

**3525.4320 RULES OF EVIDENCE.**

Subpart 1. **Admissible evidence.** The hearing officer may admit all evidence that possesses probative value, including hearsay, if it is the type of evidence on which reasonable, prudent persons are accustomed to rely in the conduct of their serious affairs. The hearing officer must give effect to the rules of privilege recognized by law. The hearing officer must exclude evidence that is incompetent, irrelevant, immaterial, or unduly repetitious. The testimony or records of mediators or state-provided IEP meeting facilitators are not admissible. The hearing officer may admit evidence offered for the purpose of impeachment even if not disclosed five days prior to the hearing.

Subp. 2. **Evidence part of record.** All evidence to be considered in the case must be offered and made a part of the record in the case. The hearing officer must not consider any other factual information or evidence in the determination of the case. This does not prohibit the hearing officer from questioning witnesses or seeking other evidence from the parties and directing them to provide it.

Subp. 3. **Documents.** Documentary evidence in the form of copies or excerpts may be received or incorporated by reference in the discretion of the hearing officer or upon agreement of the parties. A hearing officer may receive copies of a document to the same extent as the original document.

Subp. 4. **Official notice of facts.** The hearing officer may take notice of judicially cognizable facts but must do so on the record and with the opportunity for any party to contest the facts so noticed.

**Statutory Authority:** *L 2003 1Sp9 art 3 s 19*

**History:** *28 SR 1292*

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