

INDEPENDENT EDUCATIONAL EVALUATIONS FOR CHILDREN WITH DISABILITIES

WHAT IS AN INDEPENDENT EDUCATIONAL EVALUATION?

An Independent Educational Evaluation is an evaluation of a child that is conducted by a qualified person not employed by the child's school district or intermediate unit.

WHEN IS IT A GOOD IDEA TO OBTAIN AN INDEPENDENT EVALUATION?

Whenever you believe that your district's evaluation of your child is not adequate or correct, or when you believe that additional information is needed. You may also want to get an independent educational evaluation because you are about to go to a "Due Process Hearing," or because you have questions about your child's program or progress and want guidance from someone unconnected with your school district.

DOES MY SCHOOL DISTRICT HAVE TO PAY FOR AN INDEPENDENT EDUCATIONAL EVALUATION?

If the district believes its evaluation is adequate, it can refuse to pay for the independent educational evaluation. However, the law requires that the district then schedule a "Due Process Hearing" so that a hearing officer can decide if the district should pay.

IF I OBTAIN AN INDEPENDENT EVALUATION FOR MY CHILD, WHAT QUALIFICATIONS SHOULD THE EVALUATOR HAVE?

It is important that the evaluator have qualifications similar to the evaluators used by your school district. For example, if you want an independent psychological evaluation of your child, be sure the evaluator is a "Pennsylvania certified school psychologist."

WHAT SHOULD I EXPECT FROM MY INDEPENDENT EVALUATOR?

This depends on the question you want the independent evaluator to answer. Does the child have a disability, and, if so, what is the disability? What kind and amount of related services does the child need? Is the special education program the child is receiving appropriate and, if not, what changes should be made? ELC also publishes a short article, "What to Consider When You Need an Independent Educational Evaluation," that discusses this issue in detail. You can get that article by contacting ELC at the number listed below, or through our webpage at www.elc-pa.org.

HOW DO I REQUEST THAT THE DISTRICT PAY FOR AN INDEPENDENT EDUCATIONAL EVALUATION?

You should write to your district and request an independent evaluation at public expense. In your letter, you should state the type of evaluation that you want and the reasons why you think it's necessary. You should also ask the district for information on where an independent evaluation can be obtained. A sample letter is also available from ELC. The district should answer you, in writing, within a reasonable time, and, if the answer is "no," the district should schedule a "Due Process Hearing" to determine whether the district's evaluation is appropriate, or whether it should be required to pay for the evaluation. If the District does not respond to your request, and does not schedule a hearing, you can begin the Due Process procedures yourself by requesting a Pre-Hearing Conference (PHC); by skipping the PHC and requesting a Due Process Hearing; or by asking for mediation (see below).

MUST THE SCHOOL DISTRICT CONSIDER THE RESULTS OF AN INDEPENDENT EDUCATIONAL EVALUATION?

Regardless of whether the district agrees to pay for the independent educational evaluation, it must consider the results of any evaluations you have obtained when it makes any decision relating to your child's special education needs. However, it doesn't have to agree with the results of the evaluation. In addition, an independent educational evaluation may be presented as evidence at a "Due Process Hearing."

WHAT CAN I DO IF THE SCHOOL DISTRICT DOESN'T AGREE TO PAY FOR THE INDEPENDENT EVALUATION, OR DOESN'T AGREE WITH THE INDEPENDENT EVALUATION I PAID FOR?

You can do any or all of the following:

- ✓ Ask for a "mediation session." This is a meeting with a trained "mediator" who is not connected with the school system. The mediator will help you and the school try to work out an agreement. There is no charge for using the mediation service, and you will not be required to agree to any change that you don't like. To find out about mediation, call 1-800-992-4334.
- ✓ Send the principal a letter requesting a "prehearing conference." This is a meeting with school officials only. It must be scheduled in 10 calendar days.
- ✓ Request (in writing) a "Due Process Hearing." This is a legal procedure that can take some time. It is conducted by an independent Hearing Officer. For more information on these problem resolution mechanisms, see the publications on our webpage at www.elc-pa.org, or call our office for a publications list.

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