

# RED HOOK CENTRAL SCHOOL DISTRICT

## POLICY # 4320

### Board of Education Policy Impartial Hearing Officer Selection and Compensation

Pursuant to applicable federal and State law and regulations, the Board of Education of the Red Hook School District hereby adopts the following policies and procedures governing the selection and compensation of Impartial Hearing Officers (IHOs) to conduct 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 Red Hook Central School District hereby adopts the following list of State-certified IHOs 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 the most current list of hearing officers issued by the New York State Education Department available to serve in the county 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 IHOs who are: (i) certified by the Commissioner of Education pursuant to §200.1(x)(2) of the Regulation of the Commissioner of Education; (ii) available to serve in the District in hearings conducted pursuant to Education Law §40004(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 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 the District's policy on compensation and reimbursement of expenses for hearing-related activities. A hearing officer shall not be appointed without confirmation that he or she is available to initiate the hearing within 14 days of the date

contacted and confirmation that he/she has reviewed 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 Regulations of the Commissioner, the Board of Education designates and authorizes the President of the Board of Education 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 IHOs** – IHOs shall be paid by the District for services rendered on the following terms: compensation of [**up to \$100.00**] per hour for pre-hearing, hearing and post-hearing activities. – Such activities shall not include the actual time spent in traveling to and from the site of the hearing.
  
5. **Reimbursement for Travel** – IHOs will be reimbursed for automotive travel expenses at the current rate established by the IRS per mile up to a maximum of 200 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.

4320

Authority:

Education Law §§ 207, 4404 (1)

8 NYCRR 200.2(e)(1), 8 NYCRR 200.1(x)

1<sup>st</sup> READING            10/13/05

2<sup>nd</sup> READING           10/27/05