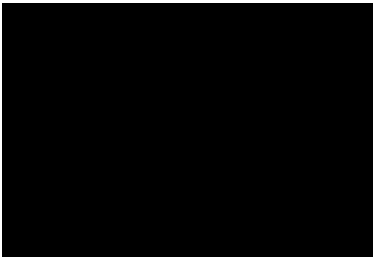




STATE OF CONNECTICUT  
STATE DEPARTMENT OF EDUCATION



October 6, 2014



Re: [REDACTED]  
Complaint No. 15-0081

Dear [REDACTED]

This office is responding to the complaint filed by [REDACTED] against the [REDACTED] [REDACTED] on behalf of her son, the above-referenced student. The complaint inquiry letter set forth the issue to be investigated as follows:

**Issue:** Has the district violated 34 CFR § 300.502? The parent alleges the following:

1. The parent was concerned that the district had not identified the student as eligible for special education under the eligibility category of Autism;
2. The parent obtained a private neuropsychological evaluation in May of 2013;
3. The PPT met on July 30, 2013 to consider the private evaluation and revised the student's individualized education program in response to the evaluation;
4. The parent requested reimbursement for the cost of the evaluation not covered by her insurance and the district refused to reimburse her.

The following were reviewed: complaint; pediatric neuropsychological consultation report; individualized education program dated July 30, 2013; undated letter from the parent to [REDACTED] Director of Special Education, [REDACTED]; and the district's September 4, 2014 response to the complaint inquiry letter. This investigator also spoke to both [REDACTED]

**Findings of Fact:**

1. The student is 9 years old and attends a public school in [REDACTED]. He is identified as eligible for special education and related services under the Individuals with Disabilities Education Act disability category of Other Health Impaired-ADHD. [REDACTED] became concerned about her son's behaviors and decided to have her son privately evaluated to gain a better understanding of his

condition and service needs. She told both of [REDACTED] teachers her plan, and, according to [REDACTED], they told her they thought it was a good idea. [REDACTED] did not discuss her plan with the PPT or ask the PPT to conduct further evaluations such as a neuropsychological evaluation. The student was last evaluated by the district in March of 2012.

2. The parent obtained a private neuropsychological evaluation from Farmington Valley Neuropsychology Associates in May of 2013. The student's planning and placement team (PPT) met to review, discuss and consider this evaluation on July 30, 2013. The PPT implemented some of the report's recommendations. The parent reported that she did not understand her rights under IDEA regarding her right to obtain a publicly funded independent education evaluation (IEE). She asked [REDACTED] to reimburse her for cost of the evaluation not covered by her insurance in March of 2014 based on an argument that the teachers encouraged her to have her son evaluated further and then the PPT relied on the report. The parent thinks it is only fair that [REDACTED] pay for a portion of the evaluation. [REDACTED] disagreed and denied [REDACTED]'s request.

3. According to the July 2013 IEP, the parent was provided a copy of her procedural safeguard notice under IDEA in February of 2013 when the team met to conduct the annual review. This notice discusses a parent's right to obtain a publicly funded independent education evaluation (IEE).

#### **Conclusions:**

1. According to 34 CFR § 300.502(a)(3)(i), an IEE means any evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question..." Here the issue is whether the parent's request, made in March of 2014, for the district to reimburse her for an independent neuropsychological evaluation conducted in May of 2013 falls within 34 CFR § 300.502 (b) which states (in part) as follows:

(b) Parent right to evaluation at public expense.

(1) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency, subject to the conditions in paragraphs (b)(2) through (4) of this section;

(2) If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, either-

(i) File a due process complaint to request a hearing to show that its evaluation is appropriate; or

(ii) Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing pursuant to §§300.507 through 300.513 that the evaluation obtained by the parent did not meet agency criteria...

To sustain her reimbursement claim, the parent must show that the neuropsychological evaluation was an IEE to which she was entitled at public expense. A prerequisite for an IEE is a disagreement with a specific evaluation conducted by the district. Thus, parent's claim depends on whether the neuropsychological evaluation was obtained because she disagreed with the district evaluation.

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2. It is concluded that the parent's request for reimbursement for the independent neuropsychological evaluation she obtained does not fall within 34 CFR § 300.502 (b). The parent did not obtain the private evaluation because she disagreed with a district evaluation. The district has not performed a neuropsychological evaluation with which the parent could disagree. Rather, it appears that the parent decided to gather additional information about her son and after the evaluation was conducted realized that under certain circumstances, the district is required to pay for outside educational evaluations and with that knowledge, sought reimbursement from the district. The parent had been provided with a notice of her procedural safeguard rights under IDEA.

No violation is found and no corrective action is required.

Feel free to contact me at [REDACTED] if you have any questions about this report.

[REDACTED]

Cc: [REDACTED]