

SPECIAL EDUCATION INDEPENDENT EVALUATION

1. RSU 26 will provide to parents, upon request for an independent educational evaluation, information about where an independent evaluation may be obtained, and the criteria set forth in this policy for obtaining an independent evaluation at public expense.
2. For an independent educational evaluation to be funded at public expense, it must meet the following conditions:
 - A. The parents must be in disagreement with a school-ordered evaluation;
 - B. The contested school evaluation does not meet the MDOE criteria required of school evaluations as determined by the Special Education Director;
 - C. The proposed independent evaluator is appropriately qualified professional to conduct the type of evaluation being considered;
 - D. The person or agency completing the independent evaluation submits a written report that conforms to all the requirements for written evaluations set forth in Maine special education regulations, currently found at MUSER V;
 - E. The cost of the evaluation shall not exceed the usual and customary rate for such evaluations in Penobscot County.
 - F. A complete copy of the independent evaluation has been provided to RSU 26 before payment.
 - G. The evaluator has reviewed relevant educational records as part of the evaluation.
 - H. Unless otherwise determined by the members of the child's IEP Team, the evaluator has either: a) observed the child in one or more educational settings; or b) made at least one contact with the child's general education teacher for the purpose of determining how the student is progressing in the general curriculum. Evaluators are encouraged to make additional contacts with other involved general and special education teachers and related service providers.
 - I. The evaluator is permitted to directly communicate and share information with members of the IEP Team, the Special Education Director, and the Director's designees. The evaluator must also release the assessments and results, including any parent and teacher questionnaires, to members of the IEP Team, the Special Education Director, and the Director's designees.
 - J. RSU 26 shall be entitled to inspect and obtain copies of the evaluator's records, including any records created by third parties, relevant to the student in question. However, those records will not be deemed accessible to any school personnel other than the evaluator, unless and until the School Department exercises its right to inspect or obtain copies of those records from the evaluator.
3. The Special Education Director will respond within 30 days of receipt of a request for an independent evaluation at public expense. In the event that the Director is denying the request, the Director must also file for a due process hearing prior to the conclusion of that same 30-day time period.
4. A parent cannot request an independent evaluation at public expense in response to a school evaluation that is more than two years old. When the parent requests an independent evaluation at public expense in an assessment area that has not been evaluated by the school, the RSU 26 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 Special Education Director should refer the question of additional school-ordered evaluations in the areas of concern to the IEP Team.
5. A qualified examiner is permitted to observe a child at school or at a potential educational placement when the qualified examiner is not employed by the school and is conducting an independent educational evaluation at the request of the parent, at times and durations as the school would permit a qualified examiner that is employed by the school.

6. If a parent provides RSU 26 with a copy of an independent educational evaluation, the IEP team will consider the evaluation whether or not that evaluation is provided at public expense. RSU 26 will not accept or rely on any independent educational evaluation that does not meet state regulatory criteria for evaluations.

Legal Reference: 34 C.F.R. § 300.502 (2006)
Me. Dept. of Educ. Rule Ch. 101, § V (2017);

Adopted: February 25, 2020