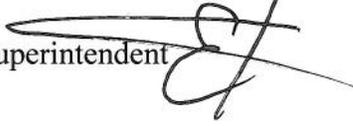




MEMORANDUM

TO: Dakarai Thompson, Director Student Hearing Office
Duesdedi Merced, Chief Hearing Officer

FROM: Beth Colleye, Interim State Superintendent 

DATE: December 17, 2010

RE: OSSE OGC Ethics Wall and Counsel to the Student Hearing Office

In order to ensure the independence and impartiality of the OSSE's special education due process hearing and mediation systems established under IDEA and their administration by the Student Hearing Office (SHO), the OSSE Office of General Counsel (OGC) has undertaken the following actions to avoid even the appearance of a conflict of interest and/or the potentiality of the use of confidential information that would inure to the benefit of OSSE or DCPS if either is a party to a due process complaint or mediation:

1. Any OSSE OGC attorney who provides legal advice to the SHO regarding the due process hearing and mediation systems will not appear before the SHO as a representative of OSSE in a due process hearing or mediation.
2. The equivalent of an 'ethical wall' is established between the OSSE OGC attorney who provides advice to the SHO and any attorney who represents DCPS or OSSE in due process hearings and mediations. For the purpose of this arrangement "ethical wall" means the OSSE OGC attorney who provides legal advice to the SHO will not discuss any SHO legal advice or matters with, or in the presence of, any attorneys appearing before the SHO as representatives of DCPS or OSSE in due process hearings or mediations; allow such DCPS and OSSE attorneys to review any documents or other materials relating to legal advice; or otherwise allow such DCPS or OSSE attorneys to receive any information or advice concerning any such SHO legal advice or matter unless waived in writing by the SHO Director and OSSE's General Counsel.
3. Nothing precludes OSSE's General Counsel or the Attorney General for the District of Columbia from having knowledge of any issue raised in or matters concerning due process hearings and mediations in which OSSE or DCPS is a party.

If there are any questions or concerns regarding these measures, please contact Carmela Edmunds in the Office of General Counsel, at (202) 727-7535 or Carmela.Edmunds@dc.gov.