

342.11 - Individualized Education Evaluations (IEEs)

When the School District of Auburndale is responsible under the IDEA for the education of the child in question, "independent educational evaluation" (IEE) means an evaluation conducted by a qualified examiner who is not employed by the District. A parent has the right to an IEE at public expense if the parent disagrees with an evaluation that the School District of Auburndale conducted. 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. In the event the School District of Auburndale receives a parent request for an IEE, the District must either provide the IEE at the expense of the District pursuant to this policy or request a due process hearing to show that its evaluation is appropriate. The IEE must meet the School District of Auburndale's criteria for IEEs, which are the same criteria that the District uses when it conducts its own evaluations. If the District requests a due process hearing and the hearing officer determines that the District's evaluation is appropriate, the parent still has the right to an IEE, but not at public expense. Parents may only request one publicly funded IEE for each evaluation completed by the School District of Auburndale.

While the parent generally has the right to select the evaluator for an IEE, the evaluation obtained by the parent must meet the School District of Auburndale's established evaluation criteria for IEEs. To the extent consistent with the parental right to an IEE and subject to any exceptions that are made based on a demonstration of unique circumstances, the criteria under which an IEE is obtained must be the same as the criteria that the School District of Auburndale uses when it initiates an evaluation for the same purpose.

A parent is entitled to only one IEE at public expense for any School District of Auburndale-arranged IDEA evaluation with which the parent disagrees. However, a parent may always obtain an educational evaluation for his/her child at his/her own cost. If a parent presents the results of a non-publicly funded evaluation to the School District of Auburndale, the District shall, to the extent required by and consistent with applicable law, consider the results in connection with decisions made with respect to the child.

The Special Education Director, in consultation with the District Administrator and other staff as needed, shall have primary administrative responsibility for the following:

1. Ensuring that the School District of Auburndale has appropriate procedures in place for receiving and responding to parent notifications that the parent is seeking an IEE at public expense.
2. Ensuring that the School District of Auburndale develops, maintains, and appropriately provides to parents, information about where an IEE may be obtained and the School District of Auburndale's criteria applicable to IEEs.

3. Overseeing the School District of Auburndale's response to any actual parent notification that the parent is seeking an IEE at public expense.

In situations where the individual with a disability has reached the age of 18 and has not been adjudicated incompetent under state law, the adult student with a disability (or suspected disability) stands in the place of the parent for purposes of this policy and any related procedures, except that the School District of Auburndale shall provide notices related to IEEs to both the parent and the adult student to the extent required by law.

Legal References:

Wisconsin Statutes

<u>Chapter 115, Subch. V</u>	[educational programs and services for children with disabilities]
<u>Section 115.792(3)(b)1</u>	[notice of procedural safeguards to include right to independent educational evaluation]
<u>Section 115.80(1)(b)</u>	[district authority to file for a hearing to contest the payment of an independent educational evaluation]
<u>Section 118.13</u>	[student nondiscrimination]

Wisconsin Administrative Code

Chapter PI 11 [educational programs and services for children with disabilities]

Federal Law

<u>20 U.S.C. Chapter 33</u>	[Individuals with Disabilities Education Act (IDEA); programs and services for students with disabilities; IDEA regulations at <u>34.C.F.R. Part 300</u>]
<u>34 C.F.R. §300.502</u>	[federal regulation on independent educational evaluations]

Cross References:

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