

## GREENBURGH ELEVEN USFD

### POLICY #4321.16

#### INDEPENDENT EDUCATIONAL EVALUATIONS AT PUBLIC EXPENSE

1. It is the policy of the Board of Education to provide the Parents (as that term is defined in Policy # 4321) of all students referred to the District's CSE (see Policy # 4321.3) with notice of their due process rights. In the due process notice to Parents at the time of the CSE initial referral, annual review or reevaluation, the District will inform Parents regarding their right to an independent educational evaluation ("IEE") and the circumstances under which such evaluations will be made at the District expense.

2. The names, addresses and telephone numbers of appropriate public and private agencies and other professional resources where IEEs may be obtained will be provided upon request. Parents may select professionals to conduct evaluations from the list provided by the District or may select others who meet District criteria. However, the District will not be responsible for the quality of such IEEs. In addition, the District will not be responsible for the cost of such IEEs which do not meet the criteria listed below.

3. An IEE is an individual evaluation of a student who has or who is thought to have a disability, conducted by a person who is not employed by the District. It shall be the policy of the District that whenever an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria which the District uses when it initiates an evaluation. Those criteria shall be as follows:

- **Location:** Geographic location is defined as an evaluation which takes place within a 50-mile radius of the District.
- **Minimal Qualifications:** Minimal qualifications are defined by the District as New York State Education Department certification or licensure within the specific area of the evaluation.
- **Timeline for IEE & Reimbursement:** An IEE used to contest an evaluation performed by the District must have been prepared within one year following the District's evaluation. The request for IEE reimbursement must be made within one year of the date of the IEE.
- **Reasonable Costs of an IEE:** Reasonable costs are defined as 10% above the evaluation costs of any teaching university hospital within the 50-mile radius.

4. The IEE must challenge an existing District evaluation. If a Parent requests an IEE at public expense, the District may ask, but cannot require, the Parent's reason as to why he/she objects to the public evaluation. The District will provide public funding of IEE's only under the following conditions:

- a) Parents disagree with an evaluation conducted by the District;
- b) The District was unable to comply with mandated timelines for conducting its own evaluations.
- c) The IEE is conducted at the request or direction of an impartial hearing officer as part of a duly convened impartial hearing.

5. The District may deny reimbursement for an IEE under the following conditions:

- a) The District either had initiated, or shortly intends to initiate, a due process hearing to show that its evaluation of the child is appropriate and that no further evaluation of the type in dispute is warranted or that the Parents have not complied with other District criteria, such as:

- 1. The criteria under which the IEE was conducted, including the location of the

- evaluation, does not meet stated District or other legal criteria.
2. The independent evaluator selected by the Parents does not meet stated minimum District qualifications.
  3. The Parents' request for reimbursement exceeded stated District timelines for such requests.
  4. The amount Parents' request for reimbursement exceeded stated District guidelines for such requests.
- b) The IEE was not obtained because of a disagreement with the District's evaluation.
- c) The District has already funded an IEE and has conducted no subsequent evaluation.

If the District concludes that it is not required to reimburse the Parents for the IEE, it will notify the Parents in writing of the receipt of the request, the basis for the denial and whether the District intends to initiate an impartial hearing.

Legal References: 20 U.S.C. §§ 1415(b)(1), (d)(2)(A); 34 C.F.R. § 300.502; 8 NYCRR § 200.5(g).

Adopted: January 14, 2009  
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