

SELECTION AND APPOINTMENT OF AN IMPARTIAL HEARING OFFICER

Upon receipt of a written request for an impartial due process hearing pursuant to the Individuals with Disabilities Education Act (“IDEA”), the Superintendent’s Secretary or Designee shall initiate immediately, but not more than two (2) business days after receipt of the written request, the selection of the Impartial Hearing Officer.

The updated list of certified Impartial Hearing Officers 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 Impartial Hearing Officers whose names appear on the state list and who have indicated to the district their interest in serving as an Impartial Hearing Officer in the district.

The Superintendent’s Secretary or Designee shall contact the Impartial Hearing Officer whose name appears at the top of the list or, if an Impartial Hearing Officer previously has been appointed to preside over any other matter, the contact should be made to the individual whose name immediately follows the hearing officer last appointed. An Impartial Hearing Officer shall be selected by working down the alphabetical list, returning to the top only when the list has been exhausted. Should the Impartial Hearing Officer decline appointment, not respond or be unreachable after at least two reasonable and independently verifiable efforts to contact him or her within a 24-hour period, each successive and available Impartial Hearing Officer on the list should be offered the appointment, until such appointment is accepted. More than one Hearing Officer may be contacted at a time. The Hearing Officer who indicates availability within 24 hours, and who is highest on the contact list beginning with the starting point for the current hearings, shall be appointed. If the Impartial Hearing Officer is unable to initiate the hearing within the first 14 days of being contacted by the school district, the Impartial Hearing Officer cannot accept the appointment. The Superintendent’s Secretary or Designee shall then proceed through the list to determine availability of the next successive Impartial Hearing Officer. A contemporaneous record of all efforts to contact each Impartial Hearing Officer, including date, time and substance of conversation/message, as well as each Impartial Hearing Officer’s response, shall be created and maintained by the Superintendent’s Secretary or Designee.

Once an Impartial Hearing Officer has been selected, the Board of Education or the Board’s designee shall immediately appoint the Impartial Hearing Officer. Upon appointment, the district shall provide the Impartial Hearing Officer with a copy of the written request for a hearing, contact information on behalf of the parent/guardian and district, as well as the district’s policy on Impartial Hearing Officer compensation.

The Plattsburgh City School District shall pay certified Impartial Hearing Officers an hourly rate up to a maximum of \$100.00 per hour for pre-hearing, hearing, and post-hearing activities. At the conclusion of the hearing, the Impartial Hearing Officer shall submit to the district an itemized record describing the services performed and the time required.

The district shall not be responsible for “cancellation fees” imposed by an Impartial Hearing Officer. The district shall attempt to provide an Impartial Hearing Officer with two (2) business days’ advance notice of the cancellation or re-scheduling of an impartial hearing. Should the district request the cancellation or re-scheduling of a hearing date and fail to provide an Impartial Hearing Officer with two (2) days’ notice, the district agrees to pay the Impartial Hearing Officer a fee of \$100.00. The district shall not be responsible for costs associated with a parent or guardian’s cancellation or adjournment of a hearing.

An Impartial Hearing Officer shall be reimbursed by the district for the necessary expenses associated with the hearing including:

- Mileage at the rate of district reimbursement;
- Tolls;
- Reasonable overnight accommodations and reasonable meal expenses when hearing dates are scheduled for two or more continuous dates and the Impartial Hearing Officer would be required to travel 90 or more miles between his or her residence and the hearing location.

An Impartial Hearing Officer shall be required to submit receipts for out-of-pocket expenses to the district for reimbursement.

As a practice, the district shall not pay for expedited transcripts of an impartial hearing. Should, however, a hearing officer determine that an expedited transcript is required for the hearing officer to fulfill his or her duties, the district shall pay for the same.

Records relating to the Impartial Hearing Officer process including, but not limited to, the request for initiation and completion of each impartial hearing will be maintained effective July 1, 2002, such information shall be reported to the Office of Vocational and Educational Services for Individuals with Disabilities of SED.

Adoption date: March 23, 2006

Revised: October 8, 2009