

## Independent Educational Evaluations

### Introduction

The Sharon Springs Central School District has established the following policy on independent educational evaluations (IEEs) for children with educational 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 disabled children have the right under Federal and State regulations to obtain an independent evaluation at public expense under certain conditions. Regulatory standards are outlined in New York State Regulations 34CFR 300.503 which specify requirements for independent evaluations. These documents, in addition to New York State Procedural Safeguards Notice: Rights for Parents of Children with Disabilities *detail* independent evaluation requirements. These documents are available from the district for all parents.

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

### Defined

An independent educational evaluation means an evaluation conducted by a qualified examiner(s), as defined in 34CFR 300.12, who is not employed by the school district responsible for the education of the disabled child or child who is thought to be educationally disabled.

If the parent disagrees with the evaluation conducted by the school district, the parent has a right to obtain an independent educational evaluation at public expense. The district may request the parent to specify the area of disagreement with the district's evaluation in writing. The school district may initiate an impartial hearing to show that its evaluation is appropriate, and if the hearing officer determines that the school's evaluation is appropriate, the parent would not have the right to a publicly funded independent evaluation or the right to reimbursement for an independent educational evaluation.

If the School District has not completed an evaluation or has not completed an evaluation for a substantial length of time, the School District may request that they conduct and evaluate and thus may deny the request for an independent evaluation.

### **Public Expense**

Public expense means that the school district either pays for the full cost of the independent evaluation or ensures that the evaluation is otherwise provided at no cost to the parent. The Sharon Springs Central School District has established reasonable reimbursement rates for independent evaluation that do not exceed costs which the school district would be required to pay to its own employees. The school district will not pay more than \$800 for an independent evaluation that would meet the requirements under Commissioner's Regulations, which may require an individual psychological evaluation.

### **Responsibilities**

When an IEE is requested and approved by the school and an independent evaluator is selected by the parent from the approved list, it then becomes the responsibility of that professional to contact the school to arrange for payment, dates of classroom visitations and discussions with school staff.

A school district has the responsibility to designate a geographic area within which the parents would be limited in their search for an independent evaluator. The Sharon Springs Central School District will not consider evaluators outside Schoharie, Albany, Schenectady, and Otsego counties.

### **Listing of Qualified Professionals**

The Sharon Springs Central School District had established a comprehensive list of qualified professionals in private practice or public agencies from whom parents may secure an independent evaluation. The independent evaluators shall be restricted to the same geographic area. The Sharon Springs Central School District will pay for an evaluation performed by a qualified employee of any other public school district or BOCES within Schoharie County. An examiner will be deemed qualified if he/she meets the same qualifications as required of district evaluators.

### **Payment**

The Sharon Springs Central School District may pay for an independent 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.

Such independent evaluations may also be presented as evidence at a hearing conducted by the school district or requested by the parent.

Independent educational evaluations requested by parents, which typically would not be conducted by school certified/licensed staff members, would require parents to demonstrate that unique circumstances justify an IEE that does not fall within the district's responsibility to provide a free, appropriate public education.

The Sharon Springs Central School District, upon receiving a request for reimbursement for an independent educational evaluation, will forward an acknowledgement letter to the parent and/or independent evaluator within 10 calendar days. Any further information needed by the school district to reach a decision regarding payment will be requested in the letter.

If denial for reimbursement is indicated, the reason(s) for that denial, as well as any intention of the Sharon Springs Central School District to initiate a hearing to defend this refusal will be addressed to parents in writing. Conversely, if the district agrees to pay for an IEE, the parents will be notified by letter.

### **Written Notice to Parent or Guardian of Right to a Independent Evaluation**

The chairperson of the CSE or CPSE shall, upon receipt of a referral of a child for an initial evaluation or prior to initiating a review or reevaluation, notify the parent or guardian in writing that if the parent disagrees with the evaluation obtained by the District, the parent has the right to an independent evaluation at public expense, subject to the conditions stated herein and in the Regulations of the Commissioner of Education.

### **Use of Information from an Independent Evaluation Obtained at Private Expense**

If the parent or guardian of a child who has or who is believed to have a disability obtains an independent educational evaluation of that child at private expense, then the results of the evaluation shall be considered by the District with respect to its provision to that child of a free appropriate public education (FAPE), as FAPE is defined by pertinent federal and State law and regulation; and such results may be presented as evidence at a hearing held before an impartial hearing officer pursuant to hearing rights afforded by federal and State law and regulation.

### **Further Information**

The Sharon Springs Central School District has developed a policy on independent evaluations in order to avoid any misunderstandings and ensure that the district is following its responsibility to provide independent evaluations at parent request. Parents can obtain further information on independent evaluations by contacting the Chairperson of the Committee on Special Education at the Sharon Springs Central School District. Parents can also contact the State Education Department for additional information on independent evaluations by contacting the Office for Special Education Services at (518) 474-5356 and speaking to the Regional Associate assigned to the Schoharie County area.