



IN THE MATTER

OF THE

Transfer of the
New York City Department of Education
Impartial Hearing System to the
Office of Administrative Trials and Hearings

WHEREAS, on December 1, 2021, the New York State Education Department (NYSED), and the New York City Department of Education (NYCDOE) entered into a Memorandum of Agreement (MOA) with the New York City Office of Administrative Trials and Hearings (OATH) to establish an administrative team of full-time impartial hearing officers (IHOs) to effectively manage the number of due process complaints filed with NYCDOE;

WHEREAS, the parties agreed that OATH would establish a separate Special Education Hearings Unit ("Unit") to adjudicate due process hearings filed with NYCDOE;

WHEREAS, the MOA contemplated a transition period that would terminate once OATH hired, and NYSED certified, a sufficient number of full-time IHOs to hear cases;

WHEREAS, by Executive Order No. 20 dated June 24, 2022, the Office of the Mayor of the City of New York transferred jurisdiction of special education due process complaints filed under 20 USC § 1415 (b) (6) and (k) (3) and Education Law § 4404 to OATH, including the function of appointing OATH IHOs which may, in accordance with the MOA, include both full-time and part-time employees of OATH, as necessary to conduct all special education impartial hearings;

WHEREAS, OATH has indicated that it has a sufficient number of full-time IHOs to conduct all special education impartial hearings in NYC;

THEREFORE, it is hereby ORDERED that the transition period referred to in the MOA is complete; and

IT is further ORDERED that, as of January 1, 2024, NYCDOE shall no longer assign due process complaints against, or commenced by, NYCDOE to impartial hearing officers who are not full-time or part-time employees of OATH.



IN WITNESS WHEREOF, I, Betty A. Rosa, Commissioner of Education of the State of New York for and on behalf of the State Education Department, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this 28th day of December 2023.

A handwritten signature in black ink, appearing to read 'Betty A. Rosa', written in a cursive style.

Commissioner of Education