

**Due Process in a Quarantined World:  
The Nuts-and-Bolts of Effective Virtual Hearings**

**May 7, 2020**

>> Hello, everyone, and thank you for joining us for today's webinar, "Due Process in a Quarantined World: The Nuts-and-Bolts of Effective Virtual Hearings." I'm Dr. Melanie Reese, the Director of CADRE, and I'm joined remotely by the entire CADRE staff. Even prior to the COVID-19 pandemic, Pennsylvania had developed effective virtual hearings as parts of its special education due process system using common video conference platforms, such as Zoom and GoToMeeting. Today's presenters designed and piloted the use of virtual hearings in Pennsylvania, which has been utilized since 2015. Jake McElligott has been a full-time hearing officer in Pennsylvania for 12 years. He's been involved in special education dispute resolution as a hearing officer and an appellate officer for over 25 years and is a trained special education mediator. Additionally, he's taught English and social studies in the public and private high schools and teaches university classes in school law. He has published book chapters in school law and school counseling. Cathy Skidmore, Esquire, has been a full-time hearing officer in Pennsylvania for 11 years. She has been active in the field of special education dispute resolution in Pennsylvania for 25 years currently as a hearing officer and previously as an appellate officer. She also has training in basic and special education mediation and has served as a mediator in Pennsylvania. Hearing Officer Skidmore has degrees and experience in special education and elementary education, was formerly engaged in private law practice and taught as an adjunct faculty professor in special education. We appreciate both of their time and energies that they're giving us today. Next slide, please. A few technical notes about today's presentation. Although today's webinar is designed for state dispute resolution staff and hearing officers, this webinar is being recorded and will be made available to the general public on our newly minted Virtual Meeting Strategies, Tips and Resources web page. The URL is there at the bottom. Questions will be saved for the end of this presentation and can be submitted to the question box in the control panel on your screen. I will be reading the questions to the presenters. Please take the time to respond to the brief survey at the end of the webinar. Your feedback is very important to us. And again, we're going to be posting this webinar on CADRE's Virtual Meetings Resource page. Now for the disclaimer, next slide. The information shared in this webinar is not intended to serve as, nor should it replace, legal advice. Opinions expressed by today's presenters are not represented to be an official or unofficial interpretation of legal guidance from the US Department of Education or from CADRE. Application of information presented may be affected by your state's statutes, regulations, departmental/local policies and practices and unique fact patterns of any particular case. The services of a duly licensed attorney in your state should be sought in responding to individual situations. In other words, your mileage may vary. Speaking on behalf of CADRE and, I believe, for the field at large, we are

very appreciative of Hearing Officers McElligott and Skidmore for their generous offer to share their knowledge on managing hearings virtually. With that, I'll turn it over to Jake and Cathy.

>> Thanks, Melanie. If we can advance to the next slide, the background slide. As Melanie said, my name is Jake McElligott, and for 25 years now, I've been involved in special education dispute resolution both as an appellate officer and a hearing officer as well as a mediator, so in terms of the field itself, I've been around a while. Cathy?

>> I've been around just as long as Jake has. We sort of grew up in this whole system together here in Pennsylvania.

>> We wanted to start out by giving everyone some context in terms of how it is that Cathy and I are hear with you this afternoon. About 5 years ago, Cathy and I were doing some talking and brainstorming really based out of resource issues here in Pennsylvania. We travel all over the commonwealth to hold special education hearings. For Cathy and I in the western part of the state means we're traveling east towards the Philadelphia area mainly a lot. There's mileage involved. There are overnights, meals, et cetera, and in terms of some cost efficiencies, she and I were sharing ideas about how we might improve that, and the question surfaced, could video conferences help us in that regard? That led to us, both of us, spearheading a virtual-hearing pilot where we experimented with video-conference technology to hold hearings. A global pandemic was not part of our thinking, and yet in the intervening 5 years, Cathy and I and our colleagues here in Pennsylvania brought video-conference technology and its use for virtual-hearing sessions to the point where we were holding them, not many. I will be honest. Buy-in was a problem, and so it certainly wasn't adopted the way we thought it might be or even hoped, and that of course all changed 2 or so months ago when, all of a sudden, an in-person hearing was an impossibility. What we had was a designed and tested alternative on the shelf ready to go, and indeed, over the past 3 to 4 weeks or so once the dust all settled, Cathy and I and our colleagues here in Pennsylvania have been holding multiple virtual-hearing sessions. Some of those cases are moving towards decision. That is, the evidence is nearly concluded through virtual-hearing sessions, and we're moving on to decision. We have dozens and dozens of virtual-hearing sessions scheduled in the weeks to come. Particularly in terms of what we're going to present today though, there is an element in terms of represented parties being our focus, and, Cathy, why don't we explain that?

>> Certainly. In Pennsylvania, our LEAs are required to be represented by an attorney, and we are fortunate here that we have a very experienced special education bar in Pennsylvania. In most of our cases, both parties are represented by attorneys. We think ... be a lot more content and a lot more that we wouldn't have time to get here today if we talked about some unique challenges that unrepresented parties might present sort of on a case-by-case basis, so again, we will be focused on represented parties, assuming that both parties are represented for the hearing. And we can go to the next slide.

>> Three months ago if either of us had talked about experience in a video-conference environment, many of you, maybe even most, might say something like, "Well, I've never done it," or, "Yeah, I was on a webinar once or twice," et cetera, but the experience of people generally in environments like this was something that you certainly couldn't count on and really didn't exist in any large-scale capacity. We know what a difference 2 months has made, and so when we talk about video-conference platforms now, whether it's in our personal lives or professional lives, we're all utilizing these kinds of platforms to do all kinds of things, and so it's something that we can talk about now in a way we really couldn't have a few short weeks ago. We wanted to make the point here that we're not endorsing any particular video-conference platform. We're using here for this webinar GoToWebinar, which is an affiliated product with GoToMeeting. GoToMeeting is the video-conference platform that we use for our virtual hearings in Pennsylvania, but we're not endorsing that or any platform specifically, and in fact what we'll talk about here today really translates across all video-conference platforms by and large, whether it's Zoom, which many people are familiar with. WebEx is another large-scale provider. GoToMeeting as we're experiencing it here today. The things we're talking about are not platform-specific. They can be generalized across any video-conference platform, and there are quite a number to choose from, whether you're using one now in your offices or your practice, or you're investigating which platform you might want to invest in or take on. What we're talking about today will apply across the board. We're also going to use some terms that are important to understand.

>> So when we're talking about the hearing officer in a virtual hearing, the hearing officer is also the organizer, and that means the hearing officer initiates the invitation that schedules the meeting and is sent to the parties and counsel. That will let the people know what the meeting ID is, when it will be held and things of that nature, so the hearing officer governs or sort of directs the virtual-hearing session. The attendees are everyone who would be present, who would be participating, whether by phone or with their webcam or even without their webcam through the computer audio, so the attendee would be everyone who is present. The witness is the person who is currently under oath and testifying. We have a webcam of that person. Counsel would be the attorneys for both of the parties, and then, in Pennsylvania, we have used official court reporters who are also present at a virtual-hearing session as they are in live hearing sessions, and they produce transcripts of the proceedings, the official records, so those are the participants, that we will be focusing on here today for the most part, and I think we can go on to the next slide. I'm sorry. Yes, go to the next slide.

>> This is a screenshot which we took, and it illustrates many of the roles or attendees that Cathy just described. Again, it's something that 2 months ago many people in this webinar might not have been all that familiar with, and by now, I can say, "Well, this is a screenshot of a video conference of webcam attendees," and again, most people now say, "Oh, yeah, I do that

to talk to my grandmother," et cetera, so it's something that has come into everyone's experience in a way that really we can tell you was not everyone's experience prior to the COVID-19 pandemic. The little ... You can't really see them, but of course the little markers down in the lower left of every image is the name of the individual, and these screenshots were grabbed from a video that we're going to show towards the end of the presentation to illustrate much of what we're talking about here, colleagues of ours who volunteered to help us with a mock virtual-hearing session. But in terms of the environment, as Cathy said, the organizer is the key, the hearing officer by and large, although your office may have someone else organize and initiate the virtual hearing, but we really recommend that the hearing officer be given the ability to send out that invitation and be the organizer of the conference. That will give them a lot of functionality and will really provide in the environment what they need to be. That is the person running things, answering questions, troubleshooting problems, and so, in Pennsylvania, the hearing officer is always the organizer of the conference. The other thing I would note here in this view is that, and you may have found this in your experience with video conferences over these past few weeks, you're kind of tempted to look and talk at an image rather than to the camera, and what we find and we find ourselves instructing witnesses especially is, as kind of counterintuitive as it is or a little weird, talk to the little dot on your computer screen. Talk to the webcam because that's what's going to give you, in effect, the eye contact and the direct face-to-face contact that you want. Looking down even slightly at an image takes those eyes away from what's really providing the visual element, so we always say colloquially, "Talk to the dot. Talk to the little red light," and that will give us the image that we really want perfected in terms of this environment. We'll take you through some other features here in a second that we want to point out, but the functionality that you want as the hearing officer or as the director of the video hearing session comes through being the organizer, and so it's almost a necessity. Cathy, did you want to take them through some of those features?

>> Sure, we'll go into the next shot, the next slide, please. I'm sorry. Go back. I'm sorry go back. This seems to be a little bit different than ... Okay.

>> I think if we advance two slides ...

>> Yeah, we need to go ahead two. I think we forgot to mention that a little earlier. So here we have an example of the attendee list. You'll have people participating, joining through the computer program. There may be people joining by phone. Anyone can see the attendee list as I think we all can here even on this webinar, so we'll always know who all is present. People can put their names in. If someone calls in by phone, it will probably just appear Caller 02 or Caller 07, and as the organizer, the hearing officer has the ability to find out who that person is and then change the name so that we all know who Caller 02 actually is rather than having to try to remember that throughout the day. And then if you can go to the next slide, please, the next one. Okay, there's the chat box. Here we have ... There's a chat feature in most platforms, and

oftentimes the feature is enabled. Here we have the chat box, which is something that in GoToMeeting we are able to disable for everyone as the organizer, and we recommend that the chat feature be disabled. We have concerns about communication during the hearing session. We don't want people inadvertently typing chat messages that might appear for everyone to see that were supposed to be confidential communications, so we as a rule default to turn off the chat feature in our hearing sessions for each and every session. And I believe we can go on to the next hearing. Next slide. I'm sorry.

>> Yes, and pointing out those two features, the attendee list and the chat, what we found in our pilot years ago was that people had big questions about the security of these environments, and so we really work to and even today stress that no one is in this environment without us knowing about it, and we can address that if need be. No one is communicating within this environment. We've disabled the ability to do that to build in that sense of security for the participants, which was a major concern early on, and you may find it if you move to these platforms people with big questions about, "How do I know that this is secure?" And those are the features that we wanted to point out for that reason. Let's talk for a second about the audio because it really is in a counterintuitive way the most important part of a virtual-hearing session. As much as the visual element is important, and it's really the foundation of the video-conference platform, the record is almost always solely out of the audio, that is, your audio feed and the ability to get a transcript out of that feed or a recording out of that feed is really the record, and so we wanted to take some time to talk about the audio feed in a virtual-hearing environment. There are lots of ways to configure the audio. We'll talk about them in detail here in a second, but there are some decisions to be made. How do we want to get the audio feed the way we want it clearly without interruption in such a way that not only can everyone hear what's happening in the virtual hearing but that that's going to translate into a clear and clean record ultimately for everyone and should another tribunal become involved for that tribunal? One thing that we've discovered in our pilot and in our practice over these years is that multiple devices in the same room create tremendous audio difficulty. That won't be an issue really in the COVID-19 pandemic kind of quarantine or separation situations we find ourselves in. Everyone is in their own location with their device. But as we've used virtual hearings in other capacities, sometimes multiple devices are active in the same room. A parent counsel has his laptop, and sitting a little bit away in the same conference room is his client, the parent, and they have a tablet, and they're accessing a virtual-hearing environment through those two devices. Those two devices are very close in the same physical space. That creates an audio nightmare. You get microphones and speakers between those two devices circulating the sound, and you get the echo and the feedback that many of you may have already experienced in these past few weeks if you're new to a video-conference environment. You have multiple people in the environment, and someone is echoing, or you get some feedback. That's almost always because someone has two devices in their space, in effect, talking to each other,

creating the video, excuse me, the audio feedback and the echo. It's something to be aware of ultimately if you do virtual hearings and expand them, and maybe social distancing gets eased to the point where you have two devices, two people in the same space even if you're conducting a virtual hearing. There are solutions to that. We won't go into that here, but it really involves muting speakers and turning off microphones so that devices aren't, in effect, quote, unquote, talking to each other and creating that feedback and echo, which grinds the virtual hearing to a halt. You can't conduct business with that interfering with your record. In terms of more about the details of the options, there's the platform that you're using versus some kind of external conference-call service or something like that.

>> When the hearing officer schedules the meeting and then sends the invitation, a couple choices have to be made, and one is whether to allow attendees to use computer audio, and it also provides a phone number for people to call in if they want to access that way, the audio that way. We have also had success with not using the computer audio but rather using a separate conference-call line that we all ... that we each have, and one of the advantages to doing it with a conference-call line is that if anyone's screen should happen to freeze, if someone should lose their Internet connection, if something happens momentarily where someone is not seeing what's going on, the audio via separate means provides that continuity of the sound. They will know exactly what's happening even if they can't see exactly what's happening. I think we're all seeing that with video conferences. Even if you watch newscasts with remote interviews, everyone knows that screens are not always in sync exactly with the audio, and people's screens do freeze from time to time, but this does help avoid that problem. It's also an option for telephone witnesses. You have to give them a phone number to call in to be in the conference, so you can either give them the phone number for the computer audio if that's what everybody is using, or you can give them the phone number for the conference call if that's the number that everybody is using. One disadvantage to using the conference call is now you're monitoring, actively monitoring, the attendee list in the GoToMeeting environment as well as how many people are on the call and who they are, but sometimes we have to overcome challenges, and having a second backup plan is always good, and Jake is going to talk a little bit about the court reporter on the next slide.

>> That's right. The watch word in all of this is flexibility. It's always necessary in a hearing but especially in a virtual hearing. The video feed, the audio feed, who's there, what's happening, "I can't see what everyone else can see. Can you help me with that?" Whatever the question or problem is, flexibility and patience, always necessary in a hearing, is kind of put on steroids in terms of a virtual hearing. And we talked about the audio feed. We'll talk now briefly about the video feed, which, again, I don't want to dismiss its importance, but no one is going to be watching the video of a virtual hearing. They're going to be reading a transcript or at least listening to an audio recording, and so the video feed is something that is necessary and yet, as

I say, counterintuitively perhaps not quite as important for the ultimate record. We would recommend that when you're in a virtual hearing, you have only certain individuals on-screen at any one time. You can have lots of attendees in the conference. You can have lots of people attending the virtual hearing, but only certain people have their webcam activated. That would be the hearing officer, counsel for each party, the witnessing testifying at that point in the hearing at a minimum. The court reporter to the extent you use a court reporter in your hearings may or may not want their webcam activated. This is something we've encountered that's really an individual choice by the court reporter. Some prefer to be on camera as they take down the transcript. Some prefer not to be on camera and will let you know that, and they'll darken their webcam, but we would recommend only vital participants have their webcam activated in the environment, again, the hearing officer, counsel for each party and the witness testifying. Everyone else can go dark as they say, can turn off their webcam. They can still hear things, and they can still watch what's happening through the video conference, but their webcam is darkened, so we don't see them. It can be a distraction, and ultimately it's something that we have found works best in a virtual hearing. We will, as I say, show the mock virtual hearing towards the end of this presentation, and we actually went to another view so you could experience that, but there are upwards of 200 attendees in this conference, but only two have their webcams activated. That is Cathy and I, and the same kind of analogy would hold in a virtual hearing. Lots of people might be taking part in the hearing, but only certain people, those that I mentioned, have their webcam activated. In Pennsylvania also, we have a wiretap law. Some states don't, but in Pennsylvania, we do, and another layer of protection on the record, we as hearing officers always say that we are not giving personal permission for anyone to be party to this video conference or conversation without having them identify themselves, so between the attendee list and our control of the environment, we feel very secure about knowing who's here, but we add that as another layer of protection to make people feel comfortable. We are withholding permission to be party to this conversation unless you've identified yourself, and if you haven't, do so now, and on the record, we wait 5 seconds and say, "Let the record show 5 seconds of silence followed and that all attendees in the conference have identified themselves, and we know who's here." If you don't have a wiretap law, you might not have that kind of little bit of muscle to put in there, but it really does make people feel secure that we're conducting confidential business related to children here, and the environment is secure to allow us to do that. We also give other instructions to witnesses kind of as a matter of course.

>> Yes, our general witness instructions these days are a little bit lengthier than they have been in the past. It's very important, again, for security, and most parents opt for a closed hearing. We want to make sure that there's no one with the witness who can see or hear the proceedings. We would let other witness family members into a live hearing session, and we want to make sure that's not happening virtually. We'll ask the witness under oath, "Are you in

a secure location? Can anyone see this? Can anyone hear this? Please advise me if that changes at any time during your testimony." We go through all of those matters while the witness is under oath. We also want to ask the witness, "Do you have any personal notes in front of you? You can't be looking at personal notes. What documents or computer programs would you have open other than the GoToMeeting that we're all participating in? If you're accessing documents, we want to know what they are. We want to make sure that we're looking at them at the same time," and we say, "Please don't look at documents unless someone directs you to one or you tell us that you need to look at a document and tell us what it is so we could all look at it," and then witnesses are not permitted to communicate with anyone during the course of their testimony. That's especially true in these circumstances where we can't necessarily know exactly what's going on where a witness may be. Now if we have to take a recess, I would ask the witness, "When we come back, can you confirm that you did not discuss your testimony or this case over the break?" And they know that they are instructed at the beginning they can't do that, and they will come back still under oath, and they can confirm that they did not discuss their testimony or the case. And I think we're ready for the next slide, Jake.

>> That's right. So we've talked about it at various points, but a critical piece of a virtual hearing that's a little different is the role of the court reporter. Now, to describe where we're coming from, in Pennsylvania, every special education hearing has a court reporter producing a transcript. That transcript is free of charge to a parent. The LEA has to pay for that transcript, but regardless everyone comes out of a hearing session with a transcript under our state regs. We recognize that, in some states, there may not be that level of producing a record, and we know from many of our colleagues that they produce an audio recording. That is not necessarily a paper transcript, but there will be an audio recording of the hearing, and a citation might be made to a certain chronological point in the recording in terms of the decision. Those will all be different factors, but certainly in Pennsylvania, we have a court reporter. We have another attendee at the hearing, and then as any hearing officer will tell you, whether it's live or virtual, the court reporter is the most important person in the room. That person is producing the record, and to the extent they need something or want something, obviously we do everything we can to accommodate them, and a virtual hearing is no different. So we have court reporters in our virtual-hearing sessions here in Pennsylvania. One note, and that is recording within your video-conference platform. You will often see a record button, and those record buttons are audio recording. They're not by and large or by default necessarily recording the video of what you're seeing. They're recording the audio to be listened to later. In our pilot, we tested that function, and we found that you could get clean audio out of recording within the environment. The video-conference provider has a file, and you download it, and you save it. The problem, and it was a problem, is that the file was gigantic. We recorded a 5-minute audio snippet years ago in our pilot, and the file was enormous, and we thought, "There is no way you could record a 3 or 4 or 6 or 8-hour virtual-hearing session, lots of breaks, mind you, but you could not put



together hours and hours of audio recording for one session without really kind of overwhelming a sense of the file and its size, so we do not record our virtual-hearing sessions in Pennsylvania. The record is through the transcript, and that's why the court reporter, as always, is so important to us and, I would imagine, to many if not most of you, but recording in the platform is probably not going to be an option. You can try it yourself. You can see if you can make it work, but we found it to be really technologically unworkable in terms of the file size. As I said, the court reporter is the most important person in the room. They're calling the shots. Do they want their webcam activated or dark in the video conference? It's their call. Whatever they prefer is what we go with. The same with the audio preference, if we're doing audio through the platform like this webinar and they're finding some difficulty with that, we will switch to plan B, which is the conference-call option that we talked about. In effect, we then run a conference-call session with a video or visual component. Sometimes, we start off with a conference call, and the court reporter says, "You know what? This isn't working for me. I've got a phone, and I'm watching a screen, and I just don't feel comfortable transcribing." Then we back out of the conference call, and we set up a virtual hearing with audio through the platform. But all of those things, we look to the court reporter because ultimately what I want as a hearing officer or what anybody else wants in that video conference is secondary to what the court reporter needs and wants to get a clean transcript for the record. So we look to the court reporter as we always do even in an in-person hearing session to tell us what he or she needs. And then we have the witnesses if we could go to the next slide and the other attendees who we need to focus on.

>> Want to talk a little bit about how witness examination is held and sort of what we can do to try and help it go as smoothly as possible. When we're participating remotely, we of course don't get some of the nonverbal cues and body language that we ordinarily would see if we were in a live hearing session, so we have to be careful, maybe give some more instructions. Often we have to end up being a little more formalistic throughout, telling people when, "Yes, Mr. So-and-so, you may ask some questions now," rather than a head nod just so that we all know what's going on and when, whose turn it is to speak and so forth, so we have to try to plan and prepare and just make sure everyone is paying attention and understands that they should wait until they're told, "You may proceed." So smoothing out the rough edges, some things we need to keep reminding ourselves as the day goes on often is that we need to try to speak slowly. We want to make sure the court reporter is getting everything down. You want to make sure that we know what is being said, and we want to make sure that people aren't stopping, and then someone else starts to talk on top of them. We ask the witnesses, "Please don't ask the attorney question." This really is not a dialogue or a conversation. It's the attorney asking questions and the witness answering them. We ask witnesses to say ... If you're going to give a lengthy answer that is more than yes or no, please say, "I'm finished," or, "You can ask the next question." In my experience, however, witnesses tend to not remember to do that,

and that's perfectly understandable, but we have to try and do what we can to make sure that we're not speaking on top of each other. And then another tip, a hint, we ask the attorneys, "If you're going to make an objection, say, 'Objection. Objection.' Maybe raise your hand so that we see that cue," and we know ... Let's wait for that attorney to make the objection. The witness knows not to speak. I would then ask for a response most likely, and then I would rule, and then we would either ask the question again or have it rephrased so that we're all clear on what it is the witness is answering. You'll find ...

>> We're ready for the next slide.

>> Almost. You'll find as you do this that, once people start to get a little more comfortable by the second witness, it's flowing. It's an examination just like we're used to, and we can go on to the next slide.

>> Yeah, the exhibits, thank you. If you could go back, Amanda, I'm sorry about that. I jumped the gun. Thank you. That's perfect. Having talked about witnesses and the video aspect of this, hearing officers will tell you that 85 percent or perhaps more of the evidentiary record and the focus is the paper. As important as testimony can be, it's always about a document by and large. It's about an IEP. It's about an evaluation report. It's about data or progress monitoring or an e-mail that was sent and really kind of is material to whatever the parties are disputing, so we're almost always talking about a piece of paper and by and large looking to that piece of paper to carry the evidentiary load. So we're going to take some time here to talk about exhibits because there are different ways to approach exhibits in a virtual hearing. They each have pluses and minuses. There are pros and cons to each way you might handle them. We want to explore those in some depth. What you will find is that there are really three ways to go about providing exhibits to a witness in the hearing. The first is paper. Now in a prepandemic world, we'd have a different conversation, but people can't leave their houses. They don't want to leave their houses. There's all kinds of things that, in this environment, make paper exhibits if not an impossibility so arduous that it's an option, but it's not only become nonpreferred. It's become somewhat of an impossibility, but that would include providing paper to someone in some way or e-mailing them an exhibit and instructing them to print them off. We'll talk about that. But what's really been being utilized in our virtual hearings here in Pennsylvania is electronic exhibits. We found it to be very effective, and that can be handled in one of two ways, either through file sharing or through screen sharing within the environment, and we'll talk about all three of those various options for exhibits in terms of their advantages and disadvantages if we could go to the next slide, please. So let's talk about paper exhibits. Paper exhibits, again, would be provided through US mail or some delivery service, again, very difficult in this environment but, I guess, possible, or provided as an e-mail attachment to a witness with instructions to print this off. The logistics of it becomes very difficult in this COVID-19 environment, but there are some advantages. One is that it's probably the easiest way for a

witness to access the document. In our hearings in Pennsylvania, we normally have paper exhibits. There's a three-ring binder. They're the witness copy, so every witness is using them as they cycle through the hearing. And you turn to P7, and there's the tab, and there's a paper exhibit in front of you. That ease of access is there even in a virtual hearing. If a witness has a piece of paper to go to, it's something they're very comfortable manipulating. It's a necessity of course if a witness doesn't have technology to access an electronic exhibit. Necessity trumps all, so if someone says, "I don't have a computer. How am I going to testify?" The answer is, "You're going to call into the virtual hearing. We're going to take your testimony by telephone," and now we got to figure out how to get paper exhibits to that witness, but if it's a necessity, it's a necessity. The disadvantages are those logistics I talked about, and in this world right now, getting paper exhibits to a witness is not only difficult, as I say, may be nearly impossible. They can be delivered, but you're asking people to leave their homes and prepare paper and ship it out, and it's just not something that we here in Pennsylvania are doing for our virtual hearings. Even if you say, "Here are some e-mail attachments from parent counsel. Print these off so you have them available to you," well, that might be a 30-page IEP and a 20-page evaluation report and some progress monitoring over the past 2 or 3 years. You might be talking about hundreds of pages that you're asking one witness to print off. Again, logistically it becomes almost an impossibility and certainly not something that we want to put on witnesses if we can avoid it. So those logistics in this environment really, really kind of ... You get the red buzzer on those things. There's also what to do with a paper exhibit after you're done. You have to instruct a witness to destroy those documents or at the very least return them to the attorney who provided them to you, and we do that on the record, "You have those exhibits. Will you destroy them or return them?" The answer is always yes under oath, but again, document security becomes something that's a tremendous issue, and if you're dealing with five witnesses, now you've got five copies of this IEP in the hands of people that you're trusting to destroy it, so even though there are advantages and maybe even a necessity here and there, paper exhibits are something that we've moved away from the virtual-hearing environment. Cathy will talk about the electronic exhibit options if we can go to the next slide.

>> So one of the advantages of course to electronic exhibits is the ease of getting them to parties and the witnesses. It's easy to ... whether you're using a file-sharing service or sending an e-mail message, however you're getting it to the witness, much more easily accomplished than with paper exhibits, and also what Jake talked about earlier about security, we have a lot more security when we're using electronic exhibits because we don't have paper copies lying around, and it's much easier to delete electronic exhibits from a file-sharing service, for example, than it is to figure out how I'm going to destroy and shred 600 paper pages. There are of course cons to electronic exhibits, again, a witness without the technology to access the exhibits, and also, how easy is the witness able to access the exhibits during the testimony? How quickly can the witness turn in an electronic copy of the IEP to page 47? Sometimes,

witnesses have difficulty navigating through documents, of if they're looking at a document through a file-sharing service, for example, sometimes it's just impossible for them to end up getting to the correct page without a large delay, a significant delay, and it becomes cumbersome for the witness, and they understandably become frustrated and a little tired about doing that, so we have to make sure that we're matching whatever we're doing with the ability of the witness to use that particular type or form of exhibit. And if we can go to the next slide, something that we have begun doing in Pennsylvania that we were sort of surprised to find that we're getting very comfortable with is screen sharing, and again, this is the situation where the hearing officer is always the organizer. The hearing officer is also always the presenter. If the hearing officer wishes, he or she can project the document that we're looking at by screen sharing. That makes it much more easy to get witness access to the exhibits, so we don't have to worry about, how are we going to get that document to him or her? We're all looking at it on the screen. We have security in the exhibits because the hearing officer is going to retain the official copy of the exhibit, so we don't have to worry about other people having that access to the exhibits, and what are they going to do with them? We also are pretty certain that everyone is looking at the correct page of the correct exhibit at the same time, so we aren't worried about witnesses testifying to something and then finally realizing that, no, they've been on the wrong document for quite a while. There are some disadvantages of course to screen sharing. Again, a witness without technology, perhaps a witness who's calling in by telephone, would not be able to view what's on the hearing officer's screen, so that would not be helpful to him or her. It's also important as the hearing officer if you're going to do this that you are comfortable with and practice navigating through documents quickly and efficiently. You have to learn the keyboard shortcuts that allow you to go immediately to page 87 without scrolling through or paging through and taking a lot of time to do that. And one other disadvantage, which it depends again on your ease and familiarity and how comfortable you are, is it does take away some of your attention. You're not able to focus as intently on, for example, the attendee list or the witnesses' webcam because you're navigating through a document, so it does slow things down a bit, but we find that we're still able to do what we need to do to conduct the hearing effectively by sharing documents on our screens, and it's becoming almost a preferred method here in Pennsylvania, but it is important to point out that every case is different. Even every witness may be different, so you need to come up with a plan for each witness and each hearing session, making sure that we're getting them access to what they need to testify. And one other thing I'd like to say here in case we don't get to it later: I've become much more active in telling people, "You don't need to read an exhibit to me. You don't need to tell me what is in an exhibit or what is not in an exhibit. I will read it myself," and that does save a lot of time. We don't have a lot of questions about, "What is this document? What does this page say?" And we're avoiding that type of questions that really is not helpful or necessary.

>> And perhaps here, Cathy, too a good point to make about our focus on represented parties, so much of especially this piece but all of what we've presented we would almost have to segue into, "If you're dealing with a pro se parent," dot, dot, dot, and exhibits are a prime example. Pro se parents, some will have technology. Some won't. Some of their sophistication with technology will vary or be all over the place. It's one of the reasons why we really made this presentation about represented parties because pro se parents in a virtual-hearing environment is almost a separate presentation as we move through the topics and the slides, and exhibits are a prime example of that. And I'll just make a personal confession. I was not a big screen-sharing aficionado, not that I resisted it, but one of our colleagues, Hearing officer Brian Ford, kind of initiated the use of screen sharing, and he reported back that it went great. We've all started employing it, and as Cathy said, it's now for us in virtual-hearing environments kind of become our default. If we have to problem-solve around it, that's a different matter, but I think if I was asked, "What's your recommendation?" I would recommend very strongly screen sharing by the hearing officer for access to exhibits. Cathy, I think you would agree. I think we're all at that place now.

>> I agree. In hearing sessions where I've done it, participants have sometimes been reluctant to try it. They don't think it's going to work well, but once we do an exhibit, then people say, "You know what? That worked out even better than I thought it was going to. I'd like to do that for the next witness," so I think more people are coming around to finding it very useful and effective.

>> And we point out that this webinar itself is utilizing screen sharing, that the organizer, CADRE, Amanda Rinehart specifically, who's been a gem in terms of helping us with the technical aspects of all this, is actually sharing her screen, and so here we have exhibits being shared on screen with all attendees able to see it at the same time and know exactly what we're referring to, moving back and forth if we need to, et cetera, so you're experiencing screen sharing right now. It's just a matter of thinking of it as an exhibit that everyone needs to see during testimony, so it's almost the proof in the pudding if you will because I would consider this to be an effective presentation of the PowerPoint, and it's done through screen sharing. And we're ready for the next slide, Amanda. So one question that has come up somewhat frequently but we can assure you is a nonissue is attorneys saying, "How will I communicate with my client during this virtual-hearing when we're all scattered and I don't have the ability to talk to them?" Well, the first point to make is when we talk about communicating, we're only talking about how an attorney might communicate with his client or her client when they're not under oath and testifying. No one talks to a witness or communicates with a witness while they're under oath during their testimony. As Cathy pointed out earlier in the presentation, that might be during a break, making sure that their phone or their device, aside from their webcam, is not near them. No one is communicating with a witness. What we're talking about

here really is an attorney who says, "While the school psychologist is testifying, how am I going to talk to my client, a parent or the Director of Special Ed, talking to the LEA attorney, during that kind of examination?" It's not infrequent that attorneys bring this up. "How am I going to communicate with my client when I need to?" And there are answers to that question.

>> One thing that we have offered in hearing sessions is that we will take a break before an attorney wraps up their round of questions so that they can communicate with their clients. I generally offer that during every witness' testimony, but what I have found is that most attorneys and clients are communicating contemporaneously as the hearing is moving, as the testimony is being presented. They're using text messaging or e-mail messaging to communicate back and forth instead of, as we're used to, passing notes back and forth, and I found for the most part that they've been very efficient at doing that, and they don't even want to take a break. They just move directly into their questions. I will caution, though. One thing we need to make sure that is happening if we do take a break, I try to remind everyone, "Please turn off your audio. Mute yourself. Turn off your webcam," so we don't want to invade privacy, and we don't want others to forget that they're being ... Their conversation is actually being heard by multiple people. So usually what I do on a recess is, I mute everyone and turn off everyone's webcams just so that I don't have to worry about them forgetting to do it, and they can generally override that particular activity by me. Jake, what about breakout rooms?

>> Yeah, it's too bad the Supreme Court justices didn't get that tip, Cathy, before the oral argument ...

>> I heard that.

>> ... a day or two ago. For those who might not be familiar, although I'm sure it was pretty widely broadcast, during an oral argument before the US Supreme Court, someone flushed a toilet but wasn't muted, so I guess we'll put that on the tips list, right, Cathy?

>> Right, right.

>> Some people will talk about breakout rooms. Most of these video-conference platforms have the ability to establish a breakout room, that is, a separate environment where individuals, attendees within the video conference can enter and have a conversation that can't be overheard by others. To reiterate the points Cathy just made, we have found them to be unnecessary. Counsel are communicating with their clients just fine between telephone calls over the break or contemporaneous texting. It's a nonissue. It's a nonissue in our hearings in the virtual environment. We would not recommend a breakout room for a couple reasons, not only because it's unnecessary, but it just adds another layer of complication, setting up the room. If there's some kind of technical difficulty within the breakout room, now it's a problem to be solved, so it just adds another layer of really unnecessary complication. We would not recommend breakout rooms. If counsel say, "Hey, I want a breakout room to meet with my

client," I would say, "We'll take a 10-minute break. Call them from a private location and talk about whatever you need to talk about, and then we'll rejoin the conference on the record." It's simply something that we don't need, you don't need in a virtual hearing, and so we don't recommend going down that road at all with counsel. Breakout rooms are something that we don't utilize here in Pennsylvania. Let's go to the next slide. So what we're going to go to momentarily is a video recording of a mock virtual-hearing session which we did with colleagues of ours. We wanted to illustrate all the different kinds of things that might surface and you might have questions about. What does an examination look like, and how do you use exhibits, and how does the court reporter interact in the environment, and how do you handle interruptions and et cetera, et cetera? We kind of made sure we addressed different kinds of things in the mock virtual hearing. Two things that I want to point out. One is, our recommended view is what we call in GoToMeeting, but again, it would be available in all the platforms, active webcams. In other words, the only people on-screen are those with active webcams, and that's actually the view that Cathy and I see now. She and I both have active webcams. Melanie Reese does not, and so she's not visual in the conference even though she's attending. We find this view to be the most helpful. We can see everyone who's got a webcam activated at the same time without unnecessary distraction from other people, but the view you're going to see in the video is not this. The view is what in GoToMeeting is called who's talking, and so the person talking, their webcam gets highlighted, and everyone else goes away. We did that in terms of the production so that you could see a bigger image although the images we see are just fine for our purposes in virtual meetings but will at least give you some sense of a different view, that is, a who's-talking view rather than an active-webcam view. Course, if you select everyone on the webcam view, you'll have all 10 or 11 attendees. As many people as are in the conference will be visual, and that's what you saw in those earlier screen shots in the presentation. So you'll see who's talking as the view, and it will switch back and forth between those various people. In the video also in the lower right-hand corner, there is ... There was some video-production content that we didn't want to be a distraction, so we used a little screen to block that out so it didn't kind of interfere with how you might process the video. It ended up covering some of the exhibit content. You'll see that, but that would not be present in your video conference. That's a video-production point, not a virtual-hearing point. The lower right-hand portion of your screen, there's some ... We added an element that blocked out the video-production piece that's down there. And then, Cathy, we'll be returning for some Q and A. Is that right?

>> We will, but just one last follow-up on what Jake was just talking about, one benefit to having the active-camera view is that you're not distracted by other things that might be happening. There's some advantages and disadvantages. I would suggest you test, do a couple test sessions and see what seems to work best for you. It may depend on whether you're sharing your screen or not, but those are something that each person is going to need to make

that decision based on what works for him or her. And when we come back after the mock video or the mock hearing, I'm sorry, we're going to turn to question and answers that you already know how to submit. I think we have one or two quick follow-up things before we turn to the Q and A, but we want to take as many questions as we can. So I think we're ready for the video.

>> Please swear in the witness.

>> Sullivan, can you please raise your right hand? Do you swear that the testimony you're about to give is the truth, the whole truth and nothing but the truth?

>> I do.

>> Thank you.

>> [INAUDIBLE] before I begin to question, we ... Did you get most recent S8 with all of his pages that we uploaded yesterday?

>> Yeah, I see that there was a new version uploaded yesterday, and I have that.

>> Perfect. Thank you, sir. Dr. Sullivan, can you turn S8, School District Exhibit 8?

>> I'm sorry. I didn't hear which exhibit. There's some background noise here where I am.

>> Understandable, sir. School District Exhibit S8.

>> Thank you.

>> I don't have anything.

>> That's okay, Dr. Sullivan. I will project the exhibits, and let me do that now.

>> Thank you, Hearing Officer.

>> I am now projecting Exhibit S8.

>> There it is.

>> Are you able to see that?

>> Yes. Yeah.

>> Dr. Sullivan, do you know what this document is?

>> Yes, this is my evaluation report for Tommy from December of 2018.

>> Did you conduct any assessments as part of this evaluation?

>> I did. Based on the referral, I did the Wechsler Intelligence Scale for Children, the WISC, and the Wechsler Individual Achievement Test, the WIAT, and there were also social and emotional and behavioral rating scales as part of the evaluation.



>> Thank you, Doctor. Were any of these tests administered under standardized condition?

>> Yes, they all were. Yes.

>> Doctor, you described some off-task behaviors when you observed the student during your testing. How did those behaviors impact your results if at all in your professional opinion?

>> Well, they did not affect the results. There might have been some redirection some prompting but nothing that really was out of the ordinary with the child of Tommy's age. We were able to complete everything, and the results are valid.

>> Doctor, I'm going to direct your attention to page seven of this document ...

>> Now displaying page seven.

>> ... and specifically the Asperger's disorder scales. What did the mother's rating scales indicate?

>> Well ...

>> We have an objection, objection.

>> What's the objection, counsel?

>> Objection.

>> What's the objection, counsel?

>> The document speaks for itself. We can all see it. We can all read it and see what it says.

>> Hearing Officer, this is a foundational question for the next question that's coming up.

>> Okay. The objection is overruled, and you can answer the question.

>> I'm sorry. Can you repeat the question?

>> Sure. What did the mother's rating scales show?

>> Right. I ... Let me see. I need to go back. It's earlier in the report, maybe page three, four. It's back earlier.

>> Certainly. I'm not displaying page four. Is this what you need?

>> Assess. Yes. Yes. Can I read this?

>> Sure.

>> Sure.

>> Take your time. Let me know when you're done, sir.

>> Right. Right. Okay. Okay. Yes. Okay. We can go back.

>> Let's go back to page seven, Hearing Officer. Thank you. After looking at page four, did that refresh your recollection about what the mother's ratings showed?

>> Yes, her ratings were consistently nonproblematic. Her rating scales show no elevation or certainly no clinical significance. There was nothing there that would suggest either Asperger's syndrome or really even anything on the spectrum.

>> How did those results compare to other input from the parents?

>> They were consistent with what Mom was relating. All of the parental input matched up with what we were seeing through that assessment. There was nothing that was an outlier or, like I say, problematic.

>> What eligibility conclusions, if any, were you able to reach as a result of completing this assessment?

>> When we identified Tommy as needed special-education services, he did qualify. I recommended that he be identified as a student with an SLD, a specific learning disability, specifically in oral expression, and parents didn't agree. They didn't see it that way. They clearly felt that he was on the spectrum, and it was something that ... And it was really the focus of the meeting for a very long time.

>> Dr. Sullivan, did you conduct a formal observation?

>> No, no, I did not. I had teacher observations, and I was able to observe him in the testing, but I did not go to the classroom. No.

>> And would you agree with me that the information from the teacher observations is very brief?

>> Yes, I would agree with that.

>> What did you conclude from the mother's completion of the social, emotional and behavioral checklists?

>> Well, it was clear that Tommy exhibited symptomology related to ADHD, attention deficit hyperactivity disorder. The DSM, the Diagnostic and Statistical Manual, diagnostic criteria for ADHD, those markers were there in her ratings.

>> Okay, and you wrote in the evaluation report that the other rating scale you used for ADHD and ODD could be completed by other raters such as teachers. Did you ask any of Tommy's teachers to fill out that scale?

>> No, no, I did not.

>> Why not? Would it have been possible to ask any of Tommy's teachers to fill out the scale?

>> Objection, objection, Hearing Officer. Compound question.

>> What is the ...

>> I can break it down.

>> Go ahead.

>> You mentioned that this rating scale could also be filled out by teachers. Why didn't you do that?

>> Well, it wasn't necessary really. All of the information that I had, that I had gathered didn't ...

>> I'm sorry.

>> Hold on just a moment.

>> I'm sorry. I didn't hear what you said after all the other information. Could you please repeat that?

>> All of the information that I gathered, I didn't need it because of all the information that I had gathered before.

>> Thank you.

>> Sorry. Sorry, everyone.

>> It's not a problem, just a friendly reminder to keep your voice up. The court reporter will let us know if he can't hear, so we need to turn our attention to the court reporter when we see him turn on his webcam, but that's fine.

>> Sorry.

>> Go ahead, counsel.

>> Okay. Hearing Officer, could we please look at P6?

>> Certainly. I'm now displaying P6.

>> Thank you. Dr. Sullivan, do you know what this is?

>> Yes. This is the criteria sheet that we send out to parents when they request an independent evaluation. I'm sorry.

>> Did you provide this document to Mrs. Jones?

>> I didn't hear the first part of that. Could you repeat the question, please?

>> Oh, I'm sorry. Yes, I'm sorry. Did you provide this document to Mrs. Jones?

>> No, no, I wouldn't do that. That would be the case manager, maybe ... Yeah, someone from special education would provide this, but, no, she didn't ask for an IEE as I understand it, so, no, no, I didn't.

>> Is this document always provided to a parent when they ask for an IEE at public expense?

>> Yeah, sure, yeah, this is what it is sent out when a parent asks for an IEE, so, yeah, that's district policy.

>> Excuse me. I'm sorry. This is Tommy's mother. I unmuted myself to let you know that I need to give some medication to one of my children.

>> Certainly. Let's go off the record and take a short break.

>> Good afternoon, Ms. Stone. What is your role in the district?

>> I am the school social worker at the upper-level elementary school.

>> And what are the responsibilities of a social worker at the upper-level elementary school?

>> My role is very broad. I'm responsible for student attendance, for the self-safety and welfare of our students. I coordinate homebound instruction services when those are needed, and I am also a member of a student-assistance-program team, and then I do provide counseling services to individual students and groups of students. Those are the basics.

>> Do you have any role in the development of positive behavior support plans?

>> Yes, I do oversee the school-wide positive behavior support plan at the upper elementary school, and I can also be involved in individual plans if necessary.

>> Do you know Tom?

>> I do.

>> How do you know Tom?

>> Well, he and I ...

>> Stone, do you need us to take a short break?

>> No, I don't think so. I heard something downstairs, but I think it's fine to continue.

>> Okay.

>> When we heard those odd noises, you were starting to tell us how you know Tom. Can you go back and tell us how you know Tommy?

>> Yes, thank you. Last school year, we met on several occasions throughout the school year.

>> You said you were involved in school-wide positive behavior support system. Could you describe for us, please, the one at the upper elementary school?

>> Sure. We have a positive social culture in the building, and positive behavior is taught to all of our students with a lot of reinforcement and on an ongoing basis. We also have roles that we

review with the students over and over again, and we post them throughout the building so that everyone is aware of what the expectations are.

>> Okay, so what happens if a student doesn't behavior properly? For example, what would occur if a student were to disobey, fail to comply with a school rule?

>> All of our staff are trained to respond consistently when a student exhibits problematic behavior. They are children, of course, so it does happen.

>> And is there any more intensive support available if they need it?

>> Yes, we have three tiers. The second tier is a little more intensive than the first, which all students are exposed to, and then we have a third tier that is much more even intensive than the second tier, and then some students also have individual plans.

>> And when you met with Tommy those few times last school year, what did you talk about?

>> We talked about a lot of things. He and I had a great rapport. I remember one time in the fall. I can't find ... Oh, sorry, but I can't find!

>> Off the record. Let's take a short recess so that Ms. Stone can handle that situation, and then we'll come back on. Ms. Stone, you're still under oath. Can you confirm that you are back in a secure location so that we can resume your testimony?

>> Yes, and thank you for the break. I'm very sorry about that.

>> No, no, we all need to be flexible. As I said at the beginning of the hearing, we will take breaks throughout the day, and everyone should let me know if we need to take another. Would you also please confirm, ma'am, that you are ... that you did not discuss this case or your testimony with anyone during the break?

>> I did not.

>> Thank you. Counsel, go ahead and, please, reask that last question, please.

>> Could we have the court reporter read back the last question, please?

>> When you saw Tommy those few times last year, what did you talk about?

>> Yes, as I was saying, he and I had a very good rapport when we met.

>> Okay. Looks like we're back, and we had shot that video as we said with some colleagues of ours from the Office of Dispute Resolution, and we obviously appreciate them making time available to help us do that. We wanted to illustrate the kinds of things that we'd been talking about. Cathy, you have a point or two to make. I'll make a point or two, and then we'll go to questions, and the first is that the overarching themes here are patience and flexibility. Virtual hearings are not like live hearings. Things will take longer. There will be snafus that you're not necessarily going to encounter in person, and the ability to kind of be ready for that, be patient

as you work through it, get to the other side and stay flexible is critical. Included in that would be many, many more breaks than you would take in a live hearing. We find ourselves going off the record a lot more, giving people time to get up and stretch. To be honest, virtual hearings are exhausting. They are so much more tiring than an in-person hearing that you'll be surprised at that and the fact that it interferes with your sense of progress. You won't make as much progress over the same amount of time as you will in an in-person hearing. Just be prepared for that and prepare everyone else for that as you work through it. But most importantly, and I ... Cathy, we've said this since the pilot years ago. A virtual hearing is nothing more than a hearing, and one of our hopes in terms of the mock video is that, after a minute, it's just an examination. There's really nothing happening there except the school psychologist talking about his report, the school social worker talking about Tommy, and there are things that come up, and you saw them, and there are things that you need to address, and we did, but at the end of the day, you fall so easily into the fact that a virtual-hearing session is just a hearing session, and you'll get out of it what you need, a record of competent evidence that's comprehensive to allow you to make a decision. In short, virtual hearings work. They're working in Pennsylvania and have for years, and I think happily our bar is finding out that virtual hearings are not an impediment to due process. They are now an engine. And, Cathy, you wanted to say one or two things?

>> Sure. I think you summed up pretty well. I think one of the keys is planning. Conduct test sessions with counsel perhaps. Have a conference call to walk them through what to expect. As Jake said, let them know that the hearing session is going to take longer. We're not going to get through six witnesses in 1 day. We may only get through one witness in 1 day. I think the more you prepare and plan for challenges that you can anticipate, the better, but also, always be prepared that there will be some you can never have foreseen, and sometimes the only action you can take is to end the session for the day depending on what happens, so again, flexibility and patience, we have to have a lot of that these days, but I think people understand that as a matter of their daily lives. I think, with that, we could probably turn to the questions.

>> Hi, everyone. So I've tried to break the questions into different topic areas, so they're not necessarily in order that they were posted. Let's address some questions on structure. Do you have assistants that go back and forth with exhibits? For example, could you have an Amanda be a participant to help you in the hearing?

>> The short answer for us in Pennsylvania is, we do not. We hearing officers, whether we're in person or virtually, we run our own show. We work from home offices and, in coordination with the Office for Dispute Resolution, really work with a high degree of independence. That would include the virtual-hearing environment. What you saw in the mock video was Hearing Officer Brian Ford who was the presenter at that point at that video conference manipulating the electronic exhibits on his desktop, making them available through screen sharing for everyone else, so we do not have assistant. We do not use assistants, and personally even if I

had an assistant, I think it would be ... If not problematic, it would certainly add another layer of complexity. That person going to Exhibit P7 and forward to page three in that exhibit, I can get you there just as quickly, and actually I'd prefer to do that so that everyone knows that the hearing officer who's the organizer of the conference is ... knows what's going on here, and we can trust that person in this environment in helping us work through that environment. There's nothing that would stop you from doing that. I don't want to say that's not possible, and Amanda has taken us through the slides here, so to the extent someone has an assistant and they're ... maybe even have more dexterity within the video-conference environment, sure, there would be nothing stopping you from doing that. They would have to be an attendee. They would have to be in the conference, and they would have to be, at least in this GoToMeeting environment, what we call the presenter. They would have to have under their control what's being presented on the screen, so can someone do that aside from the hearing officer? Answer is yes, but there are some things to encounter there in terms of how that person operates within the environment himself or herself.

>> Thank you. Have you conducted a hearing where the parent is only able to participate by telephone, and if so, you allow the LEA to participate by video?

>> I would have to say that every case is different. Each case, individuals have different needs and availability of technology. I don't know that I would say there's a hard and fast rule of, yes, we all, yes, we would or, no, we would not. I would want to talk it through with the parties. I would also schedule a conference call, which is what I'm doing in all of my cases that are proceeding virtually, to find out who can participate and how, what are the concerns that we need to address and, just on a case-by-case basis, figure out what's going to work and what's not going to work in an individual case.

>> Is there a formal protocol set in the beginning for anyone participating only by phone or audio to identify him or herself prior to speaking each time?

>> Participation by telephone in all of these environments is normally something that the environment itself is ready to handle, so someone can call into a virtual-hearing environment by phone only. They won't have a webcam, but they'll have some kind of telephone access, right? These video conferences almost always come with a phone-number access. That person can come in, and their audio feed will be in the conference. If they're only participating by telephone, they will appear on the attendee list. Normally there will be a little telephone icon next to their name rather than a microphone or a computer icon, so everyone would know this is a telephone participant. They're hearing what's being said, but they're not watching anything. I think an answer to the direct question, I myself would say, "Yes," because that person is probably coming in as Caller 1, and I'm going to ask who that person is, "Can you identify yourself?" They will, and they'll remain because they should or can, or they won't, but I would want everyone in the video conference to know that that phone-only or audio-only participant

is here, who they are, and if there's any objection, we can put that all on the record. Earlier on, we talked about the fact that the organizer can normally change the name of that person in the environment, and so I would go in, and after they said, "Well, I'm Tommy's grandmother, and I don't have a computer, but I wanted to be a part of this," I would ask, "What is your name?" And she would say, "My name is Mrs. Valentine." I would go in there and change Caller 1 to Mrs. Valentine, maybe even dash grandmother, so everybody knows who that telephone participant is. Can they participate? Absolutely, yes, but everyone needs to be secure about who that person is by telephone, and we've established that. We've changed it on the attendee list, and Mrs. Valentine can hold that phone to her ear for the next 3 hours while we all conduct our virtual-hearing business.

>> Question about breakout rooms: Why are breakout rooms not recommended again? And the question goes on: Not even to sequester witnesses? And then there are additional questions about, how do you sequester witnesses?

>> What I've been doing is, if witnesses are sequestered, then they're not going to be ... They're going to leave the meeting. Maybe they'll join at the very beginning. We'll find out who we're doing when, kind of get an anticipated schedule in mind, and then the witnesses will ... We usually take a break after every witness. People need a lot of breaks, and you'll find that you do. Take a break after every witness. Let the last witness be excused. Bring the next witness. Notify them to rejoin the meeting. We're ready for your testimony that you'll be testifying in the next set portion of the hearing. Breakout rooms, I think, for me are difficult to manage from my perspective. If I'm managing breakout rooms, I'm going to have to ... As Jake said earlier there, they're exhausted, and we all need breaks. If we're taking a 10-minute break, I need a 10-minute break. I don't want to be sitting and monitoring breakout-room communications or letting someone telling me the breakout room is not working for 10 minutes. I just think it's too much attention that we're going to be asked to be paying when they could ... We have found that they don't really need that type of an environment set up for them. They're ... We're able to handle anything that we need to without the use of breakout rooms. Jake, do you have anything to add on that? I know you talked about it earlier.

>> Yeah.

>> Do you have ... Oh, I'm sorry. Please, Jake.

>> I would just add that I'm not a big ... I don't employ sequestration in my hearings generally in person, but in virtual hearings, I found that I have more so, and sequestration simply means they're not in the video conference. They're not on that attendee list. Really honestly what's been happening in my virtual hearings ... Cathy, I'm sure you're the same way. We anticipate going to that witness in the afternoon. "So, counsel, give them a heads-up to be ready after 12:30 and maybe at 12:45 or 1 or whatever it is." We will go to that person and ask them to join



the conference. They've been sequestered because they're not part of it, and we would know immediately if they did come in because an attendee would arrive called the witness we're trying to sequester, and we would say off the record, "Ma'am, we're not ready for you. Please leave the conference." We'd all know when they left the conference. They're no longer on the attendee list. So sequestration in a way is almost easier than in an in-person hearing, or in effect, it's analogous. That person is not in the room in an in-person hearing. They're not in the video conference. When you're ready for them, you summon them to the room. You bring them into the video conference, and I would just echo what Cathy says. We have found breakout rooms to add a layer of unnecessary complication. There's really no need for anyone to be in a breakout room. If someone needs to talk to someone else off the record and privately, we're taking a break, and they're going to call them on the phone, and they'll have all the privacy they need.

>> And ...

>> We're ready for the next question, Melanie.

>> One last thing on that is ... Never mind. I just lost my train of thought. Go ahead. Go on to the next question, please.

>> Okay. Well, it's a follow-up, so it'll give you a chance to catch that train again. Isn't the person on the phone put at a disadvantage to review records, especially when asked if they've seen a document?

>> I would say absolutely.

>> Yeah.

>> What I was going to say, and I'll turn to Jake, is that we have ... And you probably will depending on your platform. There may be a limitation on how many participants you can have in a meeting at a given point in time. It may not be possible to have all of the witnesses even if you're going to sequester some in a breakout room. That's another reason for managing who's participating. You're only allowed so many, and it is much easier to manage a hearing if you don't have multiple participants that you don't need at that point in time, but I'm sorry, Jake. I'll turn to you.

>> Yeah. We could just talk about this forever. It just occurred to me too, Cathy, that if someone is in a breakout room not hearing what's going on in the overall conference, they still might be able through screen sharing to see the exhibit. You don't want them reading an exhibit just kind of on their own so lots of problems with breakout rooms and really what we have found for no benefit. It's not useful for sequestration, and it's certainly not something that, as the organizer of the conference, I want to have to worry about. Telephone witnesses, yes, they are ... It's difficult, and it's difficult in any regard, in an in-person hearing, and again,

conceive of a virtual hearing as nothing more than an in-person hearing. Everybody says, "We need to hear from the private psychiatrist, but he's world-renowned, and he can only give us an hour at 6 p.m., and he has to testify by telephone." I've been there. I think we've all been there. This witness can only testify by telephone even in an in-person hearing. So telephone testimony is always difficult. I do think that if ... A, for myself, I would want it to be a technological necessity. The only reason that's happening is because someone doesn't have a webcam-enabled device, and if that's the case, then it is a necessity, and we have to work around that. I would never allow it by choice. I would never say, "Yes, I'll allow it because someone prefers to call in." If they have a webcam-enabled device, I expect them to utilize that device in the environment because you're right. Telephone testimony opens up a whole host of issues, and they are related to exhibits. How is someone on the phone going to access this exhibit? Maybe through screen sharing. They can do that. Maybe they'll have paper exhibits in front of them, but it's just ... It is a complication that I would want to only solve because of necessity and not through any preference, and if it's because of necessity, it has to be done. We have to put together a workaround.

>> Okay. As we come upon the ending time for this webinar, we're hitting the hour. The presenters, again, have agreed graciously to continue to answer questions for us, so for those of you who are signing off, your feedback is very important to us, so please click on the link in the chat box to fill out a brief survey evaluating today's webinar. We would greatly appreciate it, and with that, I'll go back to some of the questions. Do you have in Pennsylvania a standards practice or a manual for the hearing officer to use in conducting a personal hearing?

>> We do not have anything formal. I think we all have our own procedures that we tend to follow. They're always developing. Every case is a little bit different, but we really don't have standard procedures like that, that would really govern. We do share information. We collaborate constantly with each other. Here is what worked. Here is what didn't. So we're always communicating with each other about what's working, but as far as turning to, "Here. You can find this document on the website," we don't have anything like that for virtual hearings.

>> We have experience in using video-conference technology, and we're comfortable with it, but we have only started using it in a wholesale way over the past 4 or 5 weeks, so in that regard, there was really never any reason to put together a very formalized structure of procedures. We've used them in years past, certainly not ubiquitously. Now of course it's the only way to do business, so in effect, we don't have it because we never needed it, and now that we need it, we don't really have the time to put it together, but it's one of the reasons hopefully this webinar is helpful. I would say though if I did ... I wouldn't ... I employ the same hearing practices I do virtually that I do in person. There's really not a whole lot I do differently. I have to manage the environment, but if I'm not managing the environment, I'm managing a

hearing, and I know what my procedures are, and counsel do as well when they have a hearing with me, so that is one of those themes that I would sound. Consider this to be a hearing. How do you run your hearings? You'll do it by and large the same way virtually that you will in person. Use those procedures and just be ready to troubleshoot as you need to in terms of the technology and the video-conference platform.

>> Okay. Would you recommend allowing the attorneys to control the presentation of exhibits during their questioning? What is the major concern with attorneys screen sharing their own exhibits?

>> I think there are a number of concerns. First of all, I don't want to give up the presenter role. If I turn the presenter role over to someone else, now they are controlling the entire environment. I am not. I think there's a lot more concern with access navigating documents. How comfortable is the attorney with navigating the documents and sharing the screen, for example? This is something that we have all begun to do, and we're practiced at it. We have a better comfort level with that. I just ... I think there are a lot of better ways than having to give up the presentation role to somebody else and then that we no longer have control over what's being seen and what's not being seen. Jake, do you have anything to elaborate on that?

>> No, I would just echo everything you just said. I'm ... There's no reason for anyone else to be displaying something to a witness that can't be done through me, and so the follow-on to that is, why ... Tell me what I need to put in front of the witness, and I'll do that, or we'll get it in front of the witness the way we need to, but in terms of this environment, I actually think that, in a sense, I wouldn't turn to someone in a live hearing and say, "Counsel, why don't you kind of run the show here for a couple minutes?" I wouldn't do that in a live hearing, and I'm not going to do it in a virtual hearing.

>> You had mentioned that recording hearings proved to be a technological challenge, and therefore you always have a court reporter create the record. As we're recording today's webinar and will be made public, how is that different than a recorded hearing?

>> Well, it's not so much different, and certainly it can be done. I would actually urge anyone who's considering it to experiment with the recording function. What we found was ... And this webinar is an example. It will be recorded, and it would be made available, but my sense is that the file itself will be megabytes and megabytes and megabytes large. It will be a huge audio file. It can certainly be saved, and it can be put on a server, and it can be accessed, but it takes up a huge amount of memory, and this would only be, say, about 2 hours, and a virtual-hearing session could last twice as long or three times as long, even one session. So what we found was, it's not even a matter of being an impediment. It's just preference. We found when we recorded 5 minutes of audio and saved that file to our computer, we were astounded by how big it was, and it was only 5 minutes, so I don't think it's a matter of being an impossibility, but I

would encourage people to do a little experiment with that function, record it, save it, download it and then see how they feel about it and then multiply it by the amount of time you would use for a virtual-hearing session. For us, it just became something that we weren't really interested in doing, putting that much space in terms of saving it. It can certainly be done, and you may have that space available or even technical staff that could help you with that. There'd be nothing stopping you from recording a virtual-hearing session, and we didn't mean to imply that you shouldn't or can't. It's just that we ... It's something that we moved away from because the size of a 5-minute file shocked us quite honestly.

>> Mm-hmm.

>> And the ... I can't even imagine, Cathy, what the size of a 6-hour virtual hearing would look like and ...

>> I can't either.

>> ... who would save that and how would it be archived and things like that, but there's certainly nothing to stop anyone from doing that. CADRE is going to do that here. They're going to make it available on their server and manipulate that file the way they see fit, and that's fine. You could do the same thing with a hearing session. But I'll tell you, you start getting in some pretty big files with a two or three or four-session hearing, each of those sessions 3 or 4 or 5 or 6 hours. You're going to be talking about really huge files to be saved and archived and stored somewhere.

>> Okay. Let's go to some prehearing-conference questions. How much planning do you do in the prehearing conference such as with attorneys and witnesses regarding their tech access or skills?

>> What I've been doing is scheduling a conference call with the attorneys or represented parties if that's the case at least a few weeks prior to the scheduled hearing session if it looks likely to go, doesn't look likely to be resolved. I'll schedule a conference call. I go through a number of basics about how ... what's different between this type of hearing environment and a live hearing environment. Here is what's going to be needed. They ask me questions. In many cases, they want to do a quick test session, so I set up a test session with the attorneys, so that's worked out well, so they know when they're logging on what it's going to look like. The first day of the hearing session, every hearing session actually before going on the record, sometimes there are different participants that weren't there before even if it isn't our first session. We'll kind of do a little bit of a practice and sort of a reminder of different things, different features, answering any questions that anybody has, making sure that there are no connection difficulties. It does take a good deal of planning. The conference calls that I've been having a rather lengthy, but I think, in the end, they're very beneficial, and people have a better idea of what to expect. By the second hearing session, everybody is, "This is good. Let's go. Let's

do the next session. Let's do the next session," and they're getting more comfortable and more familiar. Again, planning for as much as you can and just being prepared that you're not going to be able to foresee everything. Jake, do you have a little bit of a better different view on that?

>> No. As our colleagues ... We've all here in Pennsylvania shared experiences. We've all moved to a place now where a prehearing conference call with counsel is almost a necessity. We do that now on every case with virtual hearings about the virtual-hearing environment to prepare people, answer questions. Sometimes, they're comfortable with that alone. Sometimes, they want to check it out, and we do a quick, like Cathy said, kind of a test session, and we'll go into the environment, and they can see it, and we can answer their questions, but they're actually experiencing what you're all experiencing now. "There I am. Can I hear? Can I see?" We can certainly even share an exhibit so they can see what screen sharing is like. I would just pick a document off my desktop to share with them, but the point of the matter is, all of our colleagues have shared with us that somewhat detailed prehearing conference calls are now part of all of our practice to get people up to speed at least before the first session, and then, as Cathy said, it kind of takes on some legs. Once people know how this operates and what to expect, you're in a hearing, and the environment fades into the background in terms of being an issue, but prehearing conference calls are something that everyone needs to plan for, and to not hold a prehearing conference call that gives people the detail and the comfort level is really to invite kind of a disastrous first session.

>> Do you hold your prehearing conferences virtually or just by telephone, and if so, why? What are the advantages?

>> I usually do them by conference call just because that's been my practice. Prehearing conference calls are almost always by conference call, but sometimes they're indicating to me they'd rather do a test session. If they want to do a test session instead, we'll have our ... We'll do it by video conference. It's certainly a good way of letting them get comfortable with the environment a little bit, see what it is, so I'm not just telling them, "You'll see an attendee list." They're seeing what the attendee list looks like, so I'm finding that it depends. Sometimes, conference calls are easier to schedule, especially if the hearing is right around the corner, and something has come up just because people aren't always sitting in front of a device with a camera that's going to be what they'll be using during the hearing.

>> Do hearing officers in Pennsylvania limit the time for a virtual hearing as part of a prehearing order?

>> We have generally employed prior to the pandemic time allotments for witnesses' testimony, and we have found that to be very effective in promoting the efficiency of hearing processes. Depending on who the witness is and what they need to cover, that allotment can vary. I think our default kind of by group consensus is 2 hours per witness. That is 60 minutes of

questioning time for each attorney or each side. Sometimes, everyone agrees, oh, this person is a regular-ed teacher, and they won't need that much time, and we might only do 30 minutes each, an hour, or even 20 minutes each, 40 minutes total. Sometimes, people say, "Oh, the school psychologist, we need to do 3 hours here, 90 minutes each," so we do use those kinds of time allotments. In the virtual-hearing environment, initially we were not using them because things go a little slower, and people have things to get used to, and it's a little bit more intricate, and so we didn't want that hanging over people's heads, and we did not use time allotments. As we become more comfortable and we start to realize, "Boy, when you don't use time allotments, people just tend to go on and on and on and on," we've been slowly bringing them into virtual-hearing environments with a lot of suppleness and flexibility. There are no hard and fast limits. None of us are cutting off a witness or an attorney in their questioning, but I think any time allotment does help frame an examination, and as we move deeper into virtual-hearing experiences, I think more and more of us are bringing time allotments into the virtual-hearing examination. But flexibility is the key, and even when we use time allotments here in the commonwealth, no one ever gets cut off. It's not a hard limit. It's just a way to frame expectations. We found the framing of expectations to be very effective, by the way, in terms of efficient examinations, so the purpose is served. But I think the answer to the question is, we weren't using time allotments in the beginning of the virtual-hearing experience, but now a couple weeks in, we're moving towards reinstating them, and it wouldn't surprise me in another couple weeks if you ask that question, the answer would be, oh, yes, we're all employing time allotments for witnesses' testimony. I think that's where we're heading. Cathy, would you agree?

>> I would agree, yes, definitely with everything you said.

>> I did notice there are a couple people who have their hands up to ask questions, and we're taking questions through the question box, so if you have a question, please put it in the question box, and I will get to it. Just a follow-up question to your conversation about limiting time, how long was your average hearing in person, and how much time would you expect that the same hearing would take by video conference?

>> That's a very good question. I will say, before a ordinary hearing session, live hearing session, I would usually start around 9 o'clock. We would go until 5, 5:30 most of the time so an 8-hour day. We could probably get a number of witnesses in even with a few breaks. With the virtual hearings because there are a lot of interruptions ... The court reporter might be needing things to be repeated. People couldn't hear. Someone needs to go take care of a family member, so we're taking a lot more breaks. I have had several sessions where we've only gotten through one witness in 5 or 6 hours because there were so many interruptions. Power goes out. People face challenges at home that they need to deal with. I don't think we can say ... I would say probably at least twice as long. It's hard to say. It's going to depend on ... Every day is different,

but definitely you have to plan for more sessions than we're used to having, fewer witnesses per session and just recognize that we may need many, many, many more than anyone anticipated just to get all of the testimony in. Jake, I don't know if you've had a different experience.

>> I haven't. The answer is longer. It's going to be longer, and as Cathy said, that's really rooted in the fact that the examinations aren't as clean or as efficient, and you're taking a lot more breaks quite honestly. If you engage in a virtual hearing ... If you already have, you know this, and if you haven't, you will find it. It is tiring in a way that a live hearing is not, and that's for every participant, the lawyers, the hearing officer, the parent or the LEA rep who's there all the day. The witnesses ... But my goodness, it is a very tiring experience, so it's going to take longer. I do think, kind of piggybacking on the last question, that's why we're maybe moving towards reinstating or at least bringing back into our practice some sense of allotments and time allotments for witnesses' testimony because that maybe counteracts that. Let's move through this witness, counselor, because we want to keep this moving forward efficiently, but it is going to take a lot longer than it normally does, and I would probably add ... If I would gauge a hearing at two live sessions, I'm going to do at least three on my calendar for a virtual hearing and maybe even a fourth. I can always take them off, but it's going to take a lot longer, but of course the alternative is, we're not having a hearing until social-distancing guidelines are eased, and stay-at-home orders are lifted, and in some states, you're going to be talking about months and months from now. It's untenable, so we have to move forward even if it's much more slowly than we would hope, but be prepared for longer sessions, less efficiency, more breaks and more sessions than a normal in-person hearing would take.

>> There are a few questions about interpreters. What kinds of problems should be anticipated with interpreters such as the delays while the parent and the interpreter discuss the question being asked or answered?

>> Well, interpreters are difficult. They add intricacy to any hearing process in person as well. There are a lot of layers to this, but by and large, I would say that, in rather a comforting way, this is less about what the hearing officer wants than about how the interpreter needs to do his or her job, and the court reporter is getting what he or she needs. What I mean by that is, is the interpreter talented enough to be doing contemporaneous interpretation literally a second or two after the native speaker is testifying, or are they chunking that? The native speaker is going to go on for 3 or 4 or 5 or 10 seconds, and then the interpreter is going to kind of grab that and bring it forward. That's going to affect the pace of the interpretation. At the same time, the court reporter needs to be getting what he or she needs to get, and it could be ... I could easily see in a virtual-hearing environment especially that contemporaneous interpretation would be problematic. Two people are talking in this environment at once, and the court reporter needs to be focused on one of them. Unless you have a supremely talented court reporter, I would

bet that that person is going to say, "I can't do this," so how do you do it? And I had previewed this earlier with someone, actually one of our colleagues. Hearing Officer Jim Gerl had an interpreter in one of his virtual-hearing sessions, and it came off, but I would actually do a little practice. I would ... Before we went on the record, I would ask the interpreter what he or she needs, and then I would probably engage in a little practice dialogue asking that person to interpret my questions to the witness, ask the witness to answer them, maybe innocuous questions, certainly nothing related to the case, but figure out that dynamic and that little dance between the interpreter and the court reporter because that's really ... As I hear the question, that's going to be the crux of the issue. How can the interpreter do what the interpreter needs to do in a way that the court reporter can get into the transcript what he or she needs? And I think the only way to really figure that out is to do a little practice before you go on the record. See what's working. See what's not. Interpreter says, "This is how I can do it or how I'm going to do it and whether I can or can't change things." Court reporter is going to say, "I'm getting what I need," or, "I'm not," and you're just going to have to figure that out. But it will be more challenging than interpretation in a live hearing, and you want to talk about expanding an examination. I would say, "Let's start at 9 a.m. with that witness, and let's not plan for anybody else that day," and almost make that a one-witness session because it will probably be so intricate and complicated. I think you'll get there. I think those rhythms can be figured out, but it's going to have to be figured out in a very context-specific way. Cathy, would you have a different view or add anything?

>> No, I don't think so. I think it's definitely going to depend on the interpreter that you have that day, and that might not be the same one you have the next time, so again, yeah, practicing and testing is probably going to be the key.

>> Yeah. Anytime I've worked with an interpreter in a live hearing, the court reporter just has a very specific way often that they want to handle that interpretation practice in terms of how they're getting it into the record, so that's why that person is so important, and then the interpreter needs to interpret. I can't tell someone how to interpret, so they really need to figure out what that rhythm and dance is going to look like.

>> And as a follow-up, are there any specific certifications or skill-level requirements or interpreters or translators in the virtual hearings? Are they the same as an in-person hearing regardless of locations of witnesses and availability of the services?

>> That's a good question. We do try to get certified interpreters where possible. That's not always possible. I think, in these days, we have to be a little bit creative, find out what's going to work best for everyone. I have in the past used noncertified interpreters with the person who need the interpretation services agreement. I think it's going to depend. I do think though that we all realize that we need to be a little bit creative and think outside the box these days, so I



think a lot of any hard and fast rules that we have may not necessarily be the best to be using right now. Jake?

>> I would agree, and kind of a larger point there, Cathy, that comes into my mind, and that is, oftentimes people will say, "Well, I think you're denying me due process," or, "I don't think this is the right way to go about this," and I'm talking about an in-person hearing. I think any tribunal that's going to look at a due-process hearing session is going to be very, very kind and understanding what that hearing officer or ALJ needed to do to create that record, bring that evidence in and do what he or she needed to do to provide what's needed for the administrative decision. In that regard, I think we do the best we can. We make reasonable decisions, but just as you would in a live hearing, run a good virtual hearing session, but I think that anyone ... And I'm talking here about counsel, quite honestly, counsel that would kind of object that this is not workable. Yeah, there are lots of things 3 months ago were workable and no longer are, and we're just all trying to do the best we can. I think everyone understands that in this process, and anyone asked to look at our process later or from the outside, especially courts, which are closed and facing the same struggles we are, will understand what we're trying to do and, as I say, be very kind to understanding what a hearing officer or ALJ is doing.

>> If someone is English second language, are screen-sharing documentations translated to the client only or provided in both languages for screen review?

>> Wow. This is kind of ... This is like a law-school examination quiz kind of [INAUDIBLE]. I honestly don't know what I would do in that circumstance. It's a great question. It's a great question. How can a nonnative speaker of English access a document perhaps in a native language at the same time we're all looking at the document in English in this example? That's one to share on the bulletin board. When you find out, Melanie, post that answer because ...

>> [INAUDIBLE].

>> ... personally I don't have any ... I would have to think about that and really have to wrangle with that to figure out a solution. Cathy, I don't know if you have anything off the top of your head.

>> I would just say I think that would take a lot of planning. That's, again, why the prehearing planning is so important that we're going to have to troubleshoot that before the first hearing session and figure out possible options for ensuring that that person has access in the native language. I don't really have a good answer for that either, but I will think ... I'll be thinking about that for the rest of the day, I think.

>> And it's called a nightmare, Cathy. Tonight, you wake up in a cold sweat. That's called a nightmare.

>> Was a follow-up question to that: Is it possible to display two documents at the same time with screen sharing? And the answer is, anything that you have on your screen you can show, so if you can display two documents on your screen ... Jake, Cathy, do you have anything to add to that?

>> No. I think that's a great point, and that would be where the dexterity of the organizer, in this case, the hearing officer or an assistant from that other question, but whoever is running this environment, the more technologically dexterous they are, the better, and you're right. Is there a way to put up two PDF documents side by side on a screen, not a video-conference screen but on a computer screen? The answer to that has got to be yes. I've never done it, but here we are kind of talking our way to a solution. If that can be done, then you have the native-language document on the left, the English-language document on the right, and you move through each as you might need to.

>> I would say, I do know that you can do it. I think one concern that I would have or one caution I think I would make is to make sure whoever is accessing or watching the hearing proceeding try not to do it on a small screen such as their iPhone. They're not going to be able to really read a document if they're not using ... I'm not suggesting everyone has to have a big monitor, but the smaller the screen, the more difficult I think it would be to show multiple documents. I know Hearing Officer Ford is very good at that. We can probably get some more expertise from him on that.

>> That's right.

>> Regarding platforms, has the Office of Dispute Resolution in Pennsylvania vetted platforms related to security?

>> Jake, I think you ... I don't know whether you talked about this earlier or not. In the pilot, we did a lot of investigation before we settled on GoToMeeting. Security was a key factor in what we decided to go with, what was available. We tested out a variety of platforms, and again, the security was our number one concern, so we did seriously do some investigation before we finally decided on GoToMeeting. Do you recall any more detail about that, Jake?

>> The only thing that I recall is that we did investigate a number of platforms, and there were a number to choose from, but we brought in our ... the technical arm at ODR and our technologists, our technology and IT support people to vet them and to kind of take a look at the internal technological security features so that we could say that someone who knows what they're talking about has assured us that the technology is secure. We selected GoToMeeting, but there were other platforms that had the same level of security, but I certainly would not hesitate to ask someone from IT or from the technology side of your organization to look at the documentation which is available. I don't understand it. Cathy, you don't, I'm sure. But we don't understand what they're telling us, but when they say, "256-bit encryption," and then go on to

tell us that, at the time and I think now, this is the highest available commercial-grade security in terms of the signal and the environment, et cetera, that we can then, and we have, told participants that this as secure as you can get outside of kind of military and other web-based platforms. Now companies do business and do deals over these kind of platforms, so we certainly feel comfortable taking the testimony of the special-ed teacher, but we did investigate that, and we had technology at our elbow as we did that so that those guys could let us know, "Yep, you'll be safe here," and not have the signal intercepted or the transmission kind of hacked.

>> What obligation does the LEA have to ensure parents have the proper technology for a virtual hearing?

>> Well, it's a good question. I don't ... I guess I would ... The first thing I think of is, I don't know that the LEA absorbs necessarily an obligation. In Pennsylvania, they don't. In IDEA and in our Pennsylvania state regs, the LEA has a lot of control about how the hearing takes place, and quite honestly, the Office of Dispute Resolution steps into that role for the LEAs, so when you say the LEA's obligation, I would want to make sure that the question presupposes that the LEA itself is going to run the hearing and not some state-level office or some other administrative arm because, in our situation, ODR, and that is our hearing-officer duties offered through ODR, is going to offer this service, and if someone says, "I don't have a webcam. I don't have a device. I can't do this virtual hearing," then the question becomes, can we use telephone access, or is that too difficult? And if the answer is, that's too difficult, then we're going to be talking about continuing the hearing. In this environment, there's no way to move forward in a way that doesn't encompass webcam access. This process is centered on webcam access, and the question is, does the LEA have to provide it? I think that's a state-by-state determination. Certainly ODR doesn't provide it, but I think, at that point, whoever might be requesting it has to recognize that the fact that you don't have webcam-enabled devices and can't participate by telephone because we're not saying you can't participate in the hearing. You can participate by telephone, and we have to figure that out. If you have a telephone, you can be involved in this hearing process. So I don't think you're denying anyone access by not providing them, shipping a laptop with a webcam. If they have a telephone, they can be part of the process. If they have to testify by telephone, they can do that. We just have a lot more questions to answer, but I wouldn't let some kind of ... Personally I would not let some kind of objection, "My client doesn't have a webcam. You need to give her a laptop" ... I would say, "Well, boy, that's going to present some complications. Let's talk about how she testifies by telephone." That would be my answer. Specifically in my example and kind of generally, I would explicate that to, we're talking about telephone participation at that point, not, "How do you get my client a webcam?" Cathy, I don't know how you would view that kind of due-process objection.

>> I think I would handle it the same way, Jake. I think we've seen with all the schools providing distanced learning these days how many people still do not have technology, and that's something we have to be cognizant of and do our best to work around. Some cases just may not be able to proceed right now. I think that has to be on a case-by-case basis. That's ... These are all very good questions.

>> Yeah. For example, I have a hearing where a parent is represented by doesn't have a webcam-enabled device, so counsel didn't request that we provide one to her, but immediately the conversation for me in terms of prehearing planning shifted to, "Okay. Well, Mom will testify by telephone in the video-conference environment. We'll all be on camera, but we can hear her. Counsel, how are you going to get exhibits to Mom? How are you going to get paper exhibits to Mom so that she can have those available to her?" If counsel had said, "My client needs a webcam," I would say, "That's one solution, but it's not the solution we're going to talk about. We're going to talk about her testifying by telephone and how we're going to get her paper exhibits." It is far from preferable, but I got enough difficulty running virtual hearings. I don't have ... The constitutional right to a laptop is not something that I'm really ready to wrap my arm around, wrap my heads around.

>> This is a combined question. You've presented us with a good picture of what's possible via remote technology. However, if you've never done a remote hearing, how do you get adept at it before you conduct the first one? For those of us who are not experienced with technology, what do you recommend to get used to all this technology and incorporate it in a hearing? And then finally what kind of training did you have in order to effectively use GoToWebinar or GoToMeeting in a hearing?

>> I'll answer the last question first. We did not have any formal training although most platforms do offer training sessions that you could take advantage of. My biggest suggestion would be to practice. Conduct test sessions with family members, with colleagues, with anyone who will join you in a virtual session. Practice doing whatever it is you're going to be doing. Practice. Write out your script. What are the extra things you're going to have to say that you don't do in a live hearing? Do a couple practice sessions. See what glitches might come up. How are you going to handle it if the web ... if someone says, "Wait a minute. I don't see the webcams anymore. What do I do?" Help ... The hearing officer is the one who has to help work through that. Sometimes, problems just aren't solvable, but the more you know, the more familiarity you have with the platform ... Again, practicing with family members, I've done that. Just the first time I tried screen sharing, I didn't want to do it for the first time in a hearing, so I did a test sesh with my husband, and he showed me what he was seeing on his laptop. You can do that kind of thing, and I would encourage you to do it as much as you possibly can. Share ideas with colleagues. Collaborate with each other. My colleagues have been invaluable to me in navigating through what we're dealing with now. They have thoughts and ideas that I would

never have come up with on my own. I just think we're all in this together as we keep hearing [INAUDIBLE] said, and we have to just recognize that there are going to be some limitations. I think, in general, participants are much more understanding of glitches and of the answer to a question being, "I don't know. Let's see if we can figure that out." I think people are a lot more understanding of that being the case these days because we're all facing things that we've never faced before. Jake, anything further from you on that question, that set of questions?

>> I would say, don't be scared of the environments. I will say, this is the business they're in. And if you've never gone into one of these as the organizer, you will find that it's really not any different than being an attendee. It really isn't. You want to practice and be comfortable in it, but everybody can see the webcams between the attendee panel and some other things. The buttons are big. The icons are easy to understand. Really honestly don't be scared of it. I think, especially with some practice, if you go in, after 10 minutes, 15 minutes, 20 minutes, you start to see I'm a little bit comfortable here. You do that once or twice or three times, and all of a sudden, being the organizer of this environment is not daunting at all. It doesn't necessarily mean that you're going to be a GoToMeeting or a WebEx or a Zoom expert, but I think you'll be surprised with a little bit of practice how quickly you become comfortable as the organizer on one of these conferences. For example, screen sharing is just clicking on the screen icon, so you bring up the PDF of Parent Exhibit 4 on your computer just like you would read it on the screen. You click the icon for the computer screen that's right there, and all of a sudden, everybody can see P4. It's really that simple. It's not complicated at all. It's just a matter of comfort, and comfort comes with a little bit of practice, but I will say a little bit of practice. I don't think, Cathy, this takes hours and hours to master.

>> Oh, no, I don't either.

>> No. You do a good two, say, three sessions, 10, 20, 30 minutes at the most each. Practice with colleagues, friends, whoever you might bring into your orbit. You'll be ready to roll really quite honestly.

>> Would it be possible to get a sample of the hearing-officer instructions pertinent to virtual hearings presented at the start of the hearing?

>> I guess we could eventually type them up, Cathy. Would it be possible? Perhaps. It's just something that, as I say, we are developing that session by session, and one of our colleagues will shoot an e-mail to us that says, "Hey. Had a virtual-hearing session today. This worked really well," and all of a sudden, it becomes something we're all employing, but it is really organic at this time. It's developing for us even as users. So can we? Perhaps, and we certainly could make that available through CADRE or other channels, but it's not something we have now.

>> Well, if it becomes something that you do get developed, CADRE will happily disseminate it, so thank you. Just some final questions here on communication. If e-mail communication has been used, have you asked counsel or clients to disclose at the beginning of the hearing?

>> Can I have ... Could you repeat that question? I'm sorry. I think I missed the end of it.

>> Sure. It says, "If e-mail communication is used, have you asked counsel's clients to disclose at the beginning of the hearing?"

>> I'm not sure I understand the question.

>> If the questioner is still on, they can add clarification the bottom. I'll move on the next question. How are exhibits transmitted confidentially to the hearing officer, and how do you ask them to be labeled and organized? Are there any concerns about the hearing officer having access to exhibits that are not admitted as the hearing officer is not to be reviewing information that has not been admitted into the hearing record?

>> We do have standard practice for what ... how exhibits are labeled. We use Dropbox as the file-sharing system, and we would share the folders with counsel. We control what kind of access the attorneys and/or unrepresented parties have to the exhibits. Some can edit and add folders, add files to one folder and not another. They can only view the other folder. We are required to ... Even if an exhibit is excluded, we still provide it to ODR, and it goes up to the court on appeal as an unadmitted exhibit, so I'm not going to be reviewing it, but the parties may want to argue to the court, "The hearing officer erred by excluding this exhibit." The court has it there, so it's not necessarily that we're going to be reviewing exhibits that are not admitted because we're not, but it is still made part of the record, so that's why we would have them anyway. We would have access to them anyway, but I wouldn't read them. Did that cover everything, Jake?

>> Yeah. In terms of our labeling, we ask every ... We use PDFs, PDF documents, label it with the exhibit, P1, P2, P3, LEA1, LEA2, LEA3, whatever it might be, and then in the title of the document to give us some sense of what's contained there, so it just doesn't say S1. It says S1 Evaluation Report December 10, 2018. That's going to be really helpful, especially as you move back and forth between documents. You might not remember what S1 is, but you remember the December 2018 evaluation report. So we do use kind of a common labeling system. We ask counsel for the exhibit number and then some identifying, short, but some identifying market in the title of the PDF. Those are all uploaded to, in our case, Dropbox, but any cloud-based file-sharing system. We do ask for them to be uploaded all at once, so I think ... Yes, I could read all 30 parent exhibits if I wanted to even though only six have been admitted, but let me tell you what I'm not going to do because I don't have time and quite honestly interest in reading the other 24. At the end of our hearings, we document on the record I have the following parent exhibits in the record, and we will list what those six are. When counsel and we all agree that

those are the exhibits of record and the LEA exhibits the same way, in a live hearing, we would return the other exhibits to counsel, so we only keep those exhibits of record with us. In a virtual hearing, what I do ... And, Cathy, I don't know what you do, but I tell them that I'm going to only review those six exhibits of record, and all the other exhibits will be deleted from the Dropbox folder, but they should actually get a notification of that because I make changes in the shared folder. So I think the fear that we will look at nonadmitted exhibits is overstated in the first place, and in the second place, just as in a live hearing, I'm not making them accessible to myself anyway. I'm deleting those 24 parent exhibits that didn't come into the record. So that is rather systematic across our practice here in Pennsylvania, but it's really nothing ... As I say, it's really nothing different than we do in a live hearing. It just is all happening electronically rather than in person and on paper.

>> Do the parents and counsels inform all in advance if they have Outlook open as their form of communicating?

>> For my purposes, as long as someone is not a witness testifying under oath at that time, you can be playing a video game on your computer. I'm ... If counsel and their client want to have the e-mail open and be e-mailing back and forth or texting back and forth, again, we made that point in the slides presentation. I don't think that bothers any of us. That can't be happening with the witness. The witness only has what's available to them by what we've decided: paper exhibits, electronic exhibits, screen sharing. They have nothing else available to them, and they're not communicating with anyone. So really there's a bright line. There's the witness and what they have available to them, and there's everybody else, and in terms of everybody else, what counsel and nonwitnesses are doing, as long as it's not disrupting the hearing environment, to me, it's really not that much of a concern. But a witness clearly can't be communicating at any time with anyone while they're testifying. So the question really in my mind is, can that be happening between an attorney and a client that's not under oath? Sure. Why not? You guys use your time and resources the way you want. It's that witness that I'm focused on, and that person can't be communicating, and as Cathy said in kind of our instructions, do you have any ... That may be a great instruction. Do you have any communication device open on your computer, e-mail, messaging software or anything like that? Under oath, the answer, no. Maintain that posture. You're not to be communicating with anyone outside of this video conference in terms of answering the attorney's questions. Do you understand? Et cetera, et cetera.

>> Sort of a follow-up question to that: Has texting between counsel and client by cell phone been a problem?

>> I have found our doing that very efficiently and very effectively. People were used to testing. I think that's how most of them are doing it in my hearings. I assumed ... I don't have a problem with doing that. Probably easier to do that than to have an e-mail program open on the

computer and then be distracted from what the actual ... from the witness testifying by looking at something else on the computer. I do tell people, "I'm going to ask that you keep communication to a minimum to what is necessary, and I do ask that you not be performing tasks unrelated to the hearing while we're on the record," but I can't really police that or monitor that. I'm hoping if they're participating, they're there, so they're going to pay attention.

>> Yeah. Again, to kind of revisit that analogy of a live hearing, we've all as hearing officers had the experience of a client sitting at an attorney's elbow and constantly, constantly writing little Post-it notes and slapping them down in front of their attorney literally almost with every question and answer, and you can see sometimes the exasperation on the attorney's face, "I'm trying to concentrate on an examination here. I don't need this constant flow of little notes." Same thing in a virtual hearing, clients can text away to their attorney, and my sense is the attorney is going to be thinking in the back of her mind, "I wish they would stop texting me so that I can focus on examining the witness." But again, as Cathy said, for me, same thing, as long as you're not under oath, you can communicate in any way that's not interfering with the virtual-hearing examination process.

>> Have you received request for in-person hearing after a virtual hearing, especially if decision is not perceived as favorable to anyone or person? Have you had to postpone any hearing until ... It's worded strangely. Hold on. Have you had to postpone any hearing until they can be held in person because a party is not willing to have a video hearing?

>> We are kind of going through that scheduling dance every day here in Pennsylvania. We ... There's a lot of factors involved in that. For a while, of course, everything was frozen. Nobody was doing anything. Gradually we moved to this virtual-hearing posture, and so we're now moving forward with virtual hearings, but there are parties that are objecting, "I don't want to move forward with a virtual hearing." I think we're all honoring that to the extent it's a joint request. Both parties say, "No, we want to wait." Well, I think we're honoring that. I think we're being very clear that we make no representation as to when an in-person hearing can take place. We may be talking about ... Well, we're certainly talking about months, and how many months, and will school even resume before we can get together in person? That all has to be very clearly laid out and agreed to in my mind. In other words, I don't want to in August or September even be talking to a party that's been saying, "Well, why haven't I held my meeting?" And the answer is, "We can't. You chose not to." At some point, we'll be able to re-engage in in-person hearings, but no one can figure that out now, but I'm not forcing people into virtual hearings at this point. That time may come. I don't know what the future holds and honestly what children will require in terms of their education, but if I felt it was necessary, I wouldn't hesitate to do that. But I don't think ... I'm not doing it. Cathy, I don't think any of our colleagues are doing that. One thing that's starting to grow in my mind as a concern is, we're already moving into May, and 2 more months is July. Three more months is August. If school



reconvenes, we're not that far away from it, and there will be children who have been outside of in-person instruction with IEPs that at that point will be a couple months old. At some point, I actually do think that moving to virtual hearings might become a necessity just because of the way societal events are unfolding. But a joint request for an in-person hearing, I am now ... I am granting that. You want to wait for your hearing. I'll wait with you, but it's not my idea because I want to hold these hearings and get decisions out for these children. Cathy, I don't know what your views are.

>> I think I'm handling it the same way. I would say the one exception is, I did have a discipline hearing that I was assigned in mid-March right before this all happened, and as we know, we are not able to extend the timelines for expedited disciplinary cases, so I immediately held a conference call. Fortunately, both parties were represented, and the LEA did not want to move forward for very good reasons: launching their online learning platform, trying to deal with personal circumstances around the pandemic. And I said, "Okay. Look, I need to have this record concluded within 20 school days. How are you going to accomplish that if we're not going to hold a personal hearing?" And fortunately in that case because it was a very difficult time for everyone, the parent withdrew the complaint and is going to refile if and when the time comes that disciplinary placement is actually going to mean something. But I do think we're going to have to ... I am encouraging everyone. How are we going to move forward? The IDEA timelines have not been suspended. How are we going to ensure that we're not letting this case sit and sit and sit? So I'm welcoming joint requests or thoughts that anybody has.

>> Yeah. And I would say too that a fear we all have here in Pennsylvania at least, but everyone does, everyone is content to wait, but if the school year starts up again and these children head back to school, there will be people saying, "Johnny needs an IEP, and we're not happy with it, and it's been 6 months since he's been in school," and all of a sudden, my fear is that everyone is going to want a hearing all at once, and people have been content to push it back, push it back. Let's wait. Let's wait. And that's where I really sometimes think that you may not like a virtual hearing, but in certain circumstances or if I feel the need, we may be holding one quite honestly even over objection, but there would be reasons for that, and I'd be very clear about those reasons. I would also say that the glass half full ... That's all the glass half empty. The glass half full is, as we do this more and word starts to get around in the bar here in Pennsylvania that it works ... It's not perfect, and it's not even preferable perhaps, but it works. We're seeing more people willing to move forward with virtual-hearing sessions, so it's gaining momentum of its own because everybody wants these hearings, so that's the glass half full. Start doing it. People see that it can be effective, and you'll get virtual hearings kind of taking on a life of their own.

>> So I'm going to check in with you, Jake and Cathy. We have five more questions. Are you good to continue or keep going?

>> I think so.

>> Okay.

>> Luckily you're working with two virtual-hearing nerds.

>> Okay. Well, I think that people are hungry for information, so this is great. Thank you. How are exhibits entered into evidence? Does the hearing officer certify the electronic record that is used to share the exhibit screen?

>> Well, in Pennsylvania, the hearing officer maintains the record during the course of the hearing, so we literally establish a Dropbox folder and manage that in the case of electronic exhibits. We'd lug around three-ring binders in the case of paper exhibits prior to the pandemic. Once the case is concluded, on the record, again, we go over the exhibits of record so that you can look at the end of any transcript of a Pennsylvania hearing and see we have listed all the exhibits of record in counsel for both parties, or both parties agree, "Yep. Those are the exhibits of record." If there's any dispute or problem, we take care of it right there. So when we conclude a hearing session in person or otherwise, we know what the exhibits of record are, and we're prepared to use them in writing the decision. After our hearing is concluded and the decision is issued, we are responsible as hearing officers to provide those exhibits to ODR as the exhibits of record. ODR hasn't seen them. Our office hasn't seen them until that point, and we provide the exhibits of record. If it's electronic, we open up a new folder and share that with the case manager at ODR. If they're paper exhibits, we mail them back, but we don't certify a record ourselves. Our office may certify it upon appeal, but that's because they received it from us. Our process is very hands-on and hearing officer directed, so for a lot of you out there, it may not be your process. There may be a lot more kind of complexity involved in your procedures and your offices and how things need to flow from the hearing to kind of a final resting place after the decision has been issued, but for us, we quarterback that whole process, and our case managers will often say, "Hey. The exhibits in this case are due. Actually, they're overdue, and they were due in our office a week ago. Can you get those to us?" And we will. But that's our process. It's kind of hard to answer the question without knowing every state's individual process, but I think, in the virtual-hearing environment as we conceive of it, the hearing officer is central not only in the hearing itself but in managing the exhibits, saving the exhibits, having the exhibits and then at the end of the hearing providing the exhibits to whoever needs to get them as the case record.

>> And how do you deal with evidence admissions? Along the same line, do you hold a separate hearing, and what about rebuttal evidence?

>> I think that goes on a case-by-case basis. Each of the hearing officers has their own style and preference for how they admit exhibits. I typically, like Jake said, do it at the last hearing session. If for some reason we can't do it that way, I might schedule a conference call or a

GoToMeeting session separately maybe the next day or whatever. We can coordinate schedules to get that to work out. So rebuttal evidence is something people always tend to say, "I reserve the right to call rebuttal witnesses," and I always say, "You can reserve the right to request to call rebuttal witnesses, but it's not a right." It's going to be case-dependent. What is the rebuttal proposal and why? What's your offer of proof? Is there an objection, that kind of thing? That's just handled as in the ordinary course of the hearing as we go anyway.

>> And honestly I excuse witnesses when they're done, and I let counsel know very clearly that I hardly ever see the need for rebuttal. We have listened to this witness for probably at least 2 hours, maybe more, and everyone prepared for that, and everyone had lots of questions, and they were asked, and they were answered, and I really can't see that there's this dire need to bring that person back to answer more questions. Everyone had their opportunity to ask questions. We concluded that examination, and in fact, I ended it with, "Do you have any more questions?" And the answer is always, "No. I'm done. I'm finished. That's all I have," and to me, that's the answer to the question, "Yep. That's all we need," and I do not ... If someone said to me, "I need to recall that witness. We need a virtual-hearing session to recall a witness for rebuttal," I would not hold out much hope for that person having that request granted, but that's just me.

>> I can't disagree there.

>> What do you think of having the hearing officer, attorneys and their clients and the court reporter being in one place and calling in the witnesses? Think this is a post-COVID-19 question, but you have any thoughts on that structure?

>> Could you lay that structure out again, Melanie?

>> Sure. Having the hearing officer, the attorneys and their clients and the court reporter being in one place and calling in the other witnesses as in virtually.

>> Is it telephone testimony, you mean, or GoToMeeting testimony? I think we've all done that in Pennsylvania?

>> I think they're talking about ... Cathy, the way I hear the question is everyone gathered in one location. Again, this would be post-COVID. Everyone gathered in one location but the witness virtually so using video-conference technology to bring that person in visually while everyone sits around the conference table in a live hearing or in the same room.

>> I think we've all done that. I know I have if there's a reason that the witness can't ... Sometimes, witnesses are remote. Sometimes, it's just ... It's a lot easier on the witness. For whatever reason, they can't be physically present. I don't think that's problematic. I think it's a lot better to have a video session with a witness than telephone testimony if those are the two

options, but I certainly could foresee doing that maybe even more so now that people are getting more familiar with the virtual hearings.

>> Yeah. I think there quite honestly it's kind of easily done. Everyone that is ... I shouldn't say, "Everyone." Hearing officer and counsel and probably the court reporter although that would be his or her choice would need to have a webcam-enabled device so they could see that witness. That witness would need to have a webcam-enabled device at his or her location, and everyone would get together in an environment like this seeing, quote, unquote, the witness on their screen at the time they're testifying but everyone else sitting in the room. I will say that you'd run into those audio problems because you'd have three or four devices in the same room activated to the extent that I would actually recommend in that scenario that all devices be muted and the audio run exclusively through a speaker phone so that the ... Everyone gathered in the physical location uses a speaker phone for audio, and the witness actually dials into that conference-call service, so what you have is a conference-call session with a video ... a visual component as everyone looks at the witness testifying. That's literally what it is, conference-call testimony, utilizing a platform like this to put your eyeballs on the witness at the same time.

>> And then there are a couple of technical questions. Are you working with one monitor or two monitors as you conduct your hearing?

>> I don't think there would be anything stopping you from using two monitors. I don't have two, and I don't use them. I don't think most of us do, Cathy. I think we all work with our laptops on one monitor.

>> Right, and I apologize. The lawn service waited until 5 o'clock, but they're out there now, so I'm going to mute myself a lot.

>> Can't hear them so ...

>> I can't hear them either.

>> ... good earphones you got there. Does Pennsylvania have a subscription to Dropbox for each hearing officer, I'm assuming, for uploading materials?

>> We do have a Dropbox file system through ODR, and we all have access to it. It's much larger than the personal Dropbox on the free plan.

>> And then a larger question and the final one that I have, do you have additional thoughts regarding managing hearings with pro se parents?

>> The answer is yes. You could go back through this presentation, and on every slide, almost all of that content would have some additional material related to pro se parents or certainly even the content being delivered, elements of it needing to be addressed in terms of a pro se parent, so I honestly could see a whole presentation like this, "Virtual Hearing Environments for

Pro Se Parents," because things would be so different. There's just no way to capture how different the planning and the issues are with a pro se parent. Now the hearing process itself might actually look very much the same, but everything that's wrapped around it and all the things as a hearing officer you need to consider and all of the things you need to employ and in some ways differently and maybe drastically differently, there's no easy way to explain it except to say everything changes in the planning and the issues in your mind as a hearing officer when you're dealing with a pro se parent. But can it be done? Yes. The answer is yes. I've already held a pro se hearing session that concluded, and I'll be issuing a decision. Now those parents were very sophisticated, both in terms of their technology and their access to it and conducting the hearing on their own behalf, so I wouldn't hold them up as a model pro se parent, but it was just fine. It went just fine, but it was different. It was different, especially in terms of planning for it. So the answer to the question is, everything is different in many ways with a pro se parent, at least behind the scenes, and in no easy to kind of capture or condense. Cathy, what are your thoughts?

>> I can't disagree. I think hearings are more challenging for unrepresented parents as it is. This adds another layer. I think that would be a whole new webinar that would probably be longer than the one we've had here today.

>> All right. I see no other questions, so, Hearing Officers McElligott and Skidmore, thank you so very much for joining us today and for facilitating this conversation. CADRE is incredibly fortunate to have the partnership with the Pennsylvania Office for Dispute Resolution and to have your expertise, so thank you again, and thank you to all the SEAs and hearing officers out there who are pedaling as fast as you can to support the youth and children with disabilities. As always, let us know how CADRE can be of service to you, and finally please click on the link in the chat box to fill out a very brief survey evaluating today's webinar. Your feedback is very important. And be safe out there. Take care of yourselves as you care for others, and thank you for participating. Goodbye.

>> Thank you, all. Thank you, Melanie and CADRE.

>> Thank you. Thank you.

>> Thank you.