

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.