

Impartial Hearing Officer Selection and Compensation

Pursuant to applicable federal and State law and regulations, the Board of Education of the Sharon Springs School District hereby adopts the following policies and procedures to govern the selection and compensation of Impartial Hearing Officers (IHOs) for impartial hearings involving the provision of a free appropriate public education requested pursuant to Education Law § 4404 (1), Part 200 of the Regulations of the Commissioner of Education and/or the Individuals with Disabilities Education Act (IDEA):

1. *Maintenance of Impartial Hearing Officer List.* The Board of Education of the Sharon Springs School District hereby accepts the currently available list of state certified Impartial Hearing Officers pursuant to § 200.1(x)(2) of the Regulations of the Commissioner of Education, from which the District shall select an impartial hearing officer in accordance with state regulation in the event a demand for such a hearing is made.
2. *Selection of IHO.* The District Clerk shall establish and maintain a list of the names and resumes of all impartial hearing officers who are:
  - (i) certified by the Commissioner of Education pursuant to § 200.1(x)(2) of the Regulations of the Commissioner of Education;
  - (ii) available to serve in the District in hearings conducted pursuant to Education Law § 4404(1) and the IDEA; and
  - (iii) who have agreed to the terms and conditions of such appointments as set forth herein.
3. Upon receipt of a request to schedule an impartial hearing, the appointment process shall begin immediately, where practicable, but in no event later than **two business days** after the receipt of a hearing request. Appointment of hearing officers shall be made only from the New York State Education Department's most recent rotational list and in accordance with the rotational selection process prescribed herein. Such names will be listed in alphabetical order. Selection from such list shall be made by the District Clerk, or if the District Clerk is unavailable, by a person designated by the Superintendent, and shall be made on a rotational basis beginning with the first name appearing after the hearing officer on the list who last served or, in the event no hearing officer on the list has served, beginning with the first name appearing on such list.

The District Clerk shall inform the prospective IHO of District policy on compensation and reimbursement of expenses for hearing-related activities. No hearing officer shall be appointed unless he or she is available to initiate the hearing within 14 days of the date contacted and accepts the terms and conditions of such assignment as set forth in the District's policy. Should a prospective IHO decline appointment, or fail to respond within 24 hours after reasonable efforts by the District are made to contact the named individual, the District Clerk shall offer appointment to each successive hearing officer on the list until such appointment, pursuant to the terms of the District's compensation and expense reimbursement policy, is accepted.

Pursuant to §200.5(l)4(ii), the Board of Education may designate and authorize one or more board members to appoint the impartial hearing officer immediately upon selection. Upon receipt of notice that a newly certified hearing officer is available to serve in the District, the District Clerk shall insert said name into the list in alphabetical order.

4. *Compensation of IHO.* Impartial Hearing Officers (IHOs) shall be paid by the District for services rendered on the following terms: compensation of **\$100.00** per hour for pre-hearing, hearing and post-hearing activities. Such activities shall not include the time spent traveling to and from the site of the hearing.
5. *Cancellation Fees.* Except on days when school is unexpectedly cancelled, the Board of Education, upon the request of a hearing officer, authorizes a cancellation fee of up to \$250 per day in the event the District cancels a hearing less than **two** business days prior to a scheduled hearing date. In the event a parent should cancel, a cancellation fee shall not be paid. IHOs will be reimbursed for automotive travel expenses at the IRS rate per mile up to a maximum of 300 miles round trip per day of hearing, for reasonable meal expenses on the day of the hearing, and mailing costs. No allowance shall be made for overnight lodging except with written prior approval of the District.

Authority:

Education Law §§ 207, 4404 (1)  
8 NYCRR 200.2 (e)(1), 8 NYCRR 200.1 (x)

Resolution

Authorizing Appointment of Next Available Hearing Officer:

Be it resolved that the Board of Education of the Sharon Springs School District hereby authorizes and directs the District Clerk, in the event a special education impartial hearing is requested, to make a selection from the approved list of Impartial Hearing Officers (IHOs) on a rotational basis beginning with the first name appearing after the IHO who last served. If the District Clerk is unavailable, selection shall be made by a person designated by the Superintendent. The District Clerk, or the designated person, shall inform the prospective IHO of District policy on compensation and reimbursement of expenses for hearing-related activities.

Should the IHO decline appointment, or if no affirmative commitment to serve is forthcoming after at least two attempts to contact said IHO have been documented within a twenty-four hour period, the District Clerk, or designated person, shall proceed through said list, offering appointment to each successive hearing officer whose name next appears on the list until such appointment, pursuant to the terms of the District's compensation and expense reimbursement policy attendant thereto, is accepted.

The appointment of the specific individual who agrees to serve as IHO may be made by any individual board member, and shall be ratified by the Board of Education, by public resolution, at the next public meeting prior to the date of the hearing.