



## JOINT STATEMENT OF ODR AND HEARING OFFICERS

**Update - April 23, 2020:** Due to the indefinite school closure, due process hearings will be moving forward with virtual hearing sessions until societal circumstances and governmental edicts/orders allow otherwise. All case specific questions should be directed to the assigned hearing officer.

As was previously reported, the ODR office building is closed due to the COVID-19 outbreak. Staff are working remotely and do not currently have access to the office postal mail service. We are encouraging all stakeholders to contact ODR via phone and email. Please contact an assigned hearing officer by email.

In an effort to address the many questions we are receiving, we want to make the following points:

- Health and safety are our first priorities.
- **IMPORTANT:** Please note— Hearing officers are not forcing parties to attend in-person hearing sessions at this time.
- We understand that schools and all non-essential businesses have been closed, and there are no venues where due process hearings can take place.
- We understand that LEAs may lack the ability to bring staff and witnesses together (through any means, virtually or otherwise) to prepare for or participate in a hearing.
- We understand that parents and their counsel may be laboring under similar and/or equally challenging circumstances.
- Having said that, OSEP has *not* suspended the requirements of IDEA, so neither ODR nor hearing officers can put a halt to the due process system in its entirety. See <https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-covid-19-03-12-2020.pdf>
- Unless one party requests an extension of the decision due date (“DDD”), as allowed by law, the hearing officers *must* abide by those previously set timeframes, as required by law.

Extensions of the DDD give everyone in a due process hearing the time and flexibility to work



through these societal circumstances.

- In each case, we are asking that all counsel and parties work together and with the hearing officer in the most collaborative and collegial way possible, to determine how to proceed in some fashion under these extraordinary circumstances. Each hearing officer is working with the parties in each case to determine how they should proceed in their unique circumstances.
- Please note that ODR does not make scheduling decisions and does not provide directives about scheduling to the assigned hearing officer. Rather, as has always been the case, any such decisions will be made on a case-by-case basis by the assigned hearing officer.
- To request a continuance for any purpose, including COVID-19 mitigation, please see ODR's Pre-Hearing Directions (<https://www.odr-pa.org/wp-content/uploads/pdf/Prehearing-Directions.pdf>) along with any additional information provided by the assigned hearing officer.
- ODR also reminds participants in due process that a hearing officer settlement conference (HOSC) is an available service as described on ODR's website. If both parties agree to participate in a HOSC, please contact the ODR case manager assigned to the matter and a settlement hearing officer who is not the presiding hearing officer in the case will be assigned, even during this period of closure. Thank you for your cooperation as we, together, move forward in a collaborative and collegial fashion.

Should circumstances change, we post announcements on the ODR website ([www.odr-pa.org](http://www.odr-pa.org)). Stakeholders are also encouraged to sign up for the ODR listserv (<https://www.odr-pa.org/subscribe-to-odr/>).