


ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

MEMORANDUM

APRIL 30, 2010

TO: CAROL COMEAU, SUPERINTENDENT
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SCHOOL PRINCIPALS

FROM: JERRY SJOLANDER, EXECUTIVE DIRECTOR, SPECIAL EDUCATION 

SUBJECT: INDEPENDENT EDUCATIONAL EVALUATIONS

What is an IEE?

An "IEE" is an independent educational evaluation performed by a qualified examiner, who is not an employee of the school district, and paid for by the district. The primary purpose of an IEE is to determine eligibility of a student, not to develop an IEP. In addition, parents are entitled to only one IEE at public expense each time the district conducts an evaluation with which the parents disagree.

When may a parent request an IEE?

Parents may ask for an independent educational evaluation at district expense if they disagree with an evaluation completed by the school district. However, a parent is not entitled to an IEE at public expense if a parent refuses to consent to a proposed district evaluation since there would be no district evaluation for the parent to disagree with. If the parent believes an evaluation proposed by the district would not be appropriate, the parent may refuse to consent to the evaluation. If the district wants to proceed with the evaluation, it may, but is not required, to pursue mediation or the due process procedure.

What must the district do when a parent requests an IEE?

In response to a request for an IEE the district must either initiate a due process hearing to show that its evaluation was appropriate or offer to pay for an IEE and supply the parent with a list of independent evaluators and the district's criteria for IEEs. The district may also propose mediation to resolve differences.

The district must respond to the request within a reasonable time. The district may ask about the parent's reason for disagreeing with the district evaluation but an 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. If the district believes its evaluation is appropriate, it must request a due process hearing. Otherwise, the district must provide information about an IEE as described below.

The district may request a due process hearing to determine if its evaluation 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 was appropriate, the parent still has the right to an IEE. However, the parent must pay for the evaluation.

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

What information must the district provide in response to a parental request for IEE?

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 conducts an evaluation, unless an evaluation outside the district's criteria is justified by unique circumstances. The district must provide a list of independent evaluators and the district's criteria for IEEs, including the qualifications of the evaluators on its list. The list of evaluators can be obtained from the district Special Education or Related Services offices.

If the parent chooses an independent evaluator from the district's list and the proposed evaluation meets the district's criteria, the district will pay for the evaluation.

If the parent declines to choose an independent evaluator from the district's list, or proposes an evaluation that does not meet the district's criteria, the district will give the parent an opportunity to demonstrate that unique circumstances justify an IEE done by a different examiner or that does not otherwise fall within the district's criteria. If an IEE done by a different examiner or that otherwise falls outside the district's criteria is justified by the child's unique circumstances, that IEE must be publicly funded.

If the district concludes that an IEE done by a different examiner or that does not otherwise fall within the district's criteria is not justified by unique circumstances, the district must request a due process hearing and may also propose mediation.

What happens if the parent has already obtained an IEE?

If a parent has obtained an IEE and submits a request that the district pay for the IEE, the district will take one of the following actions:

- 1) Pay for the evaluation if it meets the criteria for a publicly funded IEE.

2) Provide written notice to the parent explaining why the district refuses to pay for an IEE and request a due process hearing to demonstrate the district's evaluation was appropriate. The district does not have to pay for an evaluation if the hearing officer finds the district's evaluation was appropriate.

Can the District place a limit on the amount it will pay for an IEE?

No. However, the District may establish maximum allowable charges for specific tests. If a District does establish maximum allowable charges for specific tests, the maximum allowable charges must not simply be an average of the fees customarily charged in the area by professionals who are qualified to conduct the specific test. The maximum allowable charges must also allow parents to choose from among the qualified professionals in the area and only eliminate unreasonably excessive fees. Finally, there must be an opportunity for parents 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.

At this time, the District will not set maximum allowable charges other than to request an IEE be completed by an appropriately licensed professional within Southcentral Alaska. If a parent seeks an out of state (or region) evaluation, the District will request a written justification for this IEE showing that it is justified by the child's unique circumstances. As noted above, if the district concludes that the out of state (or region) evaluation is not justified by unique circumstances, the district will request a due process hearing.

If the District decides to establish maximum allowable charges for specific tests, those maximum allowable charges will be set out in an addendum to this memorandum.