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| POLICY | 2004 | 8561 |
| | Instruction | |

Subject: Use of Guardians Ad Litem at Impartial Hearings

An Impartial Hearing Officer, duly designated by the Board of Education, is authorized to appoint a guardian ad litem, unless a surrogate parent has previously been assigned, whenever the Impartial Hearing Officer determines that the interests of the parent are opposed to or inconsistent with those of the child, or that for any reason the child's interests would best be protected by the appointment of a guardian ad litem.

The guardian ad litem must be familiar with the provisions of Part 200 of the Commissioner's Regulations and must be appointed from the list of surrogate parents or be a pro bono attorney appointed to represent the interests of the child in an impartial hearing. A guardian ad litem represents the student's interests for the duration of the hearing and has the right to fully participate in the hearing to the extent indicated in Commissioner's Regulations. However, the guardian ad litem may not initiate an appeal to the State Review Officer but may join an appeal initiated by the parent or the Board of Education.

The Impartial Hearing Officer must ensure that the procedural due process rights of the child's parents are fully preserved and protected throughout the hearing whenever a guardian ad litem is appointed.

8 New York Code of Rules and Regulations
(NYCRR) Sections 200.1, 200.5(c) and 200.5(d)

Approved: Board of Education
September 9, 1998