PROCESS GUIDELINES

The following guidelines are being provided to help parents who do not have an attorney understand what is expected of parties who will be participating in a hearing. This document is not a description or explanation of your rights relating to the hearing. A discussion of your hearing rights and related information can be found on the New York State Education Department's website www.emsc.nysed.gov/specialed. Rather, the purpose of these guidelines is to assist you in more effectively participating in the hearing process.

It is expected that each party will:

1. Treat other participants respectfully, e.g., not carry on side conversations during the hearing, interrupt others when they are talking, and be rude or discourteous.
2. Be reasonably available, on time, prepared, and ready to participate in status conferences, prehearing conferences, and hearings.
3. Be prepared regarding the witnesses they will call, the questions they will ask them, and the exhibits or documents they want to discuss with the witnesses and have the Hearing Officer consider. Often it helps to write down the questions or points a party wants to ask a witness, especially if the party is going to testify.
4. Direct questions about the process, what something means (such as when legal words are used) or why you are being asked to do something, to the Hearing Officer. Also, any arguments or objections to something must be made to the Hearing Officer.
5. Not take a lot of time or breaks during the hearing to get organized. A reasonable number of breaks are allowed. If one is needed, a party must ask the Hearing Officer.
6. Understand that only things that witnesses say while testifying on the record, or documents (called exhibits) which are made a part of the record, can be considered by the Hearing Officer in making a decision.
7. Put requests that the Hearing Officer do or allow something to be done (such as reschedule a hearing date, dismiss an issue or allow a witness to testify by telephone, which are called motions), or responses to such requests, in writing. They do not need to be typed, just readable.
8. After the Hearing Officer has heard what the parties have to say about something, such as a motion or request, and has made a decision, the parties shall read and obey the directives and rulings of the Hearing Officer, even if the parties disagree with them.

A party cannot:

Attachment B

1. Receive advice on legal questions, strategy or what to do in presenting their case from the Hearing Officer.

2. Talk to the Hearing Officer about anything except scheduling matters when the other party is not on the phone or present. When writing to the Hearing Officer, the other party has to be sent a copy of any letter or email. If the party does not do this, it is an ex parte communication with the Hearing Officer, which is prohibited by law. A party can request the Hearing Officer to schedule a conference call so both parties can participate.