



ADMINISTRATIVE RULES OF MONTANA



10.16.3512 IMPARTIAL HEARING OFFICER'S PREHEARING CONFERENCE - FORMULATING ISSUES

- (1) The impartial hearing officer shall conduct a prehearing conference prior to the hearing to:
 - (a) identify and clarify the issues to be decided at the hearing;
 - (b) determine the necessity or desirability of amendments to the request for impartial due process hearing;
 - (c) obtain, if possible, admissions of fact and documents which will avoid unnecessary proof; and
 - (d) consider such other matters as may aid in the disposition of the action.
- (2) Any evidence to be introduced at the hearing, including all evaluations and recommendations based on the evaluations, shall be disclosed to the opposing party at least five business days before the hearing.
- (3) Initial objections to the introduction of any offered evidence must be made at least three business days prior to the hearing.
- (4) The impartial hearing officer shall make an order which recites the action taken at the conference, any amendment to the request for impartial due process hearing, the agreements made by the parties as to any of the matters considered, and which limits the issues for the hearing to those not disposed of by admissions or agreements of the parties. Such order when entered will control the subsequent course of action, unless modified at the hearing to prevent manifest injustice.
- (5) The impartial hearing officer shall implement provisions to ensure the privacy of matters before him/her as is required by law. Parents maintain the right to waive their right of confidentiality and privacy in the hearing and to have the hearing be open to the public. The impartial hearing officer shall also provide or allow an opportunity for the student with disabilities to be present at the hearing upon request of the parent, guardian, surrogate parent or the student with disabilities who is the subject of the hearing.

Authorizing statute(s): 20-7-402, MCA

Implementing statute(s): 20-7-402, MCA

History: NEW, 1990 MAR p. 934, Eff. 5/18/90; AMD, 1993 MAR p. 1913, Eff. 8/13/93; AMD & TRANS, 2000 MAR p. 1048, Eff. 7/1/00; AMD, 2010 MAR p. 1076, Eff. 4/30/10; AMD, 2015 MAR p. 2257, Eff. 12/25/15.