

***Table of Contents***

***Section 1000 — Administration***

1000	Administration
1110	District Organization.....
1111	Control Responsibility .....
1115	Direct Supervision of Relatives & Significant Others .....
1120	Administrative Council.....
1230	The Superintendent of Schools .....
1240	Evaluation of the Superintendent.....
1260	The Director of the Free Library .....
1270	Non-Represented Employees .....
1275	Retirement Benefits for Non-Covered Administrators .....
1400	Job Descriptions.....
1510	Rights of Handicapped Persons .....
1511	Section 504 Policy and Procedure .....
1512	Dissemination of IEP Information .....
1513	Impartial Hearing Officer .....

*District Organization*

It is the desire of the Board to approve the groupings of grades and services within the facilities of the District to assist the efficient operation of the District and help reduce minority group isolation or concentration in all schools. Modifications in the organizational plan of the schools may be made only by the Board upon the recommendation of the Superintendent.

The Superintendent shall continually monitor the effectiveness of the schools' organizational plan and recommend to the Board such modifications in the plan which are in the best interests of the students make effective and economical use of District resources, and serve the educational goals of this Board.

The Superintendent is responsible for presenting to the Board his/her recommendations for changes in this organization of the grades whenever, in his/her opinion, new research and descriptions of promising practices warrant.

***Control Responsibility***

The Newburgh Enlarged City School District is a municipal corporation with an elected policy-making Board of Education responsible to the public. Management of the District is vested in the Superintendent of Schools, its Chief Executive Officer, and his/her staff under the supervision of the Board of Education as indicated by law. In the absence or disability of the Superintendent, the Deputy Superintendent or a designated Assistant Superintendent shall act in his/her stead.

Each employee of the District shall be under the general direction of the Superintendent. A full time certified principal shall be assigned to each school building, and each instructional staff member shall be immediately responsible to the principal of the building in which he/she works. Other employees shall be immediately responsible to the administrative personnel under whom they work.

Every member of management is expected, as an essential part of his/her responsibilities, to promote the interests of the School District as a whole, to support the principles established by the Board, and to carry out the policies formulated by the Board at official meetings.

The Superintendent shall maintain the current chart of organization to which immediate reference can be made by the Board or any employee of the Board.

***Direct Supervision of Relatives and Significant Others***

The Board recognizes that the direct supervision and evaluation of School District personnel should be conducted objectively and without favoritism. To that end, it is the policy of the District to assure that no employee shall be directly supervised or evaluated by a family member or a significant other with whom the employee resides or maintains an intimate social relationship. A building principal shall be deemed a direct supervisor of any employee in his/her building under this policy. Departmental directors are not precluded from indirect supervision of a family member, et. al. under this policy, but may have no role in evaluation of said employee. To effectuate the purpose of this policy, it may become necessary to transfer one of the employees. Prior to making any such transfer, the District's Assistant Superintendent for Human Resources shall review the proposed transfer to assure that it would not constitute a disparate impact based upon gender.

***Administrative Council***

The Board recognizes the importance of establishing a management team system to strengthen the administration and educational programs of the District, and to establish and improve communications, decision-making, conflict resolution, and other relationships among the members of the administration. The Administrative Council shall perform that function under the direction of the Superintendent of Schools.

While the Administrative Council places emphasis upon shared responsibility and authority, nothing in this policy is intended to limit the responsibility and authority of the Board and Superintendent ultimately to make decisions as prescribed by law.

For the purposes of this policy the terms herein shall have the following definitions:

1. Administrative Council is a group of individuals composed of the Superintendent, central office administrative and support personnel who have significant responsibilities for formulating District policies or administering District programs.
2. Management Employees refers to those members of the Administrative Council.
3. Management Team System is a means whereby educational policies and administrative procedures that define the District's programs and operations are discussed through shared responsibility and authority.

The objectives of the District's Administrative Council are to provide input into all policies which directly affect management employees in the administration of the School District and to provide a means of addressing the economic and welfare concerns of management employees.

The Administrative Council will meet monthly or at the discretion of the Superintendent.

***Qualifications, Appointment and Duties of the Superintendent of Schools***

A. Qualifications: The Board of Education shall appoint a Superintendent of Schools who shall be appropriately certified by the New York State Education Department.

B. Appointment: The terms of office of the Superintendent of Schools shall be at the discretion of the Board of Education except that the Board may fix the term of the Superintendent of Schools by contract accordingly for a period not to exceed five years.

C. Duties: The Superintendent shall be the chief executive officer of the School District. He/She shall enforce all the provisions of Education Law of the State of New York, the Regulations of the Commissioner of Education and the rules and regulations of the Board of Education. His/her duties shall include, but not be limited to, the following:

1. Have complete administration of the public schools of the School District and of the school buildings, properties, premises and appurtenances.
2. Recommend to the Board of Education textbooks, reference books, supplies and school apparatus.
3. Have supervision and direction of all personnel employed by the School District.
4. Transfer teachers from one school to another, or from one department or position to another, or from one grade to another and prescribe their work.
5. Suspend any employee of the Board, for reasons which he/she shall consider sufficient, until the next meeting of the Board when all facts relative to the matter shall be submitted to the Board for its consideration and action including continuing the suspension.
6. Arrange for examinations and promotion of students and cause Regents examinations to be conducted in accordance with rules governing same.
7. Recommend to the Board, for employment, all employees of the Board.
8. Recommend administrators, teachers and teaching assistants who have passed the applicable probationary period in a satisfactory manner for tenure.
9. See that all registers and reports are properly kept and filed with the proper authorities.
10. Transfer students from one school to another in his/her discretion, after compliance with applicable law.
11. Give attention to and take action on all cases of misconduct reported to him/her by supervisors, directors, principals and teachers on the part of students. Hear and settle, if possible, all disagreements between the school and the parent/guardian.
12. Call meetings of the staff as often as may seem desirable for professional purposes.
13. Prepare and submit to the Board the proposed annual budget.
14. Submit new policies to the Board of Education for approval.
15. Have general supervision of the Newburgh Free Library.
16. Perform such other duties as may be required by the Board.

*Evaluation of the Superintendent of Schools*

The Board of Education shall annually review the performance of the Superintendent of Schools on or before the date indicated in the Superintendent's Contract. Such evaluation shall be based upon procedures developed by the Board in consultation with the Superintendent.

The procedures for evaluating the Superintendent shall be maintained in the files of the School District Clerk in the District Offices and be made available for review by any individual by no later than August first of each year.

***Duties of the Director of the Newburgh Free Library***

The duties of the Director of the Newburgh Free Library shall include, but not be limited to, the following:

1. Have control and supervision of the Library under the direction of the Board of Education and the Superintendent of Schools.
2. Make necessary purchases of books, materials and supplies within the limitations of the budget appropriations.
3. Be responsible for all reports to the State authorities and to the Board of Education.
4. Be responsible for the correct management of the Library and its branches and all persons employed therein.
5. Perform such other duties as may be required by the Superintendent of Schools and the Board.

***Non-Represented Employees***  
***(Confidential/Managerial Class)***

**I. Non-Pedagogical (Confidential)**

The Board recognizes the importance of employing qualified and competent personnel in all positions in the School District. The Board shall approve the employment, fix the compensation and establish terms and conditions for each person employed by the District.

All non-instructional employees not included in a negotiation unit [hereinafter referred to as non-represented employees] shall be subject to the personnel policies of the appropriate unit, provided however, that the salaries of such employees shall be determined annually by the Board of Education, upon the recommendation of the Superintendent, notwithstanding any salaries negotiated for the various units. The work year of such employees shall correspond to that of the Superintendent and his/her administrative staff, notwithstanding any provisions negotiated for the various units.

**Non-represented employees shall be entitled to:**

**Longevity:** as recommended by the Superintendent and approved by the Board, to be reviewed annually. Effective July 1, 2007:

L10	-	\$1,647.00
L15	-	\$2,816.00
L20	-	\$3,985.00
L25	-	\$5,154.00
L30	-	\$6,744.00

**Leaves of Absence**

**Vacation:** 20 days after the completion of one year; 25 days after 20 years of District service.

**Personal Leave:** 3 days per year; unused personal leave is turned into sick days and added to accumulated sick time.

**Sick Leave:** 18 days per year; cumulates yearly; 165 days may be used at the time of retirement as service credit.

a) **Sick Bank** – at the recommendation of the Superintendent and subject to the approval of the Board.

b) **Buy Back** - 25% of the daily rate

**Bereavement Leave:** 3 days for immediate family members; 500 miles away or above, add one additional day. Immediate family is defined as: spouse, mother, father, mother-in-law, father-in-law, grandparent, grandchild, child (natural, adopted or step-child), brother, sister, brother-in-law, sister-in-law, or any relative for whom the employee is solely financially responsible or who has made a permanent home in the family of the employee at least thirty days prior to the absence occurring.

**Leave of Absence:** at the recommendation of the Superintendent and subject to the approval of the Board.

**Childbirth/Adoptive Leave:** Two days leave with pay will be granted to the mother and/or father upon the birth of a child or upon the adoption of a child.

**Childcare Leave:** Up to two years of unpaid leave.

### **Health Benefits**

**Medical Benefits:** Aligned with the medical benefits offered to the bargaining unit.

**Vision and Dental Benefits:** Aligned with the vision and dental benefits offered to the bargaining unit.

**Medical Benefits at the Time of Retirement:** Employees with 10 years of District service shall be entitled to 100% District paid health benefits at the time of retirement as per Board Policy # 3423. Vision and Dental insurance will be available at the retiree's expense.

**Health Insurance Buy Out:** Employees will be eligible for the same Health Insurance buy out as is negotiated with the bargaining unit.

### **Retirement**

**Retirement Incentive:** Employees with 20 years or more of District service and at least age 55, as well as being vested in the New York State Employees Retirement System, shall receive a retirement incentive of \$10,000 or 20% of their final year's salary, whichever is greater. (Reference resolution of 1997)

Employees with less than 20 years of District service shall receive the retirement incentive offered to the bargaining unit members.

All other benefits shall be associated with the School Related Personnel Unit or specifically approved by the Board of Education.

## **II. Pedagogical and Non-Pedagogical (Managerial)**

The terms and conditions of employment of persons in positions that are managerial within the meaning of the Taylor Law shall be set forth in non-durational terms and conditions of employment agreements.

***Retirement Benefits for Non-Covered Administrators***

In recognition of the hard work and dedication of certified Central Office Administrators and non-certified Supervisors and Directors who are not members of a collective bargaining unit (“non-covered administrators”), it is the policy of the District to pay to such individuals, upon retirement, for up to thirty (30) vested vacation days that have been accrued on or after the effective date of this policy, at the per diem rate of 1/240<sup>th</sup> of annual compensation, to be paid as a non-elective direct employer contribution into the employee’s §403-b IRC Tax Sheltered Annuity with no cash option.

In addition, such non-covered administrators who have utilized an average of eight (8) or fewer sick leave days per year during the time of their employment in the District in the work capacities described in this policy, shall be entitled, upon retirement, to a good attendance bonus in the amount of \$500.00 for each year of employment in a non-covered administrator position, to be paid as a non-elective direct employer contribution into the employee’s §403-b IRC Tax Sheltered Annuity with no cash option.

For purposes of this policy “retirement” shall mean retirement as a non-covered administrator from the Newburgh Enlarged City School District to receive retirement pay from the New York State Teachers’ Retirement System or New York State Employees’ Retirement System.

***Job Descriptions***

Proper management of the School District dictates the need for job descriptions for each job title approved by the Board. The Board shall adopt job descriptions for the positions of Superintendent and Director of the Newburgh Free Library. The Superintendent shall be responsible for the preparation of job descriptions for all other employment positions created by the Board.

Job descriptions shall be based upon the outcome and process goals developed by this Board and, as appropriate to the position, on program objectives. Each job description shall specify in writing the function, duties, and responsibilities of the position; the extent and limits of the position holder and other employees of the District. Line and staff authority and responsibility identified in the organization chart will be adhered to.

***Rights of Handicapped Persons***

It is the policy of the Board of Education that no otherwise qualified person shall, solely by reason of his or her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity sponsored by this Board.

As used in this policy and implementing regulations, "handicapped person" means a person who has, or had, or is regarded or was regarded as having, a handicapping condition; "handicapping condition" means a physical or mental impairment that substantially limits one or more of a person's major life activities and includes specific learning disabilities.

Notice of the Board's policy on non-discrimination in employment and education practices shall be given in the Board policy manual, posted throughout the district, and published in any district statement regarding the availability of employment positions or special education services.

**Employment**

No employee or candidate for employment shall be discriminated against in recruitment, employment, promotion, training, or transfer solely because of his or her handicapping condition.

No candidate for employment shall be required to answer a question regarding a handicapping condition and no such candidate will be discriminated against on the basis of a handicapping condition that is not directly related to the essential function of the position for which he or she has applied.

Reasonable modifications in scheduling and the allocation of duties not directly affecting the instructional program shall be made to accommodate employment conditions to the needs of handicapped persons.

**Facilities**

The educational program of this district shall be equally accessible to all pupils at each grade level. Barrier-free access to school facilities shall be provided to the extent that no handicapped person is denied an opportunity to participate in a district program available to non-handicapped persons

**Program**

The Board directs that all reasonable efforts be made to identify unserved handicapped children of this district eligible for special education and/or related services in accordance with law and Board Policy No. 2463. A free appropriate public education shall be provided for each child determined to be in need of special education and/or related services. Such a program of special education shall be provided in the least restrictive environment and in barrier-free

facilities comparable to those provided for non-handicapped pupils. To the maximum extent appropriate to the pupil's handicap, a handicapped pupil shall be placed in an educational setting with non-handicapped or less severely handicapped pupils.

No otherwise qualified pupil will be denied, because of his or her handicap, participation in co-curricular, intramural, or interscholastic activities or any of the services offered or recognitions rendered to the pupils of this district.

The due process rights of handicapped pupils and their parents will be rigorously enforced.

### **Staffing**

1. When a remedial service is included in the individualized education program (IEP), such service shall be provided by appropriately certified or licensed individuals.
2. When a transitional support service is included in the individualized education program to be provided to teachers of a pupil with a handicapping condition, such service shall be provided by personnel appropriately certified or otherwise qualified in each area of service.
3. Related services shall be provided by individuals with appropriate certification or license in each area of related service.
4. Special education instruction shall be provided by individuals appropriately certified or licensed pursuant to sections 80.6 or 80.2(j) of Commissioner's Regulations.
5. An administrator or supervisor of special education programs serving more than 25 percent of his assignment in such capacity shall hold a certificate valid for administrative and supervisory service pursuant to section 80.4 of Commissioner's Regulations.

### **Enforcement**

The Associate Superintendent is designated as Section 504 compliance officer. A complaint regarding a violation of law and this policy in an employment decision shall be subject to a grievance procedure that provides for the prompt and equitable resolution of disputes. The grievance procedure shall follow these steps:

1. The grievant will file a written complaint, stating the specific facts of his or her grievance and the alleged discriminatory act, with the Section 504 compliance officer.
2. The compliance officer shall make all reasonable efforts to resolve the matter informally at the administrative level most immediate to the complaint.
3. In the event the complaint cannot be resolved informally, the compliance officer will convene an informal hearing no later than ten (10) calendar days after the filing of the complaint, at which both the grievant and the administrator responsible for the disputed action may present testimony and documents relevant to the complaint. Witnesses may be called and cross-examined. Detailed minutes of the hearing will be made and kept; a copy of the minutes will be made to each party. Within thirty (30) calendar days of the hearing, the compliance officer will provide a written copy of his or her determination to both parties.

4. The grievant may appeal the determination of the compliance officer to the Board of Education within ten (10) calendar days of the receipt of the compliance officer's determination. The appeal shall be in writing, and attached to copies of the original complaint the minutes of the hearing and the written determination of the compliance officer. The Board may, in its discretion, convene a hearing at which the parties may present additional testimony and argument.
5. Within thirty (30) calendar days of the filing of appeal, the Board shall provide both parties with a written decision.

Employees of this district shall be informed that a complaint may be filed without reprisal by the Board or any of its employees or agents. The grievant shall be notified of his or her rights of appeal at each step of the process and accommodations to the needs of disabled grievants shall be made. A grievant shall be informed of his or her right to file a formal complaint under Section 504 with or without recourse to the grievance procedure established by this policy.

A complaint regarding the identification, evaluation, classification, or educational program of a handicapped pupil shall be governed by the conflict resolution process established by administrative regulation of this district.

### **Evaluation and Compliance**

The Board of Education directs the Superintendent to evaluate district programs and practices of non-discrimination, in accordance with law, and to report evaluations to the Board. The Board will submit such assurances of compliance as are required by law.

***Section 504***

The Board of Education shall ensure that no student is discriminated against in programs or activities receiving federal financial assistance. Students protected by Section 504 of the Rehabilitation Act of 1973 (“Section 504”) are those individuals who have a physical or mental impairment which substantially limits one or more major life activities; whether those individuals have a record of such impairment or are regarded as having such an impairment.

The Board has appointed the Assistant to the Superintendent to serve as the District’s Section 504 Coordinator and directs said individual to:

1. Establish a team comprised of a group of persons knowledgeable about the child and person(s) familiar with the meaning of the evaluative data and program access options. This team shall consider the students’ eligibility for and recommend the provision of regular education and/or related aids and services and/or other accommodations, as appropriate, to provide a student with a disability a free appropriate public education.
2. Implement procedures to ensure the dissemination of the contents of each student’s Section 504 Plan to the persons on the District’s staff who will be charged with implementing the program, accommodations, related services and/or aids recommended.
3. Implement procedures and efforts to identify all school-age residents of the District who are not receiving a public education who have, or are suspected to have, a physical or mental impairment which substantially limits one or more major life activities.
4. Provide a copy of this policy, at least annually, to all families of students residing in the District, at the time of a student’s referral, prior to the student’s evaluation or reevaluation, and prior to actions involving the educational placement of a student.
5. Create procedures to ensure that each student who is believed to have a disability shall be evaluated prior to the provision of special education and/or related services and/or other reasonable accommodations and prior to any subsequent significant change in placement.
6. Re-evaluate, at least once every three years, students who receive related services and/or other reasonable accommodations pursuant to Section 504.
7. Ensure that students who have a physical or mental impairment which substantially limits one or more major life activities are placed and provided services, reasonable accommodations, and transportation necessary to afford each student a free appropriate public education.

8. Ensure that students who have a physical or mental impairment which substantially limits one or more major life activities are afforded an equal opportunity to participate in non-academic and extracurricular services, pre-school and adult education, to the extent offered to non-disabled students, to the maximum extent appropriate.

In addition, the following shall take place:

1. Parents shall have the right to inspect relevant student records.
2. Complaints by parents or students relating to decisions of the Section 504 team shall be made in writing, within 30 days of the decision complained of. A written description of the dispute should be sent by the parent, guardian, or eligible student to the District's Section 504 Coordinator at the Newburgh Enlarged City School District Administrative Offices, 124 Grand Street, Newburgh, New York 12550.
3. Disputes between an eligible student and/or the parent/guardian of a student, regarding whether the funds recipient has made a free appropriate education available, shall be heard by an impartial hearing officer. Parents shall have an opportunity to participate in the hearing and be represented by counsel.
4. The impartial hearing officer shall be directed to issue a written decision following the close of the hearing. A copy of the decision shall be sent to the Section 504 Coordinator and the Parent(s)/Guardian and/or Eligible Student.
5. A parent, guardian or eligible may appeal the hearing officer's decision within thirty days following the parent's receipt of the hearing officer's decision to the Board of Education.
6. Complaints may also be made to the United States Department of Education, Office of Civil Rights, Washington, D.C. 20201.

**ANNUAL NOTICE TO PARENTS AND STUDENTS  
REGARDING PROVISIONS OF A FREE APPROPRIATE  
PUBLIC EDUCATION TO STUDENTS  
PURSUANT TO SECTION 504 OF THE REHABILITATION ACT OF 1973**

The Board of Education of the Newburgh Enlarged City School District shall ensure that no student is discriminated against in programs or activities receiving federal financial assistance. Students protected by Section 504 of the Rehabilitation Act of 1973 ("Section 504") are those individuals who have a physical or mental impairment which substantially limits one or more major life activities; both those who have a record of such impairment or are regarded as having such an impairment.

The Board has appointed the Assistant to the Superintendent to serve as the District's Section 504 Coordinator and directs said individual to:

1. Establish a team comprised of a group of persons knowledgeable about the child and person(s) familiar with the meaning of the evaluative data and program access options. This team shall consider students eligibility for and recommend the provision of regular education and/or related aids and services and/or other accommodations, as appropriate to provide a student with a disability, a free appropriate public education.
2. Implement procedures to ensure the dissemination of the contents of each student's Section 504 Plan to the persons on the District's staff, who will be charged with implementing the program, accommodations, related services and/or aids recommended.
3. To implement procedures and efforts to identify all school-age residents of the District who are not receiving a public education, who have or are suspected to have, a physical or mental impairment which substantially limits one or more major life activities.
4. To provide a copy of this policy, at least annually to all families of students residing in the District, at the time of a student's referral, prior to the student's evaluation or reevaluation and prior to actions involving the education placement of a student.
5. Create procedures to insure that each student who is believed to have such a disability shall be evaluated prior to the provision of special education and/or related services and/or other reasonable accommodations and prior to any subsequent significant change in placement.
6. Students who receive related services and/or other reasonable accommodations pursuant to Section 504 shall be reevaluated at least once every three years.
7. Students who have a physical or mental impairment which substantially limits one or more major life activities shall be placed and provided services, reasonable accommodations and transportation necessary to afford each student a free appropriate public education.

8. Students who have a physical or mental impairment which substantially limits one or more major life activities shall be afforded an equal opportunity to participate in non-academic and extracurricular services, pre-school and adult education to the extent offered to non-disabled person, to the maximum extent appropriate.
9. Parents shall have the right to inspect relevant student records.
10. Disputes by parents or students relating to decisions of the Section 504 team shall be made in writing within 30 days of the decision complained of. A written description of the dispute should be sent by the parent, guardian or student to the District's Section 504 Coordinator at Newburgh Enlarged City School District Administrative Offices, 124 Grand Street, Newburgh, New York 12550.
11. Disputes between a student and/or the parent/guardian of a student, regarding whether the recipient has made a free appropriate education available, shall be heard by an impartial hearing officer. Parents shall have an opportunity to participate in the hearing and be represented by counsel.
12. The impartial hearing officer shall be directed to issue a written decision following the close of the hearing. A copy of the decision shall be sent to the Section 504 Coordinator and the Parent(s)/Guardian and/or Student.
13. A parent may appeal the hearing officer's decision within thirty days following the parent's receipt of the hearing officer's decision to the Board of Education.
14. Complaints may also be made to the United States Department of Education, Office of Civil Rights, Washington, D.C. 20201.

***Dissemination of Individualized Education Program Information***

The Board of Education shall provide a copy of each student's Individualized Education Program ("IEP") to each regular education teacher, special education teacher, related services provider and other service providers responsible for implementing a student's IEP prior to implementation of the IEP of the District. The copy shall be given as a print copy or an electronic copy that is readily accessible to the education service and related service providers, with receipt confirmed electronically if received in that format.

Each Committee on Special Education (CSE) Chairperson shall designate himself/herself or a professional member of the student's CSE with knowledge of a student's disabilities and program to inform each regular education teacher, special education teacher, teaching assistant, related service provider and support staff person (e.g., teacher aide, cafeteria worker, bus driver, bus monitor) of his or her responsibilities related to implementation of the student's IEP. Such information shall be given in writing, may reference parts of the student's IEP, shall specify the responsibility of each such individual with reference to the goals and objectives for which each is responsible and the specific accommodations (including seating, behavioral, etc.), modifications and supports relevant to their contact with the student. The information may also be given in electronic format with the same receipt acknowledgment requirement for electronic transmittal of the IEP.

Although dissemination shall be made to each teacher and service provider, redisclosure of a student's IEP shall only be made in accordance with existing confidentiality laws, including the Individuals with Disabilities in Education Act and the Family Educational Rights and Privacy Act (e.g., to other educators and related service providers who have a role to perform in delivering the requirements of the student's IEP as well as to persons present at CSE meetings or CSE subcommittee meetings regarding such student.).

***Impartial Hearing Officer Selection, Appointment and Compensation***

It shall be the policy of the Newburgh Enlarged City School District to select, appoint and compensate impartial hearing officers in the following manner:

**A. Selection and Appointment**

1. The District shall utilize the most recent rotational list of impartial hearing officers established by the State Education Department. Additional qualified impartial hearing officers requesting to serve in the District shall have their names inserted into such rotational list in alphabetical order.

2. Within two (2) business days after the District receives a written request for an impartial hearing, the District Clerk shall initiate attempts to contact that hearing officer whose name next follows the last hearing officer appointed by the Board of Education from the rotational list. 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 a letter by overnight mail, informing the hearing officer that:

- a. a hearing has been requested concerning a student (identify the student only by number) and the name of the school district;
- b. the hearing officer's name is the next one on the rotational list; and
- c. the hearing officer must contact the District Clerk (leave telephone number) no later than 24 hours from the date the telephone message is left and/or the date of the correspondence.

3. If the hearing officer declines appointment, or fails to respond within 24 hours after being telephoned or sent a letter by overnight mail, the District Clerk will, according to the procedures outlined above, offer the appointment to each successive hearing officer whose name appears on the rotational list, until it is accepted.

4. No appointment may be accepted unless the hearing officer is available to:
- a. 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
  - b. initiate the hearing within 14 days after either:
    - the date on which s/he receives written notice that the parents and District waive 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
    - the expiration of the 30-day period beginning with the receipt of the due process complaint, whichever occurs first.

5. Once an appointment is accepted, the hearing officer shall be formally appointed by:
- a. resolution adopted by the Board of Education; or
  - b. a letter signed by the President or Vice President of the Board of Education.

6. The President and/or Vice President of the Board of Education are hereby delegated with the authority to immediately appoint impartial officers who are selected in accordance with these procedures.

7. Once appointed, the District Clerk shall provide the Impartial Hearing Officer with the relevant contact information for the District's legal counsel and contact information for the Parent(s) and Student and/or their legal counsel.

8. The District Clerk shall maintain a log detailing any actions taken pursuant to this policy relating to the appointment of impartial hearing officers.

9. The District Clerk shall comply with any applicable reporting provisions contained in Section 200.5 of the Commissioner's Regulations relating to the appointment of impartial hearing officers.

## **B. Compensation**

Impartial hearing officers appointed to conduct hearings under the provisions of Article 89 of the Education Law shall submit statements to the School District for fees and expenses in accordance with the following guidelines:

1. A detailed statement for fees and expenses shall be submitted at the conclusion of the hearing and receipt of the impartial hearing officer's final decision or other determination having the effect of terminating the impartial hearing officer's involvement in the hearing.
2. All statements for fees and expenses shall separately list each individual item of service or expense, the date it occurred and the time spent, by hour or fraction thereof, in increments of one-tenth of an hour (e.g., 1, 2, 3...). Time charges must be appropriate. The District reserves the right to request additional information concerning the appropriateness of any time charges and to withhold payment for time charges deemed to be inappropriate and/or inconsistent with applicable Board policy. All statements for fees and expenses shall be submitted by the Impartial Hearing Officer within 30 days of the performance of services.
3. Compensation will be made at the hourly rates currently approved by the State Education Department pursuant to Section 4404(1) of the Education Law for authorized activities.
4. The District will not reimburse impartial hearing officers for administrative assistance, secretarial or other overhead expenses.
5. The District will, upon review and approval of properly submitted receipts, reimburse impartial hearing officers for automobile travel for up to 100 miles one-way, at the I.R.S. approved rate and for tolls reasonably and necessarily incurred as a result of the hearing. In no event will the District reimburse the impartial hearing officer for travel time.

6. 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 (if necessary);
- c. Scheduling letters;
- d. For time necessarily and actually spent preparing the Decision, including any Interim Decisions.

7. Absent extraordinary circumstances, as determined in advance by the District, impartial hearing officers will not be reimbursed for any other expenses associated with their appointment and service as impartial hearing officers.

8. 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 the impartial hearing officer with two (2) business days notice, the District will pay the impartial hearing officer a hearing cancellation fee of \$300.00. The District will not be responsible for any compensation in connection with hearing cancellation where two (2) or more business days notice is provided to the impartial hearing officer or for a parent or guardian's cancellation or adjournment of a hearing.

### **C. Notice**

1. A copy of this policy will be forwarded to the impartial hearing officer at the time of the appointment.