

**PROCEDURES FOR ADOPTION AND SELECTION OF
IMPARTIAL HEARING OFFICERS**

This policy shall establish administrative procedures for the selection and Board appointment of an Impartial Hearing Officer pursuant to 8 NYCRR §200.5(i)(e)(1).

Definitions

1. Impartial Hearing Officer shall mean an individual assigned by the Board of Education pursuant to Education Law §4404(1), or by the Commissioner of Education in accordance with 8 NYCRR §200.7(d)(1)(i) to conduct a hearing and to render a decision.
2. Impartial Hearing Officer Candidate shall mean an individual whose name is contained within a list of Impartial Hearing Officer Candidates for potential selection to conduct a hearing and render a decision.

Maintenance of Impartial Hearing Officer List

The maintenance of the Impartial Hearing Officer list is now automatically maintained by the New York State Education Department's Impartial Hearing Report System. South Colonie can obtain an updated IHO list at anytime by logging on to the Impartial Hearing Report System.

Appointment of Impartial Hearing Officer

1. Upon receipt of a written request for an impartial due process hearing pursuant to the New York State Education Law and Regulations, the District Clerk, or any such designee, shall initiate the selection of an Impartial Hearing Officer not more than two (2) business days after receipt of such written request.
2. The District Clerk, or any such designee, shall contact the person listed first on the Impartial Hearing Officer Candidate list. Should the person designated first on such list have been previously selected to preside as an Impartial Hearing Officer, the contact shall be made to the individual whose name immediately follows the Hearing Officer last appointed. The selection process shall proceed to the next listed name in alphabetical order not previously selected as an Impartial Hearing Officer. The District Clerk, or any such designee, shall return to the beginning of the Impartial Hearing Officer candidate list only after such list has been exhausted.
 - a. Should the Impartial Hearing Officer Candidate decline appointment, not respond, or not be reached after at least two (2) attempts within a 24-hour period, each name contained on the Impartial Hearing Officer Candidate list shall be contacted in a manner consistent with Paragraph 2 above.
3. The Impartial Hearing Officer may not accept appointment unless he/she is available to make a determination of sufficiency of a due process complaint notice within five (5) calendar days of receiving such a request and to initiate the hearing within the first fourteen (14) calendar days after:

- a. the date upon which the Impartial Hearing Officer receives the parties' written waiver of the resolution session; or
 - b. the date upon which the Impartial Hearing Officer receives the parties' written confirmation that a resolution session was held but no agreement could be reached; or
 - c. the expiration of the 30 day period beginning with the receipt of the due process complaint notice, whichever occurs first.
4. The District Clerk, or any such designee, shall maintain a contemporaneous record of all efforts to contact such persons maintained on the Impartial Hearing Officer Candidate list, including the date, time, substance of the conversation/ message and the individuals response to such contact.
 5. Upon selection of the Impartial Hearing Officer Candidate, the Board of Education, or designee, shall appoint the candidate as the Impartial Hearing Officer. Following the appointment, the District shall provide the Impartial Hearing Officer with:
 - a. A copy of the written request for a hearing;
 - b. contact information on behalf of the parent/guardian and District; and
 - c. a copy of this policy.

Impartial Hearing Officer Compensation

1. The South Colonie Central School District shall pay the Impartial Hearing Officer an hourly rate of \$100.00 for pre-hearing, hearing and post-hearing activities.
2. At the conclusion of the hearing, the Impartial Hearing Officer shall submit to the District an itemized record of the services rendered and the time required.
3. Restrictions:
 - a. The District shall not be responsible for "cancellation fees" imposed by an Impartial Hearing Officer.
 - b. The District shall provide the Impartial Hearing Officer with reasonable advance notice of the cancellation or rescheduling of an impartial hearing. Should the District not provide the Impartial Hearing Officer with reasonable advanced notice of such cancellation or rescheduling of the hearing, the District shall pay to the Impartial Hearing Officer a fee of \$100.00.
 - c. The District shall not be responsible for costs associated with the cancellation or adjournment by a parent or guardian of such hearing.
 - d. The District shall not pay for expedited transcripts of an impartial hearing unless the Impartial Hearing Officer requires such transcript to fulfill his or her duties.

4. The District shall reimburse the Impartial Hearing Officer for necessary expenses associated with the hearing in accordance with the following restrictions:
 - a. mileage at the rate allowed by the Internal Revenue Service;
 - b. tolls;
 - c. reasonable overnight accommodations and reasonable meal expenses when hearing dates are scheduled for two (2) or more continuous dates and the Impartial Hearing Officer is required to travel no less than 90 miles between his or her residence and the hearing location.

5. The Impartial Hearing Officer shall submit receipts for expenses incurred for purposes of District reimbursement.

Reference: Education Law § 4404(1).
8 NYCRR §§ 200.1(x); 200.2(e); 200.21.

Revised: April 19, 2007