

<b>AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT</b>			1. Contract Number DCGD-2008-R-0014	Page of Pages 1   1
2. Amendment/Modification Number 2	3. Effective Date See Section 16C below	4. Requisition/Purchase Request No.		5. Solicitation Caption Student Hearing Officers
6. Issued By: DC Office of the State Superintendent of Education 441 4th Street, NW, Suite. 350 North Washington, DC 20001		Code	7. Administered By (If other than line 6) Office of Review and Compliance 1150 5th Street, SE Washington, DC 20009	
8. Name and Address of Contractor (No. Street, city, country, state and ZIP Code)  To All Prospective Offerors			(X)	9A. Amendment of Solicitation No. DCGD-2008-R-0014
				9B. Dated (See Item 11) 27-May-08
				10A. Modification of Contract/Order No.
				10B. Dated (See Item 13)
Code	Facility			
<b>11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS</b>				
<input type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers <input type="checkbox"/> is extended. <input checked="" type="checkbox"/> is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning <u>1</u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or fax which includes a reference to the solicitation and amendment number. <b>FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER.</b> If by virtue of this amendment you desire to change an offer already submitted, such change may be made by letter or fax, provided each letter or telegram makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.				
12. Accounting and Appropriation Data (If Required)				
<b>13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14</b>				
A. This change order is issued pursuant to: (Specify Authority)				
The changes set forth in Item 14 are made in the contract/order no. in item 10A.				
B. The above numbered contract/order is modified to reflect the administrative changes (such as changes in paying office, appropriation date, etc.) set forth in item 14, pursuant to the authority of 27 DCMR, Chapter 36, Section 3601.2.				
C. This supplemental agreement is entered into pursuant to authority of:				
D. Other (Specify type of modification and authority)				
<b>E. IMPORTANT:</b> Contractor <input type="checkbox"/> is not, <input checked="" type="checkbox"/> is required to sign this document and return <u>1</u> copies to the issuing office.				
14. Description of amendment/modification (Organized by UCF Section headings, including solicitation/contract subject matter where feasible.)				
<p>This Amendment provides answers to questions received in response to the RFQ and includes a cover letter. See Attachment 1 for questions and answers. All other terms and conditions of the RFQ remain unchanged.</p>				
Except as provided herein, all terms and conditions of the document referenced in Item (9A or 10A) remain unchanged and in full force and effect				
15A. Name and Title of Signer (Type or print)			16A. Name of Contracting Officer Elizabeth Kilpatrick	
15B. Name of Contractor		15C. Date Signed	16B. District of Columbia	16C. Date Signed 6/10/2008
(Signature of person authorized to sign)			(Signature of Contracting Officer)	

Dear Prospective Applicant:

The Office of the State Superintendent of Education (OSSE), Government of the District of Columbia is seeking attorneys to serve as part or full time impartial Hearing Officers to hear and adjudicate disputes between parents of children with disabilities and a local education agency on matters relating to the identification, evaluation, or educational placement of a child with a disability, or the provision of free appropriate public education to the child.<sup>1</sup>

These special education hearings are conducted pursuant to the Individuals with Disabilities Education Act (IDEA: 20 U.S.C. §1400 et. seq. and 34 C.F.R. Part 300, including 20 U.S.C. §1415; 34 C.F.R. §§300.507 – 300.515 and 300.530 – 300.534; and Title 5 D.C. Municipal Regulations (D.C.M.R.), Chapter 30, including §§3030-3033, the “Special Education Student Hearing Office Due Process Hearing Standard Operating Procedures” (SOP) and the “Blackman/Jones Consent Decree.”<sup>2</sup>

The positions of special education Hearing Officer will be contractual positions with fixed labor rates not to exceed \$150.00 per hour for professional services. The OSSE anticipates multiple contract awards. During the contract term, the OSSE may select Contractors interested in providing full-time services to serve in that capacity. In the event some Contractors are selected to serve in a full-time capacity during the contract term, OSSE will also maintain Contractors interested in serving in a part-time capacity.

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<sup>1</sup> This letter is intended only as a brief overview of the position and the selection process; all formal submission requirements are contained in the Request for Qualification (“RFQ”) and the RFQ is controlling.

<sup>2</sup> The District of Columbia Public Schools is a defendant in a class action law suit known as Blackman v. District of Columbia, 97-CA-1629. The complaint alleged and the District was found liable for failing to provide due process hearings and issue final determinations within the timeframe prescribed by the IDEA and failing to timely implement Hearing Officer determinations and settlement agreements. On June 30, 2006, the parties entered into a Consent Decree known as the “Blackman/Jones Consent Decree.” The Blackman/Jones Consent Decree contains certain provisions governing the handling of administrative due process hearings and the establishment of “Standard Operating Procedures” for the Student Hearing Office. Therefore, in addition to federal laws and court decisions, the Hearing Officers must comply with the Student Hearing Office Standard Operating Procedures (SOP), all applicable policies promulgated by the OSSE, and provisions of the Blackman/Jones Consent Decree and a related Alternative Dispute Resolution (ADR) Agreement concluded in the case in December 2007. The OSSE assumed the responsibility for administering the Student Hearing Office from DCPS as of October 1, 2007.

- Links to relevant federal law can be found at <http://idea.ed.gov/>
- The District of Columbia Special Education Hearing Office Due Process Hearing Standard Operating Procedures (SOP) can be found at <http://osse.dc.gov/seo/cwp/view,a,1222,q,561186.asp>
- The Blackman/Jones Consent Decree and related documents can be found at <http://osse.dc.gov/seo/cwp/view,a,1222,q,561151.asp>

## **Qualifications**

Hearing Officer Candidates must either be a current member in good standing of the District of Columbia Bar or a current member in good standing of another State Bar and eligible for, and willing to, waive into the District of Columbia Bar. Candidates must also possess judicial temperament and have at least five (5) years of active legal experience as an attorney. A minimum of 2 years of practice in the areas of special education, disability law, administrative law, or civil rights and/or experience with court, administrative, or arbitration litigation, including as a Judge, Administrative Law Judge, or Hearing Officer is desirable.

A special education Hearing Officer may not be an employee of the OSSE or a local educational agency involved in the education or care of children with disabilities who are or may be the subject of a special education hearing. In addition, a Hearing Officer may not be employed by or represent schools or parents in any matter in any jurisdiction, nor be an employee of any parent rights or disability rights agency or organization. Section C of the solicitation contains a detailed description of the mandatory and preferred qualifications. Please see the solicitation for all the details needed to prepare a response to this request for proposal includes specifications and work statements, including training and evaluation; contract term and performance criteria, including deliverables, contract administration and proposal evaluation criteria.

## **Submission Procedure**

If you believe that you meet the qualifications described above and in the Request for Qualification (“RFQ”), you are encouraged to submit a response. Completed responses may be sent to:

Office of Contracting and Procurement  
441 4th Street, N.W.  
Suite 703 South, Bid Counter Room  
Washington, D.C. 20001  
Attention: Janet Spevak, (202) 535-1757

Completed responses must be received in by no later than 2:00 pm EST on June 23, 2008. Without exception, responses received after 2:00 pm will not be considered for the Initial Selection Process described in C.3.4.1 of the solicitation.

After the initial selection process outlined above, this RFQ shall remain open indefinitely and the OSSE will continue to receive applications from Candidates as long as it remains open and posted. Candidates are encouraged to apply whether or not they meet the initial selection deadline. Any applications received after 2:00 P.M. on June 23, 2008 shall be considered by the OSSE on a rolling basis.

### **Applicant Screening, Interviews and Final Screening:**

All completed and timely applications will be evaluated by a Panel, appointed by the State Superintendent of Education or her designee, on the basis of the Candidate's qualifications, knowledge, skills, and ability.<sup>3</sup> The selection of Candidates in this phase will be based on the determination of whether the Candidate meets the mandatory professional qualifications and prior experience and whether the legal writing sample demonstrates the ability to write a thorough, comprehensive, and clear hearing decision.

Candidates whose proposals demonstrate the minimum qualifications will be interviewed. The Panel expects to conduct interviews during the periods of June 30-July 2, 2008 in the District of Columbia (specific location to be determined). Alternative dates for interviews will not be provided. The selection of Candidates in this phase will be based on the Candidate's oral presentation and responses to questions regarding prior experience and mandatory professional qualifications.

At the conclusion of the interview process, the Panel will select Candidates to participate in a three-day orientation program currently scheduled for July 29-31, 2008. All candidates selected to participate in the orientation will be offered a contract and will be asked to serve as either an active Hearing Officer or designated as a reserve Hearing Officer. This orientation will be in the District of Columbia (specific location to be determined.) The orientation will include basic training on special education law, the conduct of special education pre-hearings and hearings, and decision writing and include writing and oral exercises. The final selection of active and reserve Hearing Officers will be made by the OSSE after the conclusion of the orientation based on the Candidate's performance on the oral and written exercises. (See below.)

### **Selection and Terms of Contract:**

As described at Section C.3.4, all candidates selected to participate in the orientation described above either will be offered a contract as an active Hearing Officer or designated as a reserve Hearing Officer. Active Hearing Officers will, upon the effective date of the contract, be available to receive assigned cases. Reserve Hearing Officers will be available to be elevated to active status in the event an active Hearing Officer is unable for a protracted period to accept new cases or the case load requires additional contractual Hearing Officers. Reserve Hearing Officers will not be compensated while they remain in reserve status. (However, Reserve Hearing Officers may be eligible to serve in the capacity of a complaint investigation officer or mediator if the requisite qualifications are met.)

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<sup>3</sup> If a Candidate is a current special education Hearing Officer, the Candidate may re-elect to submit proposals previously prepared in response to GAGA-2006-R-0270 and supplement the proposal with updated information as required in this solicitation. For current or former District of Columbia special education Hearing Officers, due weight will be placed on the performance of the Contractor as a current or former District of Columbia Hearing Officer for any previous contract period.

## **Contact Information**

For Questions regarding this solicitation, please contact Janet Spevak, Senior Contracts Specialist, at 202-535-1757 or at the email address [janet.spevak2@dc.gov](mailto:janet.spevak2@dc.gov).

# ATTACHMENT 1

## RFQ DCGD-2008-R-0014

### Student Hearing Officers Question and Answers

The Office of the State Superintendent of Education responds to questions received from the RFQ solicitation as follows:

***Question 1. B.3.2 Price***

*Does the solicitation contemplate for the bidder to provide a price rate for services up to \$150 or will OSSE set that rate after the contract has been granted based on experience and qualifications?*

**Answer:** The Candidate must include a projected price. As noted in Section B.3.2 of the RFQ, the fixed hourly rate for a Candidate will not exceed \$150.00 per hour. OSSE will set the rate after the selection of Candidates based on individual Candidate's experience and qualifications and, in accordance with Section B.2 of the RFQ, whether a Candidate will provide full-time services with guaranteed earnings.

***Question 2. C.3.4 Three Day Orientation Plan***

*The scheduled date for the 3 day orientation poses a conflict with my schedule will OSSE consider providing alternative dates?*

**Answer:** As set forth in the RFQ, Section C.3.4, the mandatory three-day orientation is part of the selection process. This orientation is currently scheduled for July 29-31, 2008 and no alternative dates are currently contemplated for responses received by June 23, 2008. However, Candidates are encouraged to submit responses to the RFQ and indicate any conflict with the currently scheduled orientation. In accordance with Section C.3.4.3, this RFQ will remain open indefinitely and a second selection process can also be initiated by the OSSE when warranted.

***Question 3. I.5 Subcontracts***

*Can contractors use law clerks, support staff if they work with contractor on an independent or non exclusive basis?*

**Answer:** While subcontracting is not allowed, the use of subordinates is allowed consistent with Rule 5.3 of the DC Rules of Professional conduct, and any other rule that may be relevant on SUPERVISION AND CONFLICTS.

The Contractor may utilize support staff, such as a legal secretary, to assist the Contractor in the performance of duties so long as the support staff complies with all the District and Federal laws governing the confidentiality of records. (Also see RFQ Sections I-3 and B.3.2 on administrative and clerical matters.)

**Question 4.** *The RFQ is silent for LSDBE or CBE points will these certifications factor in to the evaluation criteria?*

**Answer:** These certifications will not factor into the evaluation criteria. This RFQ is made in accordance with the Blackman Jones Consent Decree which provides, that under the Consent Decree, the District of Columbia “[is] not bound by the D.C. Procurement Practices Act, D.C. Code Section 2-301.01 et seq., any other District or federal law relating to procurement, and any regulations there under.”

**Question 5.** *Where can I find the solicitation?*

**Answer:** You can access the RFQ at [www.ocp.dc.gov](http://www.ocp.dc.gov). Under Information (on the left), click on Business Opportunities. Then click on List All Opportunities at the bottom of the screen. Find the solicitation number on the Index of Opportunities and click on the solicitation No. DCGD-2008-R-0014 – Student Hearing Officers.

**Question 6.** *Is that position full time or is it to be an independent contractor?*

**Answer:** In accordance with RFQ, Section H.4, the Contractor is an independent Contractor. The selection of full-time Hearing Officers described under Section B.2 of the RFQ denotes full-time work under contract with guaranteed earnings.

**Question 7.** *I've been practicing law for four years, but have experience with special Ed. Is it is still worth applying to be a hearing officer?*

**Answer.** The current RFQ, Section C.3.2(C) does not provide any exception to the mandatory qualification for having been engaged in the active practice of law for at least five (5) years. It should be noted that in accordance with Section C.3.4.3, this RFQ will remain open indefinitely and a second selection process can be initiated by the OSSE when warranted.

**Question 8.** *Are you looking for HOs to conduct in-person hearings, or can the hearings be conducted by telephone?*

**Answer:** As noted in Section C.3.5.1 of the RFQ, the due process hearings are conducted in the District of Columbia or other time and place that is reasonably convenient to the parents and child involved. Although pre-hearing conferences are typically conducted telephonically, the hearings are conducted in person with the Hearing Officer physically present at the site of the hearing. Therefore, the Office of the State Superintendent of Education is seeking Hearing Officer Candidates able to conduct the hearings in person.

**Question 9.** *I don't quite understand how the full-time/ part-time contracts will work. If you have a full-time contract, how many hours a week must you work? Does this mean being in the Student Hearing Office for those hours or being on call for those hours? What about hours when there are no hearings or other work? Will full-time people have priority in hearing assignments if they are available? It just isn't quite clear.*

**Answer:** Prior to the commencement of a contract for full-time services pursuant to Section B.2 of the RFQ, the number of hours of service and the established reimbursement rate will be set with the individual Contractor. The RFQ is not intended to address operational details and such questions can be posed to the Student Hearing Office after selection.

**Question 10.** *Is the intention to cut back on the number of hearing officers? The RFQ references hiring 4 or more full-time persons and 6 or more part-time persons. This sounds like fewer hearing officers are contemplated.*

**Answer:** In accordance with the RFQ, Section B.2., the OSSE plans on selecting at least four (4) full-time Hearing Officers and at least six (6) part-time Hearing Officers. This Section was not intended to convey any further information other than a planned minimum.

**Question 11.** *Will the contractor be paid for certifying the record at the conclusion of a hearing?*

**Answer:** In accordance with the RFQ, Section C.3.2, the Contractor will not be compensated for time spent on administrative and clerical matters such as: internal organization of files, papers, exhibits, or other documents; creating billing records; and copying. Certification of the hearing record is considered an aspect of a Hearing Officer's duty, rather than an administrative or clerical matter.

**Question 12.** *The deliverables include a hard copy and electronic version of documents. Do you mean an e-mail, or does the electronic version fit in with the new docketing system?*

**Answer:** The manner in which the electronic version of the deliverables should be transmitted will be designated by the Student Hearing Office in advance of the commencement of the contract.