

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 parent is entitled to only one independent educational evaluation at public expense each time the School District conducts an evaluation with which the parent disagrees.

The independent evaluation 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 are subject to the same criteria, including the location of the evaluation and the qualifications of the examiner, used by the School District when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent evaluation. Upon receipt of a parental request for an independent educational evaluation, the CSE may ask for the parent's reason why he or she objects to the public evaluation; however, the CSE may not require the explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a due process complaint notice to request a hearing to defend the public 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, the 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. The regulations shall be reviewed annually.

Cross-ref: 4321, Programs for Students with Disabilities

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)

Adopted: 02/07/11
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