

## **IMPARTIAL HEARING OFFICER SELECTION, APPOINTMENT AND REIMBURSEMENT**

The Board of Education shall select, appoint and reimburse impartial hearing officers in the following manner:

### **A. Selection and Appointment**

- 1) Within two business days after the district receives a written request for an impartial hearing, the district clerk shall initiate attempts to contact that hearing officer whose name next follows the last hearing officer appointed by the Board on the rotational list established by the State Education Department. The district clerk shall first attempt contact by telephone call. If unsuccessful at reaching the hearing officer, the district clerk shall leave a message (if voice mail is available,) informing the hearing officer that:
  - a) a hearing has been requested concerning a student (identify the student only by number and the name of the school district;
  - b) the hearing officer's name is the next one on the rotational list; and
  - c) the hearing officer must contact the district clerk (leave telephone number) no later than 24 hours from the date the telephone message is left.

Pursuant to the Regulations of the Commissioner of Education, if an impartial hearing is currently pending for the same student when a new hearing request is received, the district will appoint the same IHO, if available, who will determine whether or not to consolidate the hearings. Additionally, if the new hearing request concerns an issue which had been previously withdrawn in the 12 months prior, the district shall appoint the same IHO, if available.

- 2) If the hearing officer declines appointment, or fails to respond within 24-hours after being telephoned, the district clerk will, according to the procedures outlined above, offer the appointment to each successive hearing officer, whose name appears on the rotational list, until it is accepted.
- 3) No appointment may be accepted, unless the hearing officer is available to initiate the hearing within 14 days after being contacted by the district clerk.
- 4) Once an appointment is accepted, the hearing officer shall be formally appointed by:
  - a) resolution adopted by the Board; or
  - b) a letter signed by anyone member of the Board.
- 5) Any member of the Board is hereby delegated with the authority to immediately appoint impartial hearing officers who are selected in accordance with these procedures.

B. Reimbursement

- 1) Reimbursement will be made at the per diem and hourly rates currently approved by the State Education Department pursuant to §4404(1) of the Education Law.
- 2) The district will not reimburse impartial hearing officers for administrative assistance, secretarial or other overhead expenses.
- 3) The district will, upon review and approval of properly submitted receipts, reimburse impartial hearing officers for automobile travel at the IRS-approved rate and for tolls reasonably and necessarily incurred in the hearing.
- 4) In addition to hearing time itself, the Board will reimburse, at the hourly rate, for time actually expended by the impartial hearing officer for:
  - a) Scheduling the hearing;
  - b) Pre-hearing conference calls (if necessary);
  - c) Scheduling letters;
  - d) The Board will also reimburse hearing officers for time necessarily and actually expended in the preparation of the Decision.
- 5) A copy of this policy will be forwarded to the impartial hearing officer at the time of appointment.

Ref: Education Law §4404(1)

Adoption date: October 22, 2001

Revised: November 18, 2014