

SUBJECT: **APPOINTMENT AND COMPENSATION OF IMPARTIAL  
HEARING OFFICER**

The Board of Education or its designee will appoint impartial hearing officers (IHO), as needed, to hear complaints regarding the identification, evaluation, or placement of students with disabilities, or the provision of a free appropriate public education to such a student in accordance with the rotational selection process and other applicable procedures described in Commissioner's regulations.

A copy of this policy will be forwarded to the impartial hearing officer at the time of appointment.

Records relating to the IHO process including, but not limited to, the request for initiation and completion of each impartial hearing will be maintained by the district and such information will be reported to the Office of Vocational and Educational Services for Individuals with Disabilities of SED as required by Commissioner's regulations.

**Selection**

Upon the receipt by the District of a Due Process Complaint, the District will utilize the New York State Education Department's Impartial Hearing Reporting System ("IHRS") to access the alphabetical list of the names of each impartial hearing officer ("IHO") who is certified in New York State and available to serve in such capacity in the District. Selection of an impartial hearing officer shall be in accordance with statutory and regulatory procedures. The District will record and report to the State Education Department required information relating to the selection of IHOs and the conduct of impartial hearings according to the manner and schedules specified by the New York State Education Department.

**Appointment**

The Board President, or in his or her absence or inability the Vice President, will appoint an IHO immediately after the IHO is selected from the list generated by the New York State Education Department's Impartial Hearing Reporting System ("IHRS").

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The Board will rescind the appointment of an IHO and appoint a new one if, the parties to the hearing mutually agree that the IHO is either incapacitated or otherwise unavailable or unwilling to continue the hearing or issue a decision. The appointment of a new IHO in such an instance will be made in accordance with the selection and appointment procedures established by this policy.

Compensation

The district shall compensate an impartial hearing officer for his or her services at the maximum rate established for such purpose by the Board of Education. This rate is \$100.00 per hour for pre-hearing, hearing, and post-hearing activities.

The District will reimburse for actual, reasonable and necessary transportation costs in accordance with the IRS reimbursement rates.

The District does not provide any reimbursement for lodging, meal expenses or mailing costs. The District will not reimburse impartial hearing officers for administrative assistants, secretarial or other overhead expenses.

Cancellation

The district shall attempt to provide an Impartial Hearing Officer with two (2) business days' advance notice of the cancellation or re-scheduling of an impartial hearing. Should the district request the cancellation or re-scheduling of a hearing date and fail to provide an Impartial Hearing Officer with two (2) days notice, the district agrees to pay the Impartial Hearing Officer a fee of \$100.00. The district shall not be responsible for costs associated with a parent or guardian's cancellation or adjournment of a hearing.

Ref: 8 NYCRR §§200.2; 200.5; 200.21

Adoption date: 06/04/01

Reaffirmed: 09/24/01

Under review: 10/04/06 OPEN Old Policy Still in Effect (4-30-07)

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