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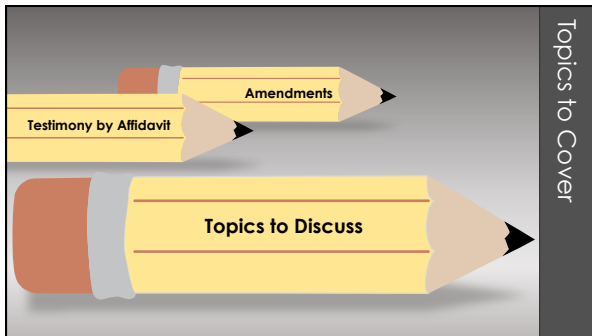
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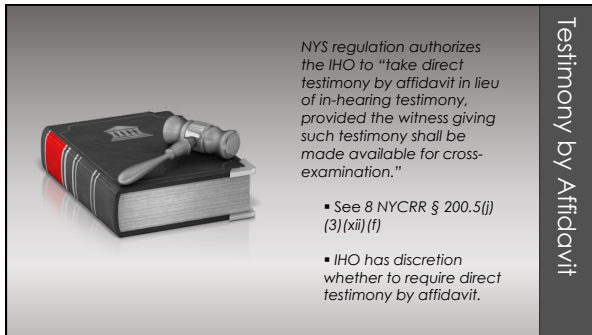
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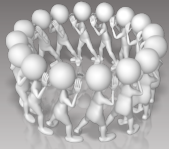
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Because the formal rules of evidence do not apply in IDEA hearings, testimony by affidavit is not subject to objection as hearsay.



However, IHO may consider the adequacy of the affidavit when deciding what weight, if any, to give the testimony.



Testimony by Affidavit

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Testimony by affidavit can make the hearing more efficient.



Parties must be required to thoughtfully prepare for testimony by affidavit.



Discuss option at the PHC and establish parameters of practice.



Testimony by Affidavit

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Know when to use it and with whom.

Think of ways to ensure an adequate and thoughtful affidavit.

Have the parties exchange affidavits prior to the five-day.

Testimony by Affidavit

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**Come up with a process to address objections.**

**Consider literacy and native language.**

Testimony by Affidavit

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The complaint is insufficient, but I'm giving you another chance.

What a nice IHO. I got a second chance!

Amendments to DPC  
Opportunity to Amend if DPC Insufficient

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Two options

By consent of party

By permission of IHO

Timeline for both the resolution meeting and decision begin again

IHO divested of authority 5 calendar days before the hearing

Amendments to DPC  
Amendments to Complaints, Generally

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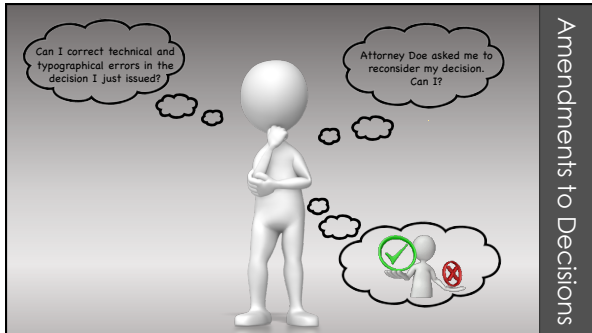
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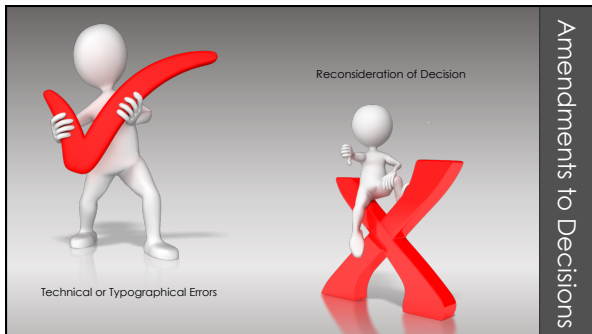
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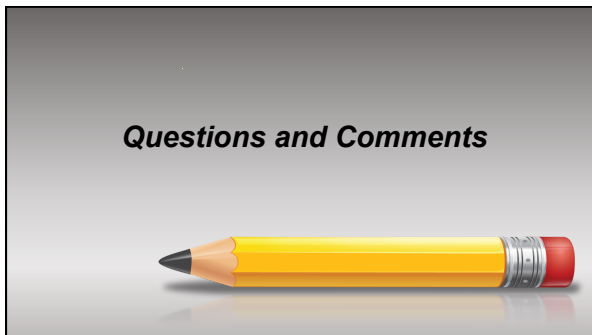
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