

Superintendent's Regulation 4219-R

INDEPENDENT EDUCATIONAL EVALUATIONS



Approved Upon Superintendent's Initials

10/16/25

Date

This regulation is intended to implement Policy 4219 (Independent Educational Evaluations).

If a parent disagrees with the results of a comprehensive educational evaluation, resulting from a determination of needed evaluation process, conducted by the Rochester City School District ("District"), the parent may request an independent comprehensive educational evaluation ("IEE") at public expense.

[note: disagreement with a CSE outcome, by itself, shall not constitute "disagreement with the results of a comprehensive educational evaluation" as outlined herein].

An independent educational evaluation (IEE) shall be conducted by a qualified examiner, as defined in 34 CFR 300.12, and in this Implementing Regulation, who is not employed by the District. The qualifications shall be provided to the chosen vendor in the district Fee Schedule and are commensurate with the qualifications required of district evaluators and the New York State Office of Professions. The district reserves the right to refuse payment if the IEE provided does not meet the district-approved criteria for requested evaluations and/or evaluator credentials.

Upon a Parent's request for an IEE, the District will provide the parent with information on where an independent educational evaluation that meets district criteria may be obtained. This information is not intended to be representative of all evaluators in the county who may be eligible to provide an RCSD IEE.

The criteria used to approve a District-funded Independent Educational Evaluation are as follows:

1. **Purpose of request:** The parent is requesting the IEE due to a stated disagreement with the accuracy or validity of district evaluative measures. Parent disagreement with the programs and services on the IEP are not sufficient criteria for approving an IEE. A parent may exercise their rights under the Procedural Safeguards Notice in the event they disagree with the outcome of the CSE and the services on the IEP.
2. **Geographic Location:** Services must be provided within Monroe County. As well, evaluators must maintain their primary place of business within Monroe County.
3. **Evaluator Qualifications:** The independent evaluator must be qualified and trained to administer, score, and interpret the assessments used during the evaluation and employed

in such capacity to do so. Evaluators must meet the requirements to practice as outlined by the Office of Professions, New York State Education Department, Department of Health, Office of Mental Health, or other governing body (for example, a school psychologist administering a psycho-educational evaluation must be employed by a school district or BOCES in order to practice while a clinical psychologist, is not subject to this limitation so long as their license remains valid in New York State).

4. **List of Evaluators:** The district has established a non-comprehensive list of qualified professionals to whom parents may go to secure a district-approved IEE. The list of independent evaluators can be obtained from the Department of Specialized Education. The district cannot guarantee that these evaluators will have availability within their schedule to conduct the evaluation and the district has no obligation to ensure their availability. In the event that a chosen evaluator does not have availability, the parent/person in parental relation may select another evaluator from the provided list or seek another appropriately qualified evaluator that meets the district's IEE criteria.
5. **Evaluation:** An Independent Educational Evaluation means an independent comprehensive educational evaluation, resulting from the parent's disagreement with the results of a comprehensive educational evaluation stemming from the District's determination of needed evaluation process. A comprehensive educational evaluation includes assessment of all areas of the child's disability (or suspected disability) using a variety of assessment tools and strategies that follow state and district procedures and criteria along with the requisite assessment tool protocols for such evaluations that are suitable to ascertain:
 - (a) the existence of physical, mental, and emotional factors which contribute to a suspected educational disability
 - (b) the child's functional, developmental, and academic levels
 - (c) the nature and extent of special education and related services the child needs, and
 - (d) (if eligible), the components of an appropriate IEP is reasonably calculated to enable the student to make appropriate progress in light of the student's circumstances.
6. **The tests or assessments performed must:**
 - (a) be norm or criterion referenced for individual evaluation (individually tailored)
 - (b) be appropriate for the age and educational level of the student
 - (c) measure the same cognitive, motor, physical, emotional, behavioral, adaptive and other skills as the District evaluations
 - (d) use technically sound, research-based, instruments to ensure that they properly assess the relative contribution of cognitive and behavioral factors, in addition to physical, emotional, and developmental factors.
 - (e) be non-discriminatory

- (f) be designed to elicit information on potential educational disabilities,
- (g) be broad enough to assess all area of need
- (h) be provided in the student's primary language
- (i) be properly implemented according to vendor protocols for the particular tests or assessments
- (j) use tools and strategies that provide relevant information that can directly assist the CSE in determining the need for specially designed instruction and the educational needs of the student
- (k) be based on more than a mere review of existing district or other, independent evaluations
- (l) Include Classroom Observations, if requested by the district or parent in the IEE approval letter, and which must be conducted in the Student's designated educational setting. The independent evaluator is responsible for coordinating classroom observations directly with the school building.

7. **Cost:** The district has established reimbursement rates for independent evaluators based the reasonable and customary rates charged by providers within close geographical proximity to the district. Payment by the District for specific services will not exceed the fees established in the Rochester City School District's current Independent Evaluation Fee Schedule (incorporated by reference) which can be obtained from the district's Department of Specialized Services.

The district is not obligated to pay the evaluator for services that are not related to the IEE, costs associated with the evaluator's attendance at CSE or other student planning meetings, or costs in excess of the Independent Educational Evaluation Fee Schedule, absent a written showing of extraordinary circumstances warranting the additional cost.

The District reserves the right to IEE requests at public expense that exceed the Fee Schedule or that do not make an adequate showing of extraordinary circumstances that would allow the District to consider making an exception to the criteria outlined in this Superintendent's Regulation. Should the parent be unable to make an adequate showing of extraordinary circumstances, the Parent shall remain free to independently cover any amounts above and beyond the District's Fee Schedule.

8. **Presentation to the District:** Charges for services, required w-9, and other information required to process payment, and a copy of the Independent Evaluation will be presented to the District's Department of Special Education Services within 30 days of the evaluation being completed.

Parent Responsibility

- i. The parent must direct written requests for an IEE to the district's central office Director of Special Education aligned to the student's school. The Parent is responsible for reviewing the district's Independent Educational Evaluation Criteria, Fee Schedule, and List of Approved IEE Evaluators and for screening selected independent evaluators to ensure that they meet the district's IEE criteria.

- a. If the parent is requesting an independent evaluation that exceeds the district Fee schedule and/or falls outside of the district's criteria, the district reserves the right to request from the parent, in writing, documentation of any extraordinary circumstances that warrant the district consideration for granting an exception to the fees and/or criteria. The district is not obligated to grant an exception.
- ii. The parent must notify the school district of their chosen evaluator prior to scheduling any evaluation as directed in the IEE approval letter to the parent. Upon credential verification of the chosen evaluator(s) by the district, the district will issue the evaluator(s) an approval letter outlining the scope of required work and the maximum fees the district will pay for said IEE via an approved District Fee Schedule.
- iii. The parent is responsible for scheduling the independent evaluation directly with the independent evaluator. The parent must sign all necessary releases of information to enable the district to communicate directly with the independent evaluator.
- iv. The parent should provide the independent evaluator with any written district response to the IEE request. The parent should ensure that the district receives a copy of the IEE report and results of all assessment data collected by the independent evaluator in time for the district to consider the results at a CSE meeting.
- v. The parent shall facilitate the evaluator's communication with school building officials regarding the scheduling of any necessary classroom observations.

District Responsibility

If a parent requests an independent comprehensive educational evaluation (IEE) at public expense, the District will either:

1. Initiate an impartial hearing to show that its evaluation is appropriate; or if the District initiates a hearing and the final decision is that the District's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.
2. Ensure that an independent comprehensive educational evaluation is provided at public expense, which meets the District's criteria set forth above. A parent is entitled to only one IEE at public expense for each comprehensive evaluation conducted by the District for which the parent disagrees, or
3. For requests that exceed the district's established criteria, request from the parent, in writing, documentation of any extraordinary circumstances that warrant the district's

consideration for granting an exception to the fees and/or criteria. The district is not obligated to grant an exception.

The district will:

1. Review and respond to written IEE requests within 15 days of receipt by the Director of Special Education aligned to the student's school.
2. Consider the results of an IEE that meets the district criteria and the conclusions outlined therein, in addition to, and not independently of, the district's own evaluation, the student's performance, data gathered from teacher observations, and input from the parent(s).
3. Be responsible for making decisions regarding the student's eligibility and need for special education and related services, and where the student is eligible for special education and or related services as a student with an educational disability, the CSE/CPSE placement and services to be provided.
4. Make payment for an approved IEE directly to the independent evaluator. Once the independent evaluation is complete, an invoice with supporting payment information has been submitted, and a copy of the report along with all data gathered by the evaluator to develop the report, have been received by the district.

Evaluator Responsibility

1. It is the responsibility of the independent evaluator to contact the District's Department of Specialized Services to arrange for payment and the student's school building to arrange dates for classroom observations.
2. The independent evaluator must ensure that the district receives a copy of the independent evaluation report and all data gathered to develop the report.
3. The independent evaluator must submit invoices and additional payment documentation (w-9) to the district within 30 days of completion of the evaluation.

Waiver of District Criteria/Showing of Exceptional Circumstances

Requests for waivers or exemptions to the district's IEE policy and IEE criteria for exceptional circumstances only, should be forwarded in writing to the central office Director of Special Education aligned with the student's school. Requests for waivers must show that the student's unique circumstances justify a waiver of the district's IEE criteria in order for the evaluation to be appropriate for the student and to address the student's needs. The district is not required to waive its criteria for independent evaluations to accommodate a parent's preferences.

Note: Adopted September 8, 2012, Amended October, 14, 2025