

INDEPENDENT EDUCATIONAL EVALUATION (IEE)

Independent Educational Evaluations are addressed in the Federal Regulations that implement the Individuals With Disabilities Education Act (IDEA). See 20 U.S.C. § 1415(a) (2001); 34 C.F.R. §§ 300.502, 300.532 (2001); Wis. Stat. §§ 115.792(3)(b), 115.80(1)(b).

An independent educational evaluation ("IEE") is an evaluation conducted by a qualified examiner who is not an employee of the child's school district. A parent has a right to an IEE at public expense if the parent disagrees with an evaluation conducted by the district. For purposes of this policy, "Evaluation" means the procedures used to determine whether a child has a disability and the nature and extent of the special education and related services the child needs. A parent's right to an IEE is available each time the district conducts an educational evaluation, including the child's pre-placement evaluation, the triennial reevaluation, or more frequent reevaluations conducted at the request of the child's parent or teacher or if conditions warrant it. An IEE may be provided at public expense if the parents disagree with the evaluation because they believe that the child has not been assessed in all areas related to the suspected disability.

If the parent refuses to consent to a proposed evaluation initiated by the district, an IEE at public expense is not available because there is no public evaluation with which the parent can disagree. If the parent believes the proposed public evaluation is inappropriate, he or she may pursue an appropriate publicly-funded evaluation via the mediation or due process procedures provided under the law.

In the event the district receives a parent request for an IEE, the district must, without unnecessary delay, either provide the IEE at public expense per this policy or initiate a due process hearing to challenge the parent's request and show that its evaluation is appropriate. If the final decision in the due process hearing is that the district's evaluation is appropriate, the parent still has a right to an IEE, but not at public expense. Parents are entitled to only one publicly funded IEE for each evaluation completed by the school district. IEEs at public expense are to be conducted pursuant to the same criteria that apply to evaluations conducted by the school district.

If a parent notifies the district before of their request for an IEE, the Director of Special Education may recommend that the parent and the district develop an evaluation plan. The purpose of an evaluation plan is to encourage genuinely independent, unbiased IEEs that are valuable to both the parent and the district staff members of the IEP team. The district, however, will not deny a publicly funded IEE because a parent refuses to participate in this process.

The results of an independent educational evaluation obtained by a parent at public or private expense will be considered by the district in any decision made with respect to the provision of a free, appropriate, public education to the child if it meets the district's

criteria. However, because no single assessment or procedure may be used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate education program for the child, the results of an IEE cannot be the sole determining factor for eligibility and individualized education programs.

Parent(s) must sign a Release of Information form enabling the district to communicate with and send the child's records to the IEE examiner. The IEE examiner shall provide the district with a copy of the IEE examiner's evaluation report when such report has been completed. The IEE report will be considered by the child's IEP team.

LEGAL REF: Chapter 115, Subchapter V Wisconsin Statutes
Section 118.13
PI 11, Wisconsin Administrative Code
Section 504 of the Rehabilitation Act of 1973
Individuals with Disabilities Education Act
Americans with Disabilities Act of 1990

CROSS REF: 411, Equal Educational Opportunities
342.1, Special Education Programs
Section 504 Plan
Special Education Handbook

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