

Colorado Department of Education
Impartial Hearing Officer (IHO) Evaluation

Please mail or fax your completed evaluation to:

Due Process Complaint Case Number _____:

Hearing Officer _____

Date of Hearing _____

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

II. Control of Proceedings / Demeanor

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

