

INDEPENDENT EDUCATIONAL EVALUATION

INTRODUCTION

The School District has established the following policy on independent educational evaluations for children with disabilities or for children who are referred to the Committee on Special Education because they are suspected of having an educational disability and may, therefore, be in need of special education.

The School District has adopted this policy in order to explain the rights of parents and the responsibilities of the School District with regard to independent educational evaluations and to avoid any misunderstandings.

The parent or legal guardian of a student with a disability pursuant to the Individuals with Disabilities Education Act (IDEA) or of a student suspected of having an IDEA disability has the right to obtain an individual evaluation subject to the provisions of this policy.

Parents of children with disabilities have the right under Federal and State laws and regulations to obtain an independent educational evaluation at public expense under certain conditions. (Commissioner of Education Regulations, Part 200.5(a) (1) (vi); Federal Regulations 34 CFR 300.503) A parent does not have the right to an independent evaluation if the School District has not conducted and completed its evaluation of the child. In addition, the State Education Department Publication *A Parent's Guide to Special Education: Your Child's Right to an Education in New York State*, discusses independent evaluation requirements. This document is available from the District upon request. The parent or legal guardian has the right to an individual educational evaluation at public expense if they disagree with the evaluation or any component of an evaluation conducted by the School District within the guidelines listed below. If the District disagrees, the District may challenge the need for an independent educational evaluation by initiating an impartial formal hearing to demonstrate the appropriateness of the District's evaluation. The parent or legal guardian may request one independent educational evaluation in response to each evaluation completed by the District. If the parent request for an independent evaluation comes one year or more from the date of the completion of the District's evaluation, the District may seek to complete a reevaluation prior to paying for an independent educational evaluation.

DEFINITIONS

1. An *Independent Educational Evaluation (IEE)* means an evaluation conducted by a qualified examiner who is not employed by the District. An IEE must meet the educational evaluation criteria used by the District (established below) when it initiates an evaluation to the extent those criteria are consistent with the parent's right to an IEE.
2. Public expense means that the District either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent. The District may, therefore, use whatever

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state, local, federal, or private sources of financial support that are available to pay for the costs of an IEE. The only other option available to the District is to initiate an impartial hearing to show that its evaluation was appropriate. The amounts set forth in this policy are also those amounts which the District will pay when scheduling its own outside evaluations. Requests for an exception to the rates set forth should be forwarded in writing to the Chairperson of the Committee on Special Education (CSE) or Chairperson of the Committee on Preschool Special Education (CPSE).

A parent is not required to notify the District prior to obtaining an IEE. However, if the parent or legal guardian requests an independent educational evaluation at public expense, the District may request, but not require, that the parent provide a reason why he/she objects to the District's evaluation. In making that request, the District may not unreasonably delay either providing the requested IEE at public expense or initiating an impartial formal hearing to defend the District's evaluation.

If a parent requests an IEE at public expense, the District will, without unnecessary delay:

1. Provide the parent or legal guardian with a copy of this policy and the District's IEE procedures; and
2. Provide the parent with information about where an IEE may be obtained within the parameters of this policy and the District's procedures; and
3. (a) Ensure that an IEE is provided at public expense; or (b) initiate an impartial formal hearing to show that the District's evaluation is appropriate or the IEE obtained by the parent did not meet District criteria.

If a parent or legal guardian obtains an IEE at private expense and presents that IEE to the District, the results of that evaluation must be considered by the District in any decision regarding the provision of a free appropriate public education to the student. In addition, an IEE obtained by the parents at private expense may be presented as evidence at an impartial formal hearing regarding that student.

RESPONSIBILITIES

When an independent educational evaluation is requested and approved by the School District and an evaluator is selected by the parent from the NYSED list, it becomes the responsibility of the person chosen to contact the School District to set forth in writing the services to be performed, the cost involved, the method of payment, dates of classroom visitations and discussions with school staff, and when a written report will be submitted.

The School District has the responsibility to designate a geographic area within which the parents would be limited in their search for an independent educational evaluator. Absent unique circumstances, the School District will not consider at public expense independent educational evaluators outside the county in which it is located or any adjoining county. Requests for an exception to the geographic area set forth should be forwarded in writing to the Chairperson of the CSE or CPSE as appropriate.

FURTHER INFORMATION

The School District has developed a policy on independent educational evaluations in order to avoid any misunderstanding and to ensure that the District is meeting its responsibility to provide an independent educational evaluation. Parents can obtain further information on independent educational evaluations by contacting the Chairperson of the CSE or CPSE at the School District, and also the State Education Department by contacting the Office for Special Education Services, requesting to speak to the Regional Associate assigned to this area.

ADMINISTRATIVE PROCEDURES FOR PARENTAL REQUEST FOR INDEPENDENT EVALUATION

1. Upon completion of the evaluation conducted by the School District and appropriate notice being given to the parent, the parent is requested but not required to send written notice of a request for an independent educational evaluation within forty-five (45) calendar days from the date of receipt of the School District's evaluation.

2. The parent or legal guardian of the disabled student must present his/her request for an independent educational evaluation in writing to the Chairperson of the CSE or the CPSE. If any other District staff member receives a written request for an IEE, such request must be immediately forwarded to the Chairperson of the CSE or the CPSE.

3. When the parent or legal guardian of a student with a disability under IDEA requests an IEE, the Chairperson of the CSE shall, within 10 business days, provide the parent or legal guardian a copy of this policy and procedures, as well as information about where an IEE may be obtained and the District's criteria for such evaluations.

4. When the District receives a request from the parent or legal guardian for an IEE, the District will, without unreasonable delay and within 15 business days from the receipt of the request, inform the parent or legal guardian that the District (a) will pay for the requested evaluation subject to the requirements of this policy; or (b) will initiate an impartial formal hearing to defend the District's evaluation.

5. Before making the decision indicated in paragraph 4 above, the Chairperson of the CSE may ask the parent or legal guardian for the reason or reasons why he/she objects to or disagrees with the District's evaluation or any component of that evaluation. However, the parent or legal guardian is not required to provide that reason and the District will not use the request or a lack of parental response to such a request to unreasonably delay its decision regarding whether to provide the requested IEE at public expense or to initiate an impartial formal hearing to defend the District's evaluation.

6. The School District has established a list of specific rates and qualified professionals in private practice in this county and adjoining counties or employees of other public agencies to whom parents may go to secure an independent educational evaluation.

7. The School District will pay for an independent educational evaluation or assessment only if conducted by an individual who possesses the appropriate license or certification from the New York State Education Department in the area of the evaluation. The School District will permit parents to select any independent educational evaluator who is in the county in which the School District is located or within any adjoining county at the time the parent makes the request, as long as the examiner

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selected by the parent is appropriately certified or licensed by the State of New York. The District may approve an evaluation outside of the county or any adjoining counties if unique circumstances justify such an evaluation.

8. An independent education evaluation requested by a parent which typically would not be conducted by school certified-licensed personnel would require the parent to demonstrate that unique circumstances justify such an evaluation.

9. The independent educational evaluation must be conducted in accordance with the federal and State regulations, which require that, at a minimum:

- A. Tests and other evaluation materials
 - I. are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so;
 - II. have been validated for the specific purpose for which they are used; and
 - III. are administered by trained personnel in conformance with the instructions provided by their producer.
- B. tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designated to provide a single general intelligence quotient.
- C. tests are selected and administered so as best to ensure that when a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purports to measure).
- D. no single procedure is used as the sole criterion for determining an appropriate educational program for a child.
- E. the child as assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

PARENTAL REQUESTS FOR PAYMENT FOR COMPLETED INDEPENDENT EVALUATION

- 1. The parent/legal guardian of a student with a disability under the IDEA may obtain an independent evaluation without notification to the District and then request payment for that evaluation.
- 2. If the parent is requesting payment for an IEE already completed, the parent must notify the Chairperson of the CSE in writing that such payment is being requested. Upon receipt of the request, the District will provide the parent with a copy of the District's policy and procedures relating to IEEs and the District may request that the IEE be provided to the District directly from the Agency or individual that completed it, along with an invoice for the amount due.
- 3. Within 15 business days of the receipt of the request, the District will notify the parent as to whether the District will initiate an impartial formal hearing to establish the appropriateness of its own

evaluation or pay for the cost of the IEE.

4. If the District decides to pay for the cost of the IEE, the District criteria for the geographic location of the evaluator(s), the minimum qualifications of the evaluator(s), the cost of the evaluation, and the use of approved assessment instruments as indicated in this procedure must be met. If the cost of the IEE exceeds the District's cost limitations, the District will inform the parent that the District will pay the portion of the cost that is within the District's limitations, if the District determines that an appropriate IEE could have been obtained within the cost limitations.

5. If the District initiates an impartial formal hearing pursuant to paragraph A-3 above and the final decision of the hearing officer is that the District's evaluation is appropriate, the parent or legal guardian still has the right to an IEE, but the District will not be required to pay for that evaluation.

6. If the parent or legal guardian obtains an independent evaluation at private expense, the results of that evaluation must be considered by the District, if that privately funded independent evaluation meets the District's criteria for evaluations, with respect to any decisions regarding the provision of a free appropriate public education to the child.

LOCAL LIMITATIONS FOR EVALUATORS

The School District has established a list of specific rates and qualified professionals in private practice in this county and adjoining counties or employees of other public agencies to whom parents may go to secure an independent educational evaluation. A list of evaluators will be provided by the CSE.

The School District will pay for an independent educational evaluation or assessment only if conducted by an individual who possesses the appropriate license or certification from the New York State Education Department in the area of the evaluation. The School District will permit parents to select any independent educational evaluator who is in the county in which the School District is located or within any adjoining county at the time the parent makes the request, as long as the individual selected by the parent is appropriately certified or licensed by the State of New York. The District may approve an evaluation outside of the county or any adjoining counties if unique circumstances justify such an evaluation.

COST LIMITATIONS FOR EVALUATORS

The School District will not pay more than \$1500.00 for a comprehensive independent educational evaluation that would meet the requirements under Commissioner's regulations, which may require an individual psychological evaluation, a physical examination, a social history and other suitable examinations and evaluations as may be necessary to ascertain the physical, mental and emotional factors which may contribute to the suspected disability. Requests for an exception to the maximum allowable fees may be approved by the District if justified by the student's individual circumstances. Any request for such an exception should be forwarded in writing to the Chairperson of the CSE or CPSE of the School District. A request may be made to the office of the Superintendent of Schools for a copy of the specific rates that the school district will pay.

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Ref: 20 USC §1415(d) (2) (A)
 34 CFR §300.502
 8 NYCRR §§ 200.1(z); 200.5(a-c) and (g)

Adopted: 6/14/21