

## SELECTION AND BOARD APPOINTMENT OF IMPARTIAL HEARING OFFICERS

I. Appointment of Impartial Hearing Officers

1. Within two business days after the District receives a written request for an impartial hearing, the District clerk shall initiate attempts to contact the hearing officer whose name next follows the last hearing officer appointed by the Board of Education on the rotational list established and maintained by the New York State Education Department. The District Clerk shall first attempt contact by telephone call. If unsuccessful at reaching the hearing officer, the District Clerk shall leave a message (if voice mail is available) and send an e-mail informing the hearing officer that:
  - a. a hearing has been requested;
  - b. the hearing officer's name is the next one on the rotational list; and
  - c. the hearing officer must contact the district clerk within 24 hours.
2. If the hearing officer declines appointment, or fails to respond within 24 hours, the District Clerk will offer the appointment to each successive hearing officer, whose name appears on the rotational list, until it is accepted.
3. No appointment may be accepted unless the hearing officer is available to initiate the hearing within 14 days after being contacted by the District Clerk.
4. Once an appointment is accepted, the hearing officer shall be formally appointed by the President of the Board of Education, or in the President's absence, or if the District Clerk is unable to reach the President, the Vice President of the Board of Education.

II. Reimbursement

1. Reimbursements will be made at the per diem and hourly rate currently approved by State Education Department pursuant to Section 4404(1) of the Education Law.
2. The District will not accept charges for lodging or meals except in extraordinary circumstances upon prior application to the District's attorney, in writing, by the hearing officer, describing the extraordinary circumstance and receiving prior approval from the attorney.
3. The District will not reimburse impartial hearing officers for administrative, secretarial or other overhead expenses.
4. The District will, upon review and approval of properly submitted receipts, reimburse impartial hearing officers for automobile travel at the I.R.S. approved rate and for tolls reasonably and necessarily incurred in the hearing.

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5. In addition to hearing time itself, the Board will reimburse at the hourly rate for time actually expended by the impartial hearing officer for:
  - (a) Scheduling the hearing;
  - (b) Pre-hearing conference calls and orders (if necessary);
  - (c) Scheduling letters; and
  - (d) Time necessarily and actually expended in the preparation of the Decision.
  
6. When the hearing officer is notified of a cancellation of a hearing on less than three (3) business days' notice, the District will pay a cancellation fee of \$350.00, which should be submitted as part of the statement for fees and expenses.

References:

34 CFR Section 300.511  
Section 4401(1) of the Education Law  
Sections 200.2 (b)(9), 200.2(e)(1), and 200.5(j)(3) of the Regulations of the Commissioner of Education

Adopted: 02-07-11  
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