

5510.1 STUDENT EVALUATION (INDEPENDENT)

Appendix AA INDEPENDENT EDUCATIONAL EVALUATIONS (IEE)

Introduction:

In accordance with Board Policy # 5510.1 which addresses the District's obligations to respond to parental requests for Individual Educational Evaluations (IEE) at public expense, the Scotia-Glenville Central School District ("District") adopts the following regulations:

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

In responding to a request, the District may request that the parent specify the area(s) of disagreement with its evaluation. However, failure to respond shall not delay or preclude the District from making a timely response to the Parent's request for an IEE.

Parents have the right to request an IEE at public expense subject to the following conditions:

1. The District has completed an evaluation with which the Parent disagrees;
2. The Parent has not withheld consent or otherwise failed to produce their child for the District's evaluation;
3. The IEE being requested meets the requirements set forth in Commissioner's regulations at 200.4;
4. The evaluator selected by the Parents meets the District's criteria (including qualifications, geographical location and cost parameters) and agrees to enter into a contract with the District for the IEE consistent with District policy and regulation;
5. The District has not established through an impartial hearing that its evaluation was appropriate or otherwise established that the evaluation secured privately by the Parent failed to comply with the District's criteria.

Definitions:

An IEE is an evaluation requested for a student identified under Part 2005 (g) of Commissioner's regulations for a student with a disability or a student suspected of having a disability performed by a qualified independent evaluator. Whenever an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation, the qualifications of the examiner, shall be the same as the criteria which the school district uses when it initiates an evaluation.

Public expense means that the District either pays for the reasonable cost of the IEE or ensures that the evaluation is otherwise provided at no cost to the Parents, provided that the cost of such

evaluation does not exceed the fee criteria established by the District for such evaluations, absent a waiver.

Request

1. Parents seeking District authorization for an IEE **must make a request, in writing** (unless unable to do so), identifying the evaluation with which they disagree, and (if known) they may propose and evaluator whom they would like to perform the IEE.

Criteria for the Approval of a Request for an IEE

2. The CSE Chairperson or Board Designee shall develop, maintain and update periodically a list of approved evaluators from whom the parent can obtain an IEE; as well as a list of the District's criteria applicable to IEEs should the parents wish to obtain evaluations from individuals who are not on the list. The District will provide parents with information related to its criteria, including qualifications, geographical restrictions and cost.
3. The CSE Chairperson shall maintain a list of rates for reasonable costs of evaluations to be paid by the District for an IEE based on a survey of the actual cost of securing such evaluations in the community within the geographical limits established in the Board's policy. The District will only pay up to the amount identified.
 - a. When enforcing the reasonable cost containment criteria, the District will allow parents to demonstrate that 'unique circumstances' may justify an IEE that does not fall within the district's cost criteria and, if appropriate, a waiver may be granted to surpass the established fee cap on a case-by-case basis.
4. An evaluator approved to conduct the IEE shall demonstrate that he/she/they has the requisite licensure, qualifications or certifications of those qualified to conduct such evaluations for the District;
 - a. When enforcing the qualification provisions for an IEE evaluator, the District will allow parents to demonstrate that 'unique circumstances' may justify an IEE that does not fall within the district's qualification criteria and, if appropriate, a waiver may be granted on a case-by-case basis.
5. The evaluation shall be conducted at a location no more than seventy-five (75) miles from the District, absent a waiver.
 - a. When enforcing the geographical limitations and location criteria, the district will allow parents to demonstrate that 'unique circumstances' may justify an IEE that does not fall within the district's geographical criteria and, if appropriate, a waiver may be granted on a case-by-case basis.
6. The Chairperson or Board Designee shall not approve any request for an IEE that does not comply with the criteria set forth above without a request for waiver and a finding by the chairperson that, in the absence of a waiver, the Parents and Student would be denied the right to an IEE, as required by law. If the request is denied, the District will initiate a hearing to defend its policy or evaluation, or to establish that the evaluation secured by the parent does not meet the District's criteria.

Response to Request for an IEE

7. Upon the District's receipt of a Parents' request the CSE Chairperson or Board Designee shall

confirm receipt in writing within five (5) business days, and may ask the Parent(s) to explain the nature of their disagreement with the District's evaluation. The failure of the Parent to disclose the nature of their disagreement shall not otherwise delay the District's response to the Parents' request. The Chairperson or Board Designee shall also send a copy of the Board's policy and District regulations with the District's list of regional independent evaluators who meet the District's criteria for approval.

8. The District CSE Chair or Board Designee shall issue a formal written prior written notice of its decision with regard to the Parents' request for an IEE within ten (10) business days, in writing.
 - a. If, upon review, the CSE Chairperson/Board's Designee approves the request, the District shall enter into a contract with the qualified individual selected by the Parent; subject to the District's criteria terms and conditions;
 - b. In a case where the evaluation is not approved solely on the basis that the evaluator will not accept the District's fee cap, the Chairperson or Board Designee shall advise the Parent that they may submit a request for a waiver, setting forth the special circumstances that they would like the District to consider.
 - i. The District will advise the Parent in writing of its determination regarding a waiver within ten (10) business days and, if denied, will schedule a hearing to defend its policy, as necessary.
 - c. If the CSE Chairperson/Board Designee declines to approve a request for an IEE on grounds that the District's evaluation was appropriate, the Chairperson or Board Designee shall advise the Parent, in writing, of the decision and promptly obtain Board approval to initiate an impartial hearing and appoint a hearing officer to demonstrate that its evaluation is appropriate at hearing.
9. Upon approval of a request for an IEE, the CSE Chairperson/Board Designee shall:
 - d. Obtain the name and address and contact information for the individual or agency the Parent(s) selected to conduct the IEE;
 - e. Develop and forward to the individual or agency selected by the Parent to conduct the IEE, a copy of the District's IEE policy and criteria and a proposed contract that reflects the District's criteria (unless a waiver has been granted, in which case the contract shall reflect the terms agreed to).
 - f. Inquire of the parent as to the availability of any health insurance to offset the cost or a portion of the cost of the IEE, so long as there is no cost to the parent for such evaluation; and
 - g. Forward relevant records and a copy of the District's evaluation which the Parent disagreed with to the evaluator for review;
 - h. Arrange for District staff to be available to speak with the evaluator to address their concerns and to invite the evaluator, if deemed appropriate, to observe the student at school, in class or their educational setting;

- i. Arrange for payment of the evaluation within thirty (30) days of receipt of the final evaluation report and an itemized invoice of services, dates of services, and total cost from the evaluator.
10. If the Parent obtains an independent educational evaluation at public expense or shares with the District an evaluation obtained at private expense, the results of the evaluation:
- j. Must be considered by the District, if it meets the District's criteria, in any decisions made with respect to the provision of a free appropriate public education for the student; and
 - k. May be presented by any party as evidence at an impartial hearing for that student.
11. Requests for evaluations by hearing officer. If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense consistent with the District's IEE policy.

Authority:

NY Educ. L. 4402(3)
34 CFR 300.502(a)(2);(b)(2)(iii); (e);
8 NYCRR 200.1(z); 200.5(g)(1)(i),(ii),(iv)
Letter to Parker, 41 IDELR 155 (OSEP 2004)
Letter to Anonymous 103 LRP 22731 (OSEP 2002)
Letter to Anonymous 56 IDELR 175 (OSEP 2010)
Individual Educational Evaluation, 71 Fed. Reg. 46689-90 (Aug. 14, 2006);

IEE Policy and Regulation FEE SCHEDULE

The following services shall be reimbursed up to the maximum set forth below, in accordance with the Policy of the Board of Education of the Scotia-Glenville Central School District. These rates were derived by a survey of the regional costs from independent evaluators within the geographical limit of the Board's Policy.

| | <u>Service/Evaluation Type</u> | <u>Monetary Cap</u> |
|-----|-------------------------------------------------|---------------------|
| 1. | Medical examination to determine general health | \$200.00 |
| 2. | Social history | \$100.00 |
| 3. | Psychoeducational Evaluation | \$1,200.00 |
| 4. | Psychological Evaluation | \$1,200.00 |
| 5. | Speech and Language Evaluation | \$500.00 |
| 6. | Occupational Therapy Evaluation | \$500.00 |
| 7. | Physical Therapy Evaluation | \$500.00 |
| 8. | Neuropsychological Evaluation | \$3,000.00 |
| 9. | Psychiatric Evaluation | \$3,000.00 |
| 10. | Neurological Evaluation | \$800.00 |
| 11. | Physiatry Evaluation | \$350.00 |
| 12. | Audiology Evaluation | \$500.00 |
| 13. | Ophthalmologic Evaluation | \$250.00 |

LIST OF INDEPENDENT EVALUATORS FOR CPSE AND CSE

Attached is a list of independent evaluators available to issue IEEs in conformance with the criteria established by the Board of Education's Policy. The list of evaluators is not exclusive. All evaluators on this list have been determined to meet the criteria set forth in the Board's IEE policy. This list is provided as required by law and does not constitute an endorsement of any of the individuals listed therein. This list is updated annually.

BOE POLICY # 5510.1

Last Updated: June 6, 2022

Revised / First Reading: September 9, 2024

Adopted XX