

REGULAR MEETING OF RSU NO. 5 BOARD OF DIRECTORS
WEDNESDAY– MARCH 28, 2018
FREEPORT HIGH SCHOOL– LIBRARY
6:30 P.M. REGULAR SESSION
AGENDA

1. The meeting was called to order at _____p.m. by Chair Michelle Ritcheson
2. Attendance:

___ Kathryn Brown	___ Lindsay Sterling
___ Jeremy Clough	___ Valeria Steverlynck
___ Candace deCsipkes	___ Madelyn Vertenten
___ Jennifer Galletta	___ Sarah Woodard
___ Naomi Ledbetter	___ Carter Jedrey-Irvin, Student Representative
___ John Morang	___ Benjamin Monahan-Morang, Student Representative
___ Michelle Ritcheson	
3. Pledge of Allegiance:
4. Consideration and approval of Minutes:
 - A. Consideration and approval of the Minutes of February 28, 2018 and March 14, 2018 as presented barring any errors or omissions.

Motion: _____ 2nd: _____ Vote: _____
5. Adjustments to the Agenda:
6. Good News and Recognition:
 - A. MLTI Screen Saver Competition Chosen Works
 - B. Portland Museum of Art Student Exhibition
 - C. Maine Donate Life Design Competition
 - D. One Act Festival Award Winners
 - E. Report from Board's Student Representative
7. Public Comments:
8. Superintendent's Report:
 - A. Items for Information
 1. District Happenings
 2. Work of the Strategic Planning Advisory Committee (SPAC) - Update
 - B. Administrator Reports
 1. Finance – Michelle Lickteig
9. Unfinished Business:
 - A. Consideration and adoption of the Superintendent's FY19 Recommended Budget as presented.

Motion: _____ 2nd: _____ Vote: _____

B. Class Size policy discussion.

10. New Business:

- A. Consideration and approval to employ a Guidance Counselor at Durham Community School for the 2018-2019 School year.

Motion: _____ 2nd: _____ Vote: _____

- B. Consideration and approval to employ a STEM Teacher at Durham Community School for the 2018-2019 School year.

Motion: _____ 2nd: _____ Vote: _____

- C. Consideration and approval on the procedural approach on possibly amending the RSU5 Cost Sharing Formula.

Motion: _____ 2nd: _____ Vote: _____

11. Board Comments: (Reports from Sub-Committees)

- A. Finance Report
B. Policy Committee

12. Policy Review:

- A. Consideration and approval of the following Policies (1st Read)

BEDBA – Agenda Format

IHBAl – Independent Educational Evaluations

Motion: _____ 2nd: _____ Vote: _____

13. Public Comments:

14. Adjournment:

Motion: _____ 2nd: _____ Vote: _____ Time: _____

4.A.

**RSU No. 5 Board of Directors Meeting
Wednesday, February 28, 2018 – 6:30 p.m.
Freeport High School - Library
Meeting Minutes**

(NOTE: These Minutes are not official until approved by the Board of Directors. Such action, either to approve or amend and approve, is anticipated at the March 28, 2018 meeting).

CALLED TO ORDER:

Chair Michelle Ritcheson called the meeting to order at 6:33 p.m.

MEMBERS PRESENT: Kathryn Brown, Jeremy Clough, Jennifer Galletta, Naomi Ledbetter, John Morang, Michelle Ritcheson, Lindsay Sterling, Valeria Steverlynck, Madelyn Vertenten, Sarah Woodard
Also in attendance was Carter Jedrey-Irvin, Student Representative.

MEMBERS ABSENT: Candace deCsipkes

3. PLEDGE OF ALLEGIANCE:

4. CONSIDERATION AND APPROVAL OF MINUTES:

A. VOTED: To approve the Minutes of January 24, 2018 and February 14, 2018 as presented barring any errors or omissions. (Steverlynck - Morang) (10 – 0). The student representative voted with the majority.

5. ADJUSTMENTS TO THE AGENDA:

Table Item 12.A. Policy IIB – Class Size (2nd Read)

6. GOOD NEWS AND RECOGNITION:

A. Students selected for All-State Choir

B. Report from Board's Student Representative – Carter Jedrey-Irvin reported on happenings at Freeport High School.

7. PUBLIC COMMENT:

None

8. SUPERINTENDENT'S REPORT:

A. Items for Information

1. District Happenings

2. Retirements (effective at the end of the school year)

- Linda Davenport – MLS School Nutrition Specialist I

- Melinda Doel – FHS Educational Technician

B. Administrator Reports

1. Finance – Michelle Lickteig

9. UNFINISHED BUSINESS:

A. Workshop: Budget Review

1. Pownal Elementary School – Lisa Demick

2. Mast Landing School – Emily Grimm

3. Morse Street School – Julie Nickerson

4. Community Programs: Budget & Department Report – David Watts

5. Nutrition: Budget & Department Report – Erin Dow

- B. Consideration and approval of the 2018-2019 School Calendar (2nd Read)
No vote, only discussion.

10. NEW BUSINESS:

11. BOARD COMMENTS: (Reports from Sub-Committees)

- A. Policy Committee

12. POLICY REVIEW:

- A. VOTED:** To approve the following Policies (2nd Read)
(Ledbetter – Galletta) (10 – 0). The student representative voted with the majority.
IHBAC – Child Find
JICIA – Weapons, Violence and School Safety
IIB – Class Size - **Tabled**

13. PUBLIC COMMENT:

None

14. EXECUTIVE SESSION:

- A. VOTED:** To enter into Executive Session as outlined in 1 M.R.S.A § 405(6)(D) for the purpose of discussing Administrator negotiations for RSU5. (Ledbetter – Woodard) (10 – 0)

Time In: 8:22 p.m.

Time Out: 9:21 p.m.


15. ACTION AS A RESULT OF EXECUTIVE SESSION:

- A. VOTED:** To authorize the Superintendent to execute contracts for the following administrators, as discussed in Executive Session. (Galletta – Woodard) (10 – 0)

Julie Nickerson	Darren Carter	Charlie Mellon	Bonnie Violette
Emily Grimm	Will Pidden	Craig Sickels	Dennis Ouellette
Lisa Demick	Hiram Sibley	Seth Thompson	Erin Dow
Ray Grogan	Jen Gulko	Michelle Lickteig	David Watts
			Cynthia Alexander

16. ADJOURNMENT:

- VOTED:** To adjourn at 9:22 p.m. (Ledbetter – Brown) (10 – 0)


Becky J. Foley
Superintendent of Schools

RSU No. 5 Board of Directors Meeting
Wednesday, March 14, 2018 – 6:30 p.m.
Freeport High School - Library
Meeting Minutes

(NOTE: These Minutes are not official until approved by the Board of Directors. Such action, either to approve or amend and approve, is anticipated at the March 28, 2018 meeting).

CALLED TO ORDER:

Chair Michelle Ritcheson called the meeting to order at 6:31 p.m.

MEMBERS PRESENT: Kathryn Brown, Candace deCsipkes, Jennifer Galletta, Naomi Ledbetter, John Morang, Michelle Ritcheson, Lindsay Sterling, Valeria Steverlynck, Madelyn Vertenten, Sarah Woodard
Also in attendance was Ben Morang, Student Representative.

MEMBERS ABSENT: Jeremy Clough

3. PLEDGE OF ALLEGIANCE:

4. ADJUSTMENTS TO THE AGENDA:

5. PUBLIC COMMENT:

Freeport residents: Alan Tracy, Emily Carter, Chris Grimm, Carrie Stump, Jason Kaplan, Kristen Dorsey, Sarah Tracy, Peg Selian, Michelle Peacock, Angela King-Horne
Pownal residents: Melissa Schulz, Lois Beardsley, Jonathan Dawson

6. SUPERINTENDENT'S REPORT:

A. Update on Proficiency Mandate.

7. UNFINISHED BUSINESS:

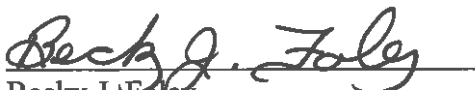
A. Budget Update from the Superintendent.

B. Workshop: Budget Review

1. Technology: Budget & Department Report – Seth Thompson
2. Curriculum, Instruction, Assessment and Gifted & Talented– Cynthia Alexander
3. Instructional Support – Bonnie Violette
4. Facilities and Transportation – Dennis Ouellette
5. Athletics – Craig Sickels

8. ADJOURNMENT:

VOTED: To adjourn at 9:47 p.m. (Steverlynck - Brown) (10 – 0)


Becky J. Foley
Superintendent of Schools

8.B.1.

RSU #5	General Budget Report	2/28/2018			2017-2018			
Article #	Description	2017-2018		Revised	Expenses	Encumb	Balances	%
		Budget	Transfers	Budget	YTD	YTD	YTD	Remaining
Article 1	Support Staff	\$ 3,137,663.00	\$ -	\$ 3,137,663.00	\$ 1,720,478.44	\$ 76,510.97	\$ 1,340,673.59	42.73%
Article 2	School Administration	\$ 1,537,853.00	\$ -	\$ 1,537,853.00	\$ 949,740.25	\$ 5,575.76	\$ 582,536.99	37.88%
Article 3	Operation of Plant	\$ 4,825,088.00	\$ -	\$ 4,825,088.00	\$ 3,164,707.22	\$ 309,957.41	\$ 1,350,423.37	27.99%
Article 4	Voc. E. Assessment	\$ 574,091.00	\$ -	\$ 574,091.00	\$ 430,572.96	\$ 143,524.30	\$ (6.26)	0.00%
Article 5	School Nutrition/Crossing Guard	\$ 374,829.00	\$ -	\$ 374,829.00	\$ 280,071.67	\$ 94,146.67	\$ 610.66	0.16%
Article 6	Instruction K - 12	\$ 12,645,570.00	\$ -	\$ 12,645,570.00	\$ 6,293,107.52	\$ 69,758.55	\$ 6,282,703.93	49.68%
Article 7	Co-Curr. & Athletics	\$ 760,096.00	\$ -	\$ 760,096.00	\$ 418,761.91	\$ 19,016.14	\$ 322,317.95	42.40%
Article 8	District Adminitstration	\$ 841,731.00	\$ -	\$ 841,731.00	\$ 534,674.28	\$ 8,716.97	\$ 298,339.75	35.44%
Article 9	Transportation Services	\$ 1,486,225.00	\$ -	\$ 1,486,225.00	\$ 925,287.67	\$ 60,489.58	\$ 500,447.75	33.67%
Article 10	Debt Services	\$ 1,644,542.00	\$ -	\$ 1,644,542.00	\$ 1,449,180.66	\$ 195,361.34	\$ -	0.00%
Article 11	Special Education Services	\$ 4,379,997.00	\$ -	\$ 4,379,997.00	\$ 2,222,416.60	\$ 2,139.87	\$ 2,155,440.53	49.21%
	Totals	\$ 32,207,685.00	\$ -	\$ 32,207,685.00	\$ 18,388,999.18	\$ 985,197.56	\$ 12,833,488.26	39.85%

3/28/2018

PART 2: AMENDING THE RSU 5 COST SHARING FORMULA: PROCEDURES AND APPROACH

Section 13-B(C) of the Plan, "Changes to the Cost Sharing Method," fixed the RSU 5 cost sharing method for the first three years' of the RSU's existence. Following that period, the Plan provides that the cost sharing formula "may be changed, but shall not be required to be changed." The Plan establishes two possible procedures for RSU 5 to amend the cost sharing formula.

Under the first cost sharing amendment procedure, the RSU 5 School Board may implement the change by a majority board vote without submission to the voters, provided the board vote satisfies a special "quorum requirement" and a special "vote distribution requirement." The "quorum requirement" is that at least one Board member from each municipality must be present at the meeting. In other words, a single town could block the proposed change if all its board members are absent from the meeting, even if it were approved by a majority at a meeting attended by a regular quorum. The "vote distribution" requirement is that "[b]oard members representing two-thirds or more of the RSU population must vote in favor of the change."

Under the second cost sharing amendment procedure, a "simple majority of the RSU Board" may send a proposed change to an RSU 5 referendum vote. This procedure does not have any special quorum requirement or vote distribution requirement imposed on the board vote or on the referendum vote. The referendum election called by the School Board would require a "majority of voters in the RSU" to enact a cost sharing amendment.



Durham • Freeport • Pownal

11.A.

Finance Subcommittee Report

Date: March 9, 2018

Committee: Finance Committee

Chair: Kate Brown

In attendance: Kate Brown, John Morang, Michelle Lickteig

Guests: Dr. Becky Foley, John Simoneau

Meeting Date: February 28, 2018

Agenda Items and Discussion:

Discussion about RAD Settlement

John S. talked about the negotiations between RAD and RSU5 in reference to substantial completion date and items still to be finished in the spring/summer, which are the softball field and the final surfacing of the track. The Finance Committee asked that the RSU be made whole by getting back the amounts of money that had been expended due to the lateness of the completion of the project. That amount was in the neighborhood of \$30,000.

Flexible Spending Accounts

Michelle L. presented to the committee six options for third party vendors to run a Flexible Spending Account (FSA) and Dependent Care Account (DCA) for RSU employees. The Finance Committee picked two and asked for Central Office to get references for each and gave permission for the Central Office to pick the one they felt was the best of the two. It is planned to have these roll out with the open enrollment in May for the upcoming school year.

Nutrition Contribution

Michelle L. explained to the Finance Committee that currently the School Nutrition program is doing very well and is not recommending at this time to add additional funds from the undesignated fund balance to pay down the debt. Michelle L. stated it may take longer to pay off the debt, but it seems the program may be able to do this on its own rather than requesting local contribution money.

Cost Sharing (setting dates to discuss)

Kate wanted to talk about beginning the discussion of the cost sharing formula that the Board has handed to the Finance Committee to pursue. It was decided to bring this up at the Tri Town meeting, held March 1, 2018, and invite members of the individual Town Boards to participate. The Finance Committee will set definite dates for meetings in the next Finance Committee meeting and then via email invite all Town Boards to those meetings to help in the discussion.

Next Meeting:

March 14, 2018 at Central Office.

Submitted by: Michelle Lickteig, Director of Finance



Durham • Freeport • Pownal

Finance Subcommittee Report

Date: March 19, 2018

Committee: Finance Committee

Chair: Kate Brown

In attendance: Kate Brown, John Morang, Michelle Lickteig

Guests: Dr. Becky Foley, Seth Thompson

Meeting Date: March 14, 2018

Agenda Items and Discussion:

Technology Update from Seth

Director of Technology, Seth Thompson, gave a presentation on the next three years' projects and costs. He spoke that all of the projects come into each budget year just as other projects are coming off the budget, making the costs budget neutral. The projects include: finishing the sound amp systems K-8, upgrade of wireless networks throughout all schools, and renewal of MLTI for students K-6 and Teachers PK-12.

Discussion about RAD Settlement (added at the last minute)

Becky talked to the committee about the most recent counter-offer from RAD Sports for settlement. They offered \$26,000 with a completion date of the softball field of Jun 1, 2018. After some discussion, it was decided \$28,000 was the lowest we would go, ensuring that RSU5 would be made whole for extra amounts expended due to the lateness of the completion of the project. The committee also suggested moving the softball field completion date to Jun 14, 2018, because they felt the two weeks RAD was allotting did not seem adequate.

Cost Sharing (setting dates to discuss)

The committee decided the very first date would only include the Finance Committee and Dr. Foley in order to set out the procedures we would use in the future meetings. Then all other meetings we would invite members of the three town councils to join. The first meeting for just the Finance Committee to set out procedures will be Tuesday, March 20, 2018 at 5p at the Central Office. The future meetings to invite the three town councils will be Wednesday, March 28, 2018 and Thursday, April 12, 2018, both at 5p at the Central Office. More meetings will be scheduled in the future, if necessary.

Next Meeting:

April 11, 2018 at Pownal Elementary School

Submitted by: Michelle Lickteig, Director of Finance



Finance Subcommittee Report

Date: March 21, 2018

Committee: Finance Committee

Chair: Kate Brown

In attendance: Kate Brown, John Morang, Michelle Lickteig

Guests: Dr. Becky Foley, Valy Steverlynck

Meeting Date: March 20, 2018

Agenda Items and Discussion:

Discussion of Cost Sharing Process

A discussion about the process of how to proceed with the following meetings took place. Included in the discussion was who would be making the decisions. The Finance Committee agreed that it should be up to the Board to decide how the cost sharing formula will be voted on if there is a change. The two options are to have a majority vote with a member of each town present. Or to have a simple majority vote followed by a referendum vote by the towns' citizens. It was decided that a discussion in the March 28, 2018 School Board meeting will take place to determine which approach to take.

The Finance Committee will meet with the three towns gathering data and ideas and when all information is gathered report out to the School Board.

Two meetings with invites to the three towns were set up for April 4 and April 12, 2018 from 5-7p in the High School Library were set. The meeting that was to be held March 28, 2018 has been canceled due to the discussion to take place with the School Board that night.

The next meeting on April 4 will be a discussion to talk about our current cost sharing formulas and other potential cost sharing formulas that could be used. In the April 4 meeting, we will discuss what the April 12 meeting will involve.

Next Meeting:

April 4, 2018 at Freeport High School Library

Submitted by: Michelle Lickteig, Director of Finance



Policy Subcommittee Report

Committee: Policy

Meeting date: March 2, 2018

Chair: Candy deCsipkes

Committee Members in attendance: Candy deCsipkes (by phone), Naomi Ledbetter, Cynthia Alexander

Agenda Items and Discussion:

The following policies were reviewed with no changes recommended.

IHBG	Home Schooling
IHBGA	Home Schooling- Participation in School Programs
IHA	Basic Instruction Program

The following policy draft was discussed and will be brought to the Board for 1st read on March 28, 2018.

BEDBA	Agenda Format
IHBAI	Independent Educational Evaluations

The following policy draft was discussed and will be brought back to the Policy Committee on March 23, 2018 for further discussion.

IIB	Class Size
-----	------------

Review/Revise Policies:

The following policies were tabled and will be reviewed at the March 23, 2018 Policy Committee meeting.

IHBGB	Model Supplemental Statement of Rights for Private School Students with Disabilities
GDO	Evaluation of Support Staff
IKC	Transcripts and Academic Achievement
JFABD	Admission of Homeless Students
JFC	Dropout Prevention Student Withdrawal from School

The next meeting will be held on March 23, 2018 at 10:00 a.m.

Submitted by: Cynthia Alexander



Durham • Freeport • Pownal

12.A.

TO: Kathryn Brown, Jeremy Clough, Candace deCsipkes, Jennifer Galletta, Naomi Ledbetter, John Morang, Michelle Ritcheson, Lindsay Sterling, Valeria Steverlynck, Madelyn Vertenten, Sarah Woodard, Benjamin Morang, Carter Jedrey-Irvin

CC: Julie Nickerson, Lisa Demick, Hiram Sibley, Ray Grogan, Erin Dow, Dennis Ouellette, Will Pidden, Craig Sickels, Seth Thompson, David Watts, Jen Gulko, Bonnie Violette, Emily Grimm, Darren Carter, Charlie Mellon, Michelle Lickteig, Anne-Marie Spizzuoco, Beth Daniels, Deanna Coro, Diana Passmore, Dorothy Curtis, Eugenia O'Brien, Hank Ogilby, Lisa Blier, Linda Pritchard, Nancy Drolet, Nancy Dyer, Jessica Sturges, Laurie Allen, Crystal Boucher

FROM: Cynthia Alexander, Assistant Superintendent of Curriculum, Instruction, and Assessment

DATE: March 19, 2018

RE: Review/Update of Policies

At the March 28, 2018 RSU5 Board of Directors Meeting, the following policies will be on the agenda for 1st Read. The policies are attached.

1st Read Policies

BEDBA – Agenda Format
IHBAI – Independent Educational Evaluations

The following policies were reviewed with no recommended revisions and require no Board action.

IHA – Basic Instructional Program
IHBG – Home Schooling
IHBGA – Home Schooling – Participation in School Programs

AGENDA FORMAT

The order of business at regular Board of Directors meetings shall be as follows:

- | | |
|--|---------------------------------------|
| A. Call to Order | <u>1. Call to Order</u> |
| B. Pledge of Allegiance | <u>2. Attendance</u> |
| C. Attendance | <u>3. Pledge of Allegiance</u> |
| D. Consideration of Minutes | <u>4. Consideration of Minutes</u> |
| E. Adjustments to the Agenda | <u>5. Adjustments to the Agenda</u> |
| F. Good News & Recognition | <u>6. Good News & Recognition</u> |
| G. Reports from Administrators/Education Committees | <u>7. Public Comments</u> |
| H. Report from Superintendent | <u>8. Reports from Superintendent</u> |
| I. Public Comments | <u>9. Administrator Reports</u> |
| J. Unfinished Business | <u>10. Board Committee Reports</u> |
| K. New Business | <u>11. Policy Review</u> |
| L. Financial Reports | <u>12. Unfinished Business</u> |
| M. Communications | <u>13. New Business</u> |
| N. Board Comments | <u>14. Personnel</u> |
| O. Personnel | <u>15. Public Comments</u> |
| P. Policy Review | <u>16. Adjournment</u> |
| Q. Adjournment | |

The order of business may be altered or items added or deleted from the agenda by a majority of Board members present.

Cross Reference: BEDB - Agenda Preparation and Dissemination

Adopted: November 18, 2009
Reviewed: March 23, 2011
Reviewed: January 22, 2014
Revised: _____

INDEPENDENT EDUCATIONAL EVALUATIONS

~~A parent of a student with disabilities has a right to obtain an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the local school unit. An "independent educational evaluation" means an evaluation conducted by a qualified examiner who is not employed by the local school unit.~~

~~If a parent requests an independent educational evaluation at public expense to challenge an evaluation obtained by the local school unit, the school must provide a written response to that request within a reasonable period, not to exceed 30 days of the receipt of the request, and shall, without unnecessary delay, either (1) initiate a hearing with the Maine Department of Education to show that its evaluation is appropriate, or (2) ensure that an independent educational evaluation is provided at public expense, unless the local school unit demonstrates in a hearing with the Maine Department of Education that the evaluation obtained by the parent did not meet agency criteria.~~

~~If a parent requests an independent educational evaluation at public expense, the public agency may ask for the parent's reason why he/she objects to the local school unit's evaluation. However, the explanation by the parent may not be required, and the local school unit may not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the local school unit's evaluation.~~

~~If the independent 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 local school unit uses when it initiates an evaluation.~~

~~The local school unit shall provide to the parent, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained and information about the school's criteria applicable to independent educational evaluations at public expense.~~

~~If the parent obtains an independent educational evaluation at private expense, the results of the evaluation must be considered by the local school unit, if that evaluation meets the local school unit's criteria for independent educational evaluations, in any decision made with respect to the provision of a free appropriate public education for the child.~~

~~If the parent requests an independent evaluation at public expense when the parent does not disagree with an evaluation provided by the local school unit, or when the school has not recently provided an evaluation in the area requested, the parent request shall be referred without unnecessary delay to the PET to determine whether the PET should order an evaluation in the area requested.~~

Legal Reference: ~~34 CFR § 300.502 (March 1999)~~
 ~~Ch. 101 §§ 9.19, 12.5 (Nov. 1999) (Me. Dept. of Ed. Rules)~~

Adopted: June 24, 2009
 Reviewed: April 25, 2012

SPECIAL EDUCATION INDEPENDENT EVALUATION POLICY

RSU No. 5 has adopted this policy regarding special education independent educational evaluations, consistent with state and federal special education regulations.

An independent educational evaluation is an evaluation conducted by a qualified examiner who is not employed by RSU No. 5. An independent educational evaluation at public expense means that the school either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent. Qualified examiners in private practice under contract with the school unit who have not previously evaluated, instructed or provided consultation regarding a particular student are eligible to provide an independent educational evaluation of the student.

A parent has a right to obtain an independent evaluation at public expense when they disagree with the evaluation done by the school, as set forth below.

If a parent requests an independent educational evaluation at public expense, the school unit may ask for the parent's reason why he or she objects to the public school's evaluation. However, the school unit may not require the parent to provide an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or denying the request and filing for a due process hearing to defend the public school's evaluation.

A parent is entitled to only one independent educational evaluation at public expense each time the school conducts an evaluation with which the parent disagrees, but only if other conditions in this policy are also met.

If RSU No. 5 refuses to provide an independent evaluation at public expense, then the school unit must initiate a due process hearing within 30 days of receiving the request. If the hearing officer upholds the appropriateness of the school unit's evaluation, then the parents shall be fully responsible for the cost of the independent evaluation. If the hearing officer concludes that the school unit's evaluation was not appropriate, then the school unit must pay for the cost of the independent educational evaluation.

The following criteria must be met if the school unit is going to approve an independent evaluation at public expense. Unique circumstances may justify deviation from these criteria. If a parent or school staff member is aware of such unique circumstances, they should inform the student's case manager or the Director of Instructional Support immediately.

1. RSU No. 5 will provide to parents, upon request for an independent educational evaluation, information about where an independent evaluation may be obtained, and the criteria set forth in this policy for obtaining an independent evaluation at public expense.

2. For an independent educational evaluation to be funded at public expense, it must meet the following conditions:

A. The parents must be in disagreement with a school-ordered evaluation;

- B. The contested school evaluation is inappropriate in the opinion of the Director of Instructional Support;
 - C. The proposed independent evaluator is appropriately qualified professional to conduct the type of evaluation being considered;
 - D. The person or agency completing the independent evaluation submits a written report that conforms to all the requirements for written evaluations set forth in Maine special education regulations, currently found at MUSER V;
 - E. A complete copy of the independent evaluation has been provided to RSU No. 5 before payment;
 - F. The evaluator has reviewed relevant educational records as part of the evaluation.
 - G. Unless otherwise determined by the members of the child's IEP Team, the evaluator has either: a) observed the child in one or more educational settings; or b) made at least one contact with the child's general education teacher for the purpose of determining how the student is progressing in the general curriculum. Evaluators are encouraged to make additional contacts with other involved general and special education teachers and related service providers.
 - H. The evaluator is permitted to directly communicate and share information with members of the IEP Team, the Director of Instructional Support, and the Director's designees. The evaluator must also release the assessments and results, including any parent and teacher questionnaires, to members of the IEP Team, the Director of Instructional Support, and the Director's designees.
 - I. RSU No. 5 shall be entitled to inspect and obtain copies of the evaluator's records, including any records created by third parties. However, those records will not be deemed accessible to any school personnel other than the evaluator, unless and until the School Department exercises its right to inspect or obtain copies of those records from the evaluator.
3. The Director of Instructional Support will respond within 30 days of receipt of a request for an independent evaluation at public expense. In the event that the Director is denying the request, the Director must also file for a due process hearing prior to the conclusion of that same 30-day time period.
4. A parent cannot request an independent evaluation at public expense in response to a school evaluation that is more than two years old. When the parent requests an independent evaluation at public expense in an assessment area that has not been evaluated by the school, the RSU No.5 shall notify the parent that it cannot approve or deny such a request until after the school has had the opportunity to complete a school-ordered evaluation in the area requested. The Director of Instructional Support should refer the question of additional school-ordered evaluations in the areas of concern to the IEP Team.

5. A qualified examiner is permitted to observe a child at school or at a potential educational placement when the qualified examiner is not employed by the school and is conducting an independent educational evaluation at the request of the parent, at times and durations as the school would permit a qualified examiner that is employed by the school.

6. If a parent provides RSU No. 5 with a copy of an independent educational evaluation, the IEP team will consider the evaluation whether or not that evaluation is provided at public expense. RSU No. 5 will not accept or rely on any independent educational evaluation that does not meet state regulatory criteria for evaluations.

Legal Reference: Maine Unified Special Education Regulations, Maine Unified Special Education Regulations ("MUSER") Ch. 101, § V (2015); 34 C.F.R. § 300.502 (2006)

Adopted: June 24, 2009

Reviewed: April 25, 2012

Revised: _____