

INDEPENDENT EDUCATIONAL EVALUATIONS POLICY AND PROCEDURES

The Board of Education of the Berlin Central School District ("District") adopts the following policy on Independent Educational Evaluations for Children with Educational Disabilities who are referred to the Committee on Special Education ("CSE") or the Committee on Preschool Special Education ("CPSE") because they have or are suspected of having an educational disability.

Parents who disagree with an evaluation obtained by the District have a right to obtain an Independent Educational Evaluation at public expense under certain conditions. However, the District may initiate an impartial hearing to show that its evaluation is appropriate. If the final decision is that the District's evaluation is appropriate, the parents still have a right to an Independent Educational Evaluation, but not at public expense.

Parents seeking District authorization for an Independent Educational Evaluation ("IEE") at public expense prior to obtaining an IEE must meet with the following guidelines:

1. Parents must file a written request, with the District's CSE stating disagreement with the present evaluation(s).
2. Unless unique circumstances exist, the District will not pay more than the reasonable reimbursement rates established and listed in Appendix A.
3. Unless unique circumstances exist, parents are limited to a radius of 75 miles from the Berlin Central School District within which to have an Independent Educational Evaluation performed.
4. Upon request, parents will be provided a list of qualified professionals who possess appropriate licensure or certification. If a professional who is not on the list is chosen, it is the responsibility of the parent to provide the District with the name, address and phone number of that professional.

Procedure

Parents shall be given a copy of the independent Educational Evaluation Policy Statement, a current list of "qualified professionals" and a list of reasonable reimbursement rates. Following receipt of an Independent Educational Evaluation, the CSE or CPSE will consider it in any decision made with respect to the provision of a free appropriate public education to the child.

Introduction

The District has established the following policy on Independent Educational Evaluations. The District has adopted this policy for two reasons. First, the policy explains the rights of parents and the responsibilities of the District with regard to Independent Educational Evaluations. Second, the District wishes to avoid any

misunderstandings which may arise in the context of those rights and responsibilities. This policy effects both children with educational disabilities and children who are suspected of having educational disabilities.

Documents which explain parental rights in full are available from the District Office for Special Education for parents who desire additional information. Regulatory standards are outlined in the New York State Regulations of the Commissioner of Education, Part 200.5(g). Additionally, Federal regulations, 34 C.F.R. 300.502, specify requirements for Independent Educational Evaluations. Parents can further investigate their rights and responsibility through "A Parent's Guide to Special Education: Your Child's Right to an Education in New York State."

What is an Independent Evaluation?

An Independent Educational Evaluation means an evaluation conducted by a qualified examiner who is not employed by the District responsible for the education of the child in question. A qualified examiner is a person who has met New York State Education Department approved or recognized certification, licensing, registration, or other comparable requirements which apply to the area in which he or she is providing services. Subject to certain restrictions, the Independent Educational Evaluation may be provided at public expense. Public expense means that the District either pays for the reasonable cost of the Independent Educational Evaluation or insures that the evaluation is otherwise provided at no cost to the parents.

Rights and Responsibilities

Whenever a child with an educational disability or a child suspected of having an educational disability is referred to the District's CSE or CPSE, the district is obligated to obtain an Individual Evaluation of that child. If the parents disagree with the evaluation(s) obtained by the District, the parents have a right to obtain an Independent Educational Evaluation at public expense, subject to certain limitations. In order to have the Independent Educational Evaluation of their child at public expense authorized by the District, the parents must inform the Committee on Special Education of disagreement with the District's evaluation. They should so inform the District prior to obtaining the Independent Educational Evaluation. The District may, in turn, request the parent to specify the areas of disagreement with the District's evaluation(s). Once the parents give notice of their intention to obtain an Independent Educational Evaluation, the Committee on Special Education will consider whether it wants to approve the Independent Educational Evaluation or argue the appropriateness of its own evaluation in an administrative hearing. New York State and Federal Regulations provide that before the Berlin Central School District approves an Independent Educational Evaluation at public expense, it may initiate an impartial hearing to show that its evaluation is appropriate. Through the impartial hearing process, a hearing officer will determine whether the District's evaluation is appropriate. If the hearing officer determines that the District's evaluation is appropriate, the parents

may still obtain an Independent Educational Evaluation, however, not at public expense. If the District decides not to initiate an impartial hearing to show that its own evaluation is appropriate, then the parents are entitled to an Independent Educational Evaluation at public expense.

If the parents obtain an Independent Educational Evaluation, either at public or private expense, the results of the evaluation must be considered by the CSE or the CPSE in any decision made with respect to the provision of a free appropriate public education to the child. Further, the results of such evaluation may be presented as evidence in any administrative proceeding under the Special Education Law regarding the child.

If a hearing officer requests an Independent Educational evaluation as part of a hearing, the cost of the evaluation must be at public expense. Whenever an Independent Educational Evaluation is at public expense, the criteria under which the evaluation is obtained, including the qualifications of the examiner, must be the same as the criteria which the District uses when it obtains its own evaluation.

Obtaining an Independent Educational Evaluation

The parents may obtain an Independent Educational Evaluation at public expense only after the District has obtained its own evaluation and if the parents disagree with the appropriateness of the District's evaluation(s). If the parents disagree with the evaluation obtained by the District, the parents, in order to receive authorization for an Independent Educational Evaluation, must request, in writing, an Independent Educational Evaluation.

The District will not pay more than \$850.00 for a comprehensive Independent Educational Evaluation that would meet the requirements under the Commissioner's Regulations. Under those Regulations, such evaluation requires 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 that contribute to a suspected educational disability. The parents must call the Chairperson of the Committee on Special Education to discuss the maximum allowable charges for the specific evaluation required for his or her child. If parents feel that unique circumstances justify an evaluation that does not fall within the District's reasonable rate or geographic boundary criteria, the parents will have the opportunity to demonstrate such unique circumstances to the Chairperson of the Committee on Special Education.

In selecting an independent evaluator, parents may choose qualified examiners who practice in the private sector or who work for other public agencies. Parents may not choose a qualified examiner who is employed by the Berlin Central School District. Parents may utilize a duly licensed or certified person within a 75 mile radius of the District as long as the evaluator is a qualified examiner. The

District has established a comprehensive list of qualified professionals in private practice or employees of other agencies to whom parents may go to secure an independent evaluation. That list is attached as Appendix A. The attached list of independent evaluators includes professionals in all areas of a child's suspected disability.

After an Independent Educational Evaluation is requested and approved by the District, the chosen independent evaluator should contact the District to arrange for payment, dates of classroom visitations and discussion with school staff. Upon receiving their request for reimbursement for an Independent Educational Evaluation, the District will forward an acknowledgment letter to the parents and the designated independent evaluator within 10 days. Any further information needed by the District to reach a decision regarding payment will also be requested in the acknowledgment letter. In some cases, the District may request the parents submit the bill to the parents' insurance company. Parents will not be required to use insurance proceeds to pay for any portion of an evaluation if doing so would incur a financial cost to the parents.

If denial for reimbursement is indicated, the reason(s) for that denial will be addressed to the parents in writing. Reasons may include that the evaluation was not performed by a qualified examiner or that the cost of the evaluation is unreasonably excessive. The District may initiate a hearing to show that the fee charged is unreasonably excessive, that the proposed evaluator is not qualified or that the District's evaluation is appropriate. Likewise, if the District agrees to pay for an Independent Educational Evaluation, the parents will be notified by letter. Payment will not be made to the evaluator until the complete evaluation report is received by the District.

Further Information

The District can provide further information to parents about Independent Educational Evaluations. Parents should contact the Chairperson of the Committee on Special Education at the Berlin Central School District. Parents can also contact the State Education Department for additional information on Independent Educational evaluations by calling the Office for Special Education Services.

APPENDIX A

INDEPENDENT EVALUATORS

1. The College of St. Rose Assessment Clinic
The College of St. Rose
432 Western Avenue
Albany, NY 12202

Telephone: 454-5263

2. Sunnyview Psychological Group
1270 Belmont Avenue
Schenectady, NY 12308

Telephone: 382-4522

3. Dr. Malinda Tanzman
Child Research and Study Center
University at Albany, SUNY
135 Western Avenue
Albany, NY 12203

4. Dr. Tobie Ann Dorn
62 Hackett Blvd.
Albany, NY 12206

Telephone: 463-3414 or 437-0755