

**MERCER COUNTY SCHOOLS  
Policy Comment(s) / Suggestion(s)**

**Policy: J-28**

**Independent Educational Evaluation (IEE)**

**Individual / Organization:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Comment(s) / Suggestion(s)**

**Please write your comments below in the sections that apply to the policy.**

**Use additional paper if necessary.**

**1.0 Purpose**

**Agree (reason)**

**Disagree (reason)**

This is a new policy.		
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**2.0 Definitions**

**Agree (reason)**

**Disagree (reason)**

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**3.0 Procedures**

**Agree (reason)**

**Disagree (reason)**

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**General Comments**

**Agree (reason)**

**Disagree (reason)**

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Return comments **NO LATER THAN July 13, 2021** to:

Dr. Kristal Filipek - Director, Human Resources

Mercer County Schools

1403 Honaker Avenue

Princeton, WV 24740

## INDEPENDENT EDUCATIONAL EVALUATION (IEE)

### 1.0 Purpose

This policy is designed to provide a process for responding to parent/guardian request(s) for the Mercer County Board of Education to fund Independent Educational Evaluations (IEEs). Additionally, copies of these guidelines provided to parents/guardians will meet the Individuals with Disabilities Education Act (IDEA) requirement to provide necessary information when they request an IEE, including information about obtaining an IEE, and the criteria for an IEE.

### 2.0 Definitions

- 2.1 **Due Process Hearing** – a process used to resolve disputes on any matter related to the identification, evaluation, and educational placement of a student or the provision of a Free and Appropriate Public Education (FAPE).
- 2.2 **Independent Educational Evaluation (IEE)** - an evaluation conducted by a qualified evaluator, who is not an employee of the Mercer County Board of Education, for determining a student’s eligibility for special education and related services and/or meeting the educational needs of a student who has already been identified as eligible for special education and/or related services.

### 3.0 Procedures

- 3.1 Under IDEA and West Virginia Board of Education Policy 2419, a parent has the right to an IEE at public expense *only* when the parent contends that an individual evaluation completed or obtained by the Mercer County Board of Education was inappropriate.
- 3.2 If the Mercer County Board of Education has not conducted or obtained an evaluation of the student, the parental right to an IEE does not arise until the Mercer County Board of Education has completed its evaluation.
- 3.3 A parent may be entitled to, at most, only one IEE at public expense each time the Mercer County Board of Education conducts an individual evaluation(s) with which the parent disagrees.

### 4.0 Administration

- 4.1 All parental/guardian requests for an IEE must be made in writing and forwarded to the Mercer County Board of Education’s Special Education Director and/or designee for decision. The refusal of a parent to complete a request for an IEE

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form cannot ultimately serve as a basis for unnecessarily delaying the funding decision if an otherwise proper request for an IEE has been made.

- 4.2 The Special Education Director and/or designee will decide whether the requested IEE will be publicly-funded, whether to seek West Virginia Department of Education mediation, or whether the Mercer County Board of Education will file for a due process hearing to obtain a ruling that its evaluation was appropriate or that the parent's privately-funded IEE (if they have already obtained one) does not meet the Mercer County Board of Education criteria. Once a parent/guardian clearly communicates that he/she disagrees with the Mercer County Board of Education evaluation and the parent has properly and clearly requested an IEE, a timely decision will be made.
- 4.3 A parent/guardian may choose from the Mercer County Board of Education's list of qualified evaluators located within a one-hundred (100) mile radius of the Mercer County Board of Education. Parents/Guardians may select an evaluator that does not appear on the list, but he/she must ensure that the IEE performed otherwise meets the Mercer County Board of Education's criteria, including those related to the qualification of the evaluator, the cost and location of the evaluation, and the criteria for performing evaluations. Once the parent has selected an approved independent evaluator, the Special Education Director or designee will contact the evaluator in order to make appropriate contractual arrangements for the evaluation to be performed and funded. An independent evaluator will not be paid for the independent evaluation until the Special Education Director receives a written evaluation report from the evaluator and, if necessary, the Special Education Director and/or designee, is given the opportunity to discuss the evaluation results with the evaluator.
- 4.4 If the Special Education Director and/or Designee refuses to fund an IEE at public expense, prior written notice of the refusal shall be provided to the parent/guardian and a request for a due process hearing may be initiated by the Mercer County Board of Education to prove that its evaluation is appropriate or that the IEE requested or obtained by the parent/guardian does not meet the Mercer County Board of Education's criteria.
- 4.5 The Mercer County Board of Education is not required to adopt the findings or recommendations contained in an IEE. Parents are encouraged to notify the Mercer County Board of Education and ask for funding prior to obtaining an IEE. However, the Mercer County Board of Education may not necessarily deny funding or reimbursement for an IEE already obtained by the parent as long as the IEE meets the Mercer County Board of Education's evaluation criteria,

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including cost and location of the evaluation and the qualifications of the evaluator that the Mercer County Board of Education uses when it initiates an evaluation.

4.6 All parties are responsible for compliance with this policy.

**5.0 Severability**

If any portion of this policy or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this policy.

Authority: WVDE Policy 2419

Source: §18-20-4; Individuals with Disabilities Education Act (IDEA)

Date(s):