

Regulation 7670R

Students

Parents of a child with a disability, or a child suspected of having a disability, have the right to obtain an independent educational evaluation of their child.

Definitions

For purposes of this regulation the following definitions apply:

1. Independent Educational Evaluation (IEE): An evaluation conducted by a qualified examiner who is not employed by the School District responsible for the education of the child.
2. Public Expense: The School District either pays the full cost of the IEE or ensures that the IEE is otherwise provided at no cost to the parent. (A parent is entitled to only one [1] IEE at public expense each time the School District conducts an evaluation with which the parent disagrees).

Parent's Right to an IEE at Public Expense

A parent has the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the School District. If a parent requests an IEE, the School District must, without unnecessary delay, notify the parent in writing of its decision to either:

1. File a due process complaint to request a hearing to show the School District's evaluation is appropriate; or
2. Ensure that an IEE is provided at public expense, unless the School District demonstrates in an impartial hearing that the evaluation obtained by the parent did not meet the School District's criteria.

If a parent requests an IEE, the School District may ask the parent's reason for objecting to the public evaluation. However, an explanation by the parent is not required and the School District may not unreasonably delay either providing the IEE at public expense or filing a due process complaint to request a hearing to defend the public evaluation.

If the School District files a due process complaint notice to request a hearing and the hearing officer's final decision is that the School District's evaluation is appropriate, or that the evaluation obtained by the parent did not meet the School District's criteria, then the parent still has the right to an independent educational evaluation, but not at public expense.

The results of any IEE, which meets the School District's criteria, must be considered by the School District in any decisions made regarding the provision of a free appropriate public education to the child and may be presented as evidence by any party at an impartial hearing for that child.

School District Criteria for the IEE at Public Expense

If requested by the parent, the School District will provide the parent with information about where an IEE may be obtained and the School District's criteria for IEEs. These criteria, including the location of the evaluation and the qualifications of the examiner, will be the same as the

criteria the School District uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an IEE. Such criteria are as follows:

1. *Location*: An evaluation must be conducted in the immediate geographic area in which the School District is located. Parents will have the opportunity to demonstrate that their child's unique circumstances justify an IEE that exceeds the School District's location criterion;
2. *Qualifications*: The examiner must possess, at a minimum, a current license or certification from the New York State Education Department in the area of evaluation; and
3. *Reasonable Cost*: The School District may refuse to pay, or provide reimbursement for, any evaluation which exceeds the competitive rate for applicable services within the immediate geographic area. 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.

Except for the criteria described herein, a School District may not impose conditions or timelines related to obtaining an IEE at public expense.

Requests for Evaluations by Hearing Officers

If a Hearing Officer requests an IEE as part of an impartial hearing, the cost of the evaluation must be at public expense.

Further Information

The School District has developed policy and regulation on IEEs to ensure that the School District meets its responsibility to provide IEEs at public expense. A parent may obtain further information on IEEs by contacting the School District's Chairperson of the Committee on Special Education or the Chairperson of the Committee on Preschool Special Education. A parent may also contact the New York State Department of Education for additional information on IEEs.

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