

SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS

Parents of children with disabilities have the right under the Federal and State regulations to obtain an independent educational evaluation (IEE) at public expense under certain conditions. Regulatory standards are outlined in New York State Regulations of the Commissioner of Education Part 200.5(g). Additionally, the Federal Regulations (34 Code of Federal Regulations [CFR] 300.502) specify requirements for an independent evaluation.

PROCEDURE

Following the request for an IEE, the District must, without unnecessary delay, either initiate an impartial hearing if it feels its evaluation is appropriate or provide the requested IEE. The District has the right to require parents to indicate which District educational evaluation the parent disagrees with prior to providing the IEE. The District may also request the parent's reasons for objecting to the District's evaluation. In the event that the District initiates an impartial hearing and the hearing officer finds that the District evaluation is appropriate, the parent still has a right to an IEE but the cost of the IEE will be the responsibility of the parent without reimbursement. However, in the latter situation the district will still consider the results of the IEE in decisions made regarding the provision of a free and appropriate public education to the student as long as the IEE meets the criteria established by the District (see below).

Upon receiving a request for an IEE, the District will provide the parent a copy of the Procedural Safeguards Notice prescribed by the Commissioner of Education. As parents have the right to free or low cost legal and other informational services at no expense to the District, upon request, a list of providers of such service will be given to the parent(s).

The District retains the right to:

1. Establish reasonable cost criteria for all IEE tests;
2. Establish criteria for minimum qualifications of independent evaluators;
3. Recommend parents choose from a list of independent evaluators approved by the School Board;
4. Request a resume or vitae from the selected evaluator;
5. Establish reasonable timelines for parents to request reimbursements for IEE.

(Continued)

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DISTRICT CRITERIA FOR INDEPENDENT EVALUATIONS EVALUATORS

1. Minimum qualifications for Independent Evaluators:

- a) Have New York Licensure or Certifications in the areas addressed by the evaluation.
- b) Possess the knowledge, skills and training required to select and use technically sound assessment tools and procedures that provide relevant information to determine the education needs of the student.
- c) Provide a written report which documents the reason for referral, relevant background information, tests and assessments used, results obtained and recommendations regarding educational needs.
- d) Practice in the Central New York region: i.e., Cayuga, Onondaga, Cortland, Tompkins or Seneca Counties. A parent will have the opportunity to demonstrate that their child's unique circumstances justify an IEE that exceeds the School District's location criterion.

2. Minimums Standards for Evaluations:

Tests and assessments must be:

- a) Administered in the native language of the student.
- b) Validated for the specific purpose for which they are used.
- c) Administered in accordance with the instructions provided by those who develop such tests and assessments.
- d) Administered so as not to be culturally or racially biased.
- e) Administered so that test results reflect the constructs reportedly being evaluated, rather than reflecting impaired sensory, motor or communication skills (including Limited English Proficiency) unless those are the constructs being evaluated.

3. Cost Criteria for Independent Educational Evaluations:

- a) The cost of an IEE typically ranges from \$80 to \$100 per hour, and shall not exceed a maximum of \$800. A parent will have the opportunity to demonstrate that their child's unique circumstances justify an IEE that exceeds the School District's reasonable cost criterion. If there is no such justification, the IEE will be publicly funded only to the extent of the School District's maximum allowable charge.
- b) An evaluation itself may last from four (4) to eight (8) hours.
- c) Mileage to and from the evaluation site will not be reimbursed; neither will hotel expenses should an overnight stay be required.

Exceptions should be brought to the attention of the CSE Chairperson for discussion and, if appropriate, approval.