

SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS

Parents of children with disabilities have the right under Federal and State regulations to obtain an independent evaluation at public expense under certain conditions. Regulatory standards are outlined in New York State Regulations of the Commissioner of Education Part 200.5(a)(1)(vi). Additionally, the Federal Regulations (34 Code of Federal Regulations [CFR] 300.503) specify requirements for an independent evaluation.

An “Independent Educational Evaluation” (IEE) of a student who has, or is thought to have, a disability, is an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of the child. “Qualified examiner” refers to an individual who holds certification related to the area being assessed. For example, a certified school psychologist or licensed psychologist may conduct a cognitive assessment, however a school psychologist may not practice outside of the school setting.

“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 (but in no case shall the district require the parent to utilize any private insurance or to utilize any public benefits or to incur any cost with respect to public benefits or insurance).

If a parent of a student with a disability disagrees with an educational evaluation obtained or conducted by the District, the parent has a right to request an independent educational evaluation at public expense. The district must either ensure that an independent educational evaluation is provided at public expense or promptly initiate an impartial hearing to show that its evaluation is appropriate, (or that the evaluation obtained by the parent does not meet the district’s criteria, if the parent has already obtained an IEE). The district may ask for the parent’s reason why he or she objects to the district’s evaluation. An explanation by the parent may not, however, be required, and the district may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing.

If the district decides to initiate due process, and the final decision of this process and any related appeals is that the District is not required to provide the requested independent education evaluation at public expense, the parent can obtain an independent evaluation at their own expense. If a parent obtains an independent educational evaluation and provides it to the District, the District will consider the evaluation in making decisions concerning the student even though the evaluation was obtained at the expense of the parent. The District, does not, however, need to consider the evaluation obtained by the parent if the evaluation does not meet the school district’s criteria.

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

(Continued)

POLICY

Churchville-Chili Central School District

2021

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Students

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8 New York Code of Rules and Regulations
(NYCRR) Sections 200.1(z) and 200.5(g)
34 Code of Federal Regulations (CFR) Sections 300.15 and 300.502

Adopted: 7/10/2001

Revised 10/13/2009, 1/28/2020, 6/22/2021