

APPOINTMENT AND COMPENSATION OF IMPARTIAL HEARING OFFICERS

P4321.8

The Board of Education established the following policy to govern the appointment and compensation of impartial hearing officers for special education related impartial hearings pursuant to Part 200 of the Regulations of the Commissioner of Education.

Appointment

The updated list of certified IHO's for this county promulgated by the New York State Education Department will be used in connection with requests for impartial hearings. The list shall include the names of those other certified IHO's whose names appear on the state list and who have indicated to the district their interest in serving as an IHO in the district.

The Board President or designee shall be responsible for appointing IHOs. Upon receipt of a request for an impartial hearing, a district representative not involved in the hearing process shall canvass the list in alphabetical order of IHOs as prescribed by the Regulations of the Commissioner of Education to ascertain the willingness of the next listed individual to serve as an IHO for the particular matter.

Upon receipt of a request for an impartial hearing, the rotational selection process for the IHO shall be initiated immediately and always within 2 business days after receipt of the district of such request. Should an IHO decline appointment or if within 24 hours the IHO fails to respond or is unreachable after reasonable efforts by the District Clerk or designee, such efforts will be documented through independently verifiable efforts. The district representative shall then proceed through the list to determine availability of the next successive IHO.

If the IHO is unable to initiate the hearing within the first 14 days of being contacted by the school district, the IHO cannot accept the appointment. The district representative shall then proceed through such list to determine availability of the next successive IHO.

Section 200.5 of the Commissioner's Regulations requires that each Board of Education report information relating to the impartial hearing process including but not limited to the request for initiation and completion of each impartial hearing. Data required for impartial hearings must be submitted electronically through the Impartial Hearing Reporting System (IHRS).

Compensation

The district shall compensate an impartial hearing officer for his or her services at the maximum rate established for such purpose by the Director of the Division of the Budget for pre-hearing, hearing, and post-hearing activities. In addition, impartial hearing officers may be reimbursed for reasonable, actual and necessary expenses for automobile travel, meals and overnight lodging in accordance with the current district reimbursement rate set for district employees and may be paid any cancellation fees agreed upon with IHO. Mailing costs associated with the hearing will also be reimbursed.

Revised May 2012

Renumbered from P6480.5 – September 2015