

Due Process Screening Committee Meeting  
October 25, 2005  
ISBE – Chicago Office

Members in attendance:

Kathy Lyons, Chairperson  
Jason Speaks (by telephone)  
Amy Abele (by telephone)  
Christina Denman (by telephone)  
Dr. Joseph Vaal (by telephone)  
Terri Devine

Others in attendance:

Andy Eulass, Due Process Coordinator  
Ann Breen-Greco, Due Process Hearing Officer  
Carolyn Ann Smaron, Due Process Hearing Officer  
Matthew Cohen, Monahan & Cohen  
Courtney Stillman, Monahan & Cohen

The meeting was convened at 10:08 a.m.

The draft minutes for the Screening Committee Meeting of August 2, 2005 were reviewed and no modifications were suggested. Amy Abele motioned and Teri Devine seconded to accept the minutes as drafted. The motion passed unanimously.

Andy Eulass then provided the Committee with a synopsis of legislative proposals drafted by ISBE to align Illinois Due Process Procedures with the new requirements of IDEA 2004. Several members of the Committee expressed concern over language contained in the legislative proposal that seemed to diminish the role of both the Screening Committee and the Illinois State Advisory Counsel (ISAC) in the process of appointing new hearing officers and renewing of hearing officers' appointments. Several members further expressed that although ISBE's motivation was not create a process whereby hearing officers could be appointed for political purposes, the provisions in the proposed legislation indicated that ISBE could by-pass the roles of ISAC and the Screening Committee in the appointment process.

In addition, several additional questions were raised about other aspects of the legislative proposals. Amy Abele questioned whether a legislative exception to the Open Meetings Act could be included in the legislation. In addition, Ms. Abele indicated her disagreement with provisions that would allow parties to waive disclosed prior professional conflicts of hearing officers. Finally, Ms. Abele indicated that ISBE should consider including a provision for indemnification and a better definition of reasonable expenses in the discussion about the Screening Committee in the proposed legislation. Ms. Abele further requested language in the proposed legislation that would require

school districts to provide parents with lists of the Illinois Parent Training Information Centers and low-cost legal aid whenever a school district received a due process request. Finally, Jason Speaks asked about the groups to whom this draft legislation had been released. Andy Eulass stated that aside from ISAC and the Committee, he was unsure to whom this material had been released.

The Committee then turned to a discussion of draft Requests for Sealed Proposals in connection with hearing officer training and evaluation. Andy Eulass provided a short summary of the proposals and described that ISBE was seeking to solicit bids for separate entities to do hearing officer training and evaluation. Amy Abele stated that the proposal should contain language about the indemnification of the entities who would receive contracts, or alternatively that the base rate of each contract should be increased to cover such a contingency. Teri Devine expressed a concern about the timing of the release of the bids, given that the contract of the current training entity is to expire on December 31.

Andy Eulass then supplied the Committee with a brief report on the size of the active and reserve pools of hearing officers. After reviewing with the Committee the recent resignation of Kathleen Plesko, Mr. Eulass informed the Committee that a reserve officer, Linda Mastandrea, was offered a contract for the balance of the Fiscal Year and that she had accepted. Mr. Eulass then reported that the reserve pool was now down to one hearing officer.

Mr. Eulass then reported to the Committee on the recent response ISBE had received from the Office of Special Education Programs (OSEP) of the US Department of Education. Mr. Eulass informed the Committee that OSEP remained very concerned over the on-going problem of documentation of hearing timelines and that OSEP was requiring ISBE to submit timeline data by April 2006 on all due process hearings initiated between July 1 and December 31, 2005.

The Committee then turned to a review of two hearing complaints filed against two hearing officers. After some discussion of the complaints, several Committee members indicated that it would be of assistance if the Committee could be provided with the hearing decisions and any appellate decisions in these matters. Mr. Eulass indicated that only one of the two decisions had been appealed. Dr. Vaal motioned and Amy Abele seconded, directing Andy Eulass to provide the Committee members with copies of the hearing decisions and appellate decision in the two matters and to carry over final discussion of the complaints until after these materials had been reviewed. The motion passed unanimously.

The Committee then proposed meeting on December 20, 2005 at 10:00 a.m. to complete the review and discussion of the complaints.

Chairperson Lyons finally shared information with the Committee about the upcoming National Association of Administrative Law Judges. She specifically noted a session that would include Troy Justasen, Director of OSEP, who would be talking about issues in special education.

Finally, Dr. Vaal motioned for adjournment of the meeting and Ms. Abele seconded. The motion passed unanimously and the meeting adjourned at 11:48 a.m.