Office of State Review

The Office of State Review was established in 1990 to provide assistance to the New York State Review Officers (SROs). When the parents of a child with a disability have a disagreement with their school district about their child's classification or the special education services for the child, they may request that an impartial hearing be held. Hearings are conducted by hearing officers who have been trained by the State Education Department, but who are not employees of the Department or of a school district.

At the hearing, the parents and the school district have the right to introduce written evidence and have witnesses testify. They may also submit oral and written legal arguments, which are typically related to the Individuals with Disabilities Education Act and its state counterpart, Article 89 of the New York State Education Law. There are extensive Federal and State regulations that prescribe how a child should be evaluated and how a multi-disciplinary team of teachers, evaluators, and the child's parents are to create the child's individualized, education program (IEP). An IEP must identify the child's special education needs, include appropriate annual goals for the child to achieve, and provide him or her with appropriate special education services to be able to achieve those goals.

In many cases, the hearings involve a parental request to be reimbursed for their child's tuition at a private school. Parents may obtain an award of tuition reimbursement if the school district does not demonstrate that it has offered to provide a free appropriate public education to the student, the student's parents can establish that the private school provided appropriate educational services to the student, and equitable considerations support the parents' claim for tuition.

An impartial hearing officer must base his or her decision of the record, i.e., the evidence, which is before the hearing officer, and must write a decision setting forth the reasons and factual basis for the decision. The hearing officer's decision may be appealed to the SRO by the parent or the school district. Occasionally, both parties appeal to the SRO. The SRO must render a written decision, which like a hearing officer's decision sets forth the reasons and factual basis for the conclusions reached. A party who is unhappy with the SRO's decision may seek judicial review of the decision in state or federal court.

The SROs are all full-time employees of the State Education Department. At the present time, 3 individuals perform the duties of SRO on a part-time basis, in addition to their other duties. A full-time SRO was appointed in January 2003 and directs the Office of State Review. The Office of State Review consists of educational specialists, attorneys, and support staff who assist the SROs in rendering their decisions. Appeal files are reviewed to ascertain the educational and legal issues involved and the relevant facts. A proposed decision is prepared for the SRO's consideration and is revised in accordance with the SRO's wishes. When the SRO is satisfied with a proposed decision, the Office of State Review prepares a final decision, which it mails to the parties after signature by the SRO. In 2005, 119 decisions were issued.

The Office of State Review maintains a website at www.sro.nysed.gov. The website explains in greater detail how appeals are taken to the SRO, and includes the decisions of the SRO since 1990, as well as a topical index.