

INDEPENDENT EDUCATIONAL EVALUATIONS

A parent of a student with disabilities has a right to obtain an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the local school unit. An “independent educational evaluation” means an evaluation conducted by a qualified examiner who is not employed by RSU 19 who is responsible for the education of the child in question and that RSU 19 either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at NO cost to the parent.

If the parent requests an independent evaluation at public expense when the parent does not disagree with an evaluation provided by RSU 19, or when the school has not recently provided an evaluation in the area requested, the parent request shall be referred without unnecessary delay to the IEP team to determine whether the IEP team should order an evaluation in the area requested.

If a parent requests an independent educational evaluation at public expense to challenge an evaluation obtained by RSU 19, the school must provide a written response to that request within a reasonable period, not to exceed 30 days of the receipt of the request, and shall, without unnecessary delay, either (1) initiate a hearing with the Maine Department of Education to show that its evaluation is appropriate, or (2) ensure that an independent educational evaluation is provided at public expense, unless RSU 19 demonstrates in a hearing with the Maine Department of Education that the evaluation obtained by the parent did not meet agency criteria.

If a parent requests an independent educational evaluation at public expense, RSU 19 may ask for the parent’s reason why he/she objects to the RSU 19 evaluation. However, the explanation by the parent may not be required, and RSU 19 may not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend RSU 19’s evaluation.

If the 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 that RSU 19 uses when it initiates an evaluation.

RSU 19 shall provide to the parent, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained and information about the school’s criteria applicable to independent educational evaluations at public expense.

If the parent obtains an independent educational evaluation at private expense, the results of the evaluation must be considered by RSU 19, if that evaluation meets RSU 19's criteria for independent educational evaluations, in any decision made with respect to the provision of a free appropriate public education for the child.

Legal Reference: 34 CFR § 300.502
Maine DOE Rule Ch. 101 § V(6) (July 2011)