

Independent Educational Evaluation

For the purpose of this regulation, “Independent Evaluation” means an educational evaluation conducted by a qualified examiner who is not employed by the Agency or local school district responsible for the education of the child in question. These evaluations are specific to the provision of a free and appropriate public education under federal and state law and regulations for special education.

The results of independent evaluations provided by public or private expense shall be considered by the Agency and local districts in any decision made with respect to the provision of special education and may be presented as evidence at a hearing regarding that child. Parents may obtain an independent educational evaluation at their own expense. Parents may request Agency payment for an independent evaluation if they disagree with an evaluation provided by the Agency or local district. The Agency may initiate a hearing to show that its evaluation is appropriate. If the final decision is that the Agency’s evaluation is appropriate, the parent still has the right to an independent evaluation, but not at public expense.

If a hearing officer requests an independent evaluation as part of a hearing, the cost of the evaluation shall not be at the expense of the parent.

Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the public agency uses when it initiates the evaluation, unless changed by both AEA and parent agreement.

The determination of costs of the Independent Educational Evaluation will be made based on criteria commensurate with the AEA evaluation, unless unique circumstances warrant additional costs, which requires prior approval by the Director of Special Education or the designee.

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