

SMYRNA SCHOOL DISTRICT

District Policy

Article: 5000 Students

Title: Independent Educational Evaluation

Policy #: 5104

INDEPENDENT EDUCATIONAL EVALUATION

Independent Educational Evaluations (“IEEs”) are addressed in the Federal Regulations, which implement the Individuals with Disabilities Education Act (IDEA). See 34 C.F.R. § 300.502; DE *Admin. C.* §926.2.0.

An IEE is an evaluation conducted by a qualified examiner (“Examiner”) who is not an employee of a student’s school district. A parent has a right to an IEE at public expense if the parent disagrees with an evaluation that the school district 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 district receives a parent request for an IEE, the district must either provide the IEE at school expense pursuant to this policy or request a due process hearing to show that its evaluation is appropriate.

The IEE must meet district criteria for IEEs, which is 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 a 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.

Procedure to Obtain an IEE at Public Expense:

Written Request

The parents shall submit to the district administrator in charge of special education or principal a written request for an IEE. It is preferred that the request include an explanation of the parents’ reasons for objecting to the evaluation obtained by the district. However, the district will not deny parents a publicly funded IEE because they fail to provide the district with such a written request or fail to provide reasons for requesting an IEE.

Approved Examiners.

If a parent requests an IEE, the school district shall provide the following:

- A list of the names and addresses of IEE Examiners. The list will consist of IEE Examiners who, in the school district’s judgment, are qualified to perform the evaluation requested by the parents.
- A copy of this policy, which includes a description of the school district’s criteria for selection of IEE Examiners

Minimum Qualifications for IEE Examiners.

1. The prospective Examiner must meet the following criteria:

- hold a valid license in the field related to the known or suspected disability and in the areas to be evaluated;
 - have training in the administration of test instruments to be used;
 - have training in evaluation of the area(s) of concern and be able to interpret instructional implications of the evaluation results; and
 - provide documentation of extensive and recent training and experience related to the known or suspected disability, including but not limited to, a curriculum vitae within the last year.
2. The Examiner must agree in writing that he or she will complete the IEE within forty-five (45) school days or ninety (90) calendar days, whichever is less, of receiving written parental consent.
 3. The Examiner must complete an IRS Form W9.
 4. The school district shall permit parents to demonstrate that unique circumstances justify an exception to these criteria. If the school district believes there is no such justification, the school district will initiate a due process action.

For more information, parents may contact the Director of Special Education at 302-653-3135.

Revision Approved by Board of Education, May 8, 2019