

## **B. HEARING RIGHTS (34 CFR §300.512)**

### **1. General**

Any party to a due process hearing (including a hearing relating to disciplinary procedures) or an appeal, as described under the sub-heading *Appeal of decisions; impartial review* has the right to:

- a. Be accompanied and advised by a lawyer and/or persons with special knowledge or training regarding the problems of children with disabilities;
- b. Present evidence and confront, cross-examine, and require the attendance of witnesses;
- c. Prohibit the introduction of any evidence at the hearing that has not been disclosed to the other party at least five business days before the hearing;
- d. Obtain a written, or, at your option, electronic, word-for-word record of the hearing;
- e. Obtain written, or, at your option, electronic findings of fact and decisions.

### **2. Additional disclosure of information**

At least 5 business days prior to a due process hearing, you and the LEA must disclose to all other parties all evaluations completed by that date and recommendations based on those evaluations that you or the LEA intend to use at the hearing.

A hearing officer may prevent any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

### **3. Parental rights at hearings**

You must be given the right to:

- a. Have the child who is the subject of the hearing present;
- b. Open the hearing to the public;
- c. Have the record of the hearing, the findings of fact and decisions provided to you at no cost.