
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 138 Session of
2021

INTRODUCED BY BOBACK, HELM, M. MACKENZIE, RYAN, BROOKS, MADDEN
AND PENNYCUICK, SEPTEMBER 15, 2021

REFERRED TO COMMITTEE ON EDUCATION, SEPTEMBER 15, 2021

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 specifying the legal obligations of
7 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 issue a
2 report with its findings to the General Assembly within 12
3 months of the adoption of this resolution.