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To: District Superintendents
Superintendents of Public Schools
Superintendents of State-Operated and State-Supported Schools
Superintendents of Special Act School Districts
Principals of Public, Nonpublic and Charter Schools
New York City Department of Education
Impartial Hearing Officers
Special Education Parent Centers
Regional Special Education Technical Assistance Support Centers
Commissioner's Advisory Panel for Special Education Services
Organizations, Parents and Individuals Concerned with Special Education

From: James P. DeLorenzo 

Subject: Changes in the Impartial Hearing Reporting System

The purpose of this memorandum is to notify special education impartial hearing officers (IHOs) and school personnel of recent changes in reporting requirements to the Impartial Hearing Reporting System (IHRS). IHRS is a web-based data collection system designed to record information about the special education impartial hearing process at critical points, beginning with the initial written request for a hearing and ending with the issuance of the IHO's decision. IHRS is a "real time" system and is used to monitor New York State's due process system to ensure that impartial hearings are completed within the time periods required by federal and State law and regulation. Section [200.5\(i\)\(3\)\(xvi\)](#) of the Regulations of the Commissioner of Education requires that each board of education report information relating to the impartial hearing process including, but not limited to, the request for initiation and the completion of each impartial hearing. Information on IHRS may be found at <http://www.p12.nysed.gov/specialed/dueprocess/IHRS.htm>.

Following are specific changes to information that must be reported in IHRS.

Actual Record Close Date

An IHO determines when the record in an impartial hearing is closed. A record is closed when all post-hearing submissions are received by the IHO. Regulations require the IHO to notify the parties of the date the record is closed. School districts must now enter the "Actual Record Close Date" (ACRD) in IHRS.

Once a record is closed, there may be no further extensions to the hearing timelines entered into IHRS. When a case has been properly extended, the written decision of the IHO must be rendered and mailed within 14 days of the ARCD.

New Record Close Date

Previously, the IHO was required to calculate an expected “New Record Close Date (NRCD)” whenever the timelines to issue the decision were properly extended. Because IHRS now requires reporting of the ARCD, the NRCD field is now an optional field in IHRS that will not cause recalculation of a properly extended “New Decision Due Date.”

Dismissal Case Closure Type

A new Case Closure Type of “Dismissed” has been added to IHRS. This new case closure type allows IHRS to track when an IHO dismisses an impartial hearing based on administrative reasons, such as a determination that the IHO lacks jurisdiction to hear the issues or lack of participation by one or both parties. This is in contrast to an “Actual (adjudicated) Decision Case Closure Type” in which the IHO issues a decision in the hearing based on the facts. If any issue in the due process complaint is decided on its merit, the case must be closed as an “Actual Decision” and a written decision is required.

Handling Impartial Hearing Requests Containing Expedited and Non Expedited Issues

Section 201.11 of the Regulations of the Commissioner of Education establishes the reasons and timelines for expedited impartial hearings (e.g., a district request for the student’s removal to an interim alternative educational setting; a challenge by the parent of a student’s manifestation determination or placement during a disciplinary action).

Whenever a request for an impartial hearing includes both expedited and nonexpedited issues, the school district must enter the two types of issues into IHRS as two cases with the same request date. The district then appoints one IHO to hear both types of issues, entering IHO appointment into one case and contacting the IHRS Office to enter the IHO appointment in the second case. An IHO accepting appointment to this impartial hearing request must be available to handle both cases and should verify early that the issues were divided and assigned correctly to the expedited and/or nonexpedited case. As the case proceeds, the school district must enter both the timeline information for the IHO’s actions on the expedited issues and the nonexpedited issues in IHRS.

If you have any questions concerning these changes in IHRS, please call the IHRS Office at 518-473-0170 for additional clarification.