

INDEPENDENT EDUCATIONAL EVALUATIONS

The Board of Education recognizes the right of parents or guardians of a student who has or is thought to have a disability to receive an independent evaluation at public expense if they disagree with the evaluation obtained by the Committee on Special Education (CSE) or the Committee on Preschool Special Education (CPSE).

The independent examination shall be conducted by a qualified examiner who is not employed by the school district responsible for the child's education. Upon request, parents will be provided with a list of public and private agencies and professional resources where independent evaluations may be obtained. These publicly-funded independent evaluations shall be limited to the same geographic and fiscal limitations as used by the district when it initiates an evaluation.

Parents or guardians should file a written request within 90 days from the date of the CSE or CPSE evaluation. The district has the right to initiate an impartial hearing to demonstrate that its evaluation is appropriate. If the hearing officer determines that the district's evaluation was appropriate, a parent or guardian is not entitled to reimbursement at public expense.

The Board directs the Superintendent of Schools to develop regulations establishing maximum allowable fees for specific tests, the geographic area in which such evaluations may take place, and minimum qualifications of the professionals who administer and interpret various tests; and a reasonable timeline for seeking reimbursement.

Cross-ref: 4321, Programs for Students with Disabilities under IDEA &
Article 89
4321.2, Preschool Special Education
4321.2-R, Preschool Special Education Regulation

Ref: 34 CFR §300.503
8 NYCRR §§200.1(u); 200.5(a)(l)(vi)(a); 200.5(b); 200.5(c)(6)
Application of a Child with a Handicapping Condition, SRO Dec. No. 93-26 (1993)
Application of a Child with a Handicapping Condition, 30 EDR 129 (1990)
Application of a Child with a Handicapping Condition, 30 EDR 108 (1990)
Application of a Child with a Handicapping Condition, 26 EDR 439 (1987)
Appeal of a Handicapped Child, 25 EDR 185 (1985)
Matter of a Child Suspected of Having a Handicapping Condition, 23 EDR 140 (1983)
Matter of Three Handicapped Children, 21 EDR 353 (1981)
Memorandum to District Superintendents *Independent Evaluations; Updating on Regulatory Requirements*, State Education Department

Adoption date: June 04, 2001
Effective: July 01, 2001

(Continued)

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The independent examination shall be conducted by a qualified examiner who is not employed by the school district responsible for the child's education. Upon request, parents will be provided with a list of public and private agencies and professional resources where independent evaluations may be obtained. These publicly-funded independent evaluations shall be limited a location within a 200-mile radius of the district and at an amount not to exceed \$1,500.

The district has the right to initiate an impartial hearing to demonstrate that its evaluation is appropriate. If the hearing officer determines that the district's evaluation was appropriate, a parent or guardian is not entitled to reimbursement at public expense.

The Board directs the Superintendent of Schools to develop regulations establishing maximum allowable fees for specific tests, the geographic area in which such evaluations may take place, and minimum qualifications of the professionals who administer and interpret various tests; and a reasonable timeline for seeking reimbursement.

Cross-ref: 4321, Programs for Students with Disabilities
4321.2, Preschool Special Education
4321.2-R, Preschool Special Education Regulation

Ref: 20 USC §1415(d)(2)(A)
34 CFR §300.502
8 NYCRR §§200.1(z); 200.5(a); 200.5(b); 200.5(c); 200.5(g)

Approved: July 1, 2001
Revised and Approved: