

## **HEARING PROCESS GUIDELINES**

The following guidelines explain what is expected of parties during the course of the hearing process. This document is not a description or explanation of the parties' rights relating to the hearing. A discussion of the hearing rights and related information can be found on the [State Education Agency's] website [http://www.\\_\\_\\_\\_\\_](http://www._____). Rather, the purpose of these guidelines is to assist parties to effectively participate 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, or 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 it will call, the questions it will ask the witnesses, and the exhibits or documents it wants to discuss with the witnesses and have the [Administrative Law Judge (ALJ) / Hearing Officer (IHO)] 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 jargon is used) or why you are being asked to do something – to the [ALJ/HO]. 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 [ALJ/HO].
6. Understand that in rendering a decision, an [ALJ/HO] may only consider what witnesses say while testifying on the record, or documents (called exhibits) that are made a part of the record.
7. Put requests (also known as motions) that the [ALJ/HO] do or allow something to be done (e.g., such as reschedule a hearing date, dismiss an issue or allow a witness to testify by telephone), or responses to such requests, in writing. These requests do not need to be typed, but they must be readable.
8. After the [ALJ/HO] has heard what the parties have to say about something, such as a request (or a motion), and ruled, the parties must read and obey the directives and rulings of the [ALJ/HO], even if the parties disagree with them.

**A party cannot:**

1. Receive advice on legal questions, strategy, or what to do in presenting its case from the [ALJ/HO].
2. Talk to the [ALJ/HO] about anything except scheduling matters when the other party is not on the phone or present. If a party sends any written communication (letter, email, etc.) to the [ALJ/HO], the party must also send a copy of that communication to the opposing party. If the party does not do this, it is an *ex parte* communication with the [ALJ/HO], which is prohibited by law. A party can request of the [ALJ/HO] that s/he schedule a conference call so both parties can participate.