**Section 828.80 Rights of the Parties Prior to the Hearing**

a) The parties have the right to be represented at their own expense by counsel, or to be represented and assisted by other persons having special knowledge of this Part. The School shall inform the parents or guardians of any free or low cost legal services that may be available in their area and of the availability of publicly funded advocacy services.

b) The parents or guardians may inspect and review all records pertaining to their child and, subject to the provisions of 23 Ill. Adm. Code 375.50 (Student Records), may obtain copies of any such records at their own expense.

c) The parents or guardians shall have access to the School's list of independent evaluators and may obtain an independent evaluation of their child at their own expense. If acquisition of a completed independent evaluation requires a delay in convening the hearing, the parents or guardians shall request the delay as provided in Section 828.100(c). The hearing officer shall delay the hearing until the independent evaluation is completed, the report is available, and the opposing party has been afforded, in the judgment of the hearing officer, a reasonable opportunity to review it. The parents or guardians may ask the hearing officer to determine whether an independent evaluation is needed. If the hearing officer concludes, after reviewing the available information, that an independent evaluation is necessary to inform the hearing officer concerning the services to which the student may be entitled, it shall be so ordered and provided at the School's expense. The hearing officer shall delay the hearing as provided for in this subsection.

d) Either party to the hearing has the right to the disclosure at least 5 days prior to the hearing of any evidence to be introduced.

e) Either party may compel the attendance of any School employee at the hearing, or any other person who may have information relevant to the needs, abilities, proposed program, or status of the student. At the request of either party, the hearing officer shall issue subpoenas to compel the testimony of witnesses or the production of documents relevant to the case at issue. If any person refuses to comply with a subpoena issued under Section 828.90(e), court action may be sought as provided in Section 14-8.02a(g) of the School Code [105 ILCS 5].

f) Either party, or any person participating in the hearing, may request that an interpreter be available during the hearing because one of the participants is deaf or hard of hearing and/or uses a primary language other than English. Interpreters shall be provided at DHS-DRS expense.

g) The student's educational placement shall not be changed pending completion of the hearing except as provided in Section 14-8.02a(j) of the School Code.

(Source: Amended at 37 Ill. Reg. 6358, effective April 25, 2013)