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Resolve, Requiring the Department of Education To Amend Its Rules Relating to School Administrative Unit Payments for the Costs Associated with Independent Educational Evaluations

Sec. 1 Independent educational evaluation at public expense; rules. Resolved: That the Department of Education shall amend its rule Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty as follows.

1. The rule must be amended in Section II to revise the definition of "independent educational evaluation" to ensure that the definition of "independent educational evaluation at public expense" makes clear that the school either pays for the full cost of the evaluation, including the cost for the independent evaluator to produce an evaluation report and to appear before the individualized education program team to present the evaluation report, or ensures that all of these evaluation costs are otherwise provided for at no cost to the parent.

2. The rule must be amended in Section V in the part concerning independent educational evaluations to provide that when a parent exercises the parent's right to an independent educational evaluation at public expense, the school is required to pay for the full cost of the evaluation, including the cost for the independent evaluator to produce an evaluation report and to appear before the individualized education program team to present the evaluation report, or to ensure that all of these evaluation costs are otherwise provided for at no cost to the parent; and be it further

Sec. 2 Provisional adoption of rules. Resolved: That the Department of Education shall provisionally adopt the amendments required under section 1 to rule Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty no later than December 1, 2011. Rules adopted pursuant to this section are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2A.

SUMMARY

This resolve directs the Department of Education to amend its rule Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty to provide that, when a parent exercises the parent's right to an independent educational evaluation at public expense, the school is required to pay for the full cost of the evaluation, including the cost for the independent evaluator to produce an evaluation report and to appear before the individualized education program team to present the evaluation report, or to ensure that all of these evaluation costs are otherwise provided for at no cost to the parent.