

Procedures for the Provision of Independent Educational Evaluations (IEES) AT LEA's Expense

Purpose

The purpose of this policy is to detail a process for responding to a parental request for Clay County Schools to fund an independent educational evaluation (IEE). In addition, provision of copies of these guidelines to parents will meet the IDEA's requirement to provide necessary information to parents when they request an IEE, including information about where an IEE may be obtained and Clay County Schools' criteria applicable to IEEs.

The Parental Right to an IEE

Under the IDEA and West Virginia Board of Education Policy 2419, a parent has the right to an IEE at public expense only when the parent disagrees with an individual evaluation completed or obtained by Clay County Schools. If Clay County Schools has not conducted or obtained an evaluation of the student, the parental right to an IEE does not arise until Clay County Schools has completed its evaluation. If the request for an IEE is made one calendar year or more from the date of completion of Clay County Schools' evaluation, Clay County Schools may seek to complete a reevaluation prior to agreeing to fund an IEE.

A parent is entitled to only one IEE at public expense each time Clay County Schools conducts an individual evaluation(s) with which the parent disagrees.

Definition of an IEE

An IEE is an evaluation conducted by a qualified evaluator who is not an employee of Clay County Schools. The IEE is funded by Clay County Schools or otherwise provided at no cost to the parent of a student with a disability. The purpose of an IEE is to determine a student's eligibility for special education or related services and to assist in planning to meet a student's educational needs.

Clay County Schools' General Response to a Request for an IEE

If a parent requests an IEE at public expense, Clay County Schools must, without unnecessary delay, either 1) file a due process hearing request to show that its evaluation is appropriate 2) request West Virginia Department of Education mediation when the parents agree to mediation or 3) agree to fund the IEE and ensure that the IEE is provided, unless Clay County Schools demonstrates in a due process hearing that the evaluation obtained by the parent did not meet agency criteria. If the final decision in a due process hearing is that Clay County Schools' evaluation is appropriate, the parent continues to have the right to an IEE, but not at public expense.

Specific procedures for responding to a request for an IEE are set forth below and are to be followed when a parent makes a request for an IEE.

Consideration of IEE Results

If a parent obtains an IEE at public expense or shares with Clay County Schools an evaluation obtained by the parent at private expense, the results of the evaluation will be considered by Clay County Schools in any decision made with respect

to the provision of FAPE to the student, if it meets agency criteria applicable to evaluations. However, Clay County Schools is not required to adopt the findings or recommendations contained in an IEE.

Specific Procedures for Responding to a Request for an IEE

Parents are encouraged to notify Clay County Schools and ask for funding prior to obtaining an IEE. However, Clay County Schools will not necessarily deny funding or reimbursement for an IEE already obtained, as long as the IEE meets Clay County Schools evaluation criteria *[Appendix A]*.

All parental requests for an IEE must be made in writing and forwarded to Clay County Schools' Special Education Director or designee for decision. When a parent makes a request for an IEE, a copy of these Guidelines, the Request form for an IEE, Clay County Schools evaluation criteria and Clay County Schools' list of qualified evaluators must be provided to the parent. The refusal of a parent to complete the Request for IEE form cannot ultimately serve as a basis for unnecessarily delaying the funding decision if an otherwise proper request for an IEE has been made.

Upon receipt of the Request for an IEE, the Special Education Director or designee will decide whether the requested IEE will be publicly-funded, whether to seek West Virginia Department of Education mediation or, whether Clay County Schools will seek a due process hearing to obtain a ruling that its evaluation is appropriate or that the parents' privately-funded IEE (if they have already obtained one) does not meet Clay County Schools criteria. Once it is clear to Clay County Schools that the parent disagrees with an evaluation conducted by Clay County Schools and has properly and clearly requested an IEE, a decision will be made, without unnecessary delay, as to whether it will be funded. Generally, the time period for responding to the request will be 30 school days.

In selecting an evaluator to conduct the IEE, a parent may choose from Clay County Schools' list of qualified evaluators. Parents may select an evaluator that does not appear on the list but must ensure that the IEE performed otherwise meets Clay County Schools' criteria, including those related to the qualifications of the evaluator, the cost and location of the evaluation and the criteria for performing evaluations. Should the parent's requested IEE not meet criteria, the parent will be given the opportunity to provide an explanation of any unique circumstances that exist that would justify any deviation from the criteria.

Once the parent has selected an independent evaluator from Clay County Schools' approved list or has identified another evaluator that meets Clay County Schools' criteria or is otherwise approved pursuant to the guidelines, the Special Education Director or designee will contact the evaluator in order to make appropriate contractual arrangements for the evaluation.

If Clay County Schools decides to refuse funding for the IEE, prior written notice of the refusal shall be provided to the parent and a request for due process hearing will be initiated by Clay County Schools.

Appendix A – Parental Request for an Independent Educational Evaluation

Appendix B – Applicable Criteria for Independent Educational Evaluations

Appendix C – List of Approved Evaluators and Contact Information

Appendix D – Independent Educational Evaluations Minimum Qualifications/Criteria for Evaluators

Appendix E – Clay County Schools' Response to Written parental Request for an Independent Educational Evaluation