

IMPARTIAL HEARING OFFICER SELECTION AND APPOINTMENT

New York State law provides that the Board of Education adopt a written policy that establishes administrative procedures for the selection and appointment of an Impartial Hearing Officer. See 8 NYCRR § 200.2(b)(9).

When a parent or the school district initiates a hearing on a matter relating to the identification, evaluation or educational placement, or provision of a free appropriate public education of a student with a disability, the Board of Education must select an Impartial Hearing Officer on a rotational selection process and appoint the first available Impartial Hearing Officer.

List of Impartial Hearing Officers

The District will maintain an alphabetical list of Impartial Hearing Officers who are certified by the Commissioner of Education of New York State and available to serve in the District in hearings conducted pursuant to Education Law Section 4404(1). This list will constitute the District's list of the names and statement of the qualifications of each hearing officer. The District Clerk, Superintendent, or Superintendent's designee will prepare a revised list of certified and available impartial hearing officers for Board approval each time the State Education Department issues a revised list and when a certified impartial hearing officer, who is not currently on the District's list, makes a written request to be added to the list.

Selection of an Impartial Hearing Officer on a Rotational Basis

The District clerk, Superintendent, or Superintendent's designee are authorized to contact Impartial Hearing Officers from the District's list to determine their availability, and carry out all other ministerial actions necessary to select the first available hearing officer. The individual(s) will consult the District's list and contact the hearing officer whose name appears immediately after the name of the last hearing officer to serve. An impartial hearing officer has served if he or she has been appointed to conduct hearing whether or not proceedings have been conducted or testimony has been taken. If no hearing officer has served, or if the most recent appointed hearing officer appears at the end of the list, the first hearing officer to appear on the list will be contacted.

The rotational selection process will begin within two business days after receipt by the district of a written hearing request bearing an original signature (not a copy or facsimile). Should the contacted Impartial Hearing Officer decline appointment, or if, within 24 hours, the Impartial Hearing Officer fails to respond or is unreachable after reasonable efforts at contact by the District, each successive hearing officer on the list will be offered appointment, until

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appointment is accepted. The District will inquire of the Impartial Hearing Officer whether he or she can initiate proceedings within 14 days. An Impartial Hearing Officer may not accept appointment unless he or she is available to initiate the hearing within the first 14 days after being contacted by the District, and the Hearing Officer confirms his or her availability immediately in writing (via facsimile whenever possible). The District's efforts to contact and select an Impartial Hearing Officer are to be documented. A letter will be sent to each hearing officer contacted which confirms the contact or attempt to contact the impartial hearing officer. (The District will maintain detailed records of the rotational selection process, including telephone calls, letters and the Hearing Officer's written notice of availability.)

Appointment of an Impartial Hearing Officer

After an Impartial Hearing Officer informs the District staff that he/she will accept appointment, the Board of Education will immediately appoint him or her to conduct the hearing. If the Board of Education is not in session at the time appointment needs to be made, or is between Board meetings, any member of the Board may execute an appointment letter appointing the first available Impartial Hearing Officer from the District's list. An individual Board member's appointment of an Impartial Hearing Officer will be promptly reported to the entire Board.

First reading May 15, 2002

Second reading June 5, 2002