

Due Process Screening Committee Meeting
March 19, 2007
ISBE – Chicago Office
(Room 9-031, James R. Thompson Center)

Members in attendance:

Kathy Lyons, Chairperson
Christina Denman (by telephone)
Rick Ramirez
Terri Devine
Dr. Joseph Vaal
John Herner
Joseph Russo (joined meeting at 10:40 a.m.)

Others in attendance:

Andy Eulass, ISBE Due Process Coordinator
Joyce Eckrem, Independent Hearing Officer Trainer
Gail ImObersteg, Independent Hearing Officer Performance Evaluator (by telephone)
Judge Julia Quinn Dempsey, Impartial Due Process Hearing Officer
Mary Schwartz, Impartial Due Process Hearing Officer
Carolyn Ann Smaron, Impartial Due Process Hearing Officer

The meeting was convened at 10:02 a.m. Three new members of the Screening Committee, Rick Ramirez, Joseph Russo and John Herner were introduced. Mr. Ramirez will now serve as the Committee's parent representative appointed by ISBE. Mr. Russo, as chief of the Attorney General's Disability Rights Bureau, is now serving as the Attorney General's representative. Mr. Herner, as Interim Assistant Superintendent of Special Education for ISBE, will serve as the ISBE representative.

A review of the draft minutes of the June 30, 2006 meeting took place for which no needed changes were noted. On the motion of Dr. Vaal, seconded by Ms. Denman, the minutes were approved unanimously.

The Committee then heard a report from Joyce Eckrem on the progress of hearing officer training since Eckrem's hiring in August 2006. After describing the training activities engaged in since August, Ms. Eckrem shared her observations about ongoing training needs in the coming months. Referencing a needs assessment Ms. Eckrem completed last November, she noted that there are continuing issues with consistency of practice among the hearing officers, perceived overall fairness of the process, and the timeliness of the process. She further noted that there was a tentatively-scheduled non-mandatory training for hearing officer on April 17th (note: this has since been rescheduled for July) and a mandatory two-day retreat that will occur on May 20 and 21 in Lake Bluff, IL. Ms Eckrem closed her presentation by making several recommendation for future improvement in the system including express provisions in hearing officer contracts for

ongoing collaboration between hearing officers and the training entity, as well as the consideration of a de facto supervisor to be appointed from amongst the hearing officers to assist in the review of decisions, direct technical assistance and other ongoing support in the day-to-day activities of hearing officers.

The Committee then invited Gail ImObersteg to provide a report on the performance evaluation process, which will be completed in May of this year. After describing a new evaluation matrix that Ms. ImObersteg has been utilizing since the Fall of 2006, she noted that overall Illinois has a highly competent corps of hearing officers but that all have at least one area of needed improvement. She described the on-going concern for working with the hearing officers to refine their processes for assembling administrative records, along with some case management and timeline issues. She then described her plans to produce the formative evaluations in April with the summative evaluations to be produced in May. She recommended that future evaluations operate on an April 1 – March 31 evaluation timeframe, which would more accurately reflect pertinent hearing officer performance for the subsequent contract year.

The Committee adjourned at approximately 12:00 noon for a short lunch break. The Committee then reconvened at 12:30 p.m.

The Committee then turned to a discussion of hearing officer compensation for the 2007-08 contract year. Andy Eulass provided the Committee with a preliminary report describing that the hearing officers have not received a direct raise in compensation since 1999 and that it was appropriate to consider such a raise. Mr. Eulass supplied the Committee with data from 10 other states on hearing officer compensation along with an initial proposal to pay hearing officers at a rate of \$125 per hour along with a \$1000 annual stipend. Terri Devine requested further data on the actual hours billed by the hearing officers in the past contract year, while Rick Ramirez noted that further data from other large states would be helpful in clarifying the compensation issue. Andy Eulass stated he would supply further data and the Committee opted to defer a final determination on the issue of compensation until the additional data was supplied.

Next the Committee turned to a consideration of possible workforce needs for the 2007-08 contract year. Andy Eulass presented longitudinal data on hearing officer case loads between August 2006 and March 2007. He further described that since July 2005, Illinois has experienced a significant downturn in hearing requests, with a reduction of approximately 130 hearing request during 2005-06 from the prior year. Also, the current projections for 2006-07 indicated that a further reduction in overall hearing requests was entirely likely with only 226 hearing requests having been received between July 1, 2006 and March 16, 2007. Because billing data was not available for the hearing officers, the Committee opted to defer a decision on this issue until further data on hearing officer billing activity had been provided.

The Committee then turned to a report on the recent passage of Public 94-1100, signed by Governor Blagojevich in January 2007. Andy Eulass supplied the Committee with a short summary of the principal changes to Sections 14-8.02a and 14-8.02b of the School

Code with the passage of PA 94-1100. The new statute now incorporates many of the due process requirements of IDEA 2004 within the due process system in Illinois.

At 2:15 p.m., Christina Denman left the Committee meeting.

The Committee then discussed draft proposals for soliciting bids for new hearing officer training and evaluation entities. Since the passage of PA 94-1100, the training and evaluation entities are now required to be separated, as reported by Andy Eulass. The Committee review separate Requests for Sealed Proposals (RFSP) for each component. The Committee requested several amendments that would include language requiring direct collaboration between the training and evaluation entities, hearing officer cooperation with the training and evaluation entities, the development of a new hearing manual in electronic format, and a new April 30th deadline for the completion of the hearing officer performance evaluations. On the evaluation RFSP, John Herner moved for adoption of the draft RFSP with the requested amendments and Dr. Joe Vaal seconded. The motion carried unanimously. On the training RFSP, Dr. Vaal motioned for adoption of the draft RFSP with the requested amendments and Rick Ramirez seconded. This motion also carried unanimously.

There was no old business discussed by the Committee.

In new business, the Committee then discussed future meeting dates. In order to finalize decisions on hearing officer compensation and workforce needs, the Committee agreed to meet on Wednesday, April 18, 2007 at 10 a.m. at the ISBE-Chicago offices. As for the final review of RFSP proposal and to complete reviews of hearing officer evaluations, the Committee agreed to meet on Tuesday, May 22, 2007 at 1:00 p.m. The Committee requested Andy Eulass to examine whether Illinois State Beach Park in Lake Bluff, IL could furnish a space for conducting the meeting to coincide with the hearing officer training taking place at the same facility.

Joe Vaal then made a motion to adjourn the meeting, which John Herner seconded. The motion passed unanimously and the meeting adjourned at 3:14 p.m.