

DELAWARE DEPARTMENT OF EDUCATION
Exceptional Children Resources

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Requirements and Application for Hearing Officer
Panel Chair

Requirements of Position:

The Individuals with Disabilities Education Act (IDEA) and corresponding Delaware law requires the Delaware Department of Education (Department) to implement an administrative hearing process for parents, school districts, charter schools, and other educational agencies, to resolve their disputes related to special education matters.

In Delaware, the hearing panel consists of: (1) an attorney; (2) an educator knowledgeable in the field of special education; and (3) a lay person with a demonstrated interest in the education of children with disabilities and approved by the Governor's Advisory Council for Exceptional Citizens. Some cases involve the appointment of the attorney panelist as sole hearing officer when the hearing is expedited.

This position is on a contract basis, and involves the following responsibilities:

- (1) Having the knowledge of, and the ability to understand, the provisions of the IDEA, and state and federal regulations pertaining to the education of children with disabilities, and the legal interpretations of the IDEA by federal and state courts;
- (2) Having the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice, in cooperation and consultation with other hearing officers appointed to the hearing panel;
- (3) Having the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice, in cooperation and consultation with the other hearing officers appointed to a given hearing panel;
- (4) Completing training as required by the Secretary of the Department of Education to ensure adequate knowledge and competent performance;
- (5) Acting as chairperson of the hearing panel;
- (6) Deciding and managing all pre-hearing issues and procedures, and completing the hearing within required timelines and in compliance with IDEA regulations;
- (7) Interpreting applicable statutes and regulations;
- (8) Presiding at all hearings;

- (9) Writing the final decision of the hearing panel;
- (10) Maintaining the administrative record of the proceedings, until a final decision is issued, and the record is then returned to the Department; and
- (11) Serving as the sole hearing officer when the case is expedited.

Panel Chair Application:

To apply for a position as a hearing officer, please complete the following:

Name:

Home address:

Work Telephone No.:

Home Telephone No.

Email address:

Current Employer:

Job Title:

Business address:

School District in which you reside:

Schools your child(ren) attend (as applicable):

Please answer the following questions:

- (1) Are you admitted to the practice of law in good standing with the bar of a state?
 Yes No
- (2) Are you willing and able to attend due process hearing panel training provided by the Department of Education for hearing panelists?
 Yes No
- (3) Are you willing to review, know, and understand the Department's special education regulations and hearing rules, the Individuals with Disabilities Education Act (IDEA), the federal regulations implementing the IDEA, the Administrative Procedures Act, and other state and federal laws affecting the education of children with disabilities?
 Yes No
- (4) Can you anticipate any situation which may present a professional or personal conflict of interest for you to serve as a hearing officer?
 Yes No

If yes, please explain:

(5) Do you have a disability which requires any accommodation(s) as a hearing panelist?

Yes No

If yes, please explain what accommodation(s):

(6) Please explain how your education, training, and experience qualifies you to serve as a hearing officer for the Department of Education based on the requirements of the position described above. Use additional pages as needed.

SIGNATURE OF APPLICANT

DATE

INSTRUCTIONS FOR SUBMITTING APPLICATION:

1. When submitting this application, please enclose a current resume, one writing sample, and verification of admittance to the bar of a state.
2. Please send your completed application, resume, writing sample, and verification of admittance to the bar of a state via U.S. mail, E-mail, or fax to:

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