

**NEW POLICY - VOL. 34 NO. 2****INDEPENDENT EDUCATIONAL EVALUATIONS**

Parents of a student with a disability, as defined by the Individuals with Disabilities Education Improvement Act ("IDEIA"), have the right to obtain an independent educational evaluation ("IEE") subject to the criteria set forth in this Policy. Parents have the right to an IEE at public expense if they disagree with an evaluation completed by the District. Evaluation for this purpose refers to the complete evaluation from the District, not to individual components of an evaluation. A parent is only entitled to one (1) publicly-funded IEE per evaluation with which the parent has disagreed. The District may file a due process complaint if it believes that the disputed evaluation is appropriate. **(X)** If the request for an IEE comes one (1) year or more from the date of completion of the District's evaluation, the District may seek to complete a reevaluation prior to granting the parents' request for an IEE.

An IEE is an evaluation conducted by a qualified person who is not a regular employee of the District. The law providing for IEEs does not impose requirements on the District to accept findings or to implement recommendations set forth in IEEs. The results of an IEE will be considered by the IEP team, along with other data, as long as the evaluation meets certain criteria.

If a parent requests an IEE at public expense, the parent may be asked for a reason why he/she objects to the District's evaluation. Unless the District chooses to initiate a due process hearing, the District will respond to the parents' request in a manner that allows the IEE to be provided at public expense in a timely manner.

Evaluations are designed to meet the individual needs of a child. As a result, each evaluation is different. The law allows the District to impose criteria that all IEEs must meet. These criteria are the same as the District uses when it initiates an evaluation. All IEEs, regardless of who funds them, must meet the following criteria:

- A. The evaluator must be qualified and able to perform an unbiased evaluation. Qualifications include both a college degree and the appropriate license, certificate, or other credential for his/her area of practice. **(X)** See AG 2460.03.
- B. The evaluator must have experience or specialized training to work with children with disabilities.
- C. The evaluation must take place within     **100**     **miles** **[insert geographic limitation]**. This requirement may be waived or modified in special circumstances when unique diagnostic expertise is warranted, provided the parents demonstrate the necessity of using an evaluator outside the specified geographic area.

- D. If publicly-funded, the cost of the evaluation must be within the range of reasonable market prices for such an evaluation. The reasonable market price will vary based upon each child's unique needs. **[NOTE: SELECT EITHER OPTION A OR OPTION B]** **[OPTION A]**  However, all evaluations that cost a total of \$ **1,000** **[insert dollar amount]** or less will be deemed to be within the reasonable market range. An evaluation that will cost more than this threshold must be discussed with the District in advance for an individual determination of whether it is reasonable. **[END OF OPTION A] [OPTION B]**  The cost of the IEE will be based upon some of the following criteria: (a) the amount of testing to be done; (b) the time it takes to administer each test; and (c) the time it takes to interpret and write up a meaningful report. **( )** The cost of the IEE shall not exceed the maximum fees identified in AG 2460.03 without prior consent of the Superintendent or his/her designee. **[END OF OPTION B]** Unreasonable costs for travel, lodging, etc., will not be reimbursed. Costs above customary amounts will be approved only if the parent demonstrates that the costs reflect a reasonable and customary rate for such evaluative services, or if the parents demonstrate that there are other factors that make the extraordinary costs necessary. The District must be provided with a copy of a detailed bill itemizing all charges and costs of the IEE and related report, the amount of time in hours/minutes spent conducting and preparing the IEE and related report, the times spent on any other services billed to the District, and indicating specifically what person or persons performed each task or item billed to the District. A copy of the IEE report and the detailed bill must be submitted to the District within sixty (60) days of the date of completion of the IEE.

- E. The evaluator must make at least one (1) thirty (30) minute observation of the child in his/her educational setting. If the child receives any services at a District-operated school, one (1) observation must be conducted at the school.
- F. The observation requirement will be waived for any evaluation that is presented strictly for purposes of clinical diagnosis of a disability.
- G. The complete written evaluation results must be delivered directly from the evaluator to the District. Evaluation reports that have been redacted, altered from their original form, or contain incomplete or missing information are not accepted. The parent must sign a release of the parent's right to confidentiality of information and a release of any privilege regarding information related to the IEE to permit consultation and discussion between District staff and the independent examiner with regard to the IEE.
- |  The District may request that the evaluator attend the IEP team meeting to present the results of his/her evaluation.
- H. Test interpretations and conclusions stated in the written report must be directly and clearly supported by the data. Recommendations made as a result of the evaluation must be educationally relevant and realistic within an educational setting.

A parent who seeks a waiver from any of the criteria in this policy must present evidence to the IEP team that the child's unique disability requires the waiver. The Superintendent may waive application of one (1) or more of the criteria set forth above when the Superintendent determines that the individual needs of the child and unique circumstances justify such a waiver. Parents will be provided the opportunity to demonstrate these unique circumstances to the Superintendent.

The results of the IEE will be considered in making educational decisions as required by the IDEIA and/or Section 504 of the Rehabilitation Act of 1973.

In order for an IEE to be publicly-funded, the parent must disagree with an evaluation that has been conducted by the District.

Upon request, the District will provide a parent with information regarding where an IEE may be obtained. This information will differ based on the unique needs of each child and may not be an exhaustive list.

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