

Definition.

An Independent Educational Evaluation (IEE) means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of the child.

Policy.

Upon request by a parent, the school district shall provide information regarding where an IEE may be obtained, as well as the district's guidelines relating to such an evaluation.

Rational.

A parent has a right to an IEE at the school district's expense, if the parent disagrees with the educational evaluation conducted by the district. However, the district may require a hearing to determine whether or not the initial evaluation was appropriate. If the finding is for the district, the parent may proceed with an IEE at their cost.

Guidelines.

A request for an IEE at the district's expense will not be approved if the child is not enrolled in the district, or if the child is not currently receiving special education or related services through a district owned or contracted special education program.

In all cases of disagreement, the district will notify the parent(s)/guardian of the right to an IEE. The parent will be required to submit a written request for an IEE to the district's administrator or special education director/coordinator. The written request shall include:

- I. Student information (name, date of birth, grade).
- II. Reference to the specific type(s) or location of evaluation requested.
- III. The nature of any current dispute.

IV. A list of questions that remain to be answered through the evaluation in order to plan appropriate educational interventions for the student.

V. Other information germane to the case.

If the district's decision is that an IEE is appropriate, the parent(s) or guardian will receive a written response from the district within ten (10) school days from receipt of the request. The state approved evaluator(s) will also be notified in writing of the authorization by the district. The district representative will notify the Multidisciplinary Team (MDT) members which approved agency or individual has been selected to conduct the evaluation. The district representative will request a copy of the evaluation and ensure that the findings are shared with the parent(s) or guardian and the district's MDT in a timely and cost efficient manner.

If the district decides that the request for an IEE is inappropriate, the parent(s) or guardian will be notified of the denial in writing. The parent(s) or guardian may initiate their right of appeal through Rule #55 or utilize the district appeal process.

When a parent(s) or guardian requests an IEE, the child will remain in his/her current educational placement until the requested appeal is resolved.

Whenever an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation, the qualifications of the evaluator(s), and the criteria which the district used when the initial evaluation in disagreement was conducted, will remain the same as the school district's evaluation process.

The qualifications of the evaluator will be in accordance with 92 NAC, and must be the same as the criteria that the school district used when conducting the initial evaluation. Locations of any evaluator shall be within a reasonable distance of the local district. Evaluators considered first will be from the district's ESU, next will be surrounding ESU's, followed by the Lincoln or Omaha area. These examiners will be those whose rates have been approved by the Nebraska Department of Education. The district may restrict the parent(s) or

guardian to selecting evaluators from the state approved agencies or individuals.

The district will pay reasonable travel expenses for the child being evaluated and one parent or guardian. In addition, the district will establish maximum allowable charges for the IEE. Maximum allowable charges for an IEE will allow the parent(s) or guardian to choose from qualified professional agencies or persons in the designated area and will eliminate unreasonable and/or excessive fees.

The district may initiate a hearing under 92 NAC 55 to demonstrate that the evaluation conducted by the district is appropriate. If the hearing officer's final decision is that the evaluation is appropriate, the parent(s) or guardian maintains the right to an IEE, but not at the expense of the district. The district will consider all written, verified input, from an outside agency or individual in the provision of special education and related services if the parent obtains an evaluation at private expense. In addition the results of the evaluation may be presented as evidence at a hearing under the provisions of Rule 55 of the Nebraska Department of education regarding the child.

If the parent(s) or guardian obtain an IEE without notifying the district, the district will assume no financial responsibility for the evaluation if the district's evaluation is deemed appropriate.

If a hearing officer requests an IEE as part of a hearing, the cost of the evaluation shall be at the expense of the district.

Parents may be reimbursed for only one IEE if they seek an independent educational evaluation because of disagreement with the district's evaluation. Disagreement with findings of the IEE does not entitle parents to obtain another one at public expense.

Legal Reference: §79-1110
 through Special Education Act.
 §79-1184