

IMPARTIAL HEARING OFFICER APPOINTMENT AND COMPENSATION

The Board of Education (the Board) will appoint impartial hearing officers (IHO), as needed, to hear complaints regarding the identification, evaluation, or placement of students with disabilities, or the provision of a free appropriate public education to such a student in accordance with the rotational selection process and other applicable procedures described in the commissioner of Education's regulations.

Selection

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 also include the names of those other certified IHOs whose names appear on the state list and who have indicated to the Bethlehem Central School District (the District) their interest in serving as an IHO in the District.

Upon receipt of a request for an impartial hearing, the rotational selection process for the IHO shall be initiated immediately and always within two business days after receipt by the District of such written request. Should an IHO decline appointment, or if within twenty-four 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.

The District clerk or other person so designated, under the direction of the Board president, shall initiate the selection process by contacting the impartial hearing officer whose name first appears after the impartial hearing officer 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.

An IHO on the District's rotational list may not accept appointment unless he or she is available to:

1. Make a determination on the sufficiency of the due process complaint that will be heard at the hearing within five days of receiving such a request; and
2. Initiate the hearing within the first fourteen days after either:
 - a. The date on which he or she receives written notice that the parents and the District waived their right to hold a resolution meeting to resolve their differences prior to commencement of the hearing, or met but were unable to reach agreement; or
 - b. The expiration of the thirty-day period beginning with the receipt of the due process complaint, whichever occurs first.

Appointment

The Board president, or in his/her absence or inability the vice president, will appoint an IHO immediately after the IHO selected from the rotational list indicates he or is available. The Board

will rescind the appointment of an IHO and appointment a new one if the parties to the hearing mutually agree that the IHO is either incapacitated or otherwise unavailable or unwilling to continue the hearing or issue a decision. The appointment of a new IHO in such an instance will be made in accordance with the selection and appointment procedures established by this policy.

Compensation

The District shall compensate an IHO for his or her services at the SED established rate at the time of the hearing for prehearing, hearing, and posthearing activities. In addition, impartial hearing officers 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. Mailing costs associated with the hearing will also be administrative assistance, secretarial, or other overhead expenses.

Cancellation

The District shall attempt to provide an IHO with two business days' advance notice of the cancellation or rescheduling of an impartial hearing. Should the District request the cancellation or rescheduling of a hearing date and fail to provide an IHO with two days' notice, the District agrees to pay the IHO the SED established rate at the time of the hearing. The District shall not be responsible for costs associated with a parent or guardian's cancellation or adjournment of a hearing. A copy of this policy will be forwarded to the IHO at the time of appointment. 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 Vocational and Educational Services for Individuals with Disabilities of SED as required by the commissioner's regulations.

Ref: 8 NYCRR §§200.2; 200.5; 200.21

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