

UNIFORM PRE-HEARING DIRECTIONS

Last Revised: March 18, 2025

Effective immediately, Hearing Officers will implement the following procedures in all cases.

Follow these directions unless the Hearing Officer makes an exception. The Hearing Officer may provide additional information about scheduling, timelines, and other hearing-specific matters relevant to circumstances of your case.

PRE-HEARING MATTERS

1. COMMUNICATION WITH THE HEARING OFFICER

Represented Parties. Do not communicate with the Hearing Officer if you are represented by an attorney. If you hire an attorney after the complaint is filed, your attorney must contact ODR and the Hearing Officer to enter an appearance.

Email. Use email to communicate with the Hearing Officer. Copy the other party on all emails to the Hearing Officer. Do not send hard copies of any document emailed to the Hearing Officer. Include the ODR file number in the subject line of every email.

Mail. If you cannot use email, you may use U.S. mail to communicate with the Hearing Officer. Send a copy of all letters to the Hearing Officer and to the other party. Include the ODR file number on all letters.

Conference Calls. Contact the Hearing Officer to schedule conference calls if necessary. The Hearing Officer cannot speak with a party unless the other party is also on the call. Either party may request a conference call as well.

Interpreters. Immediately tell the Hearing Officer that an interpreter is needed, and why, as soon as the need for an interpreter is known to any party. Interpreter services can be difficult to obtain and schedule. Failing to promptly tell the Hearing Officer that an interpreter is needed may result in delays.

2. RESCHEDULING THE HEARING DATE

The Hearing Officer will schedule the first hearing session upon assignment.

Contact the Hearing Officer immediately if you need to reschedule a hearing session. When asking the Hearing Officer to reschedule a hearing session, say why you are making the request. When possible, contact the other party first and tell the Hearing Officer if the other party agrees with the scheduling request.

The Hearing Officer must issue a final decision on or before the decision due date. The decision due date is set by statute and is calculated from the date the LEA received the Complaint. The Hearing Officer can extend the decision due date only at the parties' (or either party's) request. The Hearing Officer cannot schedule past the decision due date.

Hearing Officers may at their discretion grant or deny requests to reschedule hearings and to extend decision due dates. The Hearing Officer may suggest a remote session or sessions if convening remotely will resolve the scheduling difficulties.

In expedited cases, the Hearing Officer has limited power to move timelines. Requests to reschedule expedited hearings are unlikely to be granted.

3. RESOLUTION MEETING ("RM") & DECISION DUE DATE

When a Complaint is filed by parents, special education law requires the LEA to hold a RM within 15 days of the date the LEA received the Complaint unless the RM is waived in writing. Both parties must immediately notify the Hearing Officer of any such waiver. The decision due date is also still calculated from the date the LEA received the Complaint.

EXHIBITS

1. NOTICE FOR DISCLOSURE OF WITNESSES & EXHIBITS

Tell the other party about all witnesses who may testify and exhibits that you may use at any hearing session at least five (5) business days before the first hearing session.

If you find evidence after the hearing starts, and want to use that evidence, show it to the other party and tell the Hearing Officer. The Hearing Officer may let you use the evidence, depending on the circumstances of the case.

2. JOINT EXHIBITS

Hearing Officers encourage joint exhibits to avoid duplicates of the same document. The Hearing Officer may exclude duplicative documents.

3. EXCHANGE OF EXHIBITS

Hearing Officers encourage the parties to exchange a complete set of their exhibits before the first hearing session. The parties shall exchange a complete set of their exhibits at the first hearing session if they have not already done so.

In cases with electronic exhibits, the Hearing Officer will provide instructions to the parties for sharing and accessing each set of exhibits.

4. PREPARATION OF EXHIBITS

Prepare all exhibits according to the Attachments to these Pre-Hearing Directions. All exhibit marking and page numbers must be clearly readable.

The Hearing Officer will return for re-marking any exhibits not prepared according to these requirements. The Hearing Officer will not admit exhibits that are not properly prepared and marked.

THE HEARING

1. NOTICE OF SETTLEMENT

The party who filed the Complaint shall immediately notify the Hearing Officer if the parties have settled the case, or if a conditional dismissal order is appropriate.

2. SENDING THE RECORD AND THE FINAL DECISION

Parties or attorneys for represented parties must be provided with (1) a verbatim record of the hearing and (2) a final decision. Both will be provided in writing by regular U.S. Mail or, at the option of the party or attorney, by electronic transmission (by email).

During the hearing on the record, the hearing officer will ask the parties or attorneys if each will accept receipt of (1) the verbatim record and (2) the final decision by regular U.S. Mail or, at the individual's option, by electronic transmission (email).

If a party or attorney for a represented party fails to attend a hearing or choose an option, the party or attorney will be provided the verbatim record and final decision in writing by regular U.S. Mail.

3. PRESENTATION OF EVIDENCE

The party who filed the Complaint shall present its case first unless the Hearing Officer issues an order directing the other party to present first. The parties may ordinarily present their cases in whatever order they choose. However, the Hearing Officer may direct the presentation of evidence, including the sequence of witnesses.

4. SCOPE OF THE CLAIM

Tell the Hearing Officer immediately if there is a dispute about the timeliness of the Complaint or the scope of the claims. The Hearing Officer may establish procedures to resolve those issues promptly if warranted. A separate hearing session to resolve the scope of the hearing may be required.

The parties will be asked to state the issues of the case in their opening statements. After the opening statements, the Hearing Officer will re-state the issues on the record, seeking confirmation from the parties of the issues to be determined in the hearing. The Hearing Officer's re-statement of the issues on the record will govern the scope of the hearing.

5. REPORTS AS EVIDENCE

Where the Evaluator Testifies. Any evaluation report, re-evaluation report, independent report, or other report that is offered as an exhibit shall speak for itself. The Hearing Officer may accept any such report as the evaluator's direct testimony about the report's contents. The Hearing Officer may limit direct examination of the evaluator to matters that establish the report's evidentiary weight or relevance, or that help the Hearing Officer understand the report.

Where the Evaluator Does Not Testify. Any evaluation report, re-evaluation report, independent report, or other report may be offered as an exhibit without the testimony of the evaluator. The report shall speak for itself, and the Hearing Officer will give the report appropriate evidentiary weight as his or her discretion.

6. HEARING DURATION & WITNESS TIME-ALLOTMENTS

The timely resolution of due process hearings is not contemplated by the law, but in practical terms is best for the student, family, and educators. Hearing Officers set the following expectation for the length of the hearing and witness time-allotments to achieve a timely resolution:

Length of the Hearing. Every attempt will be made to conclude hearings within two full days. Hearing Officers intend that hearings will extend no longer than four full days.

Witness Time-Allotments. Each party is allotted one (1) hour to question each witness. The hour will include direct and re-direct examinations, and cross and re-cross examinations. If the party does not use the full hour for both rounds of questioning, any remaining time will be forfeited. There will be no third round of questioning.

Requesting Extra Time. If a party requires more than one (1) hour to question a particular witness, the party shall ask the Hearing Officer for more time before the hearing session convenes. If a party asks for more time after an examination starts, the Hearing Officer may grant additional time for good cause shown.

7. REMOTE AND IN-PERSON HEARINGS

Due process hearings may convene in person or remotely by video teleconference. If the Complaint includes a preference for an in-person or a remote hearing, the Hearing Officer will schedule the hearing in accordance with the preference indicated on the Complaint. If a Complaint does not include a preference, the Hearing Officer will schedule the hearing to convene in person.

Parties may ask the Hearing Officer to change the format of the hearing, or even an individual hearing session. The Hearing Officer will work with the parties to try to honor preferences but retains the discretion to manage and control the hearing process based on the case-specific circumstances, which includes the format.

When the hearing is remote, the exhibit exchange between the parties will utilize a secure file-sharing platform. During a remote hearing, the Hearing Officer may manage the display of exhibits using screen-sharing or may instruct the parties to do so. For in-person hearings, the exhibits for the witness must be exchanged in paper format. Regardless of the hearing format, the Hearing Officer's copy of the exhibits will be provided electronically absent extenuating circumstances.

8. DECORUM IN THE HEARING

Professional decorum throughout the entire hearing is necessary for all participants. Attorneys shall adhere to court decorum requirements. Hearing Officers may adjourn a hearing session if attendees will not comply with decorum standards.

It is not appropriate for attendees to read newspapers, magazines, or books, use mobile devices, or do work unrelated to the hearing in the hearing room or remotely while the hearing is in session.

Technology that is necessary to access exhibits or accommodate a disability is permitted.

Attachment

Requirements for Exhibits

The Office for Dispute Resolution is strictly enforcing guidelines for marking exhibits in light of the need to prepare records properly for appeals of hearing officers' decisions in accordance with court directives.

- 1) **Copying**. The copy of exhibits for the Hearing Officer must be one-sided. The copy for the witness and the copies for the parties may be either one-sided or two-sided. Four copies are required—a copy for the parent, a copy for the LEA, a copy for a witness to refer to, and a copy for the hearing officer.
- 2) **Exhibit Marking**. All exhibits must be marked as follows: P for Parent, or S for School District, or IU for Intermediate Unit, or C for County.
- 3) **Exhibit Numbers & Page Numbers**. On every page of the exhibit, the page should include the exhibit number and the page number as part of the overall number of pages in the exhibit.

So, for example, parents' first exhibit, with four pages, would be numbered P-1 page 1 of 4, P-1 page 2 of 4, P-1 page 3 of 4, and P-1 page 4 of 4, with each page marked separately and completely. The same would apply for the pagination of each of the LEA's exhibits with the appropriate abbreviation from #2 above.

- 4) **Location of Exhibit Numbers & Page Numbers**. Exhibit numbers and page numbers must be in the lower right corner and not obscured by other print on the page. So that exhibit numbers and page numbers are not cut off when being copied, exhibit numbers and page numbers must be a minimum of $\frac{1}{2}$ inch from the bottom of the page and $\frac{1}{2}$ inch from the right side of the page. (See example pages that follow.)
- 5) **Exhibits in Landscape Format**. Where exhibits are in landscape format, the exhibits should be oriented so that, when placed in portrait format, the type faces away from the left side of the page. In effect, type on an exhibit in landscape format, when the page is held in portrait format, would be read from the bottom of the page to the top. (See example pages that follow.)

These requirements must be followed and any previous methods that differ must be abandoned. ***If the exhibits are not numbered properly they will be returned to the party for re-numbering. The record will not be closed until the exhibits are marked and numbered properly.***

Sample

Exhibit

In

Portrait

Format

Sample

Exhibit

In

Landscape

Format

(See also example on next page)

INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Student's Name:

V. GOALS AND OBJECTIVES - Include, as appropriate, academic and functional goals. Use as many copies of this page as needed to plan appropriately. Specially designed instruction may be listed with each goal/objective or listed in Section VI.

Short term learning outcomes are required for students who are gifted. The short term learning outcomes related to the student's gifted program may be listed under Goals or Short Term Objectives.

MEASURABLE ANNUAL GOAL Include: Condition, Name, Behavior, and Criteria (Refer to Annotated IEP for description of these components)	Describe HOW the student's progress toward meeting this goal will be measured	Describe WHEN periodic reports on progress will be provided to parents	Report of Progress

SHORT TERM OBJECTIVES - Required for students with disabilities who take alternate assessments aligned to alternate achievement standards (PASA).

Short term objectives / Benchmarks _____
