

Parent/Guardian Information Packet

Dear Parent or Guardian:

Enclosed is a packet of resources, information and forms for parents or guardians of students for whom an impartial hearing request has been filed. Please review the following documents carefully and contact your case coordinator with any questions or concerns you have about the status of your due process complaint.

This packet contains:

- Waitlist Priority Information and Form
- Support for Families: Contact Information for Special Education Parent Centers, and Legal Services and Advocacy Agencies
- Mediation vs. Resolution info page
- Joint Announcement regarding DFO-IU Transition and Guidelines for Submitting an Inquiry About the Implementation of an Impartial Hearing Order
- Blank Subpoenas (with instructions)
- Various Request Forms: Interpretation/Translation Services; Wheelchair Accessibility; Confidentiality Release Form; Request for Child's Presence (under 18); Request for Student's Presence (over 18); Request for an Open Hearing
- Office of Administrative Trials and Hearings: Special Education Hearings Division (OATH)

For further assistance, parents and guardians are encouraged to make use of available services, especially those listed in the Support for Families section. There are many agencies and groups in the New York Metropolitan area that are ready and willing to provide help to parents, guardians, and, most importantly, their children for free or low-cost.

Very truly yours,

New York City Department of Education Impartial Hearing Office

**IMPORTANT INFORMATION FOR FAMILIES:
PRIORITY CASE ASSIGNMENTS**

Due Process Complaints are assigned to Impartial Hearing Officers based in part on their priority level, *which is defined by the student’s current placement status*. Filers are asked to complete a survey to provide our office with information that allows us to determine how urgently a hearing officer should be assigned to your case.

It is especially important that you fill out the survey if your child is not currently receiving any special education services, is receiving only limited services, or if your family is paying for services while waiting for resolution of your due process complaints.

Please review the options below and then complete the form to select the option that best represents your child’s current situation.

Option 1	Option 2	Option 3	Option 4
<p align="center">Student is not currently receiving any special education program or services – public or private – and is filing an IDEA claim.</p> <p><i>IDEA is the federal law which requires the district to provide a Free and Appropriate Public Education to qualifying students with disabilities, regardless of the nature or severity of their disabilities; and to establish procedures for identifying students with disabilities.</i></p>	<p align="center">Student is filing a claim under the IDEA and does not have pendency.</p> <p><i>Pendency is a “stay put” order which allows your child to remain in their last agreed upon placement during the impartial hearing process.</i></p>	<p align="center">Student is filing a claim under the IDEA and does have pendency.</p> <p><i>Pendency is a “stay put” order which allows your child to remain in their last agreed upon placement during the impartial hearing process.</i></p>	<p align="center">Student is filing a claim for provision or implementation of equitable services under NYS Education Law 3602(c).</p> <p><i>NYS Education Law 3602(c) provides that students who are parentally placed in private schools are entitled to equitable special education services through the development of an IESP.</i></p>

We know it might be hard to understand which answer to select on the survey. If you need help responding to the survey, or have questions about it, you may call the New York Legal Assistance Group (NYLAG) at 212-946-0352, or email them at JSM@nylag.org. NYLAG, along with the law firm Sullivan & Cromwell, represents all families with open due process complaints in a class action lawsuit concerning delays in the impartial hearing process (*J.S.M., et al. v. NYC Department of Education, et al.*, 20 CV 705 (E.D.N.Y.)).

COMPLETE THE SURVEY ON THE FOLLOWING PAGE

Five Ways to Complete the Priority Case Assignment Survey

OPTION 1:
 Scan the QR code with your Smart Phone camera phone to be directed to the survey website.



OPTION 2:
 If viewing the digital version of this packet, [CLICK HERE.](#)

OPTION 3:
 Type the follow web address in your browser:

<https://tinyurl.com/IHOCASEAssignment>

OPTION 4:

 Call or email your case coordinator and ask them to complete the form on your behalf.

This information can be found on the email confirmation that your impartial hearing request has been processed.

OPTION 5: Complete the survey below and mail this page to:

Impartial Hearing Office
 ATTN: Priority Case Assignment Form
 131 Livingston Street, Room 201
 Brooklyn NY, 11201

Student Name: _____ Student Date of Birth: _____

Parent/Filer Name: _____ Student NYCID Number: _____

6 Digit Due Process Complaint Case Number: _____ Date Complaint was filed: _____

Select the Option below that best describes your child’s current situation (refer to previous page, as needed):

_____ OPTION 1: Student is not currently receiving any special education program or services – public or private – and is filing an IDEA claim.

_____ OPTION 2: Student is filing a claim under the IDEA and does not have pendency.

_____ OPTION 3: Student is filing a claim under the IDEA and does have pendency.

_____ OPTION 4: Student is filing a claim for provision or implementation of equitable services under NYS Education Law 3602(c).

Support for Families: Special Education Parent Centers

There are special education parent centers located in New York City. These centers will provide parents of children with disabilities with information, resources, and strategies to:

1. Promote their meaningful involvement in their children’s education programs, including information regarding the special education process (referrals, individual evaluations and individualized education program development and transition planning);
2. Assist in understanding their children’s disabilities;
3. Promote early resolution of disputes between parents and school districts;
4. Promote the use of resolution sessions and special education mediation;
5. Assist in understanding procedural due process rights, including the right to impartial hearings and appeals and the State complaint process;
6. Enhance parents’ skills and levels of confidence to communicate effectively; and
7. Work collaboratively with schools and other stakeholders to advocate and actively participate in their children’s education program.

Please contact the parent center for assistance.

Parent Centers			
Name	Address	Telephone #	Notes
INCLUDEnyc	520 8 th Avenue, 25 th Floor Suite 2503 New York, NY 10019	English: Call: 212 677 4660 Text: 646 693 3175 Spanish: Call: 212 677 4668 Text: 646 693 3157 WhatsApp: 646 693 3157	<ul style="list-style-type: none"> • Serves residents of Queens, Brooklyn, The Bronx, Manhattan and Staten Island • Website: www.includenyc.org • Parents and Caregivers may complete the online form at https://www.tfaforms.com/422946 to set up an appointment with an INCLUDEnyc educator.

Support for Families: Legal Services and Advocacy Agencies

The following is a list of free legal services and advocacy agencies that may be available to represent parents at impartial hearings. Each agency has the option of accepting or rejecting any application for its services.

Name	Address	Telephone #	Notes
Legal Services – NYC MAIN OFFICE	40 Worth St., Ste., 606 New York, NY 10027	(917) 661-4500 City Legal Assistance Hotline	<ul style="list-style-type: none"> • Serves residents of NYC • Must meet income eligibility requirement
Legal Services – Brooklyn	105 Court Street, 4 th Fl. Brooklyn, NY 11201	(718) 237-5500	<ul style="list-style-type: none"> • Serves residents of Brooklyn • Must meet income eligibility requirement
Legal Services – Bronx	349 E. 149 th St., 10 th Fl. Bronx, NY 10451	(718) 928-3700	<ul style="list-style-type: none"> • Serves residents of Bronx • Must meet income eligibility requirement
Legal Services – Manhattan	1 West 125 th St., 2 nd Fl. New York, NY 10027	(646) 442-3100 (212) 348-4093	<ul style="list-style-type: none"> • Serves residents of Manhattan • Must meet income eligibility requirement
Legal Services – Queens	89-00 Sutphin Blvd. 5 th Floor Jamaica, NY 11435	(347) 592-2200	<ul style="list-style-type: none"> • Serves residents of Queens • Must meet income eligibility requirement
Legal Services – Staten Island	36 Richmond Terrace, Ste. 205 Staten Island, NY 10301	(718) 233-6480	<ul style="list-style-type: none"> • Serves residents of Staten Island • Must meet income eligibility requirement
New York Lawyers for the Public Interest	151 W. 30 th St., 11 th Fl. New York, NY 10001	(212) 244-4664	<ul style="list-style-type: none"> • Serves residents of all five boroughs • No walk-ins • Online form to request assistance: https://www.nylpi.org/get-help/ • www.nylpi.org
Mobilization for Justice	100 William Street 6 th floor New York, NY 10038	(212) 417-3786	<ul style="list-style-type: none"> • Email contact: SpecialEd@mfjlegal.org • Serving residents of all five boroughs • Free for low-income parents • http://mobilizationforjustice.org/

Name	Address	Telephone #	Notes
NY Legal Assistance Group	7 Hanover Sq., 18 th Fl. New York, NY 10004	(212) 613-5000	Email Contact: info@nylag.org www.nylag.org
Advocates for Children	151 W. 30 th St., 5 th Fl. New York, NY 10001	(212) 947-9779 Helpline: (866) 427-6033	www.advocatesforchildren.org
Sinergia, Inc.	2082 Lexington Ave. 3rd Floor New York, NY 10035	(212) 643-2840 or toll free (866) 867 9665	www.sinergiany.org

Note: The Impartial Hearing Office does not endorse nor assume any responsibility for the availability or work of the agencies listed.

Mediation vs. Resolution: What Families Need to Know

Mediation	Resolution Meeting
Mediation must be requested in writing and both parties must agree to participate in mediation.	Resolution meetings are a required part of the Impartial Hearing Process; a Due Process Complaint may be dismissed if the parent does not cooperate with efforts to engage in a resolution meeting
Mediation may be requested with an open Impartial Hearing Request, or on its own.	A Resolution Meeting must be scheduled within the first 15 days after an Impartial Hearing Request is filed unless both parties agree to waive the Resolution Meeting.
Arranged and facilitated by neutral third-party Community Dispute Resolution Centers, who are trained in conflict resolution and Special Education law and procedures.	Arranged and facilitated by the Resolution Case Manager
Mediation focuses on collaboration and communication and allows parties to discuss issues openly and work together to develop a solution.	Resolution focuses on what the District is willing to provide in order to resolve the Due Process Complaint.
Ideal for complaints regarding evaluations, transportation, the setting or services on your student's IEP/ IESP, or their placement.	Ideal for complaints regarding tuition payments, or payment of services.
The mediation process is confidential; discussions during the mediation process may not be shared during the Impartial Hearing if the mediation is unsuccessful.	Information revealed and discussions held during the Resolution session may be shared during an Impartial Hearing if the Resolution meeting is unsuccessful.
Mediation agreements are binding and enforceable in Court.	Resolution agreements are binding and enforceable in Court.



For more information on mediation, email IHOMediation@schools.nyc.gov.

To submit a mediation request, email IHOQuest@schools.nyc.gov.



JOINT ANNOUNCEMENT

April 5, 2024

Office of the General Counsel
Special Education Case Management
Impartial Hearing Order Implementation Unit

Division of Financial Operations
Payables Office

DUE PROCESS IMPARTIAL HEARING ORDERS PAYMENT PROCESS

We are updating our organizational structure as part of our ongoing commitment to improve the impartial hearing order implementation process.

After considering stakeholder feedback and the Special Master’s guidance, we are reorganizing the work of the Impartial Hearing Order Implementation Unit (IHOIU) to serve students and families better.

The implementation process for prospective payment and reimbursement awards occurs through a three-step process handled by the following teams:

1. **Compliance:** analyzes and unpacks orders, identifying the actions required.
2. **Account Management:** verifies vendor information and supporting documents to set funding parameters for ordered services and programs. This administrative function is commonly referred to as the “authorization” process.
3. **Billing:** receives vendor invoices and processes payments based on the funding parameters authorized above.

The work of the Compliance and Account Management Teams (including tuition and all reimbursements) will continue operating within the Impartial Hearing Order Implementation Unit (IHOIU).

The work of the Billing Team for processing payments to independent service providers has transitioned to the Division of Financial Operations – Payables Office (“DFO-PO”).

We are providing updated guidelines for submitting inquiries to our respective offices – IHOIU and DFO-PO [See Attachment] to support this transition. These guidelines will serve as the most efficient way to ensure authorization in our system and payment pursuant to impartial hearing orders.

We are confident that these changes will improve the implementation process and benefit students and families.

In Partnership,

Office of the General Counsel, Special Education Case Management,
Impartial Hearing Order Implementation Unit (IHOIU)

and

Division of Financial Operations, Payables Office (DFO-PO)

Attachment: Guidelines for Submitting an Inquiry to IHOIU and DFO-PO, dated April 5, 2024

GUIDELINES FOR SUBMITTING AN INQUIRY

For us to better assist you, the Impartial Hearing Order Implementation Unit (IHOIU) and the Division of Financial Operations, Payables Office (DFO-PO) are providing the following guidance about submitting inquiries to our respective offices.

Required Information for All Inquiries

1. Student's Full Name
2. OSIS Number
3. Impartial Hearing Order Case Number
4. Office of Origin

Summary

1. Parties and their representatives should contact IHOIU for tuition and services authorization process matters.
2. Parties and their representatives should know their assigned IHOIU account manager for authorization. Attorneys/firms/advocates have been informed of their assigned IHOIU Account Specialists.
3. If tuition or services have not been authorized, the parties or their representatives should follow the instructions in "Section 2: Not Yet Authorized Cases" of the Inquiry Process below.
4. IHOIU, as an office within the NYCPS Office of the General Counsel, will not be in contact with vendors because vendors are not parties to the underlying due process complaint.
5. Once a case is authorized, payees should follow the instructions in "Section 1: Authorized Cases".
6. We will respond to inquiries within four business days. We will acknowledge receipt of the inquiry, advise regarding the next steps, and the timeline for resolving the inquiry.

Inquiry Process for Impartial Hearing Orders

IHOIU and DFO-PO are dedicated to effectively and efficiently implementing Impartial Hearing Orders. To ensure that students receive their awarded services by the families' chosen providers, vendors (including schools and agencies) should follow the inquiry process below:

1. **Authorized Cases:** If the vendor has received an authorization email **for the period in which they are seeking payment** for services (SETSS/related services/evaluations/etc.) rendered on a given case, they should submit invoices to:

IHServiceInvoices@schools.nyc.gov.

Tuition payment inquiries for authorized cases should be sent to:

IUTuitionPayments@schools.nyc.gov.

2. **Not Yet Authorized Cases:** If the vendor has not received an authorization email **for the period in which they are seeking payment** for services rendered, the parent or their representative should email the assigned IHOIU Account Specialist with a copy to

IUAuthorization@schools.nyc.gov.

Before contacting us, the parent or their representative should confirm there is an Impartial Hearing Order or Agreement that awards the service and the service period for which payment is sought.

Subpoena Instructions

This Subpoena Form is provided by the Impartial Hearing Office to aid parties in requesting subpoenas. A subpoena is a written command to appear before a hearing and/or to produce documents for a hearing. During the course of an impartial hearing case, the hearing officer can issue a subpoena at the request of a party.

Process for Requesting Subpoenas

1. **Submit a Completed Subpoena Form:** To obtain a subpoena, the requesting party must submit a completed subpoena form to the assigned Impartial Hearing Office case coordinator (either by using this form or one's own). The case coordinator will immediately forward the subpoena form to the hearing officer and to the other party for review/challenge.
2. **Obtain approval of the Hearing Officer:** The hearing officer will review the subpoena, taking into account any challenges to the subpoena from the other party. If the hearing officer approves the subpoena, the officer will sign and date the subpoena and provide a signed copy of the subpoena to the case coordinator who will forward it to the requesting party.
3. **Deliver the Subpoena to the Witness: Delivery** of subpoenas is solely the responsibility of the requesting party.

Completing this Subpoena Form

- **“To” line:** Identify the witness in the “To” line at the top of the Subpoena Form, including the person's name and current address.
- **Testimony Section:** If you want the witness to testify at the hearing, mark the first checkbox (next to the command to appear) and fill in (1) the place, date and time of the hearing and (2) the name of the student and the Impartial Hearing Office case number.
- **Documents Section:** If you want the witness to produce documents (in addition to, or instead of, testifying at the hearing), mark the second checkbox (next to the command to produce) and identify the documents to be produced in the space provided. Further:
 - If you want the documents to be delivered at the hearing, mark the first small checkbox (next to “at the above-stated time and place”) and make sure that the place, date and time of the hearing is provided in Testimony Section (the paragraph next to the first checkbox); or
 - If you want the documents to be delivered to another location (for example, to you or your representative), mark the second small checkbox and provide the location and deadline for delivery in the space provided.

SUBPOENA

DEPARTMENT OF EDUCATION, THE CITY OF NEW YORK
131 Livingston Street, Room 201, Brooklyn, New York 11201

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK:

TO: _____

YOU ARE HEREBY COMMANDED, that, all business and excuses being laid aside, you:

Appear and attend before the undersigned Impartial Hearing Officer at _____

on _____, 20____ at _____ A.M/ P.M.,
or any such rescheduled date and time that is announced by said Impartial hearing Officer,
to testify and give evidence in a formal hearing concerning a student by the name of

_____ ; and/ or

Produce and turn-over the following documents: _____

now in your custody, and all other evidence which you have in your custody concerning the above-named student.

at the above-stated time and place

to _____

by _____, 20_____.

PLEASE TAKE NOTICE that this Subpoena is issued pursuant to section 200.5(j)(3)(iv) of the Regulations of the Commissioner of Education.

By Order of the Impartial Hearing Officer

Dated: _____, 20_____

IMPARTIAL HEARING OFFICER

SUBPOENA

DEPARTMENT OF EDUCATION, THE CITY OF NEW YORK
131 Livingston Street, Room 201, Brooklyn, New York 11201

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK:

TO: _____

YOU ARE HEREBY COMMANDED, that, all business and excuses being laid aside, you:

Appear and attend before the undersigned Impartial Hearing Officer at _____
_____ on _____, 20____ at _____ A.M/ P.M., or any such rescheduled date and time that is announced by said Impartial hearing Officer, to testify and give evidence in a formal hearing concerning a student by the name of _____; and/ or

Produce and turn-over the following documents: _____

now in your custody, and all other evidence which you have in your custody concerning the above-named student.

at the above-stated time and place
 to _____
_____ by _____, 20_____.

PLEASE TAKE NOTICE that this Subpoena is issued pursuant to section 200.5(j)(3)(iv) of the Regulations of the Commissioner of Education.

By Order of the Impartial Hearing Officer

Dated: _____, 20_____

IMPARTIAL HEARING OFFICER

CASE # _____

REQUEST FOR AN INTERPRETER

I, _____, the parent or person in parental relationship
of _____, request that an interpreter be present for an
(Name of Child)
impartial hearing scheduled for _____ at _____.
(Date) (Time)

The interpreter should be prepared to interpret the following
language(s): _____
_____ ; OR

The interpreter should be prepared to interpret in sign language.

(Parent's Name – Please Print)

(Date)

(Parent's Signature)

REQUEST FOR WHEELCHAIR ACCESSIBILITY

CASE # _____

I, _____, the parent or person in parental relationship
of _____, request wheelchair accessible facilities for the
(Name of Child)
impartial hearing scheduled for _____ at _____.
(Date) (Time)

(Parent's Name – Please Print)

(Date)

(Parent's Signature)

RETURN COMPLETED FORMS TO THE IMPARTIAL HEARING OFFICE

EMAIL: IHOCaseCoordinator@schools.nyc.gov (preferred)
FAX: 718-391-6181
MAIL: 131 Livingston Street - Room 201, Brooklyn, NY 11201

CONFIDENTIALITY RELEASE FORM

I authorize _____* to assist me in representing my child,
_____ (date of birth ___/ ___/ _____) at the impartial hearing. I grant permission
to the Impartial Hearing Office to communicate with the above-named person and to allow that person to receive and to
view any materials related to this case. This authorization is valid until the conclusion of the case or the date I withdraw my
consent, whichever is earlier.

PARENT/ GUARDIAN NAME (PLEASE PRINT)_____
PARENT/ GUARDIAN SIGNATURE_____
STREET ADDRESS/ APT NUMBER_____
CITY, STATE, ZIP CODE_____
DATE_____
PHONE NUMBER_____
EMAIL

THE STATE OF NEW YORK

COUNTY OF _____

On the _____ day of _____ in the year _____ before me, the undersigned personally
appeared _____ personally known to me or proved to me on the basis of
satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me
that he/she/they executed the same in his/her/their capacity and that by his/her/their signature on the instrument,
the individual or the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC SIGNATURE**Please provide the following information (print legibly):**

Representative's Address: _____

Telephone Number: _____ Email Address: _____

RETURN THIS COMPLETED FORM TO THE IMPARTIAL HEARING OFFICEEMAIL: IHOQuest@schools.nyc.gov (preferred)

FAX: 718-391-6181

MAIL: 131 Livingston Street - Room 201, Brooklyn, NY 11201

CASE # _____

REQUEST FOR STUDENT'S PRESENCE BY PARENT/GUARDIAN

I, _____, the parent or person in parental relationship of _____ request that my child be present at the impartial hearing scheduled for _____ at _____.
(Date) (Time)

(Parent's Name – Please Print)

(Date)

(Parent's Signature)

**REQUEST FOR STUDENT'S PRESENCE BY STUDENT
AGED 18 YEARS OR OLDER**

CASE # _____

I, _____, the student who will be the subject of an impartial hearing scheduled for _____ at _____.
(Date) (Time)
request to be present at that hearing. I am eighteen years of age or older.

(Date of Birth)

(Date of Request)

(Student Signature)

REQUEST FOR AN OPEN HEARING

CASE # _____

I, _____, the parent or person in parental relationship of _____ request that the impartial hearing scheduled for my child be open to the public on _____ at _____.
(Date) (Time)

(Parent's Name – Please Print)

(Date)

(Parent's Signature)

RETURN COMPLETED FORMS TO THE IMPARTIAL HEARING OFFICE

EMAIL: IHOCASECoordinator@schools.nyc.gov (preferred)
FAX: 718-391-6181
MAIL: 131 Livingston Street - Room 201, Brooklyn, NY 11201



Impartial Hearing Office
131 Livingston Street Room 201
Brooklyn, New York 11201
Tel: 718-935-3280
Fax: 718-391-6181

Dear Parent or Guardian:

On December 1, 2021, the New York State Education Department (NYSED), New York City Department of Education (DOE) and the Office of Administrative Trials and Hearings (OATH) signed a Memorandum of Agreement transferring the administration of special education impartial hearing cases from the DOE's Impartial Hearing Office to the City's independent administrative law court, OATH. The hearings for these cases are conducted by NYSED certified Special Education Hearing Officers employed by the Office of Administrative Trials and Hearings. OATH Hearing Officers are authorized to conduct impartial due process hearings at which parents, pursuant to federal and state law, can challenge decisions made by the New York City Department of Education and seek relief related to their child's education.

If your case has been appointed to an OATH Hearing Officer, please direct all communications about your case to the hearing officer and assigned district representative. We ask that you remove the Impartial Hearing Office Case Coordinator from all future communications regarding the case. If you have any additional questions, please contact Office of Administrative Trials and Hearings (OATH) directly at:

Special Education Hearings Division
Office of Administrative Trials and Hearings
66 John Street, 11th Floor
New York, NY 10038
Email: sehd@oath.nyc.gov
Phone: (212) 436-0821
Website: <https://www.nyc.gov/site/oath/special-ed/overview.page>

Sincerely,

Impartial Hearing Office

More Information

A Parent's Guide: Special Education in New York State for Children Ages 3-21, available on the New York State Education Department (NYSED) website at <https://www.p12.nysed.gov/specialed/publications/policy/parentsguide.pdf>

New York State Laws and Regulations Related to Special Education and Students with Disabilities are on NYSED's website at <http://www.nysed.gov/special-education/new-york-state-laws-and-regulationsrelated-special-education-and-students>.