



Information UPDATE

Department of Public Instruction/Elizabeth Burmaster, State Superintendent/P.O. Box 7841/ Madison, WI 53707-7841

BULLETIN NO. 01.04

September 2001

TO: District Administrators, CESA Administrators, CCDEB Administrators,
Directors of Special Education and Pupil Services, and Other Interested Parties

FROM: Carolyn Stanford Taylor, Assistant State Superintendent
Division for Learning Support: Equity and Advocacy

SUBJECT: Office of Special Education Programs Clarification Regarding Independent
Educational Evaluations

In March 1999 the department issued Information Update Bulletin 99.02 answering questions regarding Independent Educational Evaluations (IEEs). The bulletin notes that an IEE at public expense must meet the criteria the local educational agency (LEA) uses when it conducts its own evaluation and describes general parameters which apply to these criteria. Immediately after receiving complaints against four local educational agencies, the department sought guidance from the federal Office of Special Education Programs (OSEP) regarding setting IEE criteria. On September 10, 2001, the department received the attached letter in response to its inquiry.

In the letter OSEP states that an LEA may not establish IEE criteria:

- prohibiting an examiner's association with private schools, organizations that advocate the interests of parents, or organizations that advocate particular instructional approaches;
- disqualifying an examiner because of a history of consistently acting as an expert witness against public schools;
- requiring an examiner to have recent and extensive experience in the public schools.

OSEP acknowledges that an LEA may require an examiner to hold or be eligible to hold a particular state license when the agency requires the same license for its own staff who conduct evaluations. However, OSEP notes that requiring an evaluator to hold a DPI license in all instances may make it impossible for the LEA or the parents to obtain an evaluation of a child in all areas related to a suspected disability. OSEP cites as examples instances where there may be no state license, such as rehabilitation engineers or sensory deprivation therapists.

OSEP went on to state that an LEA is not permitted to make the final decision denying:

- payment of an IEE which costs more than the maximum amount for an IEE established by the agency;
- a request for an IEE to be conducted by an evaluator located outside the geographic area established in agency policy; or

- reimbursement of parent travel costs associated with an out-of-district evaluation.

In each instance, the agency must initiate a hearing to demonstrate that the evaluation obtained by the parent did not meet the agency's criteria.

Questions regarding this bulletin may be directed to the Special Education Team, at (608) 266-1781.

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Attachment

This information update can also be accessed through the Internet:

<http://www.dpi.state.wi.us/dpi/dlsea/een/bulindex.html>