

Memorandum

TO: Amy Totenberg, Esq.

FROM: Dakarai D. Thompson, Esq.

CC: Jo Ann Smoak

DATE: 28 January 2008

RE: Update/ Accounting of operations and reforms of the Student Hearing Office

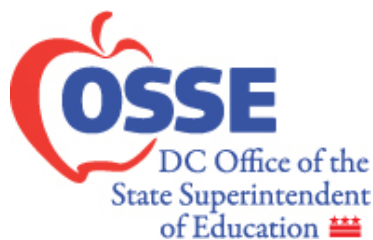
This memorandum serves as a response to your request for an update on the status of the operations and reforms of the Student Hearing Office (SHO). Though this list is a true and accurate accounting for the SHO's progress, this list is not exhaustive.

1. Records/ File Management Reform

- The Office of Review and Compliance (ORC) has hired a Records and File Manager. She has written phases I and II of her work plan, and submitted it to both the Director of ORC and to myself (please see enclosed).
- ORC has detailed three members for the ORC staff to assist the Records manager in her initial efforts to implement phases I and II. When a staffing plan is created for the needs of the Records/ File system, a plan to hire permanent staff will be created and implemented.
- The ORC has purchased and trained staff on a high-speed copy and scanning machine. This machine will be used to support our reforms efforts by allowing staff to easily copy documents while making sure that all original documents are accounted for in the administrative file.
- The ORC has interviewed vendors who provide file storage and maintenance systems. The ORC, in coordination with the records manager, is working on a plan to remodel the SHO's file room to accommodate office space, file storage, a copy and scanning system, and a reading area.
- One accomplishment that I would like to highlight is the fact that "(A)ll 2007 case files in boxes and loose files...in the records room have been put in alphabetical groupings; there are 5 boxes of files left to be grouped."

2. Docketing System

- In my capacity as Interim Chief Administrative Officer for the SHO, I have

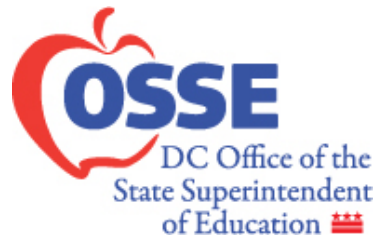


assisted in the review of the vendor proposals for the SHO docketing system. I have reviewed the candidate proposals and assisted the OSSE stakeholders in generating questions for clarification.

- I along with OSSE stakeholders have scheduled meetings with the system candidates to solicit additional information and to receive a more in-depth review of their proposals.

3. Student Hearing Office Reform

- The SHO, in consultation with Mrs. Gail ImObersteg, has proposed revisions to “The Special Education Student Hearing Office Due Process Hearing Standard Operating Procedures (SOP).” (please see enclosed) During the course of these proposals, the SHO received both written and oral feedback from stakeholders to the system. Additionally, in my capacity as Interim Chief Administrative Officer, I attended a special education roundtable meeting to discuss and receive feedback on the proposed revisions.
- The SHO has incorporated some of the feedback into the latest version of the proposed revisions, displaying openness to coordinating with external stakeholders to reform the administrative due process system.
- The SHO has held two meeting with the Hearing Officers to discuss reform of the hearing system, and to solicit their input and cooperation as stakeholders to the due process system.
- The SHO has scheduled training for Hearing Officer on February 21st. This training will be conducted by an independent national expert on case and hearing management, specifically focused on pre-hearing and status conferences and the creation of an administrative record.. Additionally, the SHO has scheduled a "hands-on" training on special education and the IDEA on March 13th and 14th.
- The SHO has requested the bios and professional contact information of the Hearing Officers. The ORC plans to have the bios of the Hearing Officer on the OSSE website within a month. The professional contact information of Hearing Officers has been requested by external stakeholders (media, etc.) and the ORC has committed to making this information available within a month.
- In my capacity as the Chief Administrative Officer, I have undertaken the responsibility of ensuring that Hearing Officer Determinations and Orders are technically and grammatically correct. I along with Klemn Analysis Group and Gail ImObersteg, have continued to review orders and determinations to ensure that they are sufficient. When I receive notice of, or identify a problem within a determination or order, I have and will continue to inform the Chief Hearing Officer or approach the affected Hearing Officer directly to get the issue rectified.
- As Interim Chief Administrative Officer, I have formalized the process for the recusal of Hearing Officers. The SOP lays out a "convoluted" process for the



recusal of a Hearing Officer, and in coordination with the Chief Hearing Officer and Gail ImObersteg, Esq., we have identified a process that can effectively and fairly address this issue until the SOP is revised to lay out a clear and fair process.

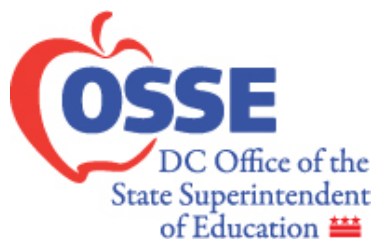
- The ORC has begun to draft a Request for Applications/ Proposals (RFP) for Hearing Officers. This proposal will be used to gather interest from parties who want to serve the OSSE as a Hearing Officer, which may also include Hearing Officers who currently serve the OSSE. The Hearing Officer RFP will be in final draft by Friday, February 1st. We anticipate full cooperation with the Office of Contracts and Procurement to ensure that this process is enacted at the earliest possibility.

4. Scheduling Due Process Hearings

- Since December, the SHO has begun to schedule due process hearings earlier in the 45 day timeline than previously conducted. This action has allowed the SHO to better accommodate parties who chose to waive resolution session, or who are unsuccessful in resolution and are awaiting speedy resolution of their case.
- Additionally, the SHO has begun to appoint Hearing Officers to hearings earlier than previously practiced. When the SOP is revised, the SHO will appoint Hearing Officers to cases upon receipt of the complaint.

5. Transcripts

- The SHO has begun to electronically catalog audio and transcript requests in an excel database. The information in this database is being entered and tracked real-time to ensure that the time for processing transcript and audio requests is timely.
- Additionally, I have requested that the SHO generate a monthly report to track the timelines of processing transcript requests. (please see enclosed) This report will allow the ORC and relevant stakeholders to receive an accurate and detailed accounting of the processing of transcript requests.
- The ORC has partnered with a new vendor to improve the "processing" time for transcripts. This vendor has been contracted to process standard transcript requests within 1 week, and will provide "next-day" transcript services upon request. In my capacity as Interim Chief Administrative Officer, I have scheduled a meeting with this vendor to ensure compliance with our mandate. Additionally, this vendor is less expensive than the vendors that were previously used, highlighting the improved efficiency that the Student Hearing Office is committed to fostering.
- The SHO has improved the process under which hearings are recorded. Previously, the SHO recorded multiple hearing on one cd. Beginning February 4th, the SHO will record each hearing on an individual cd. This will allow the cd



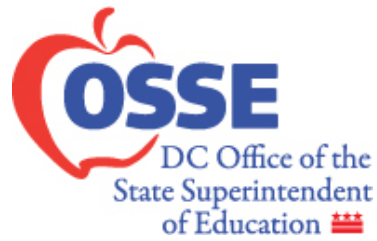
to be easily copied and sent for transcribing while retaining the original recording in the case file for appellate and file management purposes. Additionally, this will allow the SHO to maximize personnel to maintain the office's database and reporting tools.

6. Records Tracking and Filing

- The SHO has moved file cabinets into the office to begin to manage and store documents in individual case files. The file cabinets will reinforce the process of ensuring that all materials relevant to a hearing file are stored in the file and not in multiple locations. An operations alert is also being generated to formalize the process of ensuring that every document or material related to a case file is logged and placed into the case file. Additionally, the SHO has held two staff meetings to review the process of filing documents into the correct case file and logging all material into the electronic system for tracking.
- The SHO has identified a case numbering system that it will use to give every due process complaint a case number. The case number will be a combination of the year the complaint is filed, followed by a hyphen, followed by the order the complaint falls within the year (ex. 2008-0312). The SHO's complaint tracking system will be configured to automatically assign a case number once the complaint is entered into the system. This case number will be generated in a time and manner to allow the SHO to notify the parties of their case number early in the administrative process (3 – 5 business days).
- Assigning case numbers and using the numbers on all document/ correspondence surrounding a complaint will prepare the staff for the arrival of the docketing system, and will increase the efficiency and effectiveness of the office.

7. Data Tracking and Reporting

- Since mid-November, the SHO has begun to utilize the software application Quickbase to track the "life cycle" of a due process complaint. This software is currently being utilized as a docketing system for the SHO. In using this application like a docketing system, the SHO staff is being trained to function under a system that requires data to be entered into an electronic tracking system on a "real-time" basis. (Please see enclosed)
- Additionally, the Quickbase application allows for the generation of reports. This reporting tool allows the SHO to prepare and generate the compliance requirements that previously were not honored.
- Currently, the SHO is entering complaint data at a "lag" time of 1 week. Improving personnel efficiency and increasing the staff levels will allow the SHO to enter and track complaint data on a "real time" basis. The SHO is expected to increase its staff capacity by one person by February 4th.



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- The SHO has begun to log every document that is faxed, mailed or hand delivered to the SHO. This data is being captured in an excel database, which coupled with other reforms on data, file and document management, will serve as a redundant tool to ensure that every document relevant to a case is logged and filed.
 - The SHO continues to enter complaint data into the Encore database. This process enhances the SHO's capability to prepare for the added data entry and reporting requirement that it will encounter, and it continues to provide the LEAs with information on what occurs during the time a student is in the educational system.

8. Model Forms

- The SHO has created "Model Forms" to allow stakeholders and parties to comply with the SHO's reform requirements. These forms will be made available on the ORC website.
- The model forms include:
 - Certification Form
 - FERPA Authorization Form
 - Model Complaint Form
 - Model Motion for Continuance Form (for plaintiffs and respondents)

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