

Procedural Rights - Disclosure Requirements

| United States Code Title 20 - Chapter 33 - Subchapter II <i>(effective July 1, 2005)</i> | Code of Federal Regulations Title 34 - Education <i>(effective October 13, 2006)</i> | Hawai`i Administrative Rules Title 8 – Dept. of Education, Chapter 56 <i>(effective March 16, 2000)</i> |
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| <p>§ 1415. Procedural safeguards</p> <p style="text-align: center;">* * *</p> <p>(f) Impartial due process hearing</p> <p style="text-align: center;">* * *</p> <p>(2) Disclosure of evaluations and recommendations</p> <p>(A) In general</p> <p>Not less than 5 business days prior to a hearing conducted pursuant to paragraph (1), each party shall 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.</p> <p>(B) Failure to disclose</p> <p>A hearing officer may bar any party that fails to comply with subparagraph (A) from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.</p> | <p>§ 300.512 Hearing rights.</p> <p>(a) General.</p> <p>Any party to a hearing conducted pursuant to §§ 300.507 through 300.513 or §§ 300.530 through 300.534, or an appeal conducted pursuant to § 300.514, has the right to</p> <p style="text-align: center;">* * *</p> <p>(3) 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;</p> <p style="text-align: center;">* * *</p> <p>(b) Additional disclosure of information.</p> <p>(1) At least five business days prior to a hearing conducted pursuant to § 300.511(a), 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.</p> <p>(2) A hearing officer may bar any party that fails to comply with paragraph (b)(1) of this section from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.</p> | <p>§8-56-75 Pre-hearing and hearing.</p> <p style="text-align: center;">* * *</p> <p>(b) Hearings conducted pursuant to section 8-56-72 shall not be conducted according to the technical rules of evidence and those related to witnesses. All testimony shall be under oath or affirmation which the hearing officer is empowered to administer.</p> <p>(c) Any party to a hearing conducted pursuant to section 8-56-72 has the right to:</p> <p style="text-align: center;">* * *</p> <p>(3) 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;</p> <p style="text-align: center;">* * *</p> <p>(d) At least five business days prior to a hearing conducted pursuant to section 8-56-72, each party shall 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</p> <p>(e) A hearing officer may bar any party that fails to comply with subsection (d) from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.</p> |