

INDEPENDENT EDUCATIONAL EVALUATION

An independent educational evaluation is an activity conducted pursuant to federal and state laws, which establish certain procedures to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free appropriate public education under 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 school 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 school district conducts an educational evaluation, including the child’s preplacement 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 school 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, they may pursue an appropriate publicly-funded evaluation via the mediation or due process procedures provided under the law.

In the event the school district receives a parent request for an IEE, the school 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 school 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.

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

Legal Ref: Individuals with Disabilities Education Act (IDEA) Sec. 34 C.F.R.; S300.502 (1999); 115.80, 115.797 WSS
Cross Ref: 342.11 Rule Procedure to Obtain an Independent Educational Evaluation at Public Expense; Special Education Policy Handbook
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