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To: Education Law § 3020-a Hearing Officers
From: Samuel J. Finnessey, Jr., Director & Assistant Counsel
Subject: UPDATED - Education Law § 3020-a Hearing Officer Rates
Date: August 11, 2022

Pursuant to New York State Education Law §3020-a(3)(b)(i)(B), the Commissioner sets the maximum rates of compensation and provides for limitations on the number of study hours that may be claimed for hearing officers adjudicating matters pursuant to such section. The rates and study hour limitations were first imposed for cases commencing on or after April 1, 2012. A September 2, 2015 memo entitled Education Law §3020-a Hearing Officer Rates superseded the May 9, 2012 -a Hearing Officer Rates (effective April 1, 2012) forth new rates and study hour limitations for cases commencing on or after July 1, 2015. This memo supersedes the September 2, 2015 memo.

In accordance with 8 NYCRR §82-3.12(a), hearing officers shall be compensated by the New Y49 (th)u0l rates t as

Definition of a Day of Actual Service:

A day of actual service (hereinafter day) for per diem purposes is defined in 8 NYCRR § 82-3.12(c) as (7) hours of hearing or study time, exclusive of meal breaks, prorated to the nearest 1/10 of an hour.

Cancellation Fee:

Any late cancellation fee charged by the hearing officer shall be paid by the party or parties responsible for the cancellation as set forth in 8 NYCRR §82-3.12(b). The Department does not pay the cancellation fee.

Maximum Hearing Time:

Charges for hearing time will be reimbursed only for the actual time spent in hearing.

If a hearing officer requires more than the defined maximum of 7 hours per day, the hearing officer needs to document this additional hearing time for reimbursement on a pro rata basis. Reimbursement above the maximum 7 hours per :

Due to the compressed timelines and the need to ensure a ready supply of hearing officers for these proceedings, the Commissioner has created a special reimbursement structure for Probable Cause Hearings. To the extent that the hearing is conducted in person, the hearing officer will be reimbursed at twice the normal per diem rate for the first day of the hearing not to exceed seven (7) hours. All subsequent hearing days, if any, are to be billed at the normal per diem rate. All hearing time is to be billed for actual time spent at the hearing, prorated to the nearest 1/10th of an hour. Study time shall be billed at the normal per diem rate, and is subject to the same rules outlined above.

If there are any questions, please contact Samuel J. Finnessey, Jr., Director of the Office of School Personnel Review and Accountability at (518) 473-2829 or tenure@nysed.gov.

ⁱ To the extent that a collective bargaining agreement entered into by the city of New York provides for suspension without pay for the same conduct, the provisions of the agreement supersede E