

IMPARTIAL HEARING OFFICER SELECTION AND APPOINTMENT

The Board of Education is responsible, pursuant to 8 NYCRR§, (200.2(b)(9), to adopt a policy that establishes administrative procedures for selecting and appointing Impartial Hearing Officers in proceedings in which such a hearing officer is to be appointed under 8 NYCRR§ 200.5(i).

The District will maintain an alphabetical list of the names of Impartial Hearing Officers from the State Education Department list of Impartial Hearing Officers who are certified in New York State in accordance with Education Law § 4404 (1) and 8 NYCRR §200.1 (x) as qualified and available to serve in the District in hearings conducted pursuant to Educational Law Section 4404(1).

Impartial Hearing Officers will be selected on a rotational basis beginning with the first name appearing after the impartial hearing officer who last served, or if no hearing officer has served, beginning with the first name on the list. The Board-approved list of New York impartial hearing officers shall be updated each time the State Education Department issues a revised list and when a certified hearing officer who is not currently on the district's list makes a written request to be added to the list.

The District Clerk, Superintendent, or the Superintendent's designee, are authorized to contact the Impartial Hearing Officers from the District's list to determine their availability, and to carry out all ministerial actions necessary to select the first available Impartial Hearing Officer. The rotational process for selection of an Impartial Hearing Officer will be commenced within two business days after the District receives a written hearing request bearing an original signature (not a copy or facsimile). If an Impartial Hearing Officer declines appointment, or if, within 24 hours, the Impartial Hearing Officer fails to respond or is unreachable after reasonable efforts by the District that are documented, each successive hearing officer whose name appears on the list shall be offered appointment, until appointment is accepted. An Impartial Hearing Officer may not accept appointment unless he or she is available to initiate the hearing within the first fourteen days after being contacted by the District. The District will maintain detailed records of the rotational selection process including telephone calls, letters and Hearing Officer written notice of availability.

Once an Impartial Hearing Officer informs the District that he/she will accept appointment, the Board of Education will immediately appoint the Impartial Hearing Officer to conduct the hearing. Where an Impartial Officer needs to be appointed at a time when the Board of Education is not in session or between Board meetings, any member of the Board may execute an appointment letter appointing the Impartial Hearing Officer who has been selected on a rotational basis from the District's list of Impartial Hearing Officers. An individual Board member's appointment of an Impartial Hearing Officer shall be promptly reported to the Board.

COMPENSATION OF IMPARTIAL HEARING OFFICERS

The rate of compensation for pre-hearing, hearing and post-hearing activities may not exceed the maximum rate approved by the Director of the Division of the Budget. The district will also reimburse the IHO for travel and other hearing-related expenses pursuant to the schedule contained in Publication 1542 of the United States Internal Revenue Service.

The District does not and will not pay for hearing dates which are adjourned or cancelled, regardless of the reason, when the adjournment or cancellation is on two or more business day's notice.

Certified Impartial Hearing Officers will be reimbursed for reasonable and customary office expenses incurred, i.e. photocopying, postage, telephone costs and facsimiles. Travel time to and from the hearing shall be reimbursed at a rate pursuant to the schedule maintained by the Division of Budget for pre and post hearing activities.

Automobile travel shall be reimbursed at the then-current (IRS) per mile rate.

Airline or train travel shall be reimbursed at the actual reasonable costs incurred by the Impartial Hearing Officer.

The Board designates to the Superintendent the authority to negotiate with a certified IHO in the event it is impractical to hire an IHO at the rates established in this policy.

The Board of Education will update the Impartial Hearing Officer rates at its reorganizational meeting each year.

First Reading November 28, 2007

Second Reading January 2, 2008

Approved January 2, 2008