

INDEPENDENT EVALUATIONS

NEPN/NSBA Code: IHBAI

Fayette School Department has adopted this policy regarding special education independent evaluations in an effort to implement state and federal regulations. Questions regarding this policy should be directed to the Fayette Central School Principal as acting Special Education Director. This policy should be interpreted in a manner consistent with federal regulation 34 C.F.R. § 300.503 and state special education regulation 8.20, 10.5 and 10.11 (July 1992 ed.).

Independent Evaluations are evaluations performed by an appropriately qualified professional who is not an employee of the school unit. Qualified individuals in private practice under contract with the school unit who have not previously evaluated, instructed or provided consultation regarding a particular student are eligible to provide an independent educational evaluation of the student.

Parents have a right to obtain an independent evaluation at public expense when they disagree with the evaluation done by the school, as set forth below. Parents are under no obligation to make a request to the public school in advance of obtaining the independent evaluation. If the parents choose to obtain the independent evaluation without prior approval by the public school, they do so at their own risk. They may request that the school reimburse them for the cost of the independent evaluation. If the school refuses to reimburse them, then the school must initiate a due process hearing. If the hearing officer upholds the school's evaluations, then the parents shall be fully responsible for the cost of the independent evaluation.

- A. The student's P.E.T. will consider all data submitted as a result of independent evaluations which parents have obtained on their own.
- B. The acting Special Education Director will provide parents who desire an independent evaluation with information about possible evaluation sources upon receipt of a written request for an independent evaluation.
- C. The Fayette School Department will provide parents with an independent evaluation **at public expense** when the following conditions are met:
 1. The parents are in disagreement with a school-ordered evaluation;
 2. The contested school evaluation is inappropriate in the opinion of the acting Special Education Director;
 3. The proposed independent evaluator is an appropriately qualified professional, as specified in Maine Special Education Regulations, ch. 101, sections 8.11 and/or 16.3; and

4. The persons or agency completing the independent evaluation submits a written report which conforms to *Reports on Evaluation* as described in Maine Special Education Regulations, ch. 101, section 8.13.

D. Parents requesting an independent evaluation at public expense will be asked to specify in writing the school-ordered evaluation they are contesting. If necessary, school officials will assist parents in preparing a written request for an independent evaluation at school expense.

Please note: A request for an independent evaluation at public expense cannot be denied by the school either because the parent failed to request the evaluation in writing or because the parent obtained the evaluation in advance of the request. In either case, the acting Director of Special Education shall determine whether the school-ordered evaluation was appropriate, and if not, shall agree to pay the reasonable costs of an appropriate independent evaluation.

E. The acting Special Education Director will respond within 30 days of receipt of a request for an independent evaluation at public expense.

F. When the Fayette School Department determines it will provide an independent evaluation at public expense, the school will pay an amount that is reasonable and customary as compared to other qualified evaluators within the state in the same or similar area of testing.

G. The parent may request that the Fayette School Department approve the cost of an independent educational evaluation which exceeds the usual and customary fee. The acting Special Education Director will make a determination of whether the excess cost is warranted, and will notify the parent of that determination. If the Director requests the excess cost, the school unit shall initiate a due process hearing in accordance with section K of this policy.

H. When the parent requests an independent evaluation at public expense in an area that has not been evaluated by the school in the past three years, the school shall notify the parent that it cannot approve or deny such a request until after the school has had the opportunity to complete a school-ordered evaluation in the area requested. The acting Special Education Director should refer to the PET the question of additional school-ordered evaluations in the areas of concern.

I. The Fayette School Department may deny a request for an independent educational evaluation at public expense when the parent has already received or is receiving an independent evaluation at public expense in response to the school-ordered evaluation with which the parent disagrees.

J. The Fayette School Department may deny a request for an independent education evaluation at public expense and initiate a due process hearing when the school concludes that the school evaluation with which the parent disagrees was appropriate.

K. The Fayette School Department shall initiate a due process hearing to challenge a parent's right to obtain an independent evaluation at public expense when the acting Special Education Director concludes:

1. That the providers of an independent evaluation are not qualified under the state special education regulations;
2. That the amounts charged for the evaluation are excessive; or
3. That the school's evaluations are appropriate.

L. The parent has a right to request a due process hearing in response to any school decisions regarding a request for an independent education evaluation at public expense.

Legal Reference:

First Reading: February 21, 1996

Adopted: March 20, 1996