

INDEPENDENT EDUCATIONAL EVALUATIONS

The Board of Education recognizes the right of legal parents or guardians of a student who has or is thought to have a disability as defined under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 *et seq.*, and section 4401(1) of the Education Law, to receive an independent evaluation at public expense if they disagree with a Committee on Special Education (CSE) or Committee on Preschool Special Education (CPSE) evaluation obtained by the District. “Public expense” means that the District either pays for the cost of the IEE or ensures that it is otherwise provided at no cost to the parent or legal guardian. 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 IEE 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 district when it initiates an evaluation, to the extent those criteria are consistent with the parent or legal guardian's right to an independent evaluation. Upon receipt of a parental request for an IEE, the District may ask for the parent or legal guardian's reason why he or she objects to the public evaluation; however, the parent or legal guardian is not required to provide a reason.

The district has the right to initiate an impartial hearing to demonstrate that its evaluation is appropriate and/or that there are other reasons why the District is not responsible for the cost of the IEE, such as the IEE evaluator not conforming with the District's credential, fee, or geographic criteria. If the hearing officer determines that the District's evaluation was appropriate and/or upholds the District's IEE criteria, a parent or guardian has the right to an IEE, but not at public expense.

The Board directs the Superintendent of Schools to develop regulations establishing maximum allowable fees for specific tests IEEs, 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

Amended: 10-13-15
01-27-26