

INDEPENDENT EDUCATIONAL EVALUATION REGULATION

1. The District has established a forty five (45) calendar day time period for parents or guardians to request an independent educational evaluation. Upon completion of an evaluation conducted by the District and appropriate notice having been given to the parents or guardian, the parent or guardian has forty-five (45) calendar days from the date of receipt of the District's evaluation and notice to submit a request for an independent educational evaluation in writing.
2. The District will not pay more than the maximum amount set by the Superintendent for a comprehensive independent educational evaluation.
3. The District has established a list of specific rates of qualified professionals in private practice or employees of other public agencies who may perform independent educational evaluations. The attached list of independent educational evaluators includes professionals in all areas of a child's suspected disability. In addition, the District will pay for an evaluation performed by an employee of another public school district or BOCES within the State of New York whom the parent chooses to employ as an independent educational evaluator to be paid at the then current hourly rate paid to that licensed or certified individual by their respective public school district or BOCES.
4. The District will 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 or otherwise meets the qualification requirements as set by the New York State Education Department for evaluators within public schools. The District may reject and exclude any independent evaluator who does not possess any necessary license or credential by the New York State Education Department or other applicable State agency or who has been found to engage in unethical or improper professional practices, or whose fee is excessive.
5. An independent educational evaluation requested by a parent which typically would not be conducted by school certified or 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 at a minimum that:
 - (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. Tests are selected and administered 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 purposes to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (except where those skills are the factors that the test purposes to measure).
- (c) No single procedure is used as the sole criterion for determining an appropriate educational program for a child.
- (d) The child 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. Upon the district's receipt of a request for reimbursement for an independent educational evaluation, the District will provide a written response to the request within thirty (30) days of receipt of the request. Any information needed by the District to reach a decision regarding payment will be set forth in the letter.

The District's written response will indicate either the District's acceptance of the request for an independent education evaluation or the District's notification of its intent to initiate a due process hearing to reject the request.

Reimbursement of expenses of a scheduled independent educational evaluation must be requested in writing, complete with an itemization of the expenses within four (4) calendar months of the date of completion of the independent educational evaluation.

8. If denial of reimbursement is indicated, the reason(s) for that denial, as well as the District's intention to initiate a hearing regarding such denial, will be forwarded to the parent or guardian 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.

The District may deny public funding of an independent educational evaluation for reasons including, but not limited to, the following:

1. The District has initiated, or intends to initiate shortly, a due process hearing to show that the District evaluation of the child is appropriate.
 2. The evaluation does not meet the District criteria.
 3. The independent educational evaluation was not obtained due to a disagreement with the District's evaluation, and that the District evaluation is appropriate.
 4. The District has already provided an independent educational evaluation at public expense and has conducted no further evaluation at this time.
9. The Superintendent shall set maximum fees annually for, at a minimum, the following evaluations: psychologist; psychiatrist; neuropsychologist; developmental pediatrician; speech/language pathologist; occupational therapist; physical therapist; visual perceptual specialist and neurologist.

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