

INDEPENDENT EDUCATIONAL EVALUATIONS

The Hancock Central School District has established the following policy on Independent Educational Evaluations for children with disabilities or for children who are referred to the Committee on Special Education because they are suspected of having an educational disability and may, therefore, be in need of special education. Students with 504 plans are not entitled to Independent Educational Evaluations.

Parents of children with disabilities have the right under Federal and State laws and regulations to obtain an independent educational evaluation at public expense under certain conditions. (Commissioner of Education Regulations, Part 200.5(a) (1) (vi); Federal Regulations 34CFR 300.503) A parent does not have the right to an independent evaluation at public expense if the Hancock Central School District has not conducted and completed its evaluation of the child. In addition, the State Education Department publication *Special Education in New York State for Children Ages 3-21: A Parents Guide*, discusses independent evaluation requirements. This document is available from the District upon request.

The Hancock Central School District has developed a policy on independent educational evaluations in order to avoid any misunderstanding and to ensure that the Hancock Central School district is meeting its responsibility to provide an independent educational evaluation. Parents can obtain further information on independent educational evaluations by contacting the Chairperson of the CSE at the Hancock Central School District, and also the State Education Department by contacting the Office for Special Education Services, requesting to speak to the Regional Associate assigned to this area.

An independent educational evaluation means an evaluation conducted by a person who is not employed by the school district responsible for the education of the child. Such an evaluation is for the purpose of determining a child's eligibility for special education or related services, and for planning to meet the child's **educational** needs.

If the parent disagrees with the evaluation conducted by the Hancock Central School District, the parent has a right to request an independent educational evaluation at public expense. The Hancock Central School District may, in turn, request the parent to specify the areas of disagreement with the evaluation is appropriate. If the hearing officer determines that the district's evaluation was appropriate, a parent or guardian shall not be entitled to reimbursement at public expense.

Public expense means that the Hancock Central School District either pays for the cost of the independent educational evaluation or ensures that the evaluation is otherwise provided at no cost to the parent provided that the cost does not exceed the monetary amount established in this policy by the Hancock Central School District. The Hancock Central School District has established reasonable reimbursement rates for independent evaluators that do not exceed the costs which the Hancock Central School District would be required to pay to its own employees. Requests for an exception to the rates set forth should be forwarded in writing to the chairperson of the Committee on Special Education (CSE).

When an independent educational evaluation is requested and approved by the Hancock Central School District and an evaluator is selected by the parent from the approved list, it becomes the responsibility of the evaluator chosen to contact the Hancock Central School District to set forth in writing the services to be performed, the cost involved, the method of payment, dates of classroom visitations and discussions with school staff, and when a written report will be submitted.

The Hancock Central School District has the responsibility to designate a geographic area within which the parents would be limited in their search for an independent educational evaluator. The Hancock Central School District will not consider at public expense independent educational evaluators outside the county in which it is located or any adjoining county. Requests for an exception to the geographic area set forth should be forwarded in writing to the Chairperson of the CSE.

Upon completion of the evaluation conducted by the Hancock Central School District and appropriate notice being given to the parent/guardian, the parent/guardian is requested but not required to send written notice of a request for an independent educational evaluation within forty-five (45) calendar days from the date of receipt of the Hancock Central School District's evaluation.

The Hancock Central School District will not pay more than \$1500 for a comprehensive independent educational evaluation that would meet the requirements under Commissioner's regulations, which may require an individual psychological evaluation, a physical examination, a social history and other suitable examinations and evaluations as may be necessary to ascertain the physical, mental and emotional factors which may contribute to the suspected disability.

The Hancock Central School District has established a comprehensive list with specific rates of qualified professionals in private practice or employees of other public agencies to whom parents may go to secure an independent educational evaluation. The Hancock Central School District will also permit parents to select any independent educational evaluator who is in the public phone book within the Delaware, Broome, Chenango, Orange, Otsego, Sullivan or Wayne counties at the time the parent makes the request, as long as the individual selected by the parent is certified or licensed by the State of New York. Requests for an exception to the geographic area set forth shall be forwarded in writing to the Chairperson of the CSE. The attached list of independent educational evaluators includes professionals in all areas of a child's suspected disability. In addition, the Hancock Central School District will pay for an evaluation performed by an employee of any other public school district or BOCES within the State of New York whom the parent chooses to employ as an independent educational evaluator at the then-current hourly rate paid to that licensed or certified individual by their respective public school district or BOCES.

The Hancock Central School District will pay for an independent educational evaluation or assessment only if conducted by an individual who possesses current license or certification from the New York State Education Department in the area of the evaluation.

An independent educational evaluation requested by a parent which typically would not be conducted by school certified-licensed personnel would require the parent to demonstrate that unique circumstances justify such an evaluation.

The independent educational evaluation must be conducted in accordance with the Federal and State regulations, which require that, at the minimum:

School districts shall ensure that:

- (i) assessments and other evaluation materials used to assess a student under this section:*
- (a) are provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally, unless it is clearly not feasible to so provide or administer;*
- (b) are used for purposes for which the assessments or measures are valid and reliable;*
- (c) are administered by trained and knowledgeable personnel in accordance with the instruction provided by those who developed such assessments; and*
- (d) are selected and administered so as not to be discriminatory on a racial or cultural basis;*

The Hancock Central School District, upon receiving a request for reimbursement for an independent educational evaluation, will forward a letter of approval to the parent with a copy to the evaluator within ten calendar days after receipt of the request. Any information needed by the Hancock Central School District regarding payment will be set forth in the letter.

If denial for reimbursement is indicated, the reason(s) for that denial, as well as the Hancock Central School District's intention immediately to initiate a hearing regarding such denial, will be forwarded to the parent in writing with a copy also being forwarded to the evaluator. If the Hancock Central School District agrees to pay for the evaluation, the parent and the evaluator will be notified by letter.

Adopted: 10/22/2001

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