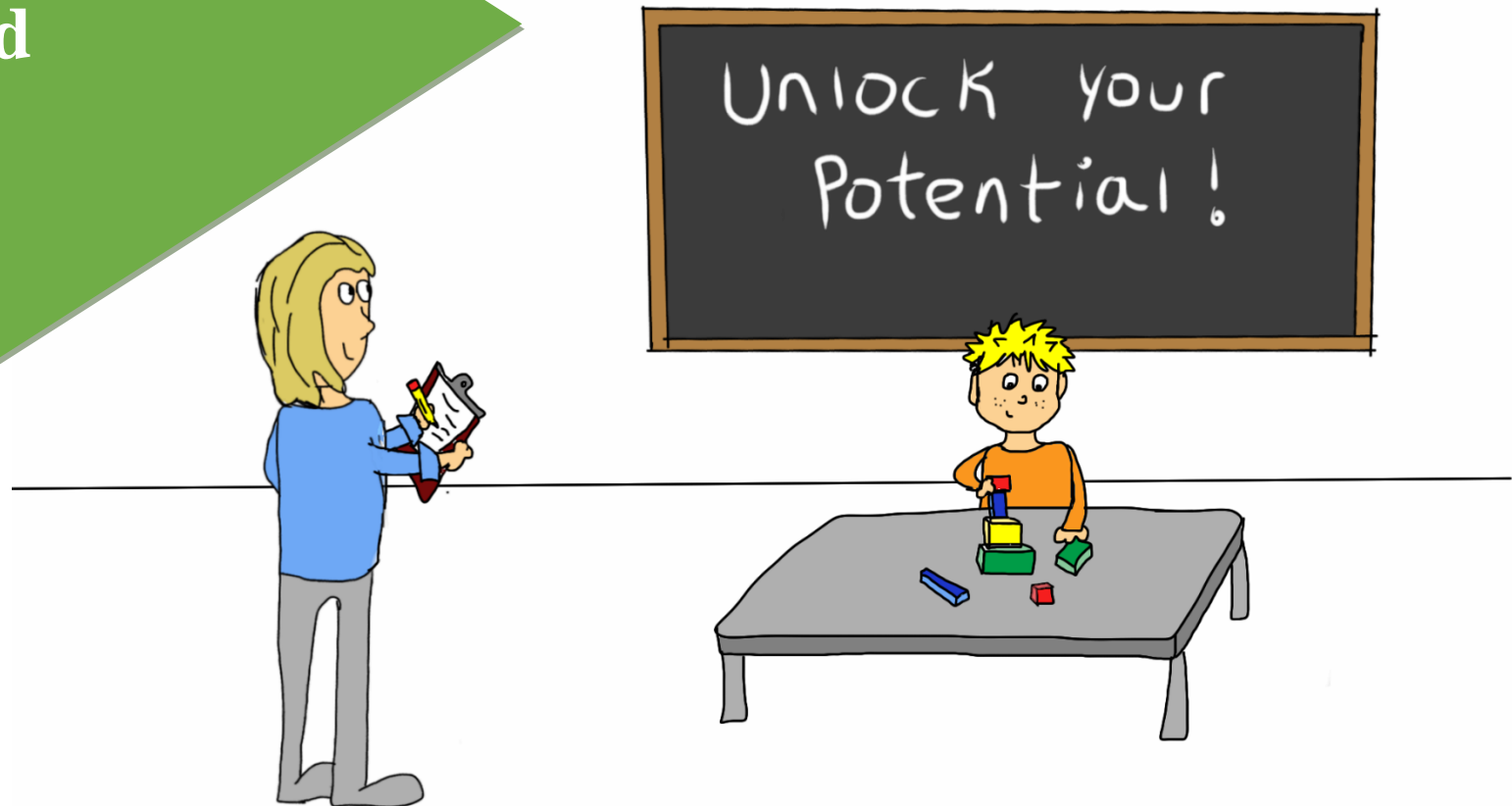




## A Parent's Guide to Educational Evaluations and Testing in New York



## Getting a Child Evaluated

In New York State, public and charter schools are required by law to make available educational evaluation services to students who are either enrolled or who are about to be enrolled into their school district. The evaluations must be performed by a qualified professional. In New York State, this is usually a School Psychologist who is directly employed by a school district or a psychologist in private practice. Private evaluations may be sought and paid for by the parent or the school district.

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Oftentimes, schools will first want to try interventions prior to testing for special education and measure the student's "response to intervention." While such processes can be

helpful, in practice they are not always carried out with the intensity and integrity necessary to ameliorate a student's difficulties.

In that case, such procedures serve to delay the provision of intensive, individualized services. Parents should be aware that they have the right to request an evaluation for special education at any time, and that when they do so in writing, **the school must complete an evaluation within sixty calendar days.**



Often if a child is not perceived to be struggling, the school may disagree with your request to evaluate. If you put your request in writing and the school refuses to evaluate, you can request mediation or file a due process hearing to challenge their decision. The school will have to prove to the hearing officer that an evaluation is not warranted.

As a parent, when you initiate a request for evaluation to the Director of Special Education or the Committee on Special Education (CSE), you should describe your concerns in writing with as much detail as possible. You should also indicate your consent for the district to perform the evaluations necessary to determine whether the child qualifies for special education services. If the school district agrees that an evaluation is necessary, an evaluation team will look at all areas related to your child's suspected disability. These include the child's health, vision, hearing, social-emotional status, communication needs, motor skills, general intelligence and academic performance. **The findings will be communicated to you in an evaluation report and/or at a Committee on Special Education (CSE) meeting within 60 days.**



## What Do Evaluations Include?

### Required evaluations include:

- A physical examination (completed by the child's doctor or school physician),
- An individual psychological evaluation if determined necessary,
- A social history,
- Observation of the child in his/her learning environment (classroom or preschool program), and
- Other assessments or evaluations as needed, including a functional behavioral assessment for a student whose behavior is preventing him/her from learning.

Also, if a parent believes that other assessments or evaluations are necessary, they can advise or request the school district to consider other options.

### Optional evaluations include:

- Speech and language evaluations,
- Occupational or physical therapy evaluation,
- Neuropsychological assessment,
- Sensory assessment
- Auditory processing assessment
- Psychiatric evaluation if there are emotional issues,
- Assistive technology evaluations.



Pre-Evaluation

## What to Expect at Your CSE Meeting

Once the evaluations have been completed, you will be invited to a CSE meeting to review findings and to determine your child's eligibility for special education services. You should prepare for the CSE meeting by obtaining copies of all the reports and, if possible, by speaking to evaluators prior to the meeting. **Being prepared allows you to actively participate in the discussion.** Parents and guardians are members of the CSE, and, under the law, must be afforded participation. If the CSE determines that a child is in need of special education services, those **services must be implemented within 60 days of the referral of the child to the Committee on Special Education.**



## What if I Disagree with the School's Evaluation?

If you disagree with the school's evaluation, you have options. **Parents have the right to request further independent evaluations (independent educational evaluation, or IEE) at their own or "public" (ie, the district's) expense.** Independent evaluators may have more resources (tests) and may be able to spend considerably more time with your child, thus uncovering new information. Also, a second opinion may be warranted. Finally, an independent evaluation may provide additional support for parent's opinions and requests. This is important because federal regulations require that parents are equal participants on the IEP team.

Sometimes, parents may choose to obtain the independent evaluation at their own expense-wanting to be completely independent of the school district's input. Private evaluations are often at least partially covered by a family's private insurance. If parents are unable or unwilling to pay for an independent evaluation and have grounds for disagreement with the school's evaluation, they can also request that the district pay for the evaluation. Below are some guidelines for requesting an independent evaluation at district expense.

**When requesting an independent evaluation, you should write a letter to the school with the following information:**

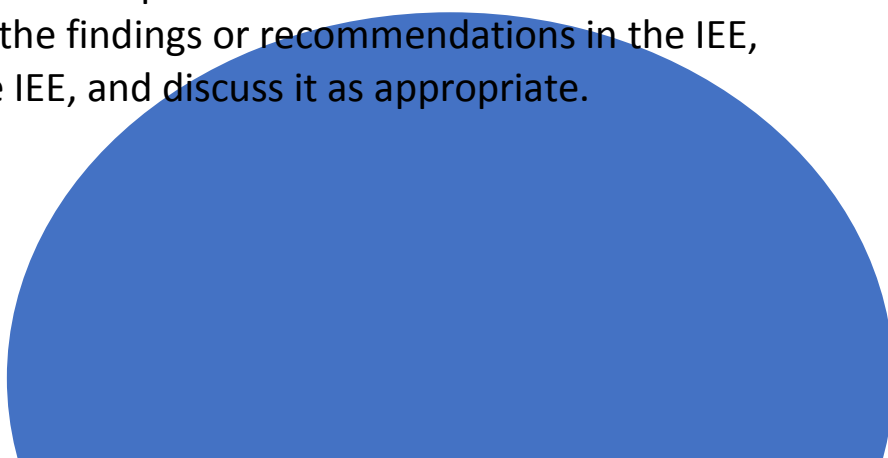
- **Tell them that you think the school's evaluation (or re-evaluation) of your child was inappropriate, and that you are requesting "an independent evaluation at public expense."**
- **Give the reasons why you think the school's evaluation is not appropriate or valid.**
- **Explain what kind of independent evaluation you want (educational assessment, neuropsychological assessment, functional behavioral assessment, etc.). If you do not know what kind of evaluation would be best, ask a professional or the school.**
- **If needed, ask the school for information on where an independent evaluation can be obtained.**

The district should answer your letter in writing within a reasonable time. If the answer is "no," the district must file a request for a Special Education Hearing. They will need to convince the Hearing Officer that an independent evaluation is not warranted. If the district does not answer your request and does not schedule a hearing, you can file a complaint with the state (see <http://www.p12.nysed.gov/specialed/quality/complaintqa.htm>).

If the district agrees with your request, you will most likely be given a list of "approved evaluators." You do not need to choose an evaluator from that list; it is provided merely as a courtesy. You will want to be sure that the evaluator you choose is truly independent of the district. The District also cannot dictate the cost of the IEE.

A comprehensive independent evaluation may take between 6 and 20 hours (and for each hour of assessment the evaluator will likely spend 1-2 more hours analyzing , interpreting and writing up the results).

After the evaluation, the evaluator will send a copy of her final report and recommendations to you and, if the school is paying, a copy to the school. The district will then hold another CSE meeting to discuss the results of the IEE. The IEP team is required to consider the evaluation. This does not mean that the school district must accept the findings or recommendations in the IEE, but it does mean that the IEP team must review the IEE, and discuss it as appropriate.



"[T]he failure to receive and consider parental information, including evaluations they may obtain, directly denies parents the pivotal role they should enjoy in the development of their child's placement. This role includes not only providing evaluations or other information, but discussing such information. Consideration of such outside information also ensures that a program is individualized and provides a check on the judgments being made by school officials regarding the child." Community Consolidated Sch. Dist. No. 180, 27 IDELR 1004, 1005-06. - See more at: <http://www.wrightslaw.com/info/test.iee.steedman>

## More on IEEs

School-based evaluations can be very informative, but they function primarily to test for the presence or absence of an **educational disability** and subsequently whether or not the child meets criteria to be labeled for one of those disabilities (see below).

### Disability Categories under IDEA

Autism  
Deafness  
Deaf-blindness  
Developmental delay  
Emotional disturbance  
Hearing impairment  
Traumatic brain injury

Multiple disabilities  
Intellectual disability  
Specific learning disability  
Orthopedic impairment  
Speech or language impairment  
Other health impairment  
Visual impairment, blindness



The tests that are often used in schools are more general (i.e., wide-range achievement and ability tests) than those that an independent evaluator will use. A good independent evaluation will likely look more in depth at specific areas.

For example, in addition to word reading and reading comprehension, they may look at oral reading fluency and the processes underlying efficient reading. They will also likely have access to more and different kinds of tests and may administer learning, memory and/or neuropsychological measures. They are also more likely to conduct trial teaching to test out the effectiveness of strategies they might recommend for remediating weaknesses.

**In addition, independent evaluators often have the luxury of conducting more thorough and nuanced assessments and can:**

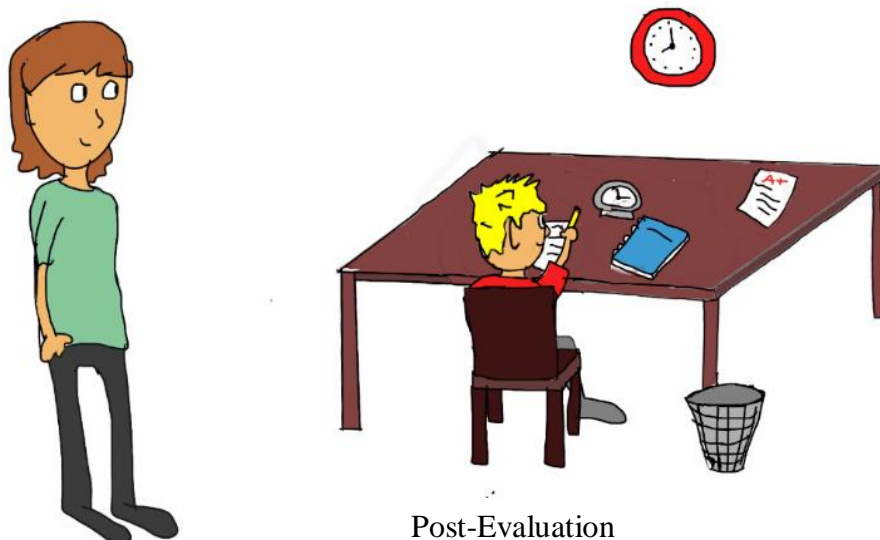
- **Highlight your child's strengths and needs**
- **Make recommendations regarding how your child learns best and what supports will help her to be successful**
- **Detect learning differences before they become "disabling."**

Sometimes, parents just prefer to bypass the bureaucracy of the school district, or seek intervention before a learning difference becomes "disabling." These are all good reasons to seek out an independent evaluation.

## Final CSE Meeting

At the final CSE meeting, the findings from all evaluations will be discussed and the CSE Team (which includes the parent) will decide on whether services are warranted and which interventions are required. If there has been disagreement throughout the process, the parent might find it helpful to bring along an advocate, such as the independent evaluator or someone versed in Special Education and the law.

Interventions might include a 504 plan, a full Individualized Educational Plan (IEP), and/or learning and behavioral strategies. These interventions are beyond the scope of this guide, but more information and resources, plus other guides can be found at our website at <http://www.educationalsolutionscny.com/resources.html> or our team can be emailed at [info@educationalsolutionscny.com](mailto:info@educationalsolutionscny.com).



## Still Curious?

Read the scenarios below for some specific instances wherein a parent sought an independent evaluation to the benefit of their child.

### Scenario #1

A child's mother suspects that her child is not developing or learning as expected. She cannot put her finger on what's wrong, but she would like an evaluation. This is how many requests for evaluation start, as the best first-observer for a child who does not fit the norm is usually a parent. Unfortunately, oftentimes such requests do not go any further if a teacher, counselor, or school psychologist do not agree that an assessment is warranted. The nuances of a child's learning and processing difficulties that may be evident at home can sometimes be overlooked until a child falls far enough below grade level for them to be noticed. Unfortunately, the longer a child goes without assessment and therefore support, the harder it is to intervene if a problem is indeed confirmed. The school calls a meeting and suggests that, instead of completing an evaluation to determine special education eligibility, they will provide additional supports to the child through "response to intervention." The child is provided additional supports in the general education classroom for several months, after which time he is still struggling. Finally, the school team calls another meeting with the parents and obtains consent for evaluation for special education. Sixty days later the results are shared at a CSE meeting and the child is deemed ineligible for special education services. The child is still struggling and now more than half the school year has passed since the parent first expressed concern!

In the scenario #1, a parent has a couple of different options. First, at the time they expressed their initial concern, had they provided a written request and consent for evaluation, the evaluation would've been done much sooner. Once the school determined that the child was ineligible (but still struggling!), the parent could request an independent educational evaluation (IEE) at public—or personal-- expense. Sometimes, a parent may choose to bypass the school's evaluation process altogether and immediately seek an independent evaluation from a private practitioner. The reasons for doing this are personal and varied. Sometimes, parents prefer to bypass the “bureaucracy” of the school district, or simply prefer not to involve district personnel until they have a better sense of their child's learning strengths and challenges. A parent may prefer to enlist the services of an evaluator in the private sector due to the generally increased depth and breadth of a private sector evaluation. School psychologists employed by the school are often constrained by tighter timelines, higher caseloads and limited resources (i.e., fewer tests). In contrast, psychologists in the private sector are often more likely to have the time and resources to complete a more comprehensive evaluation targeted specifically to the child's individual strengths and challenges. Additionally, school-based personnel look only for the presence or absence of a significant educational disability (i.e., the child needs to have fallen far behind to "qualify"); whereas a private practitioner can diagnose more subtle, less severe conditions. For example, a child may have ADHD or Dyslexia but not qualify for special education support. However, they can receive accommodations under a 504 plan.

Read on for a different scenario where a parent sought an independent evaluation.

### Scenario #2

Mrs. Smith is concerned that her 8 year old 2nd grader, Joe, is still struggling with reading. She has mentioned her concerns to his teachers for the past two years, but was told that Joe was still “young” and that he was “progressing at his own rate.” The Smiths sought an IEE with a local psychologist in private practice; a portion of the expense was reimbursed by their insurance company. The evaluator worked with Joe on several occasions outside of school, spent considerable time gaining relevant information from Joe’s family, and also sought out information from his teacher. At the conclusion of the very comprehensive evaluation, the examiner met with the Smiths and clearly explained all of her results and what they might mean for Joe’s current and future educational progress. She made many specific educational recommendations and accompanied the Smiths to their CSE meeting, where she helped them to advocate for the services Joe needed to be successful at school.

In this scenario, the Smiths decided to bypass the school district and obtain a private evaluation at their own expense. Because they were able to pay for the evaluation themselves, they were not beholden to district timelines, procedures, policies and whims. Instead, they found an independent professional who was able to successfully work with them, their son, and the school to quickly and thoroughly facilitate his success.



<http://www.educationalsolutionscny.com>