



The following documentation is an electronically-submitted vendor response to an advertised solicitation from the *West Virginia Purchasing Bulletin* within the Vendor Self-Service portal at ***wvOASIS.gov***. As part of the State of West Virginia's procurement process, and to maintain the transparency of the bid-opening process, this documentation submitted online is publicly posted by the West Virginia Purchasing Division at ***WVPurchasing.gov*** with any other vendor responses to this solicitation submitted to the Purchasing Division in hard copy format.

Header @ 13

List View

General Information

Contact

Default Values

Discount

Document Information

Procurement Folder: 334018

SO Doc Code: CRFQ

Procurement Type: Central Master Agreement

SO Dept: 0402

Vendor ID: 000000205264

SO Doc ID: EDD1700000004

Legal Name: SCOTTI & GERL

Published Date: 5/17/17

Alias/DBA:

Close Date: 5/31/17

Total Bid: \$0.00

Close Time: 13:30

Response Date: 05/29/2017

Status: Closed

Response Time: 14:59

Solicitation Description: DUE PROCESS HEARING
OFFICERS FOR IDEA DISPUTE

Total of Header Attachments: 13

Total of All Attachments: 13



Purchasing Division
2019 Washington Street East
Post Office Box 50130
Charleston, WV 25305-0130

State of West Virginia
Solicitation Response

Proc Folder : 334018

Solicitation Description : DUE PROCESS HEARING OFFICERS FOR IDEA DISPUTE

Proc Type : Central Master Agreement

Date issued	Solicitation Closes	Solicitation Response	Version
	2017-05-31 13:30:00	SR 0402 ESR05291700000005885	1

VENDOR

000000205264
SCOTTI & GERL

Solicitation Number: CRFQ 0402 EDD17000000004

Total Bid : \$0.00 Response Date: 2017-05-29 Response Time: 14:59:46

Comments:

FOR INFORMATION CONTACT THE BUYER

Evelyn Melton
(304) 558-2686
evelyn.melton@k12.wv.us

Signature on File

FEIN #

DATE

All offers subject to all terms and conditions contained in this solicitation

Line	Comm Ln Desc	Qty	Unit Issue	Unit Price	Ln Total Or Contract Amount
1	DUE PROCESS HEARING OFFICER FOR IDEA DISPUTE	0.00000	HOURL	\$175.000000	\$0.00

Comm Code	Manufacturer	Specification	Model #
80122001			

Extended Description :	DUE PROCESS HEARING OFFICER FOR IDEA DISPUTE RESOLUTION. THE HOURLY RATE OF THE SERVICES ARE INCLUSIVE OF ALL PREPARATION AND MATERIALS, HEARING AND DECISION WRITING.
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Comments: See attached documents

CFRQ # 0402 EDD1700000004
RESPONSE of SCOTTI & GERL (by JIM GERL)
TO AGENCY REQUEST FOR QUOTATION
DUE PROCESS HEARING OFFICERS
FOR IDEA DISPUTE

Bidder

Contact Information: **Scotti & Gerl**
FEIN: 55-0651775
WV VENDOR # 000000205264
By Jim Gerl
Scotti & Gerl
662 Jefferson Street South
Lewisburg, West Virginia 24901
(304) 645-7345 phone
(304)667-7704 cell
(304) 645-7362 fax
jimgerl@yahoo.com email

RESPONSE of SCOTTI & GERL (by JIM GERL)
PAGE TWO

INTRODUCTION:

This RFQ seeks bids on behalf of the West Virginia Department of Education for an open-ended contract for Hearing Officer services to include preparation, hearing and decision writing for IDEA Dispute Resolution System as required by IDEA, 34 CFR §300.507, et seq and Policy 2419, Ch. 11 et seq. The dispute resolution process is required as an option for resolving disagreements regarding an eligible student with a disability's identification, evaluation, placement or the provision of a free appropriate public education (FAPE).

BRIEF SUMMARY:

Jim Gerl is uniquely qualified to provide the services requested on the RFQ. He has been an IDEA hearing officer for over 28 years. He is also a national expert on special education law and a trainer of IDEA hearing officers.

QUALIFICATIONS:

Jim Gerl has a law degree (JD) from the University of San Francisco. Jim Gerl has been admitted to the West Virginia State Bar since 1984 and he is in good standing.

Jim Gerl has attended numerous trainings of IDEA hearing officers in the last three years. Attached with this response is evidence that he has attended the 2016 WV Department of Education training as well as the Lehigh University IDEA hearing officer training in 2014. He also attended the IDEA ALJ/hearing officer Academy at the University of Seattle each year from 2014 to 2016. This does not include the many IDEA hearing officer trainings that he has conducted.

Jim Gerl has the experience to conduct hearings and perform the other duties required by the contract. Please see the narrative

SOLICITATION # 0402 EDD1700000004

RESPONSE of SCOTTI & GERL (by JIM GERL)
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response as well as the attached resume. Three references are also provided later in this response.

Jim Gerl possesses impartiality. He is not an employee of WVDE or of any school district in the state. He has no personal or professional interests that conflict with objectivity in the hearing, and he does not represent boards of education or parents in actions against boards of education.

Jim Gerl recognizes that he will be unable to act as a hearing officer in any case in which he served as mediator on the same issues.

MANDATORY REQUIREMENTS AND DELIVERABLES:

Jim Gerl is willing to and has demonstrated the ability to travel statewide on short notice to any school district in which disputes may occur and to assure that all hearings will be conducted as quickly as possible. He shall conduct hearings at a date, place and time which is reasonably convenient to both parties involved.

Jim Gerl has always issued timely decisions and shall complete hearings, including the issuance of a written decision, within the required timeframe from the expiration of the resolution period (including certain exceptions for adjustments to the resolution period.)

Jim Gerl will attend training sessions of the IDEA hearing officer/mediator system annually and retain certificates of attendance therefor.

In the event of any type of conflict of interest, Jim Gerl shall immediately issue a waiver by email or phone call to appropriate

RESPONSE of SCOTTI & GERL (by JIM GERL)
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WVDE OFP staff advising of the conflict and allowing the case to be assigned to the next hearing officer in the rotation.

NARRATIVE RESPONSE:

Jim Gerl has been a special education impartial hearing officer for the West Virginia Department of Education since 1989. In addition since 2007, he has been an IDEA hearing officer for the Utah State Office of Education. Since 2015, he has been an IDEA hearing officer for South Dakota. From 2008 to 2016, Jim Gerl was an impartial hearing officer for the Pennsylvania Office of Dispute Resolution (for one intermediate unit and the LEAs in that district only). For twenty-eight months, he was a special education hearing officer for Washington DC. He was also a special IDEA hearing officer for one conflict case for the U. S. Virgin Islands Department of Education. During his 28 years as an IDEA hearing Officer, he has nearly 500 special education due process complaints. All of his decisions have been timely issued. Courts have routinely affirmed his decisions.

Jim Gerl is a certified hearing official as a result of having met stringent requirements governing experience and training. He is a regular faculty member for the annual conferences of the National Association of Hearing Officials and the IDEA ALJ/Hearing Officer Academy. He has also served as a Faculty Advisor for the Administrative Law program at the National Judicial College.

Over the last twelve years Jim Gerl has attained national recognition as a trainer of hearing officers, mediators and an expert in special education law. He has trained IDEA hearing

RESPONSE of SCOTTI & GERL (by JIM GERL)
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officers at thirteen national and regional trainings. Over the same period of time, he has provided approximately forty-eight state specific hearing officer, mediator and complaint investigator trainings for nineteen different state education agencies. He has trained hearing officers from every state.

Since early 2005, Jim Gerl has spoken on special education law at nineteen state or multi-state conferences of special education directors and related staff and at a number of national conferences. He has been on the faculty of each CADRE National Symposium on Special Education Dispute Resolution during that timeframe. Each of the trainings and speaking presentations referred to above required extensive knowledge, training and expertise in special education laws, federal and state regulations, policies, case law and services.

Jim Gerl is an expert on special education law. As the author of the award winning Special Education Law Blog <http://specialeducationlawblog.blogspot.com/> he has provided useful information and valuable resources to thousands of stakeholders. The related Special Education Law Group on LinkedIn that he created in conjunction with the blog now has over 27,000 members.

Jim Gerl will perform all of the work under this contract.

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RESPONSE of SCOTTI & GERL (by JIM GERL)
PAGE SIX

REFERENCES:

- 1.) Ghaski Lee Browning,
(Former Dispute Resolution Coordinator
West Virginia Department of Education)
(Familiar with my work as IDEA hearing officer for WVDE)
12 Hamilton Place
Charleston, West Virginia 25314
(304) 539-1271 (cell)
ghaski@hotmail.com
- 2.) Kerry Voss Smith, Esquire
Director, Office for Dispute Resolution
(Familiar with my work as IDEA hearing officer for Pennsylvania)
6340 Flank Drive
Harrisburg, PA 17112
(717) 541-4960 (work)
ksmith@odr-pa.org
- 3.) Lisa Arbogast, Esquire
Former Dispute Resolution Coordinator
Utah State Office of Education
(Familiar with my work as IDEA hearing officer for Utah)
6210 E. 1900 N.
Eden, UT 84310
(801) 540-4743 (work)
larbogast@kmcl.com

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RESPONSE of SCOTTI & GERL (by JIM GERL)
PAGE SEVEN

ADDITIONAL INFORMATION:

Attached to this response and incorporated by reference herein are a resume/vita for Jim Gerl and a number of letters of recommendation.

NOTE: 5% Vendor Residency Preference is requested. See attached form in this package

NOTE: A signed and notarized Purchasing Affidavit is attached in this package.

NOTE: Scotti and Gerl is a registered West Virginia vendor.
WV VENDOR # 000000205264

NOTE: A designated contact/certification and Signature Page is attached in this package.

PRICING SECTION:

A separate pricing page is attached in this package. The quoted hourly rate {175.00 (One Hundred Seventy-five and 00/100 Dollars) per hour} is all inclusive. It is understood that all travel, mileage and other expenses are included in the hourly rate.

Dated: May 29, 2017

SCOTTI & GERL

By: James Gerl
James Gerl

JAMES GERL

216 SOUTH JEFFERSON STREET
LEWISBURG, WEST VIRGINIA 24901

(304) 645-7345 telephone

(304) 645-7362 fax

(304) 667-7704 cell

Email: jimgerl@yahoo.com

Blog: <http://specialeducationlawblog.blogspot.com/>

EMPLOYMENT:

PARTNER

Scotti & Gerl

Attorneys at Law

Lewisburg, West Virginia

October, 1984 - present

**HEARING
OFFICER
EXPERIENCE:**

IDEA HEARING OFFICER & MEDIATOR

West Virginia Department of Education

August, 1989 – present

IDEA HEARING OFFICER

Utah Department of Education

June, 2007 - present

IDEA HEARING OFFICER

South Dakota Department of Education

Through TAESE

March 2015 - present

IDEA HEARING OFFICER

Pennsylvania Office of Dispute Resolution

(One IU & LEAs in Five Counties only – conflict)

Central Susquehanna Intermediate Unit

July, 2008 - June 2016

**IDEA HEARING OFFICER &
CHIEF MEDIATOR**

District of Columbia, State Superintendent of Ed

August 2009 - December 2011

SPECIAL IDEA HEARING OFFICER

US Virgin Islands State Office of Education

(Conflict Case) January 2013 – May 2013

IDEA STATE COMPLAINT INVESTIGATOR

New Mexico Department of Education

South Dakota Department of Education
 Through TAESE
 November 2014 - present
HEARING OFFICER
 West Virginia Division of Rehabilitation Services
 October 1999 – present
 (Fair hearings under federal Rehabilitation Act)
HEARING OFFICER
 WV Consolidated Public Retirement Board
 (Public Employee Retirement Appeals)
 July 2008 – July 2012

HEARING EXAMINER
 West Virginia Human Rights Commission
 November, 1984 - December, 1988
 (Civil Rights Cases)

ADMINISTRATIVE LAW JUDGE
 Illinois Human Rights Commission
 March, 1980 - April, 1984 (Full-time)
 (Civil Rights Cases)

HEARING OFFICER
 Illinois Department of Public Aid
 September, 1979 - March, 1980
 (Regulatory Hearings for Medicaid Providers
 and discipline hearings for department employees)

HEARING OFFICER CERTIFICATION:	<u>National Association of Hearing Officials</u> Certified Hearing Official Certified as having achieved stringent training and experience requirements 2005 to present
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NATIONAL and REGIONAL TRAININGS by JIM GERL	<u>Consortium on Appropriate Dispute Resolution in Special Education (CADRE)</u> Faculty; Seventh National Symposium Professional Development Institute Training on Writing; Concurrent Session on Legal Update Eugene, Oregon October 2017 Faculty; Sixth National Symposium Eugene, Oregon October 2015 Faculty Fifth National Symposium Eugene, Oregon October, 2011 Faculty, Fourth National Symposium Washington, DC December, 2006
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IDEA ALJ/Hearing Officer Academy
Faculty, National SpEd Hearing Officer Training
U of Seattle Seattle, WA & American U DC
1/2 Day Sessions on Decision Writing; Bullying &
IDEA; Compensatory Education; Service Dogs
July 2009, 2011 to 2017

Western Regional Resource Center
Training on Dispute Resolution and Legal Update
Western Region SEA Directors & Staff
Eugene, OR October 2013

Special Ed Hearing & Mediation Conference
National Hearing Officer and Mediator Training
Decision Writing & Panel Presentations
California OAH & UCLA Extension
Los Angeles March 2009

Northeast Regional Resource Center
Northeast Regional Hearing Officer Training
Trainer, Webinar for Hearing Officers June 2009

15th Annual Education Law Conference
Featured Speaker, SpEd Hearing Officer Academy:
Regional Hearing Officer Training
U of So. Maine; U. of Maine School of Law; NERRC
Portland, ME July 2008

LRP Institute Special Education Law
National Special Education Law Conference
Instructor, Hearing Officer Training
Orlando, FL April 2006
Instructor, Hearing Officer Training
Presenter, Roundtable Discussion: ADR -- IDEA '04
Las Vegas, Nevada May 2005

STATE IDEA TRAININGS Ohio Department of Education
and CONSULTATIONS Hearing Officer/ Review Officer Training
by JIM GERL: Columbus, OH August 2015 & August 2016

Delaware Department of Education
IDEA Hearing Officer Training
Dover, DE 2005, 2013, 2014, 2015, 2016x2, 2017
Compl Invstgtr Training Dover DE November 2013

IDEA Hearing Officer and Mediator Training
Harrisburg, PA June 2009 and June 2012
By webinar January 2017

IDEA Training for Administrative Law Judges
Jefferson City MO 2013, 2016 & 2017

IDEA Hearing Officer Training
Montgomery, AL

September 2016

IDEA Hearing Officer Training
Austin TX October 2013 & October 2016

IDEA Training for Hearing Officers, Mediators etc
Montpelier VT September 2013 &
Barre VT October 2015

Decision Writing (different types of ALJs)
Des Moines, IA April 2015

IDEA Training for Mediators
Phoenix AZ

October 2015

IDEA Training for Administrative Law Judges
Tualatin OR March 2013 & October 2015

Hearing Officer Training
Cromwell, CT

April 2014

IDEA training for Hearing Officers, Mediators, and
State Complaint Investigators
St Thomas, VI August 2012

IDEA Training for Administrative Law Judges
New Brunswick, New Jersey October 2012

Idaho Department of Education
IDEA Hearing Officer Training
Boise, ID June 2012

South Carolina Department of Education
IDEA Hearing Officer Training (Part B & PartC)
Columbia, SC June 2011

Utah State Office of Education
IDEA Hearing Officer Trainings
Salt Lake City, UT August, 2007 & August 2010

Oklahoma Special Education Resolution Center
IDEA Hearing Officer and Mediator Training
Stillwater, OK May 2007

Iowa Department of Education
IDEA Hearing Officer Trainings/ Investigators
By Phone and Des Moines 2006, 2x 2007, and 2015

West Virginia Department of Education
IDEA Hearing Officer/Mediator/ Complnt Trainings
Charleston, WV (Annually) 2006 - 2012

Wyoming Department of Education
Trainings for Hearing Officers, Mediators, etc
Lander, Riverton & Jackson Hole, WY
February & August 2006, July 2010 and July 2011

SPECIAL EDUCATION
LAW PRESENTATIONS
by JIM GERL at
NATIONAL and
REGIONAL
CONFERENCES:

Consortium on Appropriate Dispute Resolution in
Special Education (CADRE)
Faculty; Seventh National Symposium
Professional Development Institute Training on
Writing; Concurrent Session on Legal Update
Eugene, Oregon October 2017
Faculty; Sixth National Symposium
Eugene, Oregon October 2015
Faculty; Fifth National Symposium
Eugene, Oregon October 2011
Faculty, Fourth National Symposium
Washington, DC December, 2006

16th Annual Education Law Conference

National Conference, Presenter

Remedy of Reimbursement - Unilateral Placement
& CLE Session: Update on Special Education Law

U of Southern Maine & U. of Maine School of Law

Portland, ME

July 2009

Council for Exceptional Children

Presenter, Role of a Teacher in IEP Meetings

Boston, MA

April 2008

Lecture Presentation - Special Ed Law 101

National Harbor, MD

April 2011

Tri-State Special Education Law Conference

Iowa, Nebraska & Kansas Depts of Education

Presenter, Procedural Safeguards, etc

Omaha, NE

November 2010, 2012 & 2014

Alabama Mega – Conference

Year In Review Legal Update

Mobile, AL

July 2017

US Virgin Islands Leadership Academy

Discipline of Students With Disabilities

St John, VI

December, 2015

Virginia PEATC

Advocacy Seminar

Presenter, Legal Role of Advocates

Williamsburg, Virginia

May, 2015

Section 504

Staunton, Virginia

August, 2016

Arizona Department of Education

Directors Institute Conference

Presenter, Role of Non-Attorney Advocates at IEP

Team Meetings and Due process Hearings

Presenter, How to Conduct Resolution Sessions

Litchfield Park, AZ September 2010 & August 2011

Wyoming Department of Education

Annual Symposium on Education Leadership

Presenter: Panels on LRE Trends, 504 & Seclusion

& Restraints; Co-presenter with Julie Weatherly

and Kathy Mefhoud; Workshop on Dispute

Resolution Systems

Lander, WY

August 2010 & July 2011

Alfred University

Featured Conference Speaker, SpEd Law Update
School Psychology Department & area LEA reps
Alfred, NY February 2009

West Virginia Special Education Law Conference

Principal Speaker, Special Education Law
Morgantown, WV September 2008
Resolution Session Presentation June 2005

Utah Institute on Special Education Law

Mountain Plains Regional Resource Center and
Utah Department of Education

Presenter, IEPs/Procedural Safeguards
Ogden, UT August 2006, 2007, 2010 & 2014

American Council on Rural Special Education

Annual Conferences Special Ed Law Updates
Lexington, KY 2006 & Charleston, WV 2008

University of New Hampshire

Guest Speaker, Special Ed Law Seminar
Durham, NH (via telephone) April, 2012

University of Texas

Guest Speaker, Seminar for Principals
Austin, Texas October, 2016

INTERVIEWS OF JIMGERL AND

OTHER NATIONAL EXPERTS

ON SPECIAL EDUCATION

DISPUTE RESOLUTION: "Voices from the Field," CADRE website:

<http://www.directionservice.org/cadre/gerlinterviews.cfm>

OTHER

HEARING OFFICER

TRAINING BY

JIM GERL:

National Association of Hearing Officials

(Various Types of Agencies & Hearing Officers)

Faculty for National Association's Conferences

Workshops Given: Conducting & Controlling

Administrative Hearings; Special Ed Hearings;

Ruling on Objections; Due Process; Pre-Hearing

Process; Controlling Disruptive Behavior

Washington, DC September, 2017

Portland, OR September, 2016

Phoenix, AZ October 2015

Charleston, SC November 2014

Minneapolis, MN September 2013

San Antonio, TX October 2012

Santa Fe, New Mexico November 2011

Nashville, TN September 2010

Boise, Idaho September 2009

Orlando, Florida	November 2008
Santa Fe, New Mexico	November 2007
Bismarck, North Dakota	September 2006
Durham, North Carolina	October 2005

National Judicial College

Faculty Advisor (Group Discussion Leader)

Administrative Law: Fair Hearing

Various Types of Agencies & Hearing Officers

Reno, Nevada	March 1982
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South Carolina Multi-Agency Retreat

Columbia SC	November 2016
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West Virginia Board of Review (welfare agency)

Lewisburg, WV	November 2016
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Texas Health & Human Services Commission

Three Day Intensive Training For Hearing Officers

State Welfare Agency Austin, TX	November 2010
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West Virginia State Bar

Training State Human Rights Hearing Examiners

Charleston, WV	August 1990
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Illinois Municipal League

Training of City Human Relations Hearing Officers

Springfield, Illinois	February 1984
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CONSULTATIONS

RE ADMINISTRATIVE

HEARING OFFICERS:

TESTIMONY BEFORE LEGISLATURE

Vermont Legislature

Committee on Executive Branch Hearing Officers

(by telephone)	October 2013
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BLOG:

Special Education Law Blog

Author and Blogger re Special Education Law;

Winner First Place - Best Education Blog in the

2008 Blogger's Choice Awards; Winner Blog of the

Day Award; Third Ranked Ed Law Blog (ABA)

<http://specialeducationlawblog.blogspot.com/>

EDUCATION:

UNIVERSITY OF SAN FRANCISCO

SCHOOL OF LAW

Juris Doctor, 1978; Elected representative, Student

Bar Association; Courses included: Administrative

Law; Advanced Constitutional Law

UNIVERSITY OF ILLINOIS - CHICAGO

M. A., 1975; Public Policy Analysis/Political Science

Intern, Governor's Internship Program; Extern Ill.

LEC; Teaching Assistantship; Fellowship nominee

UNIVERSITY OF ILLINOIS AT URBANA

B. A., 1974 - Departmental Distinction in Political Science; Elected Representative, Student Gov't; Student Rep, Conference on Conduct Governance

TEACHING
EXPERIENCE:

CRIMINAL LAW

Greenbrier Community College Center
Adjunct Faculty Fall 1991

BUSINESS LAW (College Level Courses)

Federal Prison Camp Alderson, WV
Spring 1990; Summer 1990; Fall 1992

LECTURER

West Virginia Continuing Legal Education
Hearing Procedure September 1990
Sexual Harassment November 1986
Human Rights Act March 1985

BAR MEMBERSHIP:

Washington D.C. Court of Appeals, 2010
West Virginia Supreme Court of Appeals, 1984
Illinois Supreme Court, 1978
U. S. Court of Appeals for the Fourth Circuit, 1986
U. S. District Court, Southern District of WV, 1984
U. S. District Court, Northern District of Ill., 1981
United States Court of Federal Claims, 1989

AWARDS AND
HONORS:

BEST EDUCATION BLOG

First Place, Education Blog Category
<http://specialeducationlawblog.blogspot.com/>
Bloggers Choice Awards 2008

GOVERNOR'S SERVICE AWARD

West Virginia's Highest Award for Volunteers 1998

LEADERSHIP WEST VIRGINIA

Training Program for Emerging Leaders
Participant and Class President 1992

RECOGNITION OF SERVICE TO THE POOR

Greenbrier Community Services, Inc. 2000

BILL KANE SERVICE AWARD

Award for Service to Fellow Hearing Officers
National Association of Hearing Officials 2008

DESIGNATED CONTACT: Vendor appoints the individual identified in this Section as the Contract Administrator and the initial point of contact for matters relating to this Contract.

James Gev, Partner
(Name, Title)

(Printed Name and Title)

Scott & Gev
(Address)

304-645-7345
(Phone Number) / (Fax Number)

jgevl @ gahed.com
(email address)

662 Jefferson Street South
Louisburg NC 24901
304-645-7362 fax

CERTIFICATION AND SIGNATURE: By signing below, or submitting documentation through wvOASIS, I certify that I have reviewed this Solicitation in its entirety; that I understand the requirements, terms and conditions, and other information contained herein; that this bid, offer or proposal constitutes an offer to the State that cannot be unilaterally withdrawn; that the product or service proposed meets the mandatory requirements contained in the Solicitation for that product or service, unless otherwise stated herein; that the Vendor accepts the terms and conditions contained in the Solicitation, unless otherwise stated herein; that I am submitting this bid, offer or proposal for review and consideration; that I am authorized by the vendor to execute and submit this bid, offer, or proposal, or any documents related thereto on vendor's behalf; that I am authorized to bind the vendor in a contractual relationship; and that to the best of my knowledge, the vendor has properly registered with any State agency that may require registration.

Scott & Gev by Jim Gev
(Company)

[Signature]
(Authorized Signature) (Representative Name, Title)

James Gev
(Printed Name and Title of Authorized Representative)

5/29/2017
(Date)

304-645-7345
(Phone Number) (Fax Number)

304-645-7362 fax

REQUEST FOR QUOTATION
Individuals with Disabilities Education Act (IDEA)
Hearing Officer

EXHIBIT A

PRICING PAGE

Items as listed in Section 4.1

Due Process Hearing Officer Services

Hourly Rate: \$ 175.00 (Inclusive of all preparation & materials, hearing and decision writing)

Vendor Name: Scott & Gable by Jim Gable

FEIN: SS-0651775 Telephone: 304-645-7345
304-667-7704

Fax: 304-645-7362 Email: jimgable@yahoo.com

Signature: [Signature] Title: Partner

By my signature above, I have read the specifications, general terms and conditions and understand and will fully comply with the requirements as stated. All costs are factored into my proposal and I understand that no separate fees will be paid. Any change in the scope of work must be agreed to by both parties and issued in writing by an official change order to the original purchase order.

**Unsigned responses will not be considered and will be disqualified.*

WV-10
Approved / Revised
12/16/15

State of West Virginia VENDOR PREFERENCE CERTIFICATE

Certification and application is hereby made for Preference in accordance with **West Virginia Code, §5A-3-37**. (Does not apply to construction contracts). **West Virginia Code, §5A-3-37**, provides an opportunity for qualifying vendors to request (at the time of bid) preference for their residency status. Such preference is an evaluation method only and will be applied only to the cost bid in accordance with the **West Virginia Code**. This certificate for application is to be used to request such preference. The Purchasing Division will make the determination of the Vendor Preference, if applicable.

1. Application is made for 2.5% vendor preference for the reason checked:

- ☐ Bidder is an individual resident vendor and has resided continuously in West Virginia for four (4) years immediately preceding the date of this certification; or,
- ☒ Bidder is a partnership, association or corporation resident vendor and has maintained its headquarters or principal place of business continuously in West Virginia for four (4) years immediately preceding the date of this certification;
- ☐ Bidder is a resident vendor partnership, association, or corporation with at least eighty percent of ownership interest of bidder held by another entity that meets the applicable four year residency requirement; or,
- ☐ Bidder is a nonresident vendor which has an affiliate or subsidiary which employs a minimum of one hundred state residents and which has maintained its headquarters or principal place of business within West Virginia continuously for the four (4) years immediately preceding the date of this certification; or,

2. Application is made for 2.5% vendor preference for the reason checked:

☒ Bidder is a resident vendor who certifies that, during the life of the contract, on average at least 75% of the employees working on the project being bid are residents of West Virginia who have resided in the state continuously for the two years immediately preceding submission of this bid; or,

3. Application is made for 2.5% vendor preference for the reason checked:

☐ Bidder is a nonresident vendor that employs a minimum of one hundred state residents, or a nonresident vendor which has an affiliate or subsidiary which maintains its headquarters or principal place of business within West Virginia and employs a minimum of one hundred state residents, and for purposes of producing or distributing the commodities or completing the project which is the subject of the bidder's bid and continuously over the entire term of the project, on average at least seventy-five percent of the bidder's employees or the bidder's affiliate's or subsidiary's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years and the vendor's bid; or,

4. Application is made for 5% vendor preference for the reason checked:

☒ Bidder meets either the requirement of both subdivisions (1) and (2) or subdivision (1) and (3) as stated above; or,

5. Application is made for 3.5% vendor preference who is a veteran for the reason checked:

☐ Bidder is an individual resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard and has resided in West Virginia continuously for the four years immediately preceding the date on which the bid is submitted; or,

6. Application is made for 3.5% vendor preference who is a veteran for the reason checked:

☐ Bidder is a resident vendor who is a veteran of the United States armed forces, the reserves or the National Guard, if, for purposes of producing or distributing the commodities or completing the project which is the subject of the vendor's bid and continuously over the entire term of the project, on average at least seventy-five percent of the vendor's employees are residents of West Virginia who have resided in the state continuously for the two immediately preceding years.

7. Application is made for preference as a non-resident small, women- and minority-owned business, in accordance with West Virginia Code §5A-3-59 and West Virginia Code of State Rules.

☐ Bidder has been or expects to be approved prior to contract award by the Purchasing Division as a certified small, women- and minority-owned business.

Bidder understands if the Secretary of Revenue determines that a Bidder receiving preference has failed to continue to meet the requirements for such preference, the Secretary may order the Director of Purchasing to: (a) rescind the contract or purchase order; or (b) assess a penalty against such Bidder in an amount not to exceed 5% of the bid amount and that such penalty will be paid to the contracting agency or deducted from any unpaid balance on the contract or purchase order.

By submission of this certificate, Bidder agrees to disclose any reasonably requested information to the Purchasing Division and authorizes the Department of Revenue to disclose to the Director of Purchasing appropriate information verifying that Bidder has paid the required business taxes, provided that such information does not contain the amounts of taxes paid nor any other information deemed by the Tax Commissioner to be confidential.

Bidder hereby certifies that this certificate is true and accurate in all respects; and that if a contract is issued to Bidder and if anything contained within this certificate changes during the term of the contract, Bidder will notify the Purchasing Division in writing immediately.

Bidder: SCOTT & HEALY
by Jim Healy

Date: 5/29/17

Signed: [Signature]

Title: Partner

STATE OF WEST VIRGINIA
Purchasing Division

PURCHASING AFFIDAVIT

MANDATE: Under W. Va. Code §5A-3-10a, no contract or renewal of any contract may be awarded by the state or any of its political subdivisions to any vendor or prospective vendor when the vendor or prospective vendor or a related party to the vendor or prospective vendor is a debtor and: (1) the debt owed is an amount greater than one thousand dollars in the aggregate; or (2) the debtor is in employer default.

EXCEPTION: The prohibition listed above does not apply where a vendor has contested any tax administered pursuant to chapter eleven of the W. Va. Code, workers' compensation premium, permit fee or environmental fee or assessment and the matter has not become final or where the vendor has entered into a payment plan or agreement and the vendor is not in default of any of the provisions of such plan or agreement.

DEFINITIONS:

"Debt" means any assessment, premium, penalty, fine, tax or other amount of money owed to the state or any of its political subdivisions because of a judgment, fine, permit violation, license assessment, defaulted workers' compensation premium, penalty or other assessment presently delinquent or due and required to be paid to the state or any of its political subdivisions, including any interest or additional penalties accrued thereon.

"Employer default" means having an outstanding balance or liability to the old fund or to the uninsured employers' fund or being in policy default, as defined in W. Va. Code § 23-2c-2, failure to maintain mandatory workers' compensation coverage, or failure to fully meet its obligations as a workers' compensation self-insured employer. An employer is not in employer default if it has entered into a repayment agreement with the Insurance Commissioner and remains in compliance with the obligations under the repayment agreement.

"Related party" means a party, whether an individual, corporation, partnership, association, limited liability company or any other form or business association or other entity whatsoever, related to any vendor by blood, marriage, ownership or contract through which the party has a relationship of ownership or other interest with the vendor so that the party will actually or by effect receive or control a portion of the benefit, profit or other consideration from performance of a vendor contract with the party receiving an amount that meets or exceeds five percent of the total contract amount.

AFFIRMATION: By signing this form, the vendor's authorized signer affirms and acknowledges under penalty of law for false swearing (W. Va. Code §81-5-3) that neither vendor nor any related party owe a debt as defined above and that neither vendor nor any related party are in employer default as defined above, unless the debt or employer default is permitted under the exception above.

WITNESS THE FOLLOWING SIGNATURE:

Vendor's Name: Scott & Lyle by Jim Lyle
Authorized Signature: _____ Date: 05/25/2017

State of West Virginia
County of Greenbrier, to-wit:

Taken, subscribed and sworn to before me this 25th day of May, 2017
Stacy K. Bostic
My Commission Expires September 19, 2021
The Bank of Monroe
100 Jefferson Street
Martinsburg, WV 24001
AFFIX SEAL HERE

NOTARY PUBLIC

Stacy K. Bostic

Purchasing Affidavit (Revised 08/01/2015)

REQUEST FOR QUOTATION
Individuals with Disabilities Education Act (IDEA)
Hearing Officers

11.2.4 Failure to remedy deficient performance upon request.

11.3 The following remedies shall be available to Agency upon default.

11.3.1 Immediate cancellation of the Contract.

11.3.2 Immediate cancellation of one or more release orders issued under this Contract.

11.3.3 Any other remedies available in law or equity.

12 MISCELLANEOUS:

12.1 Contract Manager: During its performance of this Contract, Vendor must designate and maintain a primary contract manager responsible for overseeing Vendor's responsibilities under this Contract. The Contract manager must be available during normal business hours to address any customer service or other issues related to this Contract. Vendor should list its Contract manager and his or her contact information below.

Contract Manager:

Jim Gev

Vendor's Address:

Scott & Gev

662 Jefferson Street South
Lewisburg WV 24901

Telephone Number:

304-645-7345

Fax Number:

304-645-7362

Email Address:

jimgerv@yahoo.com



Purchasing Division
2019 Washington Street East
Post Office Box 50130
Charleston, WV 25305-0130

State of West Virginia
Request for Quotation
25 - Legal

Proc Folder: 334018

Doc Description: DUE PROCESS HEARING OFFICERS FOR IDEA DISPUTE

Proc Type: Central Master Agreement

Date Issued	Solicitation Closes	Solicitation No	Version
2017-05-17	2017-05-31 13:30:00	CRFQ 0402 EDD1700000004	1

BID RECEIVING LOCATION

BID CLERK

DEPARTMENT OF ADMINISTRATION

PURCHASING DIVISION

2019 WASHINGTON ST E

CHARLESTON

WV 25305

US

VENDOR

Vendor Name, Address and Telephone Number:

SCOTT & GERL

by TIM GERL

662 Jefferson Street South

LEWISBURG WV 24901

(304) 645-7345 (phone)

(304) 667-7704 (cell)

(304) 645-7362 (fax)

jingerl@yahoo.com (email)

WV VENDOR # 000000205264

FOR INFORMATION CONTACT THE BUYER

Evelyn Melton

(304) 558-2686

evelyn.melton@k12.wv.us

Signature X

FEIN #

SS-0651775

DATE

All offers subject to all terms and conditions contained in this solicitation

Subject: FW: agenda
From: Sheila Paitsel (sgpaitsel@k12.wv.us)
To: jingerl@yahoo.com;
Date: Monday, May 22, 2017 8:24 AM

Mr. Gerl,

At your request, I am providing this email confirmation of attendance at the October 12, 2016 West Virginia Dispute Resolution Training. The *Special Education Law Update* conducted in Fairmont, WV was presented by Art Cernosia, an attorney and education consultant who provides training, consultation and other technical assistance services to state and local education agencies and advocacy organizations throughout the nation on disability law issues.

Sheila Paitsel

Assistant Director/IDEA

Office of Federal Programs



West Virginia DEPARTMENT OF
EDUCATION

1900 Kanawha Boulevard, East

Building 6, Room 330

Charleston, WV 25305-0330

304.558.7805 P

304.558.6268 F

sgpaitsel@k12.wv.us

From: Sheila Paitsel
Sent: Tuesday, November 1, 2016 3:54 PM
To: 'Janet Sheehan' <janetsheehan67@hotmail.com>; 'Anne Lambright' <awlambright.wvbar@gmail.com>; 'jingerl' <jingerl@yahoo.com>; 'Fran Allen' <fpallen@frontier.com>
Subject: agenda

Special Education Law Update
West Virginia Dispute Resolution Staff Training

Agenda

October 12, 2016

**Robert H. Mollohan Research Center
100 Galliher Drive, Fairmont, WV 26554**

Oct. 12, 2016

8:30-3:30 Art Cernosia – Legal Issues

Art Cernosia is an attorney and education consultant from Williston, Vermont. He is also associated with the University of Vermont's Education Law Institute. Art previously worked with the Northeast Regional Resource Center in Burlington, Vermont and served as an Assistant Attorney General assigned to the Vermont Department of Education. He provides training, consultation and other technical assistance services to state and local education agencies and advocacy organizations throughout the nation on disability law issues. Art has conducted numerous workshops and is a frequent presenter at state and local conferences.

8:30-10:15:

Every Student Succeeds Act

- Special Education Teacher Qualifications
- Accommodations
- Alternate Assessments

Case Law Update

- Child Find/Evaluation Issues
- Eligibility Issues

10:15-10:30 Break

10:30-11:30:

Case Law Update

- IEP/FAPE
- Related Services/Assistive Technology

- Placement/Least Restrictive Environment
- Unilateral Placements

11:30-12:15: Boxed Lunch

12:15-1:30:

Case Law Update

- Behavior and Discipline
- Harassment/Bullying Issues
- Due Process Issues

1:30-1:45 Break

1:45-3:15:

Case Law Update

- Section 504/ADA Issues
- Miscellaneous Issues

3:15-4:30:

Question and Answer Session

Hearing Officer/Mediator Networking

Certificate of Attendance

**Lehigh University
2014 Special Education
Law Symposium
June 22-27, 2014**

This certificate is awarded to

Jim Gerl

in recognition of participating in
Lehigh University's 2014 Special Education Law Symposium

**THIS SYMPOSIUM SHOULD QUALIFY THE ATTENDEE FOR
15 PROFESSIONAL DEVELOPMENT HOURS**

Maximum hours for Pennsylvania CLE is 26.5
Maximum hours for Pennsylvania ACT 48 is 32.5



Dr. Perry Zirkel

Signature

6/27/14

Date

Table of Contents

2014 ALJ/IHO Institute
Lehigh University

A - *Institute Overview*

1. Table of Contents
2. Agenda per day

B - *Biographical Sketches*

1. Presenters/Panelists Biographical Sketches

C - *Thursday AM: Prehearing Procedures: Best Practice (Merced)*

1. Gavel, What Now?! An IHO Guide to Managing the Hearing Process (Merced)
2. Order - Resolution Process
3. 45-day Timeline Notice
4. Prehearing Conference Summary and Order

D - *Thursday AM: Conducting the Hearing I: Efficiency (Merced)*

1. (continuation of outline "Gavel, What Now?!")

E - *Thursday PM: Conducting the Hearing II: Pro Se Parents and Advocates (Merced)*

1. The Pro Se Parent: An IHO Guide to Working with an Unrepresented Parent (Merced)
2. Introductory Letter
3. Introductory Letter - Expedited
4. Hearing Process Guidelines
5. Notice of Prehearing Conference
6. Prehearing Conference - Subjects to be Considered

F - *Thursday PM: Effective Decision Writing (Bates)*

1. Effective Decision Writing: Opinion Components,

Tips, and Common Drafting Pitfalls (Bates)

G - **Friday AM:** National Case Law Update (*Zirkel*)

1. National Update of Case Law under the IDEA and Section 504/A.D.A.: 1/1/13 - 6/1/14 (*Zirkel*)

H - **Friday PM:** Lessons from and Implications of the Case Law (*Skidmore*)

1. National Case Law Update: Rulings Specific to IDEA Impartial Hearing Officers (*Skidmore* and *Zirkel*)

I - **Friday PM:** Remedies: Compensatory Education and Tuition Reimbursement (*Bauer*)

1. Remedies: Compensatory Education and Tuition Reimbursement (*Bauer*)

J - **Various Zirkel Articles**

1. Due Process Hearings under the IDEA: A State-by-State Survey (*Zirkel* and *Scala*)
2. Longitudinal Trends in Impartial Hearings under the IDEA
3. Trends in Impartial Hearings under the IDEA: A Follow-up Analysis II
4. "Appropriate" Decisions under the IDEA
5. Who Has the Burden of Persuasion in Impartial Hearings under the IDEA?
6. Expert Witnesses in Impartial Hearings under the IDEA
7. "Finality" under the IDEA: Its Meaning and Applications
8. The Remedial Authority of Hearing and Review Officers under the IDEA: An Update
9. Adjudicative Remedies for Denials of FAPE under the IDEA
10. A Roadmap to Legal Dispute Resolution for Students with Disabilities (*Zirkel* and *McQuire*)
11. "Stay-Put" under the IDEA: An Annotated Overview
12. Tuition and Related Reimbursement under the IDEA: A Decisional Checklist

13. Compensatory Education: An Annotated Update of the Law
14. Independent Educational Evaluation Reimbursement under the IDEA: An Update
15. Special Education Hearing Officers: Balance and Bias

Subject: Re: Confirmation of attendance last three Academys
From: S. James Rosenfeld (sjamesrosenfeld@gmail.com)
To: jimgerl@yahoo.com;
Date: Monday, May 22, 2017 2:02 PM

Jim:

This will confirm that you presented at and attended the last three (2014, 2015, and 2016) National Academies for IDEA ALJs & IHOs. I have attached the pages from speaker biographies to confirm your participation and attendance.

S. James Rosenfeld, Director
National Academy for IDEA ALJs & IHOs
jim@edlaw.net

On Mon, May 22, 2017 at 8:31 AM, Jim Gerl <jimgerl@yahoo.com> wrote:

Hi Jim,

WV is requiring that I show that I have attended ho trainings in the last three years. Would you please send me an email confirming that I have attended the last three IDEA ALJ/HO Academys? I have the agendas, but can't find the certificates of attendance. I don't think I need the certificates. Just an official looking email from you stating that I was there.

Thanks,

Jim Gerl
Special Ed Law Consultant

SCOTTI & GERL
216 South Jefferson Street
Lewisburg, West Virginia 24901
(304) 645-7345 telephone
(304) 667-7704 cell
[http://www.linkedin.com/in/ jimgerl](http://www.linkedin.com/in/jimgerl) profile
[http:// specialeducationlawblog. blogspot.com/](http://specialeducationlawblog.blogspot.com/) blog

--

S. James Rosenfeld
600 West Olympic Place, #212
Seattle, WA 98119-3658
(206) 922-3319

Attachments

- 2016-Gerl.pdf (412.94KB)
- 2014-Gerl.pdf (699.04KB)
- 2015-Gerl.pdf (412.62KB)