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SPECIAL EDUCATION FIELD ADVISORY

From: James P. DeLorenzo 

Subject: **Summary and Guidance on Regulations relating to Special Education Impartial Hearings**

The purpose of this memorandum is to provide additional guidance relating to recent amendments to sections 200.1, 200.5 and 200.16 of the Regulations of the Commissioner of Education relating to special education impartial hearings. The amendments, effective February 1, 2014, address:

- certification and appointment of impartial hearing officers (IHOs);
- consolidation of multiple due process complaint notices for the same student;
- decisions of the IHO;
- the timeline for an IHO to render a decision;
- extensions of the timelines for an impartial hearing decision;
- the impartial hearing record; and
- withdrawal of due a process complaint notice.

Collectively, these new regulations will help to further ensure that sufficient numbers of IHOs are available to conduct impartial hearings; that IHOs do not accept appointments when they have a personal or professional interest that might conflict with their objectivity in the hearing; that decisions by IHOs are more timely; that records are complete when submitted to the district upon a decision in the hearing; and consistency in procedures amongst IHOs for consolidation and withdrawals of hearings. In addition to changes to the procedures for conducting an impartial hearing, the revised regulations also necessitate changes to school district procedures for IHO appointments and data reporting to the Impartial Hearing Reporting System (IHRS).

Attachment 1 provides a copy of the sections of the regulations that were amended, with new language underlined. Attachment 2 provides a summary of and supplemental guidance on the regulatory changes. Questions regarding this memorandum should be submitted to the P-12: Office of Special Education, Due Process Unit spcedih@mail.nysed.gov.

Attachments