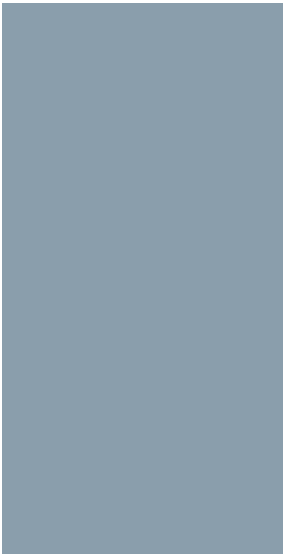


Hearing Officer Settlement Conference



What is a Hearing Officer Settlement Conference (HOSC)?

A Hearing Officer Settlement Conference (HOSC) is a service where parties who are close to a resolution, but have identified sticking points or roadblocks, can work with a Settlement Hearing Officer to see if the sticking points/roadblocks can be overcome so that the parties can avoid a hearing and can move to finalizing a resolution.

Office for Dispute Resolution Services

Parents and schools have several ways to resolve their disagreements about a child's special education:

- The parent or school may request an Individualized Education Program (IEP) Facilitation.
- The parent or school may request a Mediation.
- The parent or school may request a Due Process Hearing.

When the parent or school has requested a Due Process Hearing, the Office for Dispute Resolution (ODR) assigns two hearing officers to the case:

- **Due Process Hearing Officer:** The Due Process Hearing Officer schedules the due process hearing; listens to the witnesses and looks at the documents; and writes a decision, deciding how the disagreement should be resolved.
- **Settlement Hearing Officer:** The Settlement Hearing Officer holds the HOSC and only becomes involved if the parent and the school ask for a HOSC. The Settlement Hearing Officer helps the parent and the school to try to settle their disagreement, so they do not have to go to

Participating in HOSC does not cancel the due process hearing. The due process hearing remains scheduled unless the parties tell the Due Process Hearing Officer that the case has been settled and a hearing is not needed.

a hearing. The Settlement Hearing Officer can also be called the HOSC Hearing Officer.

Here are some important things to remember:

- A Settlement Hearing Officer is one of the hearing officers from the ODR (<http://odr-pa.org/due-process/hearing-officers>) so he or she has knowledge and experience with special education disagreements.
- A HOSC can offer the parent and the school perspectives on issues and roadblocks that are holding up settlement.
- The HOSC process is done through telephone calls, so it is fairly easy to schedule and is completely confidential. The Due Process Hearing Officer will not be told of discussions by the parent or the school during the HOSC.
- The HOSC process only takes place if both the parent(s) and the school want to participate. Neither party will ever be forced to participate in a HOSC.

HOSC participants include the Settlement Hearing Officer and any of the following:

- Parent(s) or Guardian(s) of the child
- Parent's attorney (if they have one; **Parents do not need an attorney to have a HOSC**)
- School representatives
- School attorney

Based on the disagreement, the Settlement Hearing Officer will decide who will participate in the HOSC.

Preparing for a Hearing Officer Settlement Conference

It is best for everyone when the parents and school can work **together** to make educational decisions about the child **together**. The parent knows the child best, and the school has experts and knowledge about teaching children with disabilities. **Together**, they are a powerful team.

A typical HOSC will proceed like this:

- 1) The Settlement Hearing Officer will schedule a conference call with everyone. During that first call, the Settlement Hearing Officer will talk with both parties to find out how he or she can best assist the parents and the school in talking about their disagreement, and possibly reaching agreement.
- 2) After the first call, the Settlement Hearing Officer will schedule confidential calls with parents, and, separately, with the school. This means the Settlement Hearing Officer will not tell the school what the parents said, or tell the parents what the school said.
- 3) Additional calls will be made as needed. The goal of the process will be for the Settlement Hearing Officer to help the parents and the school figure out if there is a way to resolve the disagreement without the need for a due process hearing.

Tips for Preparing for the HOSC (for parents who do not have an attorney)

- Understand the issues in your case. What is the disagreement about?
- Think about the strengths and weaknesses of your case.
 - What is your side of the story?
 - What is the school's side of the story?
- Think about how you can best explain the case to the Settlement Hearing Officer.
 - Why are you not satisfied with the current educational program for your child?
 - What would you like to see happen with your child's educational program that is not happening now?
 - Why do you believe the law supports your position?
- Prepare to give a brief oral summary of the case to the Settlement Hearing Officer. You might want to write out this summary, and use the notes when you speak to the Settlement Hearing Officer.

Resources

There are many resources for parents listed in the *Procedural Safeguards Notice*. You can find the *Procedural Safeguards Notice* on the PaTTAN website: www.pattan.net

ConsultLine Specialists can talk with you about special education laws and regulations that apply to your case: 800-879-2301.

TTY Users: PA Relay 711 or

<http://odr-pa.org/parents/consultline/>

- ODR Parent's Resource Library includes state and federal regulations and policies: <http://odr-pa.org/parents/parent-resource-library/>
- *Special Education Due Process Hearings, A Guide for Parents* contains useful information about a variety of topics. http://odr-pa.org/wp-content/uploads/pdf/DPH_parent_guide.pdf
- The hearing officer decisions are available online and searchable by issues: <http://odr-pa.org/due-process/hearing-officer-decisions/>



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DEPARTMENT OF EDUCATION

Through the Office for Dispute Resolution, the Pennsylvania Department of Education (PDE) fulfills its statutory mandate to maintain a special education due process system. PDE contracts with the Central Susquehanna Intermediate Unit to provide fiscal and certain management support for that office, without becoming involved in substantive operations.

The Central Susquehanna Intermediate Unit will not discriminate in educational programs, activities or employment practices based on race, color, national origin, gender, disability, marital status, age, religion, sexual orientation, ancestry, union membership or other legally protected classifications. Announcement of this policy is in accord with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990. Employees and program participants who have an inquiry or complaint of harassment or discrimination, or who need information about accommodations for people with disabilities, should contact Director of Human Resources, CSIU, 90 Lawton Lane, Milton, PA 17847, 570-523-1155.