

**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES
DIVISION OF YOUTH SERVICES
JUVENILE INSTITUTIONS**

Subject: Special Education: Independent Evaluation	Policy Number: 8
Number of Pages: 2	Section: XII
Attachments	Related Standards & References Individuals with Disabilities Education Act (IDEA '97) and Regulations Individuals with Disabilities Education Improvement Act (IDEIA '04) Mississippi Nonpublic School Accountability Standards, 2004 Mississippi Department of Education, Office of Special Education Policies and Procedures (2003)
Effective Date: 06/09/2006 Revised: 10/06/2008	Approved:  Kathy Pittman, Director
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I. POLICY

It is a policy of the Mississippi Department of Human Services, Division of Youth Services (MDHS/DYS) in accordance with federal IDEA 2004, to provide parents the option of an independent evaluation in the event there is disagreement with MDHS/DYS evaluation outcomes.

II. DEFINITIONS

As used in this policy, the following definitions apply:

- A. Free and Appropriate Public Education** – Special education and related services provided to students with disabilities in conformity with an IEP at public expense and under public supervision at no cost to the parents.
- B. Independent Evaluation** – An independent evaluation is an evaluation that is conducted by a qualified examiner who is not employed by the DMHS/DYS nor has any stake in the results of the evaluation or educational services that may be at issue.
- C. Individualized Education Program** – An individualized education program is a written statement for a student with a disability that is developed, implemented, reviewed, and revised in accordance with Mississippi Special Education Rules and required procedures of the Mississippi Department of Education. The IEP evidences that the student is receiving a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) and that it provides for the student to receive educational services – regular and special education – that may be reasonably predicted to benefit the student.
- D. Least Restrictive Environment (LRE)** - Least Restrictive Environment is a federal mandate that requires education programs, to the maximum extent appropriate, to educate students with disabilities with their non-disabled peers.

III. PROCEDURE

Parent(s)/legal guardian or the student at age 18 years may contest the agency's findings of eligibility, diagnosis, and/or IEP recommendations and request an independent evaluation at the agency's expense by submitting a written letter of such request to the school principal. Upon receipt of the request for independent evaluation, the principal or designee will immediately forward the request to the MDHS/DYS Director of Special Education.

A. The MDHS/DYS Director of Special Education will:

1. Ask for the parent's reasons why he/she is objecting to the evaluation provided by the MDHS/DYS. However, this explanation is not required and a response to the parent's request may not be unreasonably delayed.
2. Initiate an impartial due process hearing to show that its evaluation is appropriate. If the final decision is the evaluation provided by the MDHS/DYS is appropriate, the student's parent still has the right to an independent educational evaluation but not at public expense.
3. Provide the student's parent(s)/legal guardian information where an independent educational evaluation may be obtained and the criteria that are applicable for independent educational evaluations.

B. Results of the Independent Evaluation

The results that are obtained through an independent evaluation whether at the expense of the MDHS/DYS or by the parent shall be fully considered in any decision made with respect to the provision of appropriate educational services to the student.