

INDEPENDENT EDUCATIONAL EVALUATIONS

The Board of Education of the Chazy Central Rural School District (the “District”) has established the following policy on independent educational evaluations (IEEs) for children with disabilities 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.

The District recognized that parents or guardian of children with disabilities have the right under Federal and State regulations to obtain an independent evaluation at public expense under certain conditions. Parents or guardians do not have the right to obtain an independent evaluation if the district has not conducted and completed its evaluation of the child.

The District has adopted this policy in order to restate the rights of parents or guardians and the responsibilities of the District with regard to independent evaluations and to avoid any misunderstandings.

Definition of Independent Educational Evaluation

The term “independent educational evaluation” means an evaluation conducted by a qualified person who is not employed by the School District responsible for the education of the child. The purpose of such an evaluation is to determine the child’s eligibility for special education or related services and to develop a plan to meet the child’s educational needs.

If the parent or guardian disagrees with the evaluation obtained by the District’s Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE), the parent or guardian has a right to request an independent educational evaluation at public expense. The district may, in turn, request that the parent or guardian specify the areas of disagreement to demonstrate that an IEE is appropriate. The district may initiate an impartial formal hearing if it believes the district’s evaluation is appropriate, or that the evaluation obtained by the parents does not meet legal criteria, and the district does not intend to pay for the evaluation requested by the parent.

Public Expense

Public expense means that the District either pays for the cost of the independent evaluation within the established limits set forth in this policy or ensures that the evaluation is otherwise obtained without cost to the parent or guardian.

The District shall establish reasonable reimbursement rates for independent evaluators that permit parents to choose among qualified professionals in the area. A parent or guardian whose request for an exception to the rates set forth herein forward such requests in writing to the Chairperson of the Committee on Special Education or the Chairperson of the Committee on Preschool Special Education.

If a parent or guardian selects an evaluator whose fees do not conform to the District's fees criteria, the parent or guardian must demonstrate that unique circumstances justify the selection, or that the fees charges are reasonable under the circumstances. In absence of a demonstration of such information, the evaluation will be reimbursed up to the maximum allowable charge provided for in this policy.

Responsibilities

If requested by the parent or guardian, the school district shall provide to them information about where an IEE may be obtained from an approved list of evaluators from the district. If the parents request an IEE at public expense, the district will ask for the parent's or guardian's reasons, stated in writing, why he/she objects to the public evaluation.

Once an evaluator has been selected from the list of approved evaluators, it is the responsibility of the evaluator chosen to contact the district and submit a written evaluation proposal, which shall include:

1. a detailed description of the services to be performed;
2. the anticipated cost;
3. the proposed method of payment;
4. the dates of classroom or school visitations;
5. the dates of discussions with school staff; and
6. when a written report of the evaluation will be submitted to the district.

An independent evaluator will be permitted to conduct observations of the child on school property during normal school hours, as is appropriate.

The District has the responsibility to designate a geographic area within which the parents or guardians are limited in their search for an independent educational evaluator. The District has designated this are to independent evaluators within public or private agencies or entitles located in Clinton, Essex, Warren, Saratoga, Washington, Schenectady, Albany, Rensselaer, Franklin, and St. Lawrence Counties in the State of New York. A parent or guardian who desires an exception to the geographic area set forth herein should forward such

request in writing to the Chairperson of the Committee on Special Education or the Chairperson on the Committee for Preschool Education, as appropriate.

District Use of the Independent Educational Evaluation

The district will consider an independent educational evaluation in determining a child's educational program. Such consideration shall be reflected in the CSE or CPSE minutes, showing that the results of an independent educational evaluation were reviewed and any disagreements with the evaluation. Results of all evaluative information will be considered by the school district in any decision made to the provision of a Free Appropriate Public Education for a student.

The Board directs the Superintendent to develop regulations establishing maximum allowable fees for evaluations; the minimum qualifications of the professionals who administer and interpret various tests, and a reasonable time line for seeking reimbursement. The Superintendent shall also maintain a list of the independent evaluators. All of this information should be reviewed annually, and modified as necessary.

Further Information

The district has developed a policy on independent educational evaluation in order to avoid any misunderstandings and to ensure that the District meets its responsibility to provide independent educational evaluation. Parents or guardians may obtain further information on independent evaluations by contacting the Chairperson of the Committee on Special Education or the Chairperson of the Committee on Preschool Education at the District and also by contacting the Regional Associate assigned to the District at the State Education Department Office for Special Education Services.

Administrative Procedures

1. The District has established a forty-five (45) calendar day time period for parent or guardians to request independent educational evaluations. Upon completion of the evaluation conducted by the District and appropriate notice having been given to the parent or guardians, the parent or guardian has forty-five 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 any other public 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 educational evaluator who does not possess any necessary license or credential by the New York 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
 - 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 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 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. Upon the District's receipt of a request for reimbursement for an independent educational evaluation, the District will provide a written request to the requestor within 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 the 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 calendar months of the date of completion of the independent education evaluation.

8. If denial for 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 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; neurophysiologist; developmental pediatrician; speech/language pathologist; occupational therapist; physical therapist; visual perceptual specialist and neurologist.

Administrative Procedures for Independent Educational Evaluations

The district will not pay more than the maximum amount set by the Superintendent for a comprehensive independent educational evaluation.

The district will not pay more than \$1,000.00 for a comprehensive independent educational evaluation that meets the requirements under the Commissioner of Education's applicable 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.

The following schedule of maximum fees for each type of evaluations shall be applied:

Psychologist	\$600.00
Psychiatrist	\$900.00
Neurophysiologist	\$900.00
Developmental Pediatrician	\$300.00
Speech/Language Pathologist	\$200.00
Occupational Therapist	\$200.00
Physical Therapist	\$200.00
Visual Perceptual Specialist	\$200.00
Neurologist	\$400.00

Adoption date: August 8, 2006