


ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

MEMORANDUM

SEPTEMBER 25, 2006

TO: Carol Comeau, Superintendent
Rhonda Gardner, Assistant Superintendent, Instruction
Mike Henry, Executive Director, High School Education
Patricia McRae, Executive Director, Elementary Education
Leslie Vandergaw, Executive Director, Middle School Education
Dana Dugdale, Director, E.C.E. Special Education
Cindy Anderson, Director Secondary Special Education
School Principals

FROM: Jerry Sjolander,  Executive Director, Special Education

SUBJECT: Independent Educational Evaluations

When do parents have a right to request an Independent Educational Evaluation?

Parents of a child with a disability have the right to obtain an independent educational evaluation (IEE). An IEE is an evaluation conducted by a qualified examiner who is not employed by the Anchorage School District. The primary purpose of the independent educational evaluation is to determine eligibility, not to develop the IEP.

How do parents get information about independent evaluators?

The district provides, upon request, information to parents as to where an IEE may be obtained. Since IEEs at public expense must be conducted according to the same criteria that apply to evaluations conducted by the district.

The Anchorage School District utilizes two criteria:

- (1) Parent disagreement with an evaluation performed by district personnel for special education eligibility purposes and

(2) All IEE examiners must meet state credentialing criteria equivalent of the district staff in the same field.

The District, upon request, does provide parents with the district criteria for evaluations, including the location of the evaluation and the qualifications of the examiner. If a district's list of independent evaluators is not exhaustive within the geographic area, or if the list does not include evaluators who can appropriately evaluate a specific child, then the parents are not restricted to the district's list.

When does a parent have a right to an Independent Educational Evaluation at school district expense?

Under the following circumstances, a parent has the right to an IEE at public expense if the parent disagrees with an assessment obtained by the school district:

1. The district must first have had the opportunity to conduct an evaluation.

Note: If a parent requests an IEE, the district may ask about the parent's reason for objecting to the district evaluation. However, the explanation is not required and the district may not unreasonably delay either providing the IEE or initiating a due process hearing to resolve the issue.

2. Whenever an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria the district uses when it initiates an evaluation.
3. Parents are entitled to only one IEE at public expense for each district evaluation.
4. A due process hearing may be initiated by the district to determine if the evaluation conducted by the district was appropriate. If the final decision of a hearing officer (or a court of law if the hearing officer's decision is appealed) is that the evaluation conducted by the district is or was appropriate, the parent still has the right to an independent evaluation. However, the parent must pay for this evaluation.
5. If a hearing officer requests an IEE as part of a hearing, the evaluation must be at district expense.

Note: Since the right of a parent to obtain an IEE is triggered by the parental disagreement with the district's evaluation, an IEE at public expense would not be available if a parent refuses to consent to a proposed district evaluation since there would be no public evaluation for the parent to disagree with. If the parent believes the proposed public evaluation is inappropriate, the parent may pursue a publicly funded evaluation via the mediation, complaint, or due process procedures.

What can independent evaluators charge for evaluations?

To avoid unreasonable charges for IEEs, the District does allow parents to choose from among the qualified professionals in the area and will allow parents the opportunity to demonstrate that unique circumstances justify an IEE that does not fall within the district's criteria. If an IEE that falls outside the district's criteria is justified by the child's unique circumstances, that IEE must be publicly funded.

This list is available to parents through the Related Services at 742-6050.

How are IEE results utilized by the special education team?

If a parent obtains an IEE at **private** expense that meets the district's evaluation criteria and makes the results available to the district, the district in any decision made with respect to the provision of a FAPE to the child must consider the results. The results may also be presented as evidence at a hearing regarding that child.

What are the procedures for requesting an IEE?

If a parent wants to request an IEE at district expense, the parent should notify the district. The district must provide the parent with:

1. A list of independent evaluators.
2. The district's criteria for IEEs, including maximum allowable charges, if any.

What are the district responsibilities when responding to a parental request for IEE?

If a parent requests an IEE, the district may do take one of the following actions:

1. Propose mediation to resolve differences.

2. Agree to pay for an IEE.
3. Initiate a due process hearing to show that its evaluation was appropriate. The parent must be advised if he or she pursues an IEE, it may be at his or her expense.

After a parent has obtained an IEE, the district will take one of the following actions:

1. Pay for the evaluation/assessment if it meets the criteria for publicly funded IEEs. If the district believes the district evaluation was appropriate, this should be stated in writing within the same document in which it agrees to pay.
2. Provide written notice to the parent of the district's refusal to pay for an IEE that does not meet the criteria for publicly funded IEEs. The district must also inform the parent of his or her right to a due process hearing to challenge this decision.
3. Provide written notice to the parent of the district's refusal to pay for an IEE and request a due process hearing to demonstrate the district's evaluation or assessment was appropriate. The district does not have to pay for an evaluation if the hearing officer finds for the district.