

<b>POLICY</b>	2019	8560
	<b>Instruction</b>	

**Subject: Impartial Hearing**

The School District is committed to making every effort to amicably resolve differences involving the educational programs for students with disabilities. When outside assistance is needed to aid in resolving a disagreement about the identification, evaluation, educational placement or provision of a free appropriate education for a student with a disability, mediation is encouraged. For those exceptional circumstances where a more formal method is required, the impartial hearing process will be utilized. The impartial hearing officer (IHO) renders a written decision after the parties present and refute evidence before him/her. The decision of the IHO is final and binding on both parties unless appealed to the State Review Officer (SRO). The District will comply with Section 200.5 of the Commissioner’s Regulations with respect to the hearing.

**Impartial Hearing Officer**

Upon receipt of a due process complaint notice or initiation of an impartial hearing, the impartial hearing officer (IHO) shall be selected from the rotational list maintained by the State Education Department in accordance with the Commissioner’s Regulations. The Board of Education president and vice-president are authorized to appoint the impartial hearing officer, to be ratified by the Board of Education at its next regularly scheduled meeting.

**Compensation of Impartial Hearing Officers**

The District will compensate the IHO for prehearing, hearing and post-hearing activities at the maximum rate approved by the Director of the Division of the Budget. The District will also reimburse the IHO for reasonable travel expenses in connection with the hearing and, when necessary, reasonable lodging and meal expenses. Travel reimbursement shall be at the IRS mileage rate or at the rate of reasonable public carriers, at the determination of the District. Lodging and meal reimbursement shall be at the rate approved by the Board of Education for District employees. Reimbursement and payment shall be made upon receipt of detailed and itemized invoices. The District will not pay a cancellation fee of \$200 for any day of hearing and will not pay any cancellation fee when more than three (3) business days’ notice is given or which cancellation is by the parent.

Individuals with Disabilities Education Act (IDEA)  
 20 United States Code (USC) Sections 1400-1485  
 34 Code of Federal Regulations (CFR) Part 300  
 Education Law Sections 4404(1) and 4410(7)  
 8 New York Code of Rules and Regulations (NYCRR)  
 Sections 200.1, 200.2, 200.5, 200.16, 200.21, and 201.11

Approved: Board of Education  
 September 11, 2002

POLICY	2019	8560
	<b>Instruction</b>	

**Subject: Impartial Hearing (Continued)**

Approved: Board of Education  
September 24, 2003

Approved: Board of Education  
June 11, 2008

Approved: Board of Education  
January 9, 2013

Approved: Board of Education  
June 15, 2016

Approved: Board of Education  
March 13, 2019