

281—41.512(256B,34CFR300) Hearing rights.

41.512(1) General. Any party to a hearing conducted pursuant to the rules of this division and Division XII has the right to:

- a. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;
- b. Present evidence and confront, cross-examine, and compel the attendance of witnesses;
- c. Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;
- d. Obtain a written or, at the option of the parents, electronic, verbatim record of the hearing; and
- e. Obtain written or, at the option of the parents, electronic findings of fact and decisions.

41.512(2) Additional disclosure of information.

a. At least five business days prior to a hearing conducted pursuant to subrule 41.511(1), each party must disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing.

b. An administrative law judge may bar any party that fails to comply with paragraph 41.512(2) "a" from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

41.512(3) Parental rights at hearings. Parents involved in hearings 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; and
- c. Have the record of the hearing and the findings of fact and decisions described in paragraphs 41.512(1) "d" and "e" provided at no cost to parents.

[ARC 7792C, IAB 4/17/24, effective 5/22/24]