

## 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.

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. A parent does not have the right to a district paid independent evaluation if the School District has not conducted and completed its evaluation of the child. 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 chairperson of the Committee on Special Education upon request.

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 and to explain the rights of parents/guardians. Further information on independent educational evaluations can be obtained by contacting the Chairperson of the CSE 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.

### 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 educational related services, and for planning to meet the child's educational needs.

If the parent/guardian 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 area of disagreement with the evaluation as much as possible. This will enable the School District to better understand the parent's point of view and also enable the School District to better communicate its evaluation process, procedure, and options with the parent. The School District may initiate a formal impartial hearing if it believes its evaluation is appropriate and does not intend to pay for an independent evaluation as requested by the parent.

Parents/guardians may also request an impartial hearing if the independent evaluation is denied by the District.

An *impartial hearing* involves an impartial individual, assigned by a Board of Education pursuant to Education Law, section 4404 (I), or by the commissioner of education in accordance with section 200.7 (d)(1)(i) of the Commissioner's Regulations Part 200, to hear an appeal and render a decision. An impartial hearing may be requested by the school district or by the parent/guardian of the child.

*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/guardian provided that the cost does not exceed the monetary amount established in this policy by the District. The School District has established reasonable rates for payment of independent evaluators.

In determining the amount of fees that the district will pay for an evaluation, the maximum cannot simply be an average of the fees customarily charged in the area by professionals who are qualified to conduct the specific test. Rather, the maximum must be established so that it allows parents to choose from among the qualified professionals in the area and only eliminates unreasonably excessive fees.

Requests for an exception to the rates set forth should be forwarded in writing to the Chairperson of the Committee on Special Education (CSE).

### RESPONSIBILITIES

When an independent educational evaluation is requested and approved by the School District and an evaluator is selected by the parent, 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, unless an exception to the geographic area set forth has been requested, in writing, to the Chairperson of the CSE.

### **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 is 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 the designated amounts on page 5 of this policy for a comprehensive independent educational evaluation that would meet the requirements under Commissioner's regulations, which may require evaluations as may be necessary to ascertain the physical, mental and emotional factors which may contribute to the suspected disability.
3. Parents/guardians may select any qualified psychologist, psychiatrist, or other qualified professional in the areas of a child's suspected disability, who is also within this county or an adjoining county geographic area. In addition, the School District will pay for an evaluation performed by an employee of any other public school district or BOCES within the established geographic areas, whom the parent chooses to employ as an independent educational evaluator at the then-current hourly rate paid to that licensed or certified individual by their respective public school district or BOCES.
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.
5. An independent educational evaluation requested by a parent which typically would not be conducted by New York State Education Department certified-licensed personnel would require the parent/guardian to demonstrate that unique circumstances justify such an evaluation. For travel necessary for an evaluation beyond the geographic area set forth in this policy, the School District may consider and reimburse parents at the IRS per mile rate, as well as reimbursement for necessary and reasonable lodging and meal expenses, upon timely presentation of appropriate receipts of such expenses.
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:*
    - 1) *are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so;*
    - 2) *have been validated for the specific purpose for which they are used; and*
    - 3) *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 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 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 payment for an independent educational evaluation, will forward an acknowledgement letter to the parent with a copy to the evaluator within five business 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. The School District, upon approving a request for payment for an independent educational evaluation, will forward an approval letter to the parent with a copy to the evaluator within ten business days after receipt of the request.
  9. If denial for payment is indicated, the reason(s) for that denial, as well as the School District's intention to immediately initiate an impartial hearing regarding such denial, will be forwarded to the parent in writing with a copy also being forwarded to the evaluator.

**INDEPENDENT EVALUATION EXPENSES APPROVED BY THE  
HARPURSVILLE CENTRAL SCHOOL DISTRICT**

Psychiatric	\$750.00
Psychological	\$750.00
Educational	\$200.00
Medical	\$200.00
Audiological	\$200.00
Speech	\$200.00
Occupational Therapy	\$200.00
Physical Therapy	\$200.00
Vision	\$200.00
Neurological	\$900.00
Neuropsychological	\$900.00

First Reading: January 27, 2003

Second Reading and Adoption: February 10, 2003