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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE RESOLUTION

No. 652 Session of  
2020

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INTRODUCED BY BOBACK, PICKETT, RYAN, YOUNGBLOOD, MEHAFFIE, HELM,  
STRUZZI, HEFFLEY AND KAUFER, JANUARY 10, 2020

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REFERRED TO COMMITTEE ON EDUCATION, JANUARY 10, 2020

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A RESOLUTION

1 Directing the Joint State Government Commission to study the  
2 effectiveness of the Department of Education's Office for  
3 Dispute Resolution.

4 WHEREAS, A free and appropriate education is available to all  
5 children with disabilities in this Commonwealth; and

6 WHEREAS, The Commonwealth maintains procedures in accordance  
7 with Federal law to ensure that children with disabilities and  
8 their parents are guaranteed procedural safeguards with respect  
9 to the provision of a free and appropriate education; and

10 WHEREAS, The Department of Education established the Office  
11 for Dispute Resolution to provide due process for students with  
12 disabilities and their parents who believe their school district  
13 is not providing the student with a free and appropriate  
14 education; and

15 WHEREAS, Parents who believe that their child is not  
16 receiving a free and appropriate education and who are unable to  
17 agree to a resolution with the school district may request a due  
18 process hearing through the Office for Dispute Resolution; and

1       WHEREAS, At the due process hearing, a neutral hearing  
2 officer will hear testimony and examine evidence from both the  
3 parents and the school district; and

4       WHEREAS, At the conclusion of the due process hearing, the  
5 hearing officer will issue a written decision, which is a  
6 legally enforceable document setting forth the legal obligations  
7 of all parties; and

8       WHEREAS, If the parents or school district disagree with the  
9 decision of the hearing officer, the decision may be appealed in  
10 either Federal or State court; therefore be it

11       RESOLVED, That the House of Representatives direct the Joint  
12 State Government Commission to study the effectiveness of the  
13 Department of Education's Office for Dispute Resolution; and be  
14 it further

15       RESOLVED, That the study include all of the following:

16           (1) The number of hearing officer decisions that were  
17 appealed to either a Federal or State court.

18           (2) The final verdict of any hearing officer decision  
19 appealed to a Federal or State court.

20           (3) The process by which other states provide due  
21 process for students with disabilities as required by the  
22 Federal Individuals with Disabilities Education Act.

23           (4) The litigation costs to school districts, including  
24 attorney fees and compensatory education, of all due process  
25 hearings.

26           (5) The litigation costs to school districts, including  
27 attorney fees and compensatory education, of all hearing  
28 officer decisions appealed to either a Federal or State  
29 court;

30 and be it further

1       RESOLVED, That the Joint State Government Commission submit a  
2 report of its findings to the General Assembly no later than  
3 January 1, 2021.