

IMPARTIAL HEARING PAYMENTS

The Impartial Hearing Office processes requests for impartial due process hearings regarding disagreements between parents and the Department of Education concerning the identification, evaluation, educational placement or provision of a free appropriate public education to children with disabilities (ages 3-21), pursuant to the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act. When appropriate, the Bureau of Non-Public School Payables (NPSP) processes payments resulting from these hearings. The process followed and the documentation required in order for payment to be processed varies depending on the outcome of the hearing. Broadly defined, there are three types of outcomes of impartial hearing cases. This notice was put together in order for payments resulting from impartial hearings to be processed as efficiently as possible.

PENDENCY ORDER

A pendency order is an interim order that is issued by an impartial hearing officer pending the final outcome of a case. The interim order specifies the placement and services a student should receive until a final order is issued or the case is withdrawn. Payments for pendency orders are processed in two ways:

1. If a standard related service is ordered, the parent should take the pendency order to their district office to get an RSA-2 issued naming the provider. Once the provider begins serving the student, the invoice the provider sends to NPSP must be attached to the approved RSA-2. **The RSA-2 must be attached to the invoice in order for NPSP to issue payment.**
2. If a standard related service is ordered at a rate greater than the DOE standard rate, or if a school-age student is ordered to receive non-standard or SEIT/ABA services, payment authorization is issued by the Impartial Hearing Office. For these services, a monthly invoice must be sent to NPSP (See Invoice Instructions Below).

SETTLEMENT AGREEMENTS

Settlements occur when the parties agree on what educational services the student will receive. In these cases, the executed settlement agreement, signed by both parties, indicates the services to be provided. The documentation required by NPSP in order to make payment varies, and will be specified in the settlement agreement.

There is also a significant subset of settlement cases involving Special Education Teacher Support Services (SETSS). In these cases, where IEP-mandated SETSS were not provided, the DOE has agreed to pay for these services at a rate greater than the DOE standard rate. A pay authorization memo is issued by the district office. For these services, a monthly invoice must be sent to NPSP (See Invoice Instructions Below).

DECISION ORDERS

A decision order is issued after an impartial hearing officer has heard all of the testimony in a case and has determined the appropriate placement and services for a student. A final order will generally result in two types of payments:

1. Reimbursement – DOE is ordered to reimburse a parent for tuition or services that have already been provided. The Impartial Hearing Office collects the documentation needed for reimbursement and issues payment.

2. Direct Payment to Providers – DOE is ordered to pay providers directly for services that have already been provided or that will be provided on an ongoing basis.

- a. For services that have already been provided, the Impartial Hearing Office collects the documentation needed for payment and issues payment authorization. NPSP issues payment according to the authorization entered by the Impartial Hearing Office.
- b. For prospective tuition payments, direct payments to schools will be made on a semester basis. A statement of continued enrollment on school letterhead and a current attendance statement is required for tuition payments.
- c. For services, a monthly invoice must be sent to NPSP (See invoice instructions below).

IMPORTANT NOTES

- On ALL documentation submitted, please include the Impartial Hearing Office Case Number.
- If you have never been directly paid by the Department of Education, you must complete a W-9 form and fax it to Tammy Robinson at 718-935-3801 in order to be entered into our accounting system. The W-9 form is located on the following link. Please click below and then select W-9 Form:

<http://schools.nyc.gov/Offices/DCP/Vendor/Default.htm>

INVOICE INSTRUCTIONS

- For all prospective service payments, please use our standard invoice form located at [Standard Invoice](#).
- Please note that invoices must contain the following: case #, service provided, # of sessions, duration of session, rate, date(s) of service, signature of provider and parent or school representative.
- Invoices must be sent to the following address and must be addressed exactly as specified below:

**N.Y.C. Department of Education
Bureau of Non-Public School Payables
65 Court Street – Room 1503
Brooklyn, NY 11201
Attn: IMPARTIAL HEARING UNIT**