

Regulation

INSTRUCTION

8503.1

INDEPENDENT EDUCATIONAL EVALUATIONS

I. Introduction

- A. The Waterville Central School District has developed the Independent Educational Evaluations policy and corresponding regulation(s) in order to avoid any misunderstanding and to ensure that the District is meeting its responsibility to the child and the parent in providing for an independent educational evaluation where appropriate.
- B. This regulation ensures that appropriate evaluation information provided by parents is given meaningful consideration in the process of an Individualized Education Program (IEP) development.

II. Definitions

- A. An “individual evaluation” means any procedures, tests, or assessments, including observations, given individually to a child to determine whether the child has a disability and/or to identify the child’s special education needs.
- B. An “Independent Educational Evaluation” means a procedure, test, or assessment conducted by a qualified examiner who is not employed by the District that is responsible for the education of the student.
- C. The term “parent” means a parent, guardian or other person statutorily entitled to the privileges outlined by 8 NYCRR 200.5 (g).
- D. “Public expense” means that the District shall either pay for the cost of the independent educational evaluation or ensure that the independent educational evaluation is otherwise provided at no cost to the parent, provided that the cost of the independent educational evaluation does not exceed the monetary amount established by the District.

III. Independent Educational Evaluations

- A. If requested by the parent, the District will provide to parents information about where an independent educational evaluation may be obtained, the District’s criteria under which the evaluation is to be obtained (including the location of the evaluation and the qualifications of the evaluator), and the District’s remaining criteria applicable for independent educational evaluations, including the District’s procedures for requesting reimbursement for the cost of an independent educational evaluation.

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- B. A parent has the right to obtain their own independent educational evaluation for their child at their own expense. A parent does not have the right to an independent educational evaluation at the expense of the District if the District has not first conducted and completed its own evaluation of a child.
- C. An independent educational evaluation must be performed under the same criteria for evaluation procedures used by the District in its own individual evaluations.

IV. Public Expense

- A. Public expense means that the School District either pays for the cost of the independent educational evaluation, provided that the cost does not exceed the monetary limits established in this regulation by the District. Where parents have insurance that will cover part or all of the cost of the evaluation, they are encouraged to submit a claim for payment of the evaluation to their insurer. The District will pay any deductible or co-pay for the evaluation upon receipt of proof of that amount and a completed copy of the evaluation report.
- B. The School District has established reasonable limits for the independent evaluators that do not exceed the costs which the School District would be required to pay its own employees.

V. Request for an Independent Educational Evaluation

- A. If a parent disagrees with the results of an individual evaluation obtained by the District, the parent has the right to request an independent educational evaluation at public expense.
- B. If the parent wishes to obtain the District's agreement to pay for an independent educational evaluation prior to the independent evaluation being conducted, the parent must submit a written request to the District requesting that the District fund the independent educational evaluation, within ninety (90) calendar days from the date of receipt of the District's evaluation.
- C. Requests for reimbursement for the costs of an independent educational evaluation already obtained by the parent must be submitted within thirty (30) calendar days from the date of receipt of the results of the independent educational evaluation, in order to be considered. The District may not refuse to reimburse a parent for the reasonable costs not to exceed the monetary limits established in this regulation of an independent educational evaluation that the parent has already obtained, solely because the parent did not notify the District prior to obtaining the independent educational evaluation.

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- C. The District will, without unnecessary delay, either ensure that an independent educational evaluation is provided at public expense, or initiate an impartial hearing to show that the District's evaluation is appropriate and that it does not intend to pay for the evaluation requested by a parent.
- D. The District may ask for the parent's reason why the parent objects to the individual evaluation. A parent need not provide an explanation for his/her objection to the individual evaluation. Additionally, the parent's explanation or lack of explanation will not be a reason for the District to unreasonably delay either providing an independent educational evaluation at public expense or initiating an impartial hearing to defend the District's evaluation.
- E. The District may initiate an impartial hearing if it believes its individual evaluation is appropriate and objects to the payment for an additional evaluation requested by the parent. If the District should choose to deny payment for an independent educational evaluation already performed on behalf of the child, or chooses to controvert a parent's request for an independent educational evaluation to be performed at public expense, the District shall notify the parent in writing of its reasons for the denial, and of its intent to initiate an impartial hearing.
- F. If the Impartial Hearing Officer requests an independent educational evaluation as part of a hearing, the cost of the independent educational evaluation shall be at the District expense.
- G. The Impartial Hearing Officer shall determine if the District's own evaluation is appropriate or not. If the Impartial Hearing Officer determines that the parent is entitled to an independent educational evaluation at the District expense, the District shall be responsible for the full costs of the independent educational evaluation. If the hearing officer determines that the District's evaluation is appropriate, the parent has a right to an independent educational evaluation, but not at public expense.

VI. Responsibilities

When an independent educational evaluation is requested and approved by the District and an evaluator is selected by the parent, it becomes the responsibility of the evaluator chosen by the parent to contact and make arrangements with the District, to be confirmed in writing, the services to be performed, the cost involved, the method of payment, dates of classroom visitation and discussions with District staff, and a date when a written report will be submitted.

VII. Independent Educational Evaluations Provided for at Public Expense

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- A. When an independent educational evaluation is obtained at public expense, the criteria under which the independent educational evaluation is obtained must be the same as the criteria that the District uses when it initiates an independent evaluation (to the extent those criteria are consistent with the parent's right to an independent educational evaluation).
- B. The District may not impose conditions other than those outlined by this Regulation or otherwise permitted by law.
- C. The District has established a comprehensive list of qualified individuals in private practice or employees of other public agencies who meet the District's location and qualification criteria to whom parents may go to secure an independent evaluation. This list will be provided to parents upon request. A parent may, however, select an evaluator of their own choosing, as long as the evaluator meets the District's geographic, qualification and reasonable cost criteria.
- D. The following criteria are applicable to District initiated evaluations and to parent initiated independent educational evaluations that are publicly funded:
 - 1. The maximum fee allowable for each test is \$1,000.
 - 2. Tests may take place within the following geographical specifications: Within a 50 mile radius of the boundaries of the school district.
 - 3. New York State certification or licensure is required of all evaluators.
- E. The fee amounts set forth in this policy are consistent with those amounts which the District would pay when scheduling its own individual evaluations.
- F. The District shall periodically update its list of independent educational evaluators.

VIII. Use of Independent Educational Evaluation in the Review Process

- A. The results of an individual evaluation report must be shared with the child's parent, along with copies of documentation of determination of eligibility. Parents of preschool children must also be provided a copy of the summary report of any evaluation performed.
- B. The results of an independent educational evaluation must be considered by the District as part of its review of a child's entitlement to special educational needs, and the development of the child's Individualized Educational Program (IEP), if appropriate.

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- C. The results of an independent educational evaluation may be presented as evidence at an impartial hearing regarding a child.

IX. Further Information

The District has developed a policy and regulations governing independent educational evaluations in order to avoid any misunderstanding as to a parent's entitlement to and the process for obtaining an independent educational evaluation. Parents can obtain further information on independent educational evaluations by contacting the Chairperson of the Committee on Special Education (CSE) or the Chairperson of the Committee on Pre-School Special Education (CPSE) for the District at PHONE #315-841-3750. The parent may also wish to contact the Office for Special Education Services for the NYS Department of Education at NYS Education Department, Special Education Quality Assurance, State Tower Building, 109 Warren Street, Syracuse, New York 13202, at (315) 471-4796, and speak to a Regional Associate. Additional information may further be obtained from a booklet published by the NYS Department of Education entitled: A Parent's Guide to Special Education: Your Child's Right to an Education in New York State. This publication may be obtained either by calling the NYS Department of Education, or at: <http://www.p12.nysed.gov/specialed/publications/policy/parentguide.htm>.

Waterville Central School District

Legal Ref: 8 NYCRR 200.1(z) & (ii); 8 NYCRR 200.5(g); Commissioner's Decision No. 12,822; January 2002 Field Memorandum From Rita D. Levay, State Education Department.

Cross Ref: 8600, Selection, Appointment & Compensation of Impartial Hearing Officers Policy
Adopted: 04/17/18