

School District Policy, Procedures, and Criteria When Parents/Guardian Request an Independent Educational Evaluation

A. Definitions:

1. “Independent educational evaluation” means an evaluation conducted by a qualified examiner who is not employed by the school district. An independent educational evaluation may be either at public expense or private expense.

2. “Public expense” means that the school district shall pay the full cost of the evaluation or ensures that the evaluation components are otherwise provided at no cost to the parent.

3. “Private expense” means that the costs for the evaluation are the responsibility of the parent(s)/guardian(s).

B. Requests For Independent Educational Evaluations At Public Expense:

1. Before being entitled to an independent educational evaluation at public expense, parents must notify the school that they disagree with the school’s evaluation and request an independent educational evaluation be done at public expense. The district will not reimburse parents who unilaterally obtain independent educational evaluations.

2. Any parental request to the school district for an independent educational evaluation at public expense should be in writing. The school district shall immediately document the receipt of a parental request for an independent educational evaluation at public expense.

3. Upon parent’s request for an independent educational evaluation, the district will provide the parents with a copy of the *South Dakota Administrative Rules* describing the required special education evaluation procedures to be followed. The school shall also provide to parents a copy of this policy which includes the criteria applicable for independent educational evaluations.

4. If parents request an independent educational evaluation at public expense, the school may ask the parents why they object to the district’s evaluation. Parents, however, are not required to explain their objection to the school’s evaluation and the school may not unreasonably delay either providing the independent educational evaluation at public expense or filing a due process complaint to request a due process hearing to defend the school’s evaluation.

5. If a parent disagrees with an evaluation conducted by the district and seeks an independent educational evaluation at public expense, the district will either initiate a due process hearing to show that the district's evaluation is appropriate, or will provide an independent educational evaluation at public expense.

6. In the interest of consistency between public and private evaluations, if an independent educational evaluation at public expense is to be requested the district encourages parents to request an independent educational evaluation at public expense no later than 15 school days from the IEP meeting during which the school's evaluation was discussed.

7. If the school approves the request by a parent of an independent educational evaluation at public expense the school will present to the parents a list of approved independent evaluators, none of which are employed by the district, and request the parents to select an independent evaluator within ten (10) school days. After the parents have selected an evaluator and provided the school with a written consent to initiate the independent educational evaluation, the district will contact the independent evaluator within fifteen (15) school days of receipt of the written consent and contract with the independent evaluator at public expense.

8. The district will make arrangements for a new evaluation, and contract with a qualified independent evaluator who must agree to provide a written report for an IEP meeting within 25 school days of receipt of parental consent for the evaluation. If the selected evaluator cannot meet the timeline, the school district will inform the parents and ask for agreement to an extension of the time or to select another independent evaluator.

9. If the district initiates a hearing on whether the independent educational evaluation must be done at public expense and the final decision is that the district's evaluation is appropriate, the parent still has the right to an independent educational evaluation but not at public expense.

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

11. Parents may only request one publicly funded independent evaluation for each evaluation completed by the district.

12. If the school district agrees to a parental request to obtain an independent evaluation at public expense, an evaluation plan will be developed prior to the evaluation being completed which specifies those areas to be evaluated and who will complete each assessment.

C. Criteria For An Independent Educational Evaluation At Public Expense:

1. If an independent educational evaluation is at the district's expense, the criteria under which the evaluation is obtained, as set forth in this provision shall be the same as the criteria that the district uses when it initiates an evaluation unless the school district and parent agree otherwise. Except for these criteria and subject to the school district's right to request a due process hearing on whether an independent educational evaluation must be conducted at public expense, the school district shall impose no other conditions related to obtaining an independent educational evaluation at the district's expense.

2. As part of a contract between the school district and independent educational evaluator, the evaluator must agree to follow the *South Dakota Administrative Rules* for conducting evaluations, which include, but are not limited to, observing the student in an appropriate setting. Additionally, the school district may require the independent evaluator to include classroom visitation(s) and interviews with parents and staff as part of the evaluation requirements. The independent evaluator will also provide the district with a written copy of the final evaluation report with recommendations, and attend the student's IEP team meeting by phone or in person, upon request, as part of the evaluator's responsibilities.

3. The evaluator shall be located within the state of South Dakota. An evaluator outside the state may be approved only on an exceptional basis if the parents can demonstrate the necessity of using an evaluator outside the state of South Dakota.

4. The evaluator shall be licensed by the state in which the evaluator practices, and if licensed in a state other than South Dakota, the license shall be comparable to the standards established for evaluators within the state of South Dakota.

5. The evaluator fees shall be commensurate to the current rates of other local practitioners within the state of South Dakota.

6. The evaluator shall provide a final evaluation report which must include recommendations and the results of all assessment data collected, the dates of direct contact with the child, narrative description of the child, discussion and interpretation of test scores, along with diagnoses. Additionally, the report must provide scores (including subtest scores).

7. The evaluator shall use only the revised or most current version of each assessment instrument.

8. The evaluator must work primarily with children and adolescents.

9. As part of the contracted evaluation, the independent evaluator must agree to release the final evaluation report and the results of all assessment data collected to the district prior to receipt of payment for services.

10. If the District agrees to an independent educational evaluation at public expense at a Diagnostic Center and the Diagnostic Center completes the evaluation, both the district and the parents shall receive a copy of the final evaluation report with recommendations and the results of all assessment data collected.

11. If the District agrees to an independent educational evaluation at public expense, parents must simultaneously give their written consent for the release to the school district the evaluation report and the results of all assessment data collected by the independent educational evaluator.

D. Consideration of the Independent Educational Evaluation:

1. Independent educational evaluations are designed to determine the educational needs of students with a disability or suspected disability. The school district is responsible for determining placements and services. The school will consider recommendations obtained in the independent educational evaluation at public expense or at private expense that is completed in accordance with this policy and its implementation procedures and criteria. Moreover, independent educational evaluations may not control the parent's, the IEP team's or the school district's decisions. The evaluations will be considered only if the independent educational evaluation criteria has been met and the evaluation was completed by a qualified professional possessing state approved credentials.

2. If the parents obtain an independent educational evaluation at private expense, the results of the evaluation (1) must be considered by the school in any decision made with respect to the provisions of FAPE to the student, if the independent evaluation meets the district's evaluation criteria, and (2) may be presented as evidence at a due process hearing regarding that student.

****** Nothing within this policy restricts the right of parents to obtain an independent educational evaluation at private (parental) expense.**