

# POLICY

2022

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Students

## SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS

### 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.

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.S(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 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.

### Defined

An independent educational evaluation means an evaluation conducted by a person who is not employed by the school district responsible for the education of the child. Such an evaluation is for the purpose of determining a child's eligibility for special education or related services, and for planning to meet the child's educational needs.

If the parent disagrees with the evaluation conducted by the School District, the parent has a right to request an independent educational evaluation at public expense. The District may, in turn, request the parent to specify the areas of disagreement with the evaluation to show that its evaluation is appropriate, and may initiate an impartial formal hearing if it believes its evaluation is appropriate and does not intend to pay for the evaluation requested by the parent.

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### **Public Expense**

Public expense means that the School District either pays for the cost of the independent educational evaluation or ensures that the evaluation is otherwise provided at no cost to the parent provided that the cost does not exceed the monetary amount established in this policy by the District. 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).

### **Responsibilities**

When an independent educational evaluation is requested and approved by the School District and an evaluator is selected by the parent from the attached 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. 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

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Department by contacting the Office for Special Education Services, requesting to speak to the Regional Associate assigned to this area.

### **ADMINISTRATIVE PROCEDURES**

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 School District will not pay more than \$2,000 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.
3. 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. The School District will pay for an evaluation performed by an employee of any other public school district or BOCES within the county or any adjoining county whom the parent chooses to employ as an independent educational evaluator at the then-current hourly rate paid to that licensed or certified individual which the School District would pay were it to request such an evaluation.
4. The School District will pay for an independent educational evaluation or assessment only if conducted by an individual who possesses current 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.

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5. 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.
6. 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 designed 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 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.*

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- e. The child is 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.*
7. The School District, upon receiving a request for reimbursement for an independent educational evaluation, will forward an acknowledgment letter to the parent with a copy to the evaluator within ten calendar days after receipt of the request. Any information needed by the School District to reach a decision regarding payment will be set forth in the letter.
8. If denial for reimbursement is indicated, the reason(s) for that denial, as well as the School District's intention immediately to initiate a hearing regarding such denial, will be forwarded to the parent in writing with a copy also being forwarded to the evaluator. If the District agrees to pay for the evaluation, the parent and the evaluator will be notified by letter.

Ref: 20 USC §1415(d)(2)(A)

34 CFR §300.502

8 NYCRR §§ 200.1(z); 200.S(a-c) and (g)

Adopted 6/11/13

Amended 6/21/22