

**BOARD OF EDUCATION  
AGENDA  
April 8, 2014  
Elementary School**

**6:00 p.m.      Executive Session (Library)**  
**7:30 p.m.      Public Session (Large Group Room)**

I.      CALL TO ORDER AND PLEDGE OF ALLEGIANCE

II.     ROLL CALL OF BOARD MEMBERS

III.    STUDENT RECOGNITION

IV.    MINUTES

**The Board approves the minutes of the following meetings:**  
Regular Meeting held March 11, 2014

V.     OPEN FORUM

VI.    REPORTS

- A. Student Representative
- B. Superintendent of Schools
  - 2014-2015 Proposed Budget – Sean Leister
- C. Board President
- D. Committees
- E. Other

VII.   BOARD CONSENT AGENDA

**As recommended by the Superintendent of Schools, the Board approves the following resolutions appearing on the April 8, 2014 consent agenda:**

- A. Personnel - resolutions numbered 1-7
- B. Finance - resolutions numbered 1-8
- C. Facilities and Operations – resolution numbered 1
- D. Education - resolution numbered 1

VIII.   OLD BUSINESS

- A. Board Policy
  - 1. Policy 6100, Annual Budget – accept for a second reading and adoption
  - 2. Policy 6110, Budget Planning – accept for a second reading and adoption

X.     NEW BUSINESS

- A. Board Policy
  - 1. Policy 4321.8, Impartial Hearing Officers Appointment and Compensation – accept for a first reading and adoption
  - 2. Policy 4321.3, Allocation of Space for Special Education Programs – accept for a first reading and adoption

B. Designation of Special Meeting

Eastern Suffolk BOCES has requested that component districts meet on April 23, 2014 for the purpose of voting on the Eastern Suffolk BOCES Budget and Board Trustees.

X. OPEN FORUM

XI. ADJOURNMENT

**A. Personnel**

1. Request for Leave – Guidance Counselor

The Board grants the request of Kerri Neligon, Guidance Counselor, for a leave of absence from on or about April 30, 2014 until on or about January 31, 2015, in accordance with Board Policy 9520.2 Family and Medical Leave and Article IX.B.9 of the negotiated agreement with the Port Jefferson Teachers Association.

2. Request for Leave – Teacher

The Board grants the request of Winifred Kuemmel, teacher of Mathematics, for a leave of absence from on or about May 16, 2014 until on or about January 31, 2015, in accordance with Board Policy 9520.2 Family and Medical Leave and Article IX.B.9 of the negotiated agreement with the Port Jefferson Teachers Association.

3. Appointment – Substitute/Leave Replacement

The Board approves the appointment of Emily Somberg (for Kerri Neligon) as a Guidance Counselor, on a substitute basis on or about April 30, 2014 to on or about June 11, 2014; and, on a leave replacement basis, at Level MA Step 1, effective on or about June 12, 2014 to on or about June 30, 2014, in accordance with the negotiated agreement with the Port Jefferson Teachers Association.

4. Appointment – Substitutes

The Board approves the following substitute appointments for the 2013-2014 school year:

Teacher	Kristina Micalizzo
Teacher	Michael Crisci

5. Appointment – Custodial Worker I

The Board approves the appointment of Louis Ciccolella as Custodial Worker I, on a probationary basis effective April 23, 2014, in accordance with Suffolk County Department of Civil Service and the negotiated agreement with the Port Jefferson Custodial Workers Unit at a base salary of \$27,400.

6. Appointment – Part-time Guard

The Board approves the appointment of Lachone Jackson as a Guard on a part-time basis, effective April 9, 2014 through the remainder of the 2013-2014 school year, at the rate of \$20 per hour, 17.5 hours per week, pending fingerprint

clearance from the New York State Education Department and a security guard license from the New York State Division of Licensing Services.

7. Resignation

The Board accepts the letter of resignation from Rene Sowers as a leave replacement Teaching Assistant, substitute Teaching Assistant, and substitute Clerical, effective March 24, 2014.

**B. Finance**

1. Financial Reports

The Board approves the following financial reports:

Claims Audit Report - Month of February

Cash Flow Analysis - Month of February

Fund Balance Projected

New Budget Transfers

February Warrants & Treasurer Reports

<u>Fund Name</u>	<u>Warrant #</u>
General Fund	43, 44, 46-48, 50
School Lunch Fund	10-12
Federal Fund	18
Capital Fund	5
Trust & Agency	None
Payroll	18-19
Royal Fund	None
Scholarship Fund	None

Trial Balance - July 2013 – February 2014

Revenue Budget Status - July 2013-June 2014

Appropriation Status Report - July 2013-June 2014

Budget Transfers - Month of February

2. Health Services Contracts

The Board approves the contracts for health services for the 2013-2014 school year from:

Hauppauge UFSD	Nassau BOCES	West Islip Public Schools
Smithtown CSD	South Huntington UFSD	

3. ASEP Agreements

The Board of Education approves the agreements between the District and the following approved special education providers, in accordance with New York

State Flow through Law; and further, the Board authorizes the Board President to execute said agreements:

- Anderson Center for Autism
- Alternatives for Children
- Building Blocks Developmental Pre-School
- Mary Haven Center of Hope
- New York Therapy Placement Services
- NYSARC, Inc.
- New Interdisciplinary School
- Suffolk County Department of Health
- Summit School

4. Joint Municipal Bidding Program

The Board adopts the attached resolution approving participation in the Joint Municipal Bidding Program with Eastern Suffolk BOCES for the 2014-2015 school year.

5. Transfer of Reserves

The Board approves the following resolution:

WHEREAS, by action of the Board of Education, the Port Jefferson Union Free School District has previously established certain reserves having the following balances as of the fiscal year ending June 30, 2013:

<i>Reserves</i>	<i>Fiscal Year Ending 6/30/13</i>
Workers' Compensation	1,530,711
Unemployment	1,342,002
Compensated Absences	2,228,730
Employees' Retirement	1,971,976
Debt Service	2,802,040
Deferred Revenue	1,018,501
<b><i>Total Reserves</i></b>	<b>10,893,960</b>

And, WHEREAS, the Port Jefferson Board of Education wishes to utilize and or contribute additional funds where appropriate,

NOW BE IT RESOLVED that the Port Jefferson Board of Education hereby authorizes transfers of 2013-14 fund balance to any of the properly established reserves not exceed:

<i>Reserves</i>	<i>Transfers Not to Exceed</i>
Workers' Compensation	0
Unemployment	0
Compensated Absences	500,000
Employees' Retirement	500,000
Deferred Revenue	0
<b><i>Total Reserves</i></b>	<b>1,000,000</b>

6. Approval of Services

The Board approves the services of Jason Crockett as piano accompanist for the 2014 spring season at the rate of \$80.00 per hour not to exceed 5 hours.

7. Vote Officials

The Board adopts the following resolution designating the Chairperson, Acting Clerk, Chief Election Inspector and Inspectors of Election for the May 20, 2014 Annual Vote and Election; and further, that the compensation for said officials be at the rate of \$10.00 per hour.

RESOLVED by the Board of Education of Port Jefferson Union Free School District, in the County of Suffolk, New York:

*Section 1.* Pursuant to the provisions of the Education Law, Mabel Ackerman, a qualified voter of the Port Jefferson Union Free School District, in the County of Suffolk, New York (the "District"), is hereby appointed to act as the Chairperson of the Annual Vote/Election to be held in the District on May 20, 2014, and the District Clerk is hereby authorized and directed to give written notice of the appointment of such qualified voter so appointed by this Board of Education.

*Section 2.* Pursuant to the provisions of the Education Law, Mabel Ackerman, a qualified voter of the District, is hereby appointed to act as the Acting Clerk at said Vote/Election, in the absence of the District Clerk.

*Section 3.* Each of the following qualified voters of the District are hereby appointed to act as Inspectors of Election, including one such qualified voter appointed as Chief Election Inspector, at said Vote/Election and shall perform such duties and take such action as prescribed by the Education Law:

Isabelle Nalbantian	Lesley Chesley	Samantha Free	Mary Moore
Helen Kristich	Monica B. Williams	Monica C. Williams	
Caroline Ennis	Margaret Smith	Elaine Freda	
Stephanie Free	Eileen Coen	Peggy Battaglia	
Thomas Kristich	Beatrice Klein	Debra Frank	

*Section 4.* The District Clerk is hereby authorized and directed to give written notice of appointment to each of the persons hereinabove appointed to the respective offices, and to notify this Board of Education forthwith if any of such persons refuse to accept such appointment or fail to serve, in which case this Board of Education is to take such

further action as may be authorized in such circumstances pursuant to the Education Law. In the event that this Board of Education is unable to hold a meeting to appoint a qualified voter of said District to fill a vacancy caused by the refusal of any person herein designated to accept his/her appointment or the failure of such person to serve, the District Clerk is hereby authorized to appoint a qualified voter of this District to fill such vacancy.

*Section 5.* The Inspectors of Election are hereby directed to announce the results of the ballot to the Chairperson of the Vote/Election. The Chairperson is directed to declare such results and the District Clerk is directed to record such results.

*Section 6.* This resolution will take place immediately.

#### 8. Adoption of 2014-2015 Budget

The Board approves the proposed budget for the 2014-2015 school year in the amount of \$40,326,848; and further, the Board of Education approves the attached Property Tax Report Card to be published in the local newspaper, appended to the proposed budget, and submitted to the State Education Department.

### **C. Facilities & Operations**

#### 1. Energy Audit

The Board approves the following resolution:

WHEREAS, the Board of Education requested proposals from energy performance contractors for the “District Wide Implementation of Energy Conservation Measures on a Performance Contracting Basis Project” (the “Project”) on February 3, 2014; and

WHEREAS, the Board of Education received proposals for this Project on March 4, 2014; and

WHEREAS, the School District Administrators and the School District’s Architect, John A. Grillo Architects, P.C. (“JAG”) reviewed and evaluated the proposals submitted by the energy performance contracting firms in connection with the Project; and

WHEREAS, based upon said review and evaluation of the proposals, the School District Administrators and JAG recommend that the Board of Education authorize Schneider Electric to conduct a Comprehensive Energy Audit in accordance with the request for proposals issued by the School District at no cost to the School District; and

WHEREAS, based upon said recommendation, the Board of Education has determined that it is in the best interest of the School District to appoint Schneider

Electric as its energy performance contractor for the purpose of conducting a Comprehensive Energy Audit.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Education hereby appoints Schneider Electric as the School District's Energy Performance Contractor for the purpose of conducting a Comprehensive Energy Audit at Schneider Electric's sole cost and expense for the purpose of determining the feasibility of entering into an Energy Performance Contract with the School District.

**D. Education**

1. CSE Recommendations

The Board accepts the recommendations of the Committees on Special Education for the period March 13, 2014 to March 18, 2014; and Annual Review for the period February 7, 2014 to March 7, 2014.

School Year 2014-2015

**RESOLUTION (A)**

**JOINT MUNICIPAL COOPERATIVE BIDDING PROGRAM**

WHEREAS, various educational and municipal corporations located within the State of New York desire to bid jointly for generally needed services and standardized supply and equipment items; and

WHEREAS, the Port Jefferson UFSD, an educational/municipal corporation (hereinafter the "Participant") is desirous of selectively participating with other educational and/or municipal corporations in the State of New York in joint bidding in the areas mentioned above pursuant to General Municipal Law § 119-o and Education Law Section 1950; and

WHEREAS, the Participant is a municipality within the meaning of General Municipal Law § 119-n and is eligible to participate in the Board of Cooperative Educational Services, First Supervisory District of Suffolk County (hereinafter Eastern Suffolk BOCES) Joint Municipal Cooperative Bidding Program (hereinafter the "Program") in the areas mentioned above; and

WHEREAS, the Participant acknowledges receipt of the Program description inclusive of Eastern Suffolk BOCES' standard bid packet and the general conditions relating to said Program; and

WHEREAS, with respect to all activities conducted by the Program, the Participant wishes to delegate to Eastern Suffolk BOCES the responsibility for drafting of bid specifications, advertising for bids, accepting and opening bids, tabulating bids, awarding the bids, and reporting the results to the Participant.

BE IT RESOLVED that the Participant hereby appoints Eastern Suffolk BOCES to represent it and to act as the lead agent in all matters related to the Program as described above; and

BE IT FURTHER RESOLVED that the Participant hereby authorizes Eastern Suffolk BOCES to place all legal advertisements for any required cooperative bidding in Newsday, which is designated as the official newspaper for the Program; and

BE IT FURTHER RESOLVED that a Participant Meeting shall be held annually consisting of a representative from each Program Participant. Notice of the meeting shall be given to each representative at least five (5) days prior to such meeting; and

BE IT FURTHER RESOLVED that an Advisory Committee will be formed consisting of five to ten representatives of Program Participants for a term of three (3) years as authorized by General Municipal Law §119-o.2.j.

BE IT FURTHER RESOLVED that this Agreement with the Participant shall be for a term of one (1) year as authorized by General Municipal Law §119-o.2.j.

BE IT FURTHER RESOLVED that the Participant agrees to pay Eastern Suffolk BOCES an annual fee as determined annually by Eastern Suffolk BOCES to act as the lead agent for the Program.

### 2014-15 Property Tax Report Card

580206 - Port Jefferson UFSD

Contact Person:  
Dr. Kenneth Bossert

Telephone Number:

	Budgeted 2013-14 (A)	Proposed Budget 2014-15 (B)	Percent Change (C)
Total Proposed Spending	39,321,267	40,326,848	2.56%
Total Proposed School Year Tax Levy, Including Tax Levy to Support Library Debt <sup>1</sup>	33,610,133	34,092,063	1.43%
Permissible Exclusions to the School Tax Levy Limit	1,582,821	1,269,684	
Proposed School Year Tax Levy, Not Including Levy for Permissible Exclusions or Levy to Support Library Debt	32,027,312	32,822,379	
School Tax Levy Limit , Not Including Levy for Permissible Exclusions <sup>2</sup>	32,028,010	32,822,379	
Difference (positive value requires 60.0% voter approval)	-698	0	
Public School Enrollment	1,250	1,242	-0.64%
Consumer Price Index			1.46%

	Actual 2013-14 (D)	Estimated 2014-15 (E)
Adjusted Restricted Fund Balance	7,073,419	7,200,000
Assigned Appropriated Fund Balance	402,384	300,000
Adjusted Unrestricted Fund Balance	1,572,853	1,609,000
Adjusted Unrestricted Fund Balance as a Percent of the Total Budget	4.00%	3.99%

**BUDGET PLANNING**

The Superintendent of Schools, with the assistance of the ~~Business Administrator~~ Assistant Superintendent for Business shall have the overall responsibility for budget preparation, including the construction of and adherence to a budget calendar. The budget calendar shall be approved by the Board of Education in advance of the preparation of the district's annual budget. In developing the budget, the Superintendent will seek advice and suggestions from the Board of Education, staff, students and the community. The Board may use district monies to present its annual budget and related information to the voters. It shall not, however, use these funds to promote the budget or to ask for a "yes" vote.

The budget shall be designed to reflect the Board's objectives for the education of the children of the district and for the financial position of the district. The budget shall be carefully organized and planned to provide adequate accounting for each program expenditure, understanding of the financial needs of anticipated program developments, and be within the financial limitations of the district, taking into consideration the statutory limits on the tax levy, and the possibility of voters overriding the limit if necessary. To assist in budget and long-range planning, the board may commission ongoing studies of the district's educational programs which will include estimates of the fiscal implications of each program.

The budget for the ensuing school year shall be thoroughly reviewed by the Board before its presentation to the voters for final adoption.

Cross-ref: 2260, Citizens Advisory Committee

Ref: Education Law 1608(2)-(4); 1716(2)-(4); 1906(1); 2002(1); 2003(1); 2004(1); 2002(2); 2023; 2023-a; 2601-a

Note: Prior policy, 3120, revised

Presented for update: 8/15/06  
Update adoption: 9/12/06

Presented for update:  
1<sup>st</sup> reading – 3/11/14  
2<sup>nd</sup> reading & adoption – 4/8/14

## Policy 6100

**ANNUAL BUDGET**

The school budget is the legal basis for the establishment of the tax levy. It is the official document that describes the programs to be conducted during a given period of time. It is the operational plan, stated in financial terms, for the conduct of all programs in the school system.

The annual school budget process is important to school district operations and serves as a means to improve communications within the school organization and with the residents of the school community.

The budget will be presented to the public in three components (to be voted upon as one proposition):

1. *a program component*, which includes all program expenditures of the district, including the salaries and benefits of teachers and any school administrators or supervisors who spend a majority of their time performing teaching duties, and all transportation operating expenses;
2. *a capital component*, which includes all transportation capital, debt service and lease expenditures; costs resulting from court judgments, administrative orders or settled or compromised claims; and all facilities costs of the district, including facilities lease expenditures, annual debt service and total debt for all facilities financed by bonds and notes of the district, and costs of construction, acquisition, reconstruction, rehabilitation or improvement of school buildings, provided that the budget shall include a rental, operations and maintenance section that includes base rent costs, total rent costs, operation and maintenance charges, cost per square foot for each facility leased by the district, and all expenditures associated with custodial salaries and benefits, service contracts, supplies, utilities, and maintenance and repair of school facilities;
3. *an administrative component*, which includes office and central administrative expenses, traveling expenses, and all compensation, salaries and benefits of all school administrators and supervisors, all expenditures associated with the operation of the school board, the office of the Superintendent of Schools, general administration, the school business office, any consulting costs not directly related to direct student services and programs, planning, and all other administrative activities.

In addition, each component must be separately delineated in accordance with Regulations of the Commissioner. The budget will categorize revenues, property tax refunds, expenditures, budget transfers and fund balance information, and will be formatted to show changes in the data as compared with the previous year. Finally, the budget will be written in plain language and organized in a manner which best promotes the public's understanding of its contents.

The budget will be completed at least seven days before the public hearing at which the Board will present the budget to the voters. Copies of the budget will be made available upon request to residents within the district (not just district taxpayers) during the 14 days preceding the date of the annual election and budget vote at each school building in the district, at the school district offices, and at any public library or free association library within the district,

between the hours of 9:00 a.m. and 5:00 p.m. on each day other than Saturday, Sunday or holidays, as well as on the school district's internet website. In addition, at least once during the school year, the Board will include in a district-wide mailing, notice of the availability of copies of the budget.

The following documents will be attached to the budget:

- a detailed statement of the total compensation to be paid to the Superintendent of Schools, and any assistant or associate superintendent in the coming school year, including a delineation of the salary, annualized cost of benefits and any in-kind or other form of remuneration;
- a list of all other school administrators and supervisors, if any, whose annual salary will be at or above the amount designated by the State Education Department in the coming year, along with their title and annual salary;
- a school district report card detailing the academic and fiscal performance of the district; and
- a property tax report card prepared pursuant to the Education Law and the Regulations of the Commissioner of Education, including information on the tax levy limit.

If the proposed budget increases the property tax levy by more than either 2% or the rate of inflation (whichever is less), it requires a supermajority of 60% in order to pass.

The Board may not submit the proposed budget or a related proposition to the voters more than twice. If the voters fail to approve the proposed budget or budget proposition after the second submission, or if the Board elects not to put the proposed budget to a public vote a second time, the Board must adopt a contingency budget with a tax levy of 0% increase (i.e., less than or equal to the tax levy of the previous year).

The Board may use district monies to present educational and informational material about the annual budget and related information to the voters. It shall not, however, use these funds to urge voters to cast their ballots in a particular fashion.

Ref: Education Law §§1608; 1716; 1804(4); 1906(1); 2008(2); 2021; 2002(1); 2022(2); 2023; 2023-a; 2035(2); 2601-a  
General Municipal Law §36  
*Phillips v. Maurer*, 67 NY2d 672 (1986)  
*Fiscal Management* (NYSSBA, 1997)  
Hartman, William T., "Participatory Budgeting in High School", *Planning and Changing*, Spring 1989, vol. 20, no. 1.

Presented for:

1<sup>st</sup> reading – 3/11/14

2<sup>nd</sup> reading & adoption – 4/8/14

## ALLOCATION OF SPACE FOR SPECIAL EDUCATION PROGRAMS

The Board of Education recognizes its responsibility to ensure that appropriate space is available for:

1. Special programs and services provided to meet the needs of students and preschool students with disabilities both within its own facilities, and in programs provided by the board of cooperative educational services (BOCES) and attended by district residents; and
2. Serving students with disabilities in settings with non-disabled peers, as well.

The district will address such space allocation needs as part of its annual budget cycle, during the annual or any more frequent re-evaluation of its long-range educational facilities plan, and as part of the district's special education services plan, ~~and as part of the biannual plan it must submit to the commissioner of education regarding the provision of services to students and preschool students with disabilities.~~

Through the Superintendent, the district also will share with the BOCES District Superintendent information relevant for the BOCES to determine ~~its own facility~~ the regional space needs for serving the district's resident students and preschool students with disabilities.

As part of the process for ensuring the allocation of appropriate space for special education programs and services and serving students with disabilities in settings with non-disabled peers, the Superintendent, in consultation with appropriate school personnel will, at a minimum:

1. Periodically gather information regarding the number of students and preschool students with disabilities presently participating and anticipated to continue to participate in the district's special education programs and services, the type of programming they presently receive and may receive in the future, as well as the setting in which those services are and/or will be provided.
2. Review the results of the district's latest census, and other district child find efforts, including child find activities conducted with respect to parentally-placed nonpublic school students with disabilities.
3. Anticipate any projected increase in the number of students and preschool students with disabilities the district will be responsible for providing special education programs and services to, the anticipated type of services they will be receiving and the settings in which those services will be provided.
4. Based on the above information, review current space capacity, and identify any additional space requirements to meet both current and future needs.

5. ~~Submit a report to the board regarding the results of the above review process, along with necessary recommendations for additional space allocations.~~

Cross-ref: 4321 Programs and Services for Students with Disabilities under the IDEA and New York's Education Law Article 89  
4321.10 Programs and Services for Parentally-Placed Nonpublic School Students with Disabilities under the IDEA and New York's Education Law Article 89

Ref: Individuals with Disabilities Education Act (IDEA) 20 USC  
Education Law §§3602(10)  
8 NYCRR §§155.1(a); 200.2(c)(2)(iv),(v); 200.2(g)

Presented for:  
1<sup>st</sup> reading – 2/12/08  
2<sup>nd</sup> reading & adoption – 3/11/08

Revision presented for:  
1<sup>st</sup> reading & adoption – 4/8/14

## IMPARTIAL HEARING OFFICER APPOINTMENT AND COMPENSATION

The Board of Education will appoint impartial hearing officers (IHO), as needed, to hear complaints regarding the identification, evaluation, or placement of students with disabilities, or the provision of a free appropriate public education to such a student in accordance with the rotational selection process and other applicable procedures described in Commissioner's regulations.

### *Selection*

The updated list of certified IHOs for this county promulgated by the New York State Education Department will be used in connection with requests for impartial hearings. The list shall also include the names of those other certified IHOs whose names appear on the state list and who have indicated to the district their interest in serving as an IHO in the district.

Upon receipt of a request for an impartial hearing, the rotational selection process for the IHO shall be initiated immediately and always within two (2) business days after receipt by the district of such written request. Should an IHO decline appointment, or if within 24 hours the IHO fails to respond or is unreachable after reasonable efforts by the District Clerk or designee, such efforts will be documented through independently verifiable efforts. The district representative shall then proceed through the list to determine availability of the next successive IHO.

The District Clerk or other person so designated, under the direction of the Board President, shall initiate the selection process by contacting the impartial hearing officer whose name first appears after the impartial hearing officer who last served. The District Clerk or designee shall canvass the list in alphabetical order as prescribed by the Regulations of the Commissioner of Education until an appointment is accepted. Pursuant to the Regulations of the Commissioner of Education, if an impartial hearing is currently pending for the same student when a new hearing request is received, the district will appoint the same IHO, if available, who will determine whether or not to consolidate the hearings. Additionally, if the new hearing request concerns an issue which had been previously withdrawn in the 12 months prior, the district shall appoint the same IHO, if available.

An IHO on the district's rotational list may not accept appointment unless he or she is available to:

1. 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
2. Initiate the hearing within the first 14 days after either:
  - The date on which he or she receives written notice that the parents and the district waived 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.

#### *Appointment*

The Board President, or in his or her absence or inability the Vice President, will appoint an IHO immediately after the IHO selected from the rotational list indicates he or is available.

The Board will rescind the appointment of an IHO and appoint a new one if, the parties to the hearing mutually agree that the IHO is either incapacitated or otherwise unavailable or unwilling to continue the hearing or issue a decision. The appointment of a new IHO in such an instance will be made in accordance with the selection and appointment procedures established by this policy.

#### *Compensation*

The district shall compensate an impartial hearing officer for his or her services at the maximum rate established for such purpose by the Director of the Division of the Budget. Currently, this rate is \$100.00 per hour for pre-hearing, hearing, and post-hearing activities. In addition, impartial hearing officers may be reimbursed for reasonable, actual and necessary expenses for automobile travel, meals and overnight lodging in accordance with the current district reimbursement rate set for district employees. Mailing costs associated with the hearing will also be reimbursed. The District will not reimburse impartial hearing officers for administrative assistance, secretarial or other overhead expenses.

#### *Cancellation*

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 an Impartial Hearing Officer with two (2) days notice, the district agrees to pay the Impartial Hearing Officer a fee of \$100.00. The district shall not be responsible for costs associated with a parent or guardian's cancellation or adjournment of a hearing.

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

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 Office of Vocational and Educational Services for Individuals with Disabilities of SED as required by Commissioner's regulations.

Ref: 8 NYCRR §§200.2; 200.5; 200.21

Presented for:

1<sup>st</sup> reading – 2/12/08

2nd reading & adoption – 3/11/08

Revision presented for:

1<sup>st</sup> reading & adoption – 4/8/14