

**Board of Education Policy**

**IMPARTIAL HEARING OFFICER APPOINTMENT AND COMPENSATION**

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The Board of Education establishes the following policy to govern the appointment and compensation of impartial hearing officers (“IHO”) for special education related impartial hearings pursuant to Part 200 of the Regulations of the Commissioner of Education.

**Appointment**

The updated list of certified IHOs for this county promulgated by the New York State Education Department will be used in connection with requests for impartial hearings. The list shall include the names of those other certified IHOs whose names appear on the state list and who have indicated to the district their interest in serving as an IHO in the district.

The Board has designated the Board President as the designee to appoint IHOs after the IHO selected from the rotational list indicates that he or she is available. If the Board President is unavailable the Vice President shall assume the responsibility.

Upon receipt of a request for an impartial hearing, the District Clerk or other person so designated, under the direction of the Board President, shall initiate the selection process by contacting the IHO whose name first appears after the IHO who last served. The District Clerk or designee shall canvass the list in alphabetical order as prescribed by the Regulations of the Commissioner of Education until an appointment is accepted.

However, pursuant to the Regulations of the Commissioner of Education, if a subsequent due process complaint notice is filed while a due process complaint is notice is currently pending an IHO involving the same parties and student with a disability, the District will appoint the same IHO if available, who will determine whether or not to consolidate the hearings or to permit the new complaint to proceed separately as in individual complaint before the same IHO. Additionally, if a party files a subsequent hearing request or complaint within one year of the withdrawal of a complaint that is based on the same or substantially similar claims as made in a prior withdrawn hearing request or due process complaint, the District shall appoint the same IHO that heard the prior complaint unless the IHO is not available.

Such selection process for the IHO shall be initiated immediately and always, within two (2) business days after receipt by the district of such written request. Should an IHO decline appointment, or if within 24 hours the IHO fails to respond or is unreachable after reasonable efforts by the District Clerk or designee, such efforts will be documented through independently verifiable efforts. The district representative shall then proceed through the list to determine availability of the next successive IHO.

If the IHO is unable to initiate the hearing within the first fourteen (14) days of being appointed by the district, the IHO cannot accept the appointment. The District Clerk shall then proceed through such list to determine availability of the next successive IHO.

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Records relating to the IHO process including, but not limited to, the request for initiation and completion of each impartial hearing will be maintained by the district and such information will be reported to the Office of Special Education of the State Education Department in the format and at intervals prescribed by the Commissioner.

**Compensation**

The district shall compensate an IHO for his or her services at the maximum rate established for such purpose by the Director of the Division of the Budget. In addition, IHOs may be reimbursed for reasonable, actual and necessary expenses for automobile travel, meals and overnight lodging in accordance with the current district reimbursement rate set for district employees, and upon receipt, review and approval by the District of sufficient documentation, and expenses. Mailing costs associated with the hearing will also be reimbursed.

Upon appointment of an IHO, the district shall notify such IHO of this policy and of the current rates set by the district for travel reimbursement, overnight lodging, meal expenses and mailing costs.

**Reference:** 8 NYCRR §§200.2; 200.5; 200.21

**Adopted:** 02/09/2005

**Reviewed:** 01/28/2015 11/14/2018 12/13/2023

**Revised:** 02/25/2015 12/12/2018 01/24/2024