

281—120.436 (34CFR303) Parental rights in due process hearing proceedings.

120.436(1) General. The department must ensure that the parents of a child referred to or receiving Part C services are afforded the rights in subrule 120.436(2) in the due process hearing carried out under subrule 120.430(4).

120.436(2) Rights of parents. Any parent involved in a due process hearing has the right to:

- a. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to early intervention services for infants and toddlers 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 the parent at least five days before the hearing;
- d. Obtain a written or electronic verbatim transcription of the hearing at no cost to the parent; and
- e. Receive a written copy of the findings of fact and decisions at no cost to the parent.

120.436(3) Other party rights. Any public agency or EIS provider that is a party to a due process hearing under subrule 120.430(4) has each of the rights listed in subrule 120.436(2).

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