

## INDEPENDENT EDUCATIONAL EVALUATIONS

Pursuant to applicable federal and state law and regulation, the Board of Education of the Bethlehem School District hereby adopts the following policies and procedures with respect to evaluations and independent educational evaluations for students with, or suspected of having, disabilities.

1. The [Director of Pupil Personnel Services shall develop and maintain a list containing the names, addresses and telephone numbers of appropriate public and private agencies and other professional resources where an independent educational evaluation (IEE) may be obtained. This list and a copy of this policy shall be provided to parents upon request.
2. When the Committee on Special Education or Committee on Preschool Special Education (hereinafter "Committee") has had a reasonable opportunity to conduct an evaluation and a parent, who disagrees with said evaluation, requests reimbursement for an IEE the Director of Pupil Personnel Services shall, without unnecessary delay, either (i) initiate an impartial hearing to show that the district evaluation is appropriate or (ii) ensure that an IEE, pursuant to the criteria set forth in paragraph 5 of this policy, is provided to the parent at district expense.
3. When a parent requests an IEE, the Director of Pupil Personnel Services shall ask the parent why he or she objects to the district's evaluation. However, the action required pursuant to paragraph 2 of this policy shall not be unreasonably delayed regardless of whether or not the parent explains his or her concerns.
4. Any IEE, whether at district or parent expense, if it meets the criteria set forth in paragraph 5 herein, shall be considered by the Committee in any decision made with respect to the provision of free appropriate public education to the child.
5. The Director of Pupil Personnel Services shall develop district criteria for obtaining an IEE, including maximum allowable fees, location of the evaluation and the qualifications of the examiner which shall be the same criteria that the district uses when it initiates its own evaluations. Said criteria shall be in compliance with all applicable federal and state law and regulation and shall include, at a minimum, the following:
  - a. A full and individual initial evaluation to be conducted before the initial provision of special education and related services to a child with a disability. An individual evaluation of a referred student shall include, at no cost to the parent, a physical examination, a psychological evaluation, where determined to be necessary by a school psychologist, a social history, observations of the child in the classroom or, in the case of a preschool age child, in an appropriate environment, and other suitable examinations and evaluations necessary to determine the physical, mental and emotional factors contributing to the suspected disability. Any determination by a school psychologist that a psychological evaluation is not necessary must be based on a written assessment to substantiate this determination.
  - b. The minimum requirements for tests and other evaluation material are as follows:

- i. All tests and other evaluation materials must be selected and administered so as not to be discriminatory on a racial or cultural basis and shall be provided and administered in the child's native (dominant) language or other mode of communication, unless it is clearly not feasible to do so.
  - ii. Materials and procedures used to assess a child with limited English proficiency shall be selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.
- c. A variety of assessment tools and strategies shall be used to gather relevant functional and developmental information about the child, including information provided by the parents, and information related to enabling the child to be involved in an progress in the general curriculum (or for a preschool child, to participate in appropriate activities,) that may assist in determining whether the child is eligible to receive special education and related services and the content of the child's IEP.
- d. Any test or assessment given to the child must be validated for the purpose for which they are used and shall be administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of said test. If a test or assessment is not conducted under standard conditions, the examiner shall describe in the evaluation report the extent to which it varied from the standard conditions.
- e. Tests and other evaluation materials shall include those tailored to assess specific areas of educational need and not merely those that are designated to provide a single general intelligence quotient.
- f. Tests shall be selected and administered to ensure that if a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than the child's impaired skills (unless those skills are the factors that the test purports to measure.)
- g. No single procedure shall be used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.
- h. The child shall be assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, vocational skills, communicative status, and motor abilities.
- i. In evaluating each child with a disability, the evaluation shall be sufficiently comprehensive to identify and determine the extent of all of the child's special education and related service needs, whether or not commonly linked to the disability category in which the child has been classified.
- j. The evaluators shall use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
- k. The evaluators shall use assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child.

- l. The evaluators shall, whenever possible and appropriate, consult with the child's teachers, providers and other school officials as well as the child's parents to gather relevant information as part of the evaluation process.
  - m. Tests shall be administered in the student's dominant language or other mode of communication, unless it is clearly unfeasible to do so.
  - n. A copy of evaluation results shall be provided to parents in their dominant language.
6. In order to conserve the district's resources, the Director of Pupil Personnel Services shall inquire as to the parents' ability and willingness to assume the cost of such evaluations through their private health insurance and shall offer, wherever possible, to assume any balance/copayment of such costs. Under no circumstances shall such inquiry delay or prevent the parents from obtaining an IEE.
  7. It shall further be the policy of the board to require, as a condition of reimbursement, that any person performing such evaluations be properly licensed or certified to conduct such evaluations by the State of New York and shall practice within New York State and within a 100 mile radius of the district office.
  8. Except as set forth herein, nothing in this policy shall limit a parent's right to obtain an appropriate independent evaluation at district expense. The Director of Pupil Personnel Services may grant a waiver of the criteria governing evaluations and IEEs as established herein upon finding that the student's unique circumstances so warrant.

Ref.: NYS Education Law §4402 (1)(b)  
 NYS Education Law §4402 (3) (a)  
 8 NYCRR 80.3(e), (f)  
 8 NYCRR 80.6  
 8 NYCRR 200.1 (s), (v), (w), (ff)  
 8 NYCRR 200.4 (b), (c)  
 8 NYCRR 200.5 (a)  
 8 NYCRR 200.16 (c)  
 34 CFR 300.503 (c)  
 34 CFR 300.530 - 300.536  
 34 CFR 300.542

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