

[(c)](D) (1) The [State hearing panel] ADMINISTRATIVE LAW JUDGE appointed under subsection [(b)] (C) of this section [may] SHALL CONDUCT THE HEARING IN ACCORDANCE WITH FEDERAL LAW, TITLE 10 OF THE STATE GOVERNMENT ARTICLE, AND THE OFFICE OF ADMINISTRATIVE HEARINGS RULES OF ADMINISTRATIVE PROCEDURE, AND MAY:

[(i)](+) (I) After review of the educational records of the child, dismiss any request for review which does not relate to a matter described in subsection [(b)(1)] (C)(1) of this section;

(+) (II) REQUIRE THE PARTIES TO ATTEND A PREHEARING CONFERENCE PRIOR TO THE DUE PROCESS HEARING;

[(ii)](+) (III) Hear any testimony that it considers relevant;

(+) (IV) REQUIRE AN INDEPENDENT EVALUATION OR CALL AN IMPARTIAL EXPERT WITNESS IN THE DIAGNOSIS OR EDUCATION OF STUDENTS WITH DISABILITIES WHOSE TESTIMONY SHALL BE ON THE RECORD AND WHOSE COSTS SHALL BE PAID BY THE STATE EDUCATION AGENCY; AND

(+) (V) ADMINISTER OATHS TO WITNESSES AT THE HEARING ON REQUEST OF A PARTY.

(2) THE PROVISIONS OF THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT AND 34 C.F.R. PART 99 SHALL APPLY TO SCHOOL RECORDS SOUGHT BY THE IMPARTIAL EXPERT WITNESS.

(3) IF THE PARTIES CANNOT AGREE ON AN IMPARTIAL EXPERT WITNESS, EACH PARTY SHALL BE GIVEN THE OPPORTUNITY TO SUBMIT A LIST OF POSSIBLE EXPERTS, AND THE ADMINISTRATIVE LAW JUDGE SHALL DECIDE WHICH IMPARTIAL EXPERT WITNESS TO CALL.

[(iii)] Require a complete and independent diagnosis, evaluation, and prescription of educational programs by qualified persons, the cost of which shall be paid by the State Board; and

(iv) Subject to § 8-409 of this subtitle, confirm, modify, or reject any diagnosis, evaluation, educational program, or exclusion or exemption of the child from school privileges and require alternate special educational programs for the child.

(2) The State hearing panel shall make its decision within the time prescribed by the bylaws of the State Board of Education and applicable federal law or regulations.

(3) Each panel member is entitled to a reasonable fee and expenses as established by the State Board.

(d) In accordance with the bylaws of the State Board and applicable federal law or regulations, the time limits imposed by subsections (a) and (c) of this section for a decision on a request for review shall be extended or waived on written request to the reviewing authority by the parent or guardian who requested the review.