

CHARTER SCHOOL POLICY **INDEPENDENT EDUCATIONAL EVALUATIONS**

General

The parent has the right to obtain an independent educational evaluation (IEE) of the parent's child if the parent disagrees with the evaluation of the child that was obtained by the open-enrollment charter school.

If the parent requests an independent educational evaluation (IEE), the open-enrollment charter school must provide the parent with information about where the parent may obtain an independent educational evaluation and about the open-enrollment charter school's criteria that apply to independent educational evaluations (IEE).

Definitions

Independent educational evaluation (IEE) means an evaluation conducted by a qualified examiner who is not employed by the school responsible for the education of a student.

Public expense means that the open-enrollment charter school either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with the provisions of Part B of IDEA, which allow each State to use whatever State, local, Federal, and private sources of support are available in the State to meet the requirements of Part B of IDEA.

Right to Evaluation at Public Expense

The parent has the right to an independent educational evaluation (IEE) of the parent's child at public expense if the parent disagrees with an

evaluation of the child obtained by the open-enrollment charter school, subject to the following conditions:

- (1) if the parent requests an independent educational evaluation of the child at public expense, the open-enrollment charter school must, without unnecessary delay, either: (a) File a due process complaint to request a hearing to show that its evaluation of the child is appropriate; or (b) Provide an independent educational evaluation at public expense, unless the open-enrollment charter school demonstrates in a hearing that the evaluation of the child that the parent obtained did not meet the open-enrollment charter school's criteria.
- (2) if the open-enrollment charter school requests a hearing and the final decision is that the open-enrollment charter school's evaluation of the child is appropriate, the parent still has the right to an independent educational evaluation (IEE), but not at public expense.
- (3) if the parent requests an independent educational evaluation (IEE) of the child, the open-enrollment charter school may ask why the parent objects to the evaluation of the child obtained by the open-enrollment charter school. However, the open-enrollment charter school may not require an explanation and may not unreasonably delay either providing the independent educational evaluation (IEE) of the child at public expense or filing a due process complaint to request a due process hearing to defend the open-enrollment charter school's evaluation of the child.

The parent is entitled to only one independent educational evaluation (IEE) of the child at public expense each time the open-enrollment charter school conducts an evaluation of the child with which the parent disagrees.

Parent-Initiated Evaluations

If the parent obtains an independent educational evaluation (IEE) of the child at public expense or the parent shares with the open-enrollment

charter school an evaluation of the child that the parent obtained at private expense:

- (1) the open-enrollment charter school must consider the results of the evaluation of the child, if it meets the open-enrollment charter school's criteria for independent educational evaluations (IEE), in any decision made with respect to the provision of a free appropriate public education (FAPE) to the child; and
- (2) the parent or the open-enrollment charter school may present the evaluation as evidence at a due process hearing regarding the child.

Requests for Evaluations by Hearing Officers

If a hearing officer requests an independent educational evaluation (IEE) of the child as part of a due process hearing, the cost of the evaluation must be at public expense.

Open-Enrollment Charter School Criteria

If an independent educational evaluation (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 that the open-enrollment charter school uses when it initiates an evaluation (to the extent those criteria are consistent with the parent's right to an independent educational evaluation) (IEE).

Except for the criteria described above, an open-enrollment charter school may not impose conditions or timelines related to obtaining an independent educational evaluation (IEE) at public expense. (34 CFR 300.502(e))