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April 29, 2022

TO: New York City Impartial Hearing Officers
New York City Impartial Hearing Office

FROM: Eileen Borden



SUBJECT: New York City Impartial Hearing Decision Process

This letter supersedes the April 21, 2022 letter of the same subject matter regarding the New York State Education Department's (NYSED's) expectations of New York City Impartial Hearing Officers (IHOs) specific to responsibilities and procedures for ensuring the accuracy of impartial hearing decisions, timely submission of impartial hearing decisions to the parties and the NYC IH Office, and accurate impartial hearing case closed dates in the Impartial Hearing Reporting System (IHRS).

To ensure a clear understanding of the terms referenced in this memorandum, the following provides a definition of each:

- *Date of Decision* - the date on the written impartial hearing decision which appears next to the IHO's signature. This is the date that begins the timeline for an Appeal to the Office of State Review.
- *Distribution Date* -

It has come to our attention that when NYC per diem IHOs submit their final decision to the parties, they are not always submitting a copy of their final decision to the NYC IH Office at the same time. NYC per diem IHOs must submit a copy of their final decisions to the NYC IH Office at the same time the final decision is emailed to the parties. When e-mailing decisions to the parties, NYC per diem IHOs must include IHODec@schools.nyc.gov in the e-mail cc line. Additionally, if a final decision is faxed or mailed to the parties, NYC per diem IHO's must also e-mail a copy to the NYC IH Office at the same time IHODec@schools.nyc.gov. All NYC per diem and Office of Administrative Trial and Hearing (OATH) IHOs must also submit a redacted copy of the decision to NYSED at DueProcessDecisions@nysed.gov within 15 days of submission to the parties and the NYC IH Office.

In addition, it is NYSED's expectation that IHOs will timely submit to the NYC IH Office all written orders including Interim Orders, Termination Orders and Consolidation Orders.

The NYC IH Office must not edit and/or revise an impartial hearing decision, change the signature date of an impartial hearing decision or direct any IHO to edit/revise a decision or date of decision. The case closed date must be the same as the date of decision and must be accurately and uniformly reflected in the case record as the case closed date and submitted to NYSED's IHRS via the File Transfer Protocol (FTP). Processing or staff delays in the NYC IH Office cannot impact or change the case closed date which must be the same as the date of decision. Should an impartial hearing decision contain what the parties think are errors, the party