

7680	Independent Educational Evaluations
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Parents of children with disabilities or a child suspected of having a disability have the right, under Federal and State law and regulation, to obtain an independent educational evaluation (IEE) at public expense under certain conditions.

An IEE is an evaluation involving a student with a disability or a student suspected of having a disability conducted by a qualified examiner who is not employed by the District. Public expense means that the District either pays for the reasonable cost of the IEE (consistent with Board Policy and administrative regulation) or otherwise ensures that the evaluation is provided at no cost to the Parent, provided that the cost does not exceed the monetary amount established by the District for such evaluations.

A waiver of the Board's policy and the District's administrative regulations regarding payment, evaluator qualifications and geographical limits shall be considered upon receipt of a written request to the CSE Chairperson that establishes that without such a waiver, the child would be denied the right to an independent evaluation. The failure to obtain a waiver prior to obtaining an IEE consistent with District policy constitutes grounds to deny such a request.

The Board shall approve only one IEE at public expense each time the District conducts an evaluation with which the Parent disagrees.

The Board shall not agree to approve and fund an IEE unless the District has conducted its own evaluation with which the Parent disagrees.

The Board shall not reimburse a Parent for the cost of an evaluation which does not conform to the Board's policy on reimbursement, in the absence of a waiver and the opportunity to conduct its own evaluation prior to the Parent's decision to secure such evaluation.

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

If the Parent obtains an IEE at public expense, or shares with the District an evaluation obtained at private expense which meets the District's criteria, the results of the evaluation must be considered by the District in any decisions made with respect to the provision of a free appropriate public education [FAPE] and such evaluation may be presented by any party as evidence at an impartial hearing for that student.

If an impartial hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

Administrative regulations on IEEs will be developed in order to explain the rights of Parents and the responsibilities of the District with regard to independent evaluations and to avoid any misunderstandings.

34 CFR §§300.12 and 300.502; 8 NYCRR §§200.1(z) and 200.5(g)

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