





DISTRICT OF COLUMBIA
OFFICE OF THE STATE SUPERINTENDENT OF

EDUCATION

MEMORANDUM

TO: Tracey Langley, Director OSSE's Office of Dispute Resolution (ODR) 

THRU: Sarah Jane Forman, Esq., General Counsel

FROM: Hanseul Kang, District of Columbia State Superintendent of Education 

CC: OSSE Office of the General Counsel

DATE: June 8, 2018

RE: OSSE OGC Ethics Wall and Counsel to the Office of Dispute Resolution

In order to ensure the independence and impartiality of OSSE's special education due process hearing and mediation systems established under the Individuals with Disabilities Education Improvement Act (IDEA) and their administration by the ODR, the OSSE Office of General Counsel (OGC) has undertaken the following actions to avoid even the appearance of a conflict of interest and/or the potential for the use of confidential information that would inure to the benefit of OSSE if the agency is a party to a due process complaint or mediation:

1. Any OSSE OGC attorney who provides legal advice to ODR regarding the due process hearing and mediation systems will not appear before ODR as a representative of OSSE in a due process hearing or mediation.
2. The equivalent of an 'ethical wall' is established between the OSSE OGC attorney who provides advice to ODR and any attorney who represents OSSE in due process hearings and mediations. For the purpose of this arrangement, "ethical wall" means the OSSE OGC attorney who provides legal advice to ODR will not discuss any ODR legal advice or matters with, or in the presence of, any attorneys appearing before ODR as an official representative of OSSE in due process hearings or mediations; allow such OSSE attorneys to review any documents or other materials relating to legal advice; or otherwise receive any information or advice concerning any such ODR legal advice or matter unless waived in writing by the ODR Director and OSSE's General Counsel.
3. Nothing precludes OSSE's General Counsel or the Attorney General for the District of Columbia from having knowledge of any issue raised in or matters concerning due process hearings and mediations in which OSSE is a party.

If there are any questions or concerns regarding these measures, please contact Nagesh Tammara, Assistant General Counsel at (202)724-2106 or nagesh.tammara@dc.gov.