

Colorado Department of Education

Impartial Hearing Officer (IHO) Evaluation

Due Process Complaint Case Number _____:

Hearing Officer _____

Date of Hearing _____

Please mail or fax your completed evaluation to:

Dispute Resolution Office
Colorado Department of Education
Exceptional Student Leadership Unit
1560 Broadway, Suite 1175
Denver, CO 80202
Fax: 303-866-6767

Your completion of this evaluation form will help ensure hearings that are fairly conducted. Your help is appreciated. Thank you.

Please identify your role in the hearing:

parent/guardian district/unit/agency other: _____

Due Process Hearing

I. Opening remarks of IHO in Due Process Hearings

Identifies case	<input type="checkbox"/> yes	<input type="checkbox"/> no
Permits parties/counsel to enter appearances or identifies them	<input type="checkbox"/> yes	<input type="checkbox"/> no
Allows opportunity for preliminary matters or questions, if appropriate	<input type="checkbox"/> yes	<input type="checkbox"/> no
Allows opportunity for opening statements, if appropriate	<input type="checkbox"/> yes	<input type="checkbox"/> no
Additional requirements, if appropriate		
Identifies self	<input type="checkbox"/> yes	<input type="checkbox"/> no
States date	<input type="checkbox"/> yes	<input type="checkbox"/> no
Defines issue	<input type="checkbox"/> yes	<input type="checkbox"/> no
Indicates party bearing burden of proof	<input type="checkbox"/> yes	<input type="checkbox"/> no
Describes hearing procedures	<input type="checkbox"/> yes	<input type="checkbox"/> no
Explains right to counsel	<input type="checkbox"/> yes	<input type="checkbox"/> no

II. Control of Proceedings / Demeanor

Begins hearing promptly at beginning of day and after recesses (or explains any unavoidable delay)	<input type="checkbox"/> yes	<input type="checkbox"/> no
Controls hearing in firm but fair manner, including interactions of participants	<input type="checkbox"/> yes	<input type="checkbox"/> no
Evidences familiarity with file and adequate preparation	<input type="checkbox"/> yes	<input type="checkbox"/> no
Permits off-the-record discussions only when justified and makes record of discussions	<input type="checkbox"/> yes	<input type="checkbox"/> no
Treats litigants, counsel and witnesses with respect and courtesy	<input type="checkbox"/> yes	<input type="checkbox"/> no
Provides appropriate explanations/guidance to pro se litigants	<input type="checkbox"/> yes	<input type="checkbox"/> no
Uses no intemperate or injudicious language or language which indicates a bias	<input type="checkbox"/> yes	<input type="checkbox"/> no
Shows no favoritism to one party over another	<input type="checkbox"/> yes	<input type="checkbox"/> no
Makes effort to make parties and witnesses feel at ease	<input type="checkbox"/> yes	<input type="checkbox"/> no
Accommodates special needs of participants	<input type="checkbox"/> yes	<input type="checkbox"/> no
Is attentive to proceedings	<input type="checkbox"/> yes	<input type="checkbox"/> no

III. Handling of Exhibits		
Ensures exhibits marked and identified	<input type="checkbox"/> yes	<input type="checkbox"/> no
Ensures copy of exhibits available to other party	<input type="checkbox"/> yes	<input type="checkbox"/> no
Makes supportable ruling on admissibility of exhibits	<input type="checkbox"/> yes	<input type="checkbox"/> no
Has system of recording exhibits admitted or excluded	<input type="checkbox"/> yes	<input type="checkbox"/> no
Collects/receives all exhibits offered and not withdrawn	<input type="checkbox"/> yes	<input type="checkbox"/> no
IV. Questioning of Witnesses		
Administers oath	<input type="checkbox"/> yes	<input type="checkbox"/> no
Permits cross, redirect, and recross of witnesses	<input type="checkbox"/> yes	<input type="checkbox"/> no
Offers opportunity for rebuttal and surrebuttal	<input type="checkbox"/> yes	<input type="checkbox"/> no
Limits number of own questions, asks questions which do not reflect bias, only questions when necessary.	<input type="checkbox"/> yes	<input type="checkbox"/> no
Avoids questions which reflect advocacy.	<input type="checkbox"/> yes	<input type="checkbox"/> no
Encourages efficient examination of witnesses, when appropriate	<input type="checkbox"/> yes	<input type="checkbox"/> no
V. Orders on Motions and Objections		
Rules on all motions and objections	<input type="checkbox"/> yes	<input type="checkbox"/> no
Rulings supportable	<input type="checkbox"/> yes	<input type="checkbox"/> no
Rulings are timely	<input type="checkbox"/> yes	<input type="checkbox"/> no
Rulings are well written	<input type="checkbox"/> yes	<input type="checkbox"/> no
VI. Closing the Hearing		
Offers opportunity for closing statements	<input type="checkbox"/> yes	<input type="checkbox"/> no
Indicates procedure for issuance of decision	<input type="checkbox"/> yes	<input type="checkbox"/> no
Written Decision		
I. Well Reasoned		
Conclusions are supported by findings of fact	<input type="checkbox"/> yes	<input type="checkbox"/> no
Reasoning employed is understandable, logical and persuasive	<input type="checkbox"/> yes	<input type="checkbox"/> no
II. Well Written		
Rationale for decision is clear and understandable	<input type="checkbox"/> yes	<input type="checkbox"/> no
Language is clear	<input type="checkbox"/> yes	<input type="checkbox"/> no
Paragraphs and sentences are properly structured	<input type="checkbox"/> yes	<input type="checkbox"/> no
Paragraphs and sentences are logically related to each other and in an order which lends itself to a clear understanding of the discussion	<input type="checkbox"/> yes	<input type="checkbox"/> no
Decision employs correct grammar and spelling	<input type="checkbox"/> yes	<input type="checkbox"/> no
Format of decision assists the reader to understand the conclusions reached and their underlying rationale	<input type="checkbox"/> yes	<input type="checkbox"/> no
Decision or order deals with all significant arguments raised by the parties (to the extent determinable from the four corners of the decision order)	<input type="checkbox"/> yes	<input type="checkbox"/> no
Decision or order avoids use of intemperate or injudicious language or language which indicates bias	<input type="checkbox"/> yes	<input type="checkbox"/> no
Issues are understandable	<input type="checkbox"/> yes	<input type="checkbox"/> no
III. Supported by Applicable Law		
Relevant or controlling statutes, judicial and administrative decisions, and regulations are considered	<input type="checkbox"/> yes	<input type="checkbox"/> no
Authorities cited support the propositions for which they are cited	<input type="checkbox"/> yes	<input type="checkbox"/> no

Please include any additional evaluation comments you wish to make. If you answered no to any question, it would help if you explained your answer. Feel free to use additional sheets of paper, as necessary.

Comments: