

**STATE OF NEW HAMPSHIRE  
HEARING OFFICER PERFORMANCE SUMMARY FORM**

Annual   
Other

Name:(First) \_\_\_\_\_ (MI) \_\_\_\_\_ (Last) \_\_\_\_\_ Date:

Summary of Performance for (Start Date) \_\_\_\_\_ to (End Date) \_\_\_\_\_

Evaluator: (Name) Stephen W. F. Berwick

The Hearing Officer Performance Summary Form will be used to assist the department in evaluating the performance of hearing officers. The form will be used to identify performance areas that are below expectation and those that are meeting expectation. This does not relate to what the department thinks the individual may be capable of, but rather it is specifically related to the way the individual performed their contractual duties or accountabilities. Although this evaluation is not intended to be used punitively, if performance could result in a material breach of the hearing officer's contract duties, the hearing officer will be given a letter of warning.

The docket indicates you were assigned to \_\_\_\_ cases from the period \_\_\_\_\_ to \_\_\_\_\_ as shown below:

<b>PROCESS TYPE</b>	<b>CASES ASSIGNED</b>
District of Liability Hearing	
District of Residency Hearing	
Due Process Hearing	
Due Process Mediation	
Home Education Hearing	
Neutral Conference	
Non-due process Mediation	
Non-public school Hearing	
State Board Hearing	
Voc Rehab Hearing	
Voc Rehab Mediation	
<i>Total</i>	

**FOR SPECIAL EDUCATION IMPARTIAL DUE PROCESS HEARINGS**

<b>Special Education Impartial Due Process Hearings</b>	
Decision	
Decisions overturned on appeal	
Dismissed	
Mediated (not held by hearing officer)	
Ongoing	
Resolved at LEA	
Settled	
Summary Judgments	
Withdrawn	

Name:

Date:

End Dates (See Analysis A below chart)	
No extensions of end dates requested by parties	
Extension of end dates requested by party/parties granted	
Cases that met end date	
Cases beyond end date	
Cases beyond end date without extensions requested by parties	
Assigned as mediator for sufficiency determination (See Analysis B below chart)	
Number of times sufficiency determination requested by opposing party	
Number of times statutory time set for sufficiency determination met	
Number of times mediator went beyond length of statutory time set for sufficiency determination	

**Analysis A – End dates**

**Analysis B – Sufficiency Determinations**

**MEDIATIONS (DUE PROCESS AND NON-DUE PROCESS)**

Held Due Process mediations resulting in agreements	
Held Alternative Dispute (Non-due process) mediations resulting in agreements	
Held Alternative Dispute (Non-due process) mediations but no agreements	
Alternative Dispute (Non-due process) mediations requested but not held (withdrawn, settled, ongoing)	
Alternative Dispute (Non-due process) mediations requested but ongoing (unable to determine whether held or not)	

<b>Neutral Conferences</b>	
Cases Ongoing	
Cases Mediated	

<b>State Board of Education Hearings</b>	
Recommendations to State Board	
Cases ongoing	
Recommendations upheld by State Board	
Recommendations overturned by State Board	

<b>Vocational Rehabilitation Due Process Hearings</b>	
Cases ongoing	
Dismissed	
Withdrawn	
<b>Vocational Rehabilitation Mediations</b>	
Cases ongoing	
Mediated	

Name:

Date:

**EVALUATIONS BY PARTIES TO ADMINISTRATIVE PROCESSES**

<b>Surveys Sent To Parties At Process Completion</b>	
Survey forms sent to parties to process	
Survey forms completed by parties to process	
Survey forms not completed by parties to process	

Process Type	Cases Assigned	Possible respondents	Actual Respondents
District of Liability Hearing			
District of Residency Hearing			
Due Process Hearing			
Due Process Mediation			
Home Education Hearing			
Neutral Conference			
Non-due process mediation			
Non-public school Hearing			
State Board Hearing			
Voc Rehab Hearing			
Voc Rehab Mediation			
Total			

The following is a synopsis of the evaluations submitted by the respondents.

- Question: How clear was the Hearing Officer in explaining the process to you?  
Unclear, somewhat clear, fairly clear or completely clear?

Responses:

Unclear	Somewhat clear	Fairly clear	Completely clear

- Question: Did the Hearing Officer obtain your trust and confidence? Did not, partially, completely or not applicable?

Responses:

Did not	Partially	Completely	Not applicable

- Question: Did the Hearing Officer understand the issue and the conflict? Did not understand, partially understood or completely understood?

Responses:

Did not understand	Partially understood	Completely	Mostly

**Hearing Officers**

Name:

Date:

		understood	understood

4. Question: Was the Hearing Officer impartial? Yes, no or other?

Response:

Yes	No	Other

5. Question: Do you feel you were encouraged and given an opportunity to express your point of view? Yes, no or somewhat?

Response:

Yes	No	Somewhat

6. Question: Do you feel that the other participants were encouraged and given an opportunity to express their point of view? Yes, no or somewhat?

Response:

Yes	No	Somewhat

7. Question: Did the Hearing Officer control the parties' conduct so that everyone was given ample time to appropriately express himself/herself? Yes, no or not applicable?

Response:

Yes	No	Not applicable

8. Question: Did the Hearing Officer make him/her available to hear emergency matters? Yes or no?

Response:

Yes	No	Not applicable

9. Did the Hearing Officer issue rulings and decisions promptly?

Response:

Yes	No	Not applicable

Name:

Date:

10. Did the Mediator make it clear that any decision was up to the parties involved?

Not Clear	Partially Clear	Fairly Clear	Completely Clear

11. General Comments

**PERFORMANCE LEVELS:**

**BELOW EXPECTATIONS:** The hearing officer must improve in the area in order to meet the department’s expectations for satisfactory performance.

**MEETS EXPECTATIONS:** The hearing officer has met the requirements of the position.

**PERFORMANCE CRITERIA**

**1. ADHERANCE TO DEPARTMENT DISPUTE RESOLUTION PROCEDURES:** The capacity to follow department dispute resolution procedures thoroughly and accurately.

Below Expectations		Meets Expectations		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Makes frequent errors; must be reminded constantly to follow department dispute resolution procedures.	Makes recurrent errors in following department dispute resolution procedures requiring above normal review.	Makes only average number of mistakes in following department dispute resolution procedures; normal review required.	Is exact and precise most of the time; only spot reviews required; keeps mistakes to a minimum.	Is consistently exact and precise; requires absolute minimum of review.

Comments: Attorney Siff has been a contracted hearing officer with the department’s dispute resolution program since 1989.

**2. COOPERATION/TEAMWORK:** The extent to which the hearing officer adapts to new methods, and works effectively with peers, and the department.

Below Expectations		Meets Expectations		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inclined to be quarrelsome, uncooperative; has a negative attitude.	Sometimes has difficulty in working with others; reluctant to perform back-up work.	Responsive and cooperative; works effectively with others; performs back-up work when requested.	Relates to others well; above average ability to work with others; willingly performs back-up work.	Works extremely well with others; demonstrates exceptional interpersonal skills; recognizes the need and performs back-up work.

Comments:

**3. TIMELINESS OF DECISIONS:** The demonstrated ability to make decisions which are timely.

Name:

Date:

Below Expectations		Meets Expectations		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Timeliness of decisions is undependable.	Decisions are frequently untimely.	Decisions are generally made in a timely fashion.	Makes decisions promptly.	Decisions are consistently sound and timely.

Comments:

**4. PUNCTUALITY:** Faithfulness in conforming to scheduled appointments.

Below Expectations		Meets Expectations		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tardiness is excessive and disruptive (failure to arrive).	Tardiness is beyond acceptable limits.	Tardiness is within acceptable limits.	Punctual; seldom tardy.	Invariably prompt and punctual.

Comments:

**OVERALL SUMMARY**

**Based on the above performance factor ratings, the hearing officer's overall performance for this performance period was (the rating to be consistent with the above individual ratings):**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Below expectations.</b>	<b>Meeting expectations.</b>	<b>Exceeding expectations.</b>

General comments by the evaluator (please make any comments job related and specific to job performance):

A meeting to discuss this performance summary with the hearing officer was held on (date) \_\_\_\_\_.

**HEARING OFFICER COMMENTS:**

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**Hearing Officers**

Name:

Date:

**Signatures:**

\_\_\_\_\_  
Stephen W. F. Berwick

\_\_\_\_\_  
Date

I have reviewed and discussed the contents of this evaluation with the evaluator:

\_\_\_\_\_  
Virginia M. Barry, Commissioner of Education

\_\_\_\_\_  
Date

**DISCLAIMER STATEMENT:** Signature indicates that the performance appraisal has been read and discussed with me. Signature does not necessarily indicate agreement or disagreement with the content of this appraisal.

\_\_\_\_\_  
(Hearing Officer)

\_\_\_\_\_  
(Date)