

DUE PROCESS COMPLAINTS AND IMPARTIAL DUE PROCESS HEARING

Due Process Complaints

The District is committed to making every effort to amicably resolve disputes regarding educational programs for students with disabilities. In the event these disputes cannot otherwise be resolved, either a parent or the District may file a due process complaint challenging the identification, evaluation, or educational placement of a student with a disability, or a student suspected of having a disability, or the provision of a free appropriate public education to the student. The complainant may not have an impartial due process hearing until the complainant, or the attorney representing the complainant, files a due process complaint notice that meets the requirements set forth in law for the notice. All due process hearings will be conducted in a manner consistent with the timelines and procedures set forth in law and regulation.

Except as otherwise provided by law, all requests for impartial due process hearings must be submitted within two years of the date the parent or the District knew or should have known about the alleged action forming the basis of the complaint.

Resolution Process

Upon the filing of a due process complaint, unless otherwise waived by both parties, the District will convene a meeting with the parents and the relevant member or members of the Committee on Special Education or Committee on Preschool Special Education who have specific knowledge of the facts identified in the complaint. This meeting will provide the parents with an opportunity to discuss their complaint and the facts that form the basis of the complaint, and an opportunity to resolve the complaint with the District. The District will take steps to ensure that one or both of the parents of the student with a disability are present at the resolution meeting, and will notify parents of the meeting early enough to ensure that they have the opportunity to attend. The District will ensure that all resolution meetings conform to the requirements set forth in the Commissioner's regulations.

Upon the receipt of the parent's due process complaint notice, or the filing of the District's due process complaint notice, the Board will arrange for an impartial due process hearing to be conducted. In these instances, the Board will immediately, but not later than two business days after receipt of the due process complaint notice, initiate the process to select an Impartial Hearing Officer (IHO) through a rotational selection process. To expedite this process, the Board designates the President, or in the President's absence, the Vice-President to appoint the IHO on its behalf.

The District will utilize the New York State Education Department's (SED) Impartial Hearing Reporting System to access the alphabetical list of the names of each IHO certified in New York State and available to serve in the District. The appointment of an IHO will be made from this list and in accordance with the rotation selection process and the timelines and procedures established by the Commissioner of Education. The District will record and report required information relating to the selection of IHOs and the conduct of impartial due process hearings according to the manner and schedule specified by SED.

A copy of this policy and Regulation 4321.8-R will be forwarded to the impartial hearing officer at the time of appointment.

DUE PROCESS COMPLAINTS AND IMPARTIAL DUE PROCESS HEARING

Records relating to the IHO process including, but not limited to, the request for initiation and completion of each impartial hearing will be maintained by the District and such information will be reported to the State Education Department as required by Commissioner's regulations.

References:

Individuals with Disabilities Education Act (IDEA), 20 USC § 1400 et seq.
34 CFR Part 300
Education Law §§ 4005, 4202, 4404(1), and 4410(7)
8 NYCRR §§ 200.2 and 200.5
Regulation No. 4321.8-R

Adopted: 02-07-11
Revised: 11-16-21