

# ***Mt. Diablo USD***

## ***Administrative Regulation***

### ***Independent Educational Evaluations***

*AR 6159.11*  
***Instruction***

#### **Independent Educational Evaluations**

The following procedures will apply to all requests for independent educational evaluations:

1. Request for District Evaluation

Parents/guardians of students receiving special education services, or suspected of having disability requiring special education services, may request that the district complete an evaluation or reevaluation of their child at any time. The district will respond to such requests by initiating the special education evaluation process or if an assessment evaluation is not needed, parents/guardians will receive written notice of refusal to evaluate and be informed of the procedural safeguards available to parents/guardians and students. All requests for an independent educational evaluation will be handled in accordance with the district's independent educational evaluation policy, procedures and criteria.

2. Parent/Guardian Disagreement

Parents/guardians may only seek an independent educational evaluation when they are in disagreement with an evaluation completed by the district in accordance with district's Independent Educational Evaluation policy.

3. ~~Three Year Reevaluations~~

~~a. The district will decide whether or not to complete a three-year reevaluation based on, but not limited to:~~

~~(1) Assessments and information provided by the parents/guardians of a student~~

~~(2) Current classroom-based assessments and observations~~

~~(3) Observations by teachers and related services providers~~

~~b. District may conclude that no additional testing is required in order to determine, among other things:~~

~~(1) Whether the child has a particular category of disability or whether the child continues to have such a disability~~

~~(2) The present levels of performance and educational needs of the child~~

~~(3) Whether the child needs special education and related services, or in case of a reevaluation of a child, whether the child continues to need special education and related services, and/or~~

~~(4) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general curriculum.~~

e-3. Parents/guardians may request that the district complete an assessment to determine whether the child continues to be a child with a disability. The district is not required to conduct the assessment unless requested to do so by the child's parents/guardians. If the parents/guardians request additional assessments, the district will complete either the requested assessment or initiate due process to demonstrate why additional assessment is not required.

d. If parents/guardians do not request additional assessment, they may not seek an independent educational evaluation without first giving the district the opportunity to complete the assessment.

#### 4. Parent/Guardian Notification of Intent

Parents/guardians are requested but are not required to notify the special education department prior to obtaining an independent educational evaluation. However, if parents/guardians obtain an independent educational evaluation and the district demonstrates through a due process hearing that the evaluation completed by the district was appropriate or that the parents'/guardians' evaluation did not meet district criteria, the parents/guardians will not be reimbursed the cost of the evaluation. If the independent evaluation obtained by the parents/guardians meets the district criteria, it will be considered in making educational decisions about the child. However, independent educational assessments will not control the district's decisions and may not even be considered if not completed by a qualified professional, as determined by the district.

#### 5. Parent/Guardian Request for Payment of Completed Independent Educational Evaluation

When parents/guardians are requesting payment for an independent educational evaluation that has already been completed, the administrator of special education programs must be notified. Parents/guardians will be provided a copy of the district policy and procedures and criteria including criteria for independent educational evaluations. A determination will be made as to whether the district will initiate due process to establish the

appropriateness of its evaluation or proceed with consideration of the district's obligation for payment of the independent evaluation. The district's evaluation and independent educational evaluation will be reviewed with the parents/guardians to identify those areas of disagreement. The parents/guardians must request payment for the independent educational evaluation within one calendar year from the date that the results of the district's evaluation were shared with the parent/guardian.

6. District Criteria Obligation

If the district proceeds with consideration of the independent educational evaluation for payment, the district criteria for the locations of the evaluator(s), the minimum qualifications of the evaluator(s), the costs of the evaluation, and use of approved assessment instruments must be met.

7. Notification to the district Assistant Superintendent of Special Education

If parents/guardians request an independent educational evaluation at public expense, the district Assistant Superintendent of Special Education must be notified. The district's evaluation will be reviewed with the parents/guardians to identify any areas of disagreement. Parents/guardians will be provided a copy of the policy and the procedures and including criteria for independent educational evaluations. Following discussion with the parents/guardians, the district may elect to complete additional or supplemental evaluation.

8. Limitation of One Independent Educational Evaluation Per Year

Parents/guardians may only request one publicly funded independent evaluation for each evaluation completed by district. The parents/guardians must request the independent evaluation within one calendar year of the date the results of the district's evaluation were shared with the parents/guardians.

9. Completion of the District's Assessment Plan

If the district agrees to purchase an independent evaluation at public expense, an evaluation plan will be developed which specifies those areas to be evaluated and who will complete each assessment. The assessment(s) completed will comply with the locations of the evaluator(s), the minimum qualifications of evaluator(s), the costs of the evaluation, and use of approved assessment instruments as set out in the Criteria for Independent Educational Evaluation. As part of an independent educational evaluation, the examiner will follow guidelines for district evaluations, which include, but are not limited to, observing the student in an appropriate setting. The independent examiner will attend the IEP team meeting by phone or in person at which time the evaluation will be discussed. The district will pay the independent examine to attend the IEP team meeting as part of the evaluation responsibilities, which also include classroom visitation(s) and interviews with parents/guardians and staff. Notice of intent to evaluate will be provided and the

district will arrange for the completion of the independent educational evaluation. Parents/guardians will be required to sign consent to reevaluate and appropriate releases to exchange information between the independent educational evaluator(s) and the district as a condition of the district's agreement to pay the provider for an independent evaluation.

10. Release of Assessment Information and Result

As part of the contracted evaluation, independent evaluators must agree to release their assessment information and results directly to the district prior to the receipt of payment for services. The results of the independent evaluations will be considered in making educational decisions as required by the Individuals with Disabilities Education Act and/or Section 504 of the Rehabilitation Act of 1973.

11. Evaluations by Diagnostic Centers

If the district requests an evaluation from a Diagnostic Center and the Diagnostic Center completes the evaluation, both the district and the parents/guardians will receive a copy of the evaluation.