

A STATEMENT OF HEARING RIGHTS  
For Special Education Due Process Hearings under OAR 581-015-0081

1. During the pendency of any due process hearing or judicial appeal, the child shall remain in the present educational placement unless:
  - (a) The school district and the parent agree otherwise;
  - (b) If applying for initial admission to a public school, the parent consents to the child's placement in a program provided or selected by the district at the district's expense until all proceedings are completed;
  - (c) The school district orders a change in placement to an appropriate interim alternative educational setting for up to 45 days due to a weapon, illegal drug, or controlled substance incident; or
  - (d) The hearings officer orders a change in placement to an appropriate interim alternative educational setting for up to 45 days due to the substantial likelihood of injurious behavior.
  
2. Any party to a hearing has the right to:
  - (a) Be accompanied and advised by counsel and by individuals who have special knowledge or training with respect to the problems of children with disabilities;
  - (b) Present evidence and confront, cross-examine, and compel the attendance of witnesses;
  - (c) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least 5 business days before the hearing;
  - (d) Obtain a written or, at the option of the parents, electronic verbatim record of the hearing at no cost to the parents; and
  - (e) Obtain a written or, at the option of the parents, electronic copy of the hearing decision.
  
3. A parent who is a party in a hearing has the right to:
  - (a) Have the child present who is the subject of the hearing; and
  - (b) Open the hearing to the public.
  
4. A parent who is a party may seek reimbursement from court for attorney fees if the parent prevails at the administrative hearing.
  
5. A school district or public agency must be represented by an attorney. OAR 137-003-0510.