

Independent Educational Evaluation

Parents have the right to obtain an independent educational evaluation of their child. An independent evaluation is an evaluation by a qualified professional who is not an employee of the school district/public agency responsible for the child. The parents may request an independent educational evaluation at the school district's/ public agency expense if they disagree with an educational evaluation completed by the school district. The school district/public agency must respond to the request within a reasonable time. However, the school district/public agency may initiate a due process hearing to show that its evaluation is appropriate. If the hearing officer decides that the evaluation is appropriate, the school district/public agency will not have to pay for the independent evaluation. Parents may, of course, get an independent educational evaluation at their own expense. If a parent requests an independent educational evaluation, the school district/public agency may ask for the parent's reason why he or she objects to the public evaluation. However, the explanation by the parent may not be required and the public agency may not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation.

If parents obtain an independent educational evaluation at their expense, the results of the evaluation must be considered by the school district/public agency in any decision made with respect to the provision of a free appropriate public education to the child, and may be presented as evidence at a due-process hearing regarding the child.

If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

The school district/public agency will provide, on request, information about where an independent educational evaluation may be obtained.

Whenever an independent evaluation is conducted 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 school district/public agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation.