

AMENDMENT TO THE REGULATIONS OF THE COMMISSIONER OF EDUCATION

Pursuant to sections 107, 207, 305, 3214, 4403, 4404, and 4410 of the Education Law.

1. Subdivision (X) of section 200.1 of the Regulations of the Commissioner of Education is amended to read as follows:

(x) *Impartial hearing officer* means an individual assigned by a board of education pursuant to Education Law, section 4404(1), or by the commissioner in accordance with section 200.7(d)(1)(i) of this Part, to conduct a hearing and render a decision. In a city school district having a population of one million or more inhabitants, impartial hearing officer also means individuals who are assigned to a permanent, standing administrative tribunal employing impartial hearing officers. No individual employed by a school district, school, or program serving students with disabilities placed there by a school district committee on special education may serve as an impartial hearing officer and no individual employed by such schools or programs may serve as an impartial hearing officer for two years following the termination of such employment, provided that a person who otherwise qualifies to conduct a hearing under this section shall not be deemed an employee of the school district, school or program serving students with disabilities solely because he or she is paid by such schools or programs to serve as an impartial hearing officer. An impartial hearing officer shall:

(1)...

(2)...

(3)...

(4)...

2. Section 200.5 of the Regulations of the Commissioner of Education is amended by adding a new subdivision (p) to read as follows:

(p) Authority of standing administrative tribunals. Notwithstanding any other provision of this Part, in a city school district having a population of one million or more, a standing administrative tribunal employing impartial hearing officers is authorized to promulgate regulations, in consultation with the Department, related to the procedure and efficiency of impartial due process hearings, which provisions may differ from subdivision (j) of this section, provided such regulations are consistent with all other applicable state and federal laws and regulations.