

Hearing Officer
General Billing Guidelines

I. Background Information:

School Districts pay for the cost of the special education hearing including payment for the hearing officer. Certain procedures which enable to the School District to pay must be followed or the District will not be able to expend the funds. Attached is an explanation of the billing procedures that a school district must follow. Because of the specific procedures, you may be asked to take certain actions to accommodate the process.

II. General Billing Guidelines

1. Invoices are submitted at the close of the case (unless the case crosses over from one fiscal year to the next - June 30th to July 1st of the next year). In the event that a case crosses over from one year to the next, the hearing officer will have to submit one bill for the closing fiscal year prior to the conclusion of the case.
2. No billing is permitted for conversations with this office in assigning the case or regarding your role as hearing officer. Conversations with this office which occur as a direct duty of the hearing officer may be billed, but should state the purpose of the call (to arrange for a pre-hearing conference with the parties).
3. The form of the billing is not standard, but must include the portion of the hour billed (tenths of an hour – which is 6 minute increments), the date and the work performed.
4. The billing will be attached to **OSDE-DP Form 13** from the *Due Process Guidelines*. After approval of the hearing officer expenses, the information is forwarded to the school district for payment.
5. If payment is not received within a reasonable time, hearing officials should contact SERC to investigate the status of the payment with the school district.

III. Prehearing /Resolution Time Period

The role of the hearing officer is limited within the first 30 days of the process - during the resolution period. The primary role is to oversee the resolution time period to assist the parties in moving through this period while meeting their statutory duties. The hearing officer will conduct the first pre-hearing conference (essentially as scheduling conference) to ensure that the parties are taking the required actions during the first 30 days. (Receiving party responds to the DPH request within 10 calendar days and attempts to schedule the resolution session within 15 calendar days).

During the 1st pre-hearing conference (scheduling conference), the hearing official should schedule a second pre-hearing conference at that time. This second conference should be held during the last week of the 30 day resolution session to clearly identify the issues of the hearing and address any procedural matters.

4. Hearing Officials may not bill for reviewing the general requirements of the role as a hearing officer. You may bill reasonable costs of legal research performed to prepare for the actual hearing. Because the parties may settle at resolution, such research would not be necessary until very late in the 30 day resolution period – for instance, research prior to the final pre-hearing conference when the issues are identified with clarity. The hearing official may ask the parties to brief issues for submission prior to the hearing. Also, SERC supplies research assistance from our law student – requests should be made prior to the actual time the information is needed.

5. All correspondence with the parties, including any orders sent to the parties must be copied to this office. It is SERC's role to maintain a copy of the record – with original signatures on Orders. Think of our role similar to a court clerk. We are required to maintain a copy of all hearing officer correspondence with the parties, as well as any orders, transcripts etc generated during this process. The only correspondence we do not maintain is communication between the parties themselves. Original transcripts of the pre-hearing conferences may be sent to the office and SERC will send a copy to the hearing official upon request.

6. Ex parte phone conferences with the parties are not permitted. In scheduling conferences, you may have someone from your office or someone from our office make direct contact with the parties.

IV. Hearing Time Period

Billing rates are \$125.00 per hour, not to exceed \$812.50 per day (6.5 hours). Total hearing fees may not exceed 4,062.50 (equivalent of 5 full days). Hearings are not restricted in length.

V. Decision Time Period

Billing rates for drafting the decision are 125.00 per hour – not to exceed \$1,250.00.