

(4) If a parent requests an independent educational evaluation, the public agency may ask for the parent's reason why he or she objects to the public evaluation. However, the public agency may not require the parent to provide an explanation and 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 public evaluation.

(5) A parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

(c) Parent-initiated evaluations. If the parent obtains an independent educational evaluation at public expense or shares with the public agency an evaluation obtained at private expense, the results of the evaluation--

(1) Must be considered by the public agency, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child; and

(2) May be presented by any party as evidence at a hearing on a due process complaint under subpart E of this part regarding that child.

(d) Requests for evaluations by hearing officers. If a hearing officer requests an independent educational evaluation as part of a hearing on a due process complaint, the cost of the evaluation must be at public expense.

(e) Agency criteria.

(1) If an independent educational evaluation is 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 that the 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.

(2) Except for the criteria described in paragraph (e)(1) of this section, a public agency may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

(c) The agency criteria determined by the LEA, as described in 34 CFR 300.502(a)(2) and 300.502(e), to the extent that they exceed qualified examiner criteria or establish geographic limitations, shall not be so restrictive that the parent does not have a choice of independent evaluators.

§300.502 – See Ed 1107.03(b)

Ed 1107.04 Qualified Examiners.

(a) Formal diagnostic assessments shall be administered by qualified examiners.

(b) Qualified examiners for specific disabilities shall be as set forth in Table 1100.1, "Required Assessments and Qualified Examiners by Type of Disability" as follows:

Table 1100.1 Required Assessments and Qualified Examiners by Type of Disability

Disability	Assessments Required	Qualified Examiners
AUTISM	Academic Performance	Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist
	Adaptive Behavior	Associate School Psychologist Certified Educator Guidance Counselor Psychiatrist Psychologist S.A.I.F.** School Psychologist Licensed Social Worker
	Communicative Skills	Speech-Language Pathologist Speech-Language Specialist
	Health	Professional Licensed to provide a Health Evaluation
DEAF-BLINDNESS	Academic Performance	Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist
	Hearing	Audiologist Otolaryngologist Otologist
	Vision	Ophthalmologist Optometrist

DEAFNESS	Academic Performance	Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist
	Hearing	Audiologist Otolaryngologist Otologist
DEVELOPMENTAL DELAY – In order to identify a child as educationally disabled as the result of a developmental delay the IEP Team must determine that the child is experiencing developmental delays in one or more of the following areas: physical development; cognitive development; communication development; social or emotional development; or adaptive development.	Varies based on the suspected disability	Varies based on the suspected disability
EMOTIONAL DISTURBANCE	Academic Performance	Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist
	Social/Emotional Status	Associate School Psychologist Psychiatrist Psychologist School Psychologist
HEARING IMPAIRMENT (continued on next page)	Academic Performance	Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist

HEARING IMPAIRMENT (continued from previous page)	Hearing	Audiologist Otolaryngologist Otologist
INTELLECTUAL DISABILITY	Academic Performance	Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist
	Adaptive Behavior	Associate School Psychologist Certified Educator Guidance Counselor Psychiatrist Psychologist S.A.I.F.** School Psychologist Licensed Social Worker
	Intelligence	Associate School Psychologist Psychologist S.A.I.F.** School Psychologist
<p>MULTIPLE DISABILITIES – Requires at least two concomitant disabilities which are evaluated and documented in the student’s evaluation record. This primary disability refers to concomitant impairments which cause severe educational problems</p>	Varies based on the two or more disabilities suspected	Varies based on the assessment administered

ORTHOPEDIC IMPAIRMENT	Academic Performance	Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist
	Health	Professional Licensed to provide a Health Evaluation
	Motor Ability	Licensed Physician Neurologist Occupational Therapist Physical Therapist
OTHER HEALTH IMPAIRED	Academic Performance	Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist
	Health	Professional Licensed to provide a Health Evaluation
SPECIFIC LEARNING DISABILITY	Academic Performance	Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist
(continued on next page)	Intelligence	Associate School Psychologist Psychologist S.A.I.F.** School Psychologist

(continued from previous page)	Observation	Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist
	Hearing Or Hearing Screening	Audiologist Otolaryngologist Otologist School Nurse
	Vision Or Vision Screening	Ophthalmologist Optometrist School Nurse
SPEECH-LANGUAGE IMPAIRMENT	Academic Performance	Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist
	Communicative Skills	Speech-Language Pathologist Speech-Language Specialist
TRAUMATIC BRAIN INJURY/ACQUIRED BRAIN INJURY	Academic Performance	Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist
(continued on next page)	Health	Professional Licensed to provide a Health Evaluation

<p>(continued from previous page)</p> <p>A minimum of 2 of the following assessments must also be completed: Adaptive Behavior Communicative Skills Intelligence Social/Emotional Status</p>	<p>Adaptive Behavior</p>	<p>Associate School Psychologist Certified Educator Guidance Counselor Psychiatrist Psychologist S.A.I.F.** School Psychologist Licensed Social Worker</p>
	<p>Communicative Skills</p>	<p>Speech-Language Pathologist Speech-Language Specialist</p>
	<p>Intelligence</p>	<p>Associate School Psychologist Psychologist S.A.I.F.** School Psychologist</p>
	<p>Social/Emotional Status</p>	<p>Associate School Psychologist Psychiatrist Psychologist School Psychologist</p>
<p>VISUAL IMPAIRMENT/ BLINDNESS</p>	<p>Academic Performance</p>	<p>Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist</p>
	<p>Vision</p>	<p>Ophthalmologist Optometrist</p>

**S.A.I.F., Specialist in the Assessment of Intellectual Functioning

(c) Qualified examiners shall administer and interpret test results and provide written reports to the LEA.

(d) The LEA shall provide parents with copies of each examiner’s evaluation and assessment report(s) at least 5 days prior to the meeting of the IEP team at which the evaluation and assessment report(s) will be discussed. The LEA shall provide the report(s) by sending the report(s) to the parents via US mail unless the parents and the LEA agree upon another method.

(e) The parent may waive, in writing, paragraph d.

Ed 1107.05 Evaluation Report.

(a) The IEP team determining the child’s disabilities shall develop a written summary containing the results of the various diagnostic findings and forward a copy of the report to the parent and a copy to the LEA for the child’s records. The report shall be written after the child’s initial evaluation and thereafter if the public agency and the parent, consistent with 34 CFR 300.303, determine that a reevaluation will be conducted.

§300.303 Reevaluations.

(a) General. A public agency must ensure that a reevaluation of each child with a disability is conducted in accordance with §§300.304 through 300.311--

(1) If the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or

(2) If the child’s parent or teacher requests a reevaluation.

(b) Limitation. A reevaluation conducted under paragraph (a) of this section--

(1) May occur not more than once a year, unless the parent and the public agency agree otherwise; and

(2) Must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.

(b) The report shall include, but not be limited to:

(1) The results of each evaluation procedure, test, record, or report;

(2) A written summary of the findings of the procedure, test, record, or report; and

(3) Information regarding the parent’s rights of appeal in accordance with Ed 1123 and a description of the parent’s right to an independent evaluation in accordance with Ed 1107.03.