

IDEA Due Process Hearing Officers

In West Virginia, due process hearing officers who conduct hearings under the Individuals with Disabilities Education Act 04(IDEA) and Policy 2419: *Regulations for the Education of Exceptional Students* are attorneys who are trained annually by the Office of Assessment and Accountability in current statutes, regulations, case law and procedural requirements.

All hearing officers must have these qualifications:

1. a law degree;
2. admission to the West Virginia State Bar;
3. possess knowledge of, and the ability to understand, the provisions of the Act, Federal and State regulations pertaining to the Act, and legal interpretations of the Act by Federal and State courts;
4. possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice;
5. possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice; and
6. demonstrated competencies in due process, special education law, effective writing and speaking, decision-making, and related areas, as evidenced through application, interview and competency-based training.

Hearing officers shall not be:

1. an employee of the SEA or LEA that is involved in the education or care of the student;
2. any person having a personal or professional interest which would conflict with objectivity in the hearing;
3. a school board official; or
4. a lawyer who represents boards of education or parents in actions against boards of education. *A person who otherwise qualifies to conduct a hearing is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer.*

The hearing officers are as follows:

James Gerl, Esq.
Scotti & Gerl
Attorneys at Law
Lewisburg, West Virginia

Janet A. Sheehan, Esq.
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