

	<p align="center"><b>MENTAL RETARDATION BULLETIN</b> COMMONWEALTH OF PENNSYLVANIA * DEPARTMENT OF PUBLIC WELFARE</p>
	<p><b>SUBJECT</b></p> <p>Abatement for Liability For Psychological Evaluations</p>
<p><b>BY</b> Steven M. Eidelman, Deputy Secretary for Mental Retardation</p>	<p><b>BY</b> Martha B. Knisley, Deputy Secretary for the Office of Mental health</p>
<p><b>NUMBER:</b></p>	<p>00-89-17</p>
<p><b>ISSUE DATE:</b></p>	<p>September 14, 1989</p>
<p><b>EFFECTIVE DATE:</b></p>	<p>September 14, 1989</p>

**SCOPE:**

County Mental Health/Mental Retardation Administrators Base Service Unit Directors.

**PURPOSE:**

The purpose of this bulletin is to provide information about the abatement of liability for psychological evaluations for due process hearings for educational placement.

**BACKGROUND:**

The Department of Public Welfare Bulletin #1383, supplement #1 dated June 24, 1976, waived parental liability for Psychological Evaluations performed in connection with Due Process Hearings for educational placement. This is consistent with the Department's responsibility to assist persons of school-age with mental retardation or emotional disturbances to secure an appropriate educational program in accordance with the Right to Education Consent Agreement, Civil Action 71-42, entered on June 18, 1971 by the Federal District Court for Eastern District of Pennsylvania. This bulletin is consistent with Public law 94-142, The Education of the Handicapped Act, and 45 CFR, Section 121a.503.

**DISCUSSION:**

In accordance with Section 504 of the Mental Health/Mental Retardation Act of 1966, the office of mental retardation and the Office of Mental health of the department of Public Welfare abates liability for one independent Psychological Evaluation (e.g tests, batteries, etc.) performed by a certified public school psychologist or licensed psychologist through the county whenever the evaluation is required in connection with a "Due Process hearing" regarding the educational placement of a child with a mental handicap.

Services will be provided only through the established procedures of the County /mental health/Mental Retardation Program and by Base Service Unit personnel or qualified personnel contracted by the County Mental Health/Mental Retardation Office. All requests are to be verified by the responsible public school district.

**OBSOLETE BULLETIN:**

Mental Retardation Bulletin #99-83-03 titled, "DPW Policy Pertaining to the Abatement of Liability for Psychological Evaluations for Due Process Hearings for Educational Placement" effective February 10, 1983.

<p><b>COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:</b></p> <p>Appropriate Regional Mental Retardation Program Manager or the Appropriate Mental Health Area Director.</p>
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