

INDEPENDENT EDUCATIONAL EVALUATION

(From 23 Illinois Administrative Code)

Section 226.180 Independent Educational Evaluation

Parents have the right to obtain an independent education evaluation of their child at public expense in accordance with 34 CFR 300.502 and Section 14-8.02(b) of the School Code. The following rights and requirements apply.

- a) If the parent disagrees with the district's evaluation and wish to obtain an independent educational evaluation at public expense, their request to that effect shall be submitted in writing to the local school district superintendent.
- b) When an independent evaluation is obtained at public expense, the party chosen to perform the evaluation shall be either:
 - 1) an individual whose name is included on the list of independent educational evaluators developed by State Board of Education pursuant to Section 226.830 of this part with required to the relevant types of evaluation; or
 - 2) another individual possessing the credentials required by Section 226.840 of this part.
- c) If the parent wishes an evaluator to have specific credentials in addition to those required by Section 226.840 of this Part, the parent and the school district shall agree on the qualifications of the examiner and the specific evaluations to be completed prior to the initiation of an independent educational evaluation at public expense. If agreement cannot be reached, the school district shall initiate a due process hearing subject to the time constraints set forth in Section 226.840 as applicable.
- d) The district shall send the notice convening the IEP Team's meeting within ten days after receiving the report of an evaluation conducted at public expense. In the case of an evaluation conducted at private expense, the district shall send the notice within ten days after the parent requests a meeting to consider the results.

Definitions:

Independent Educational Evaluation means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question.

Public Expense means that the public agency either pays the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

Guidelines:

- Upon receipt of a request for an independent educational evaluation, the district superintendent should contact the parent to acknowledge the request and ensure a timely response.
- If a parent requests an independent educational evaluation at public expense, the district must, **without unnecessary delay**, either file a due process complaint to request a hearing to show its evaluation is appropriate or ensure that an independent evaluation is provided at public expense.
- If the district files a due process complaint to request a hearing and the final decision is that the district's evaluation is appropriate, the parent still has the right to an independent evaluation, but not at public expense.
- The evaluator chosen to conduct the evaluation does not have to be from the list developed by the State Board of Education, but must be mutually agreed upon by the school district and the parent.
- The criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner must be the same criteria the school district uses when it initiated and evaluation.
- As soon as possible, the parent, the school district administration, and the IEP team should meet to discuss the purpose of the evaluation and the information they hope to obtain as a result of the evaluation.
- The district should ensure that they have obtained signed releases of information to both release to and obtain from the chosen evaluator.