## INDEPENDENT EDUCATIONAL EVALUATIONS

The Board of Education recognizes the right of parents or guardians of a student who has or is thought to have a disability to receive an independent evaluation at public expense if they disagree with the evaluation obtained by the Committee on Special Education (CSE) or the Committee on Preschool Special Education (CPSE).

The independent examination 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 shall be limited to the same geographic and fiscal limitations as used by the district when it initiates an evaluation. The Board establishes that the evaluation must be conducted within a 50 mile radius of the district. In addition, the evaluator must possess appropriate New York State certification for the type of testing to be administered. Reasonable costs will be reimbursed, and that is defined as costs not to exceed that of any teaching university hospital within the 50 mile radius.

Parents or guardians should file a written request within six months from the date of the CSE or CPSE evaluation. The district has the right to initiate an impartial hearing to demonstrate that its evaluation is appropriate. If the hearing officer determines that the district's evaluation was appropriate, a parent or guardian is not entitled to reimbursement at public expense.

The Board directs the Superintendent of Schools to develop regulations to implement this policy.

Cross-ref: 4321, Programs for Students with Disabilities

4321.2, Preschool Special Education

<u>Ref</u>: 20 USC §1415(d)(2)(A)

34 CFR §300.503

8 NYCRR §§200.1(z); 200.5(a); 200.5(b); 200.5(c); 200.5(g)

Application of a Child with a Handicapping Condition, SRO Dec. No. 93-26 (1993)

Application of a Child with a Handicapping Condition, 30 EDR 129 (1990)

Application of a Child with a Handicapping Condition, 30 EDR 108 (1990)

Application of a Child with a Handicapping Condition, 26 EDR 439 (1987)

Appeal of a Handicapped Child, 25 EDR 185 (1985)

Matter of a Child Suspected of Having a Handicapping Condition, 23 EDR 140 (1983)

Matter of Three Handicapped Children, 21 EDR 353 (1981)

Memorandum to District Superintendents Independent Evaluations; Updating on Regulatory

Requirements, State Education Department

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