

NOTICE OF CHANGES TO THE STANDARD OPERATING PROCEDURES

Pursuant to section 54 of the Blackman/Jones Consent Decree, the Office of the State Superintendent of Education (OSSE) is hereby providing notice of changes to the Student Hearing Office Standard Operating Procedures Manual (SOP). OSSE has provided notice of these changes to Class Counsel and Class Counsel has not objected to the changes.

EFFECTIVE DATE

The changes to the provisions outlining the Qualifications of a District of Columbia Special Education Administrative Due Process Hearing Officer set forth below will take effect on September 19, 2008.

CHANGES

§ 600.2 Qualifications of Hearing Officers

Impartial special education hearing officers are not employees of the DC Public Schools, local educational agency charter schools, or the Office of the State Superintendent of Education. They are private attorneys with at least five years of legal experience who have qualified to serve as hearing officers and who have executed a contract with the ~~DC Public Schools Office of the State Superintendent of Education~~ for that purpose. The Student Hearing Office will assign impartial Hearing Officers to cases on a rotating basis. Hearing Officers are selected based on their academic achievement, background in special education and special education law, professional experience, writing ability, and personal qualities.

~~All Hearing Officers are members in good standing of the District of Columbia Bar, have at least five years of active legal experience as an attorney, and have received special training in conducting administrative hearings. Hearing Officers also receive training in special education laws, regulations, procedures, and programs.~~

All Hearing Officers must be:

- a. Members in good standing of the District of Columbia Bar; or
- b. Members in good standing of another State Bar; eligible for waiver into the District of Columbia Bar; and awaiting action on a petition to waive into the District of Columbia Bar.

If not already well-versed, Hearing Officers receive training on special education laws, regulations, and programs and on conducting due process hearings, before they begin hearing and adjudicating cases.

The Student Hearing Office shall also maintain a statement of the qualifications of each person who serves as a Hearing Officer and make it available to the public without charge or undue delay upon request.

To ensure impartiality, every Hearing Officer is held to the American Bar Association's Code of Judicial Conduct. Additionally, no Hearing Officer may be employed by any school, DCPS or any agency or organization involved with the care or education of the child in the case, have any other professional or personal interest that would conflict with his or her objectivity in the hearing, or have a prior involvement with the child. A person who otherwise qualifies to conduct a hearing is not an employee of ~~DCPS~~ the Office of the State Superintendent of Education solely because he or she is paid by ~~DCPS~~ the Office of the State Superintendent of Education to serve as a Hearing Officer.

While under contract with OSSE, a Hearing Officer may not represent a parent or school, in D.C. or in any other jurisdiction, in any due process hearing or administrative or judicial proceeding regarding a school or educational matter.

~~Additionally, a Hearing Officer may not be employed by or represent schools or parents in any manner in any jurisdiction, nor be an employee of any parent rights or disability rights agency or organization.~~ A Hearing Officer must decline an assignment or ask to be recused as soon as a conflict is known.