

## INDEPENDENT EDUCATIONAL EVALUATION PROCEDURE

The parents of a student with a disability have the right to an independent educational evaluation (IEE) at the Department of Defense Education Activity (DoDEA) expense if the parents disagree with an evaluation obtained by the DoDEA school system. Parents are entitled to only one IEE at DoDEA expense in response to a DoDEA evaluation with which they disagree. To initiate the process for obtaining an IEE at DoDEA expense, parents must provide DoDEA with a written request. This written request does not have to provide an explanation as to why the parents disagree with the DoDEA evaluation. DoDEA may ask why the parents disagree with the DoDEA evaluation but may not compel the parents to provide an explanation.

Once DoDEA receives a qualifying request for an IEE, DoDEA has two options:

- 1.) Initiate a due process hearing, without unnecessary delay, and demonstrate that the DoDEA evaluation was appropriate. DoDEA must provide Prior Written Notice (PWN) refusing the IEE; or
- 2.) Agree to fund an appropriate IEE that meets the criteria DoDEA would use when conducting such evaluation as set forth in paragraph 19c (6) page 51 of Enclosure 4 of Department of Defense Manual (DoDM) 1342.12, "Implementation of Early Intervention and Special Education Services to eligible DoD Dependents," June 17, 2015, by providing PWN that indicates agreement to fund an IEE that meets agency criteria.

### **If DoDEA elects to initiate due process:**

If DoDEA initiates a due process hearing and the outcome is that the DoDEA evaluation is appropriate, the parents still have the right to an IEE, but not at DoDEA expense. If the parents share with DoDEA an IEE obtained at private expense, the Case Study Committee (CSC) must meet to determine whether the IEE meets DoDEA criteria. If it does, the CSC must consider the IEE findings in any decision made with respect to the provision of a free and appropriate public education to the student. DoDEA is not required to follow the findings but must consider the findings and provide PWN addressing any decisions made regarding the recommendations from the IEE.

### **If DoDEA elects to agree to fund an IEE:**

If DoDEA agrees to fund the IEE, DoDEA must act without unnecessary delay. DoDEA must provide the parents with the criteria that DoDEA requires for an IEE (see DoDEA criteria section below). DoDEA must also provide the parents with a list of qualified examiners that meet the DoDEA criteria. The parents are not required to use an examiner listed by DoDEA, but if the parent elects to choose their own examiner, DoDEA must approve that the examiner meets the criteria prior to agreeing to payment. The special education (SPED) instructional systems specialist (ISS) must alert the district procurement office of the potential payment that will be required (see procurement section below).

## **DoDEA Criteria for IEE:**

- 1.) The evaluation, when possible, must be conducted in the geographic area where the student resides, utilizing available qualified resources, including qualified evaluators employed by the Military Department, unless the parent can demonstrate to the satisfaction of the DoDEA school system (or in a due process hearing filed) that the geographic limitation renders the IEE impossible.
- 2.) The evaluation is to be administered by trained and knowledgeable personnel, in compliance with the instructions of the testing instrument.
- 3.) The evaluation is to be provided in the student's native language (or other mode of communication) and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to provide and administer.
- 4.) DoDEA may not impose conditions on the IEE that are inconsistent with the criteria it uses for conducting its own evaluations.
- 5.) The independent evaluator must:
  - select and administer a variety of assessment tools and strategies.
  - select and administer technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
  - select and administer instruments that are not racially or culturally discriminatory.
  - select and administer instruments that assess the extent to which the student with limited English proficiency has a disability and needs special education, rather than measuring the student's English language skills.
  - select and administer instruments that are validated for the specific purpose for which they are used or intended to be used.
  - select and administer instruments that assess specific areas of educational needs and strengths, and not merely to provide a single general intelligence quotient.
  - select and administer instruments that are to be administered to a child with impaired sensory, motor, or communication skills so that the results accurately reflect a child's aptitude or achievement level or other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills.

If the parent selects an evaluator that DoDEA does not believe meets the DoDEA criteria, DoDEA must provide PWN indicating its refusal to fund the IEE by the selected evaluator and explain why the evaluator does not meet DoDEA criteria. The PWN also must indicate that DoDEA is required to initiate due process per DoDM 1342.12 and the Individuals with Disabilities Education Act (IDEA). However, the SPED ISS should continue to work with the parent to facilitate selection of an evaluator that DoDEA agrees meets the criteria. If DoDEA and the parents cannot agree, DoDEA must request a due process hearing.

## **IEE already obtained by parents:**

If the parent has requested reimbursement for an IEE that the parent has already obtained, DoDEA must first determine whether the IEE meets the above-mentioned DoDEA criteria and

provide PWN outlining whether DoDEA is agreeing or refusing to fund the already obtained IEE (and why). If DoDEA refuses payment because DoDEA believes that the evaluation does not meet DoDEA criteria, DoDEA must request a due process hearing. If DoDEA agrees to fund the IEE, after determining that it meets DoDEA criteria, the SPED ISS must alert the district procurement office of the potential payment to the vendor selected by the parent and already conducted the IEE.

As stated above, the CSC must review and consider all IEEs, whether funded by DoDEA or obtained privately and funded by parents. DoDEA is not required to follow the findings of an IEE but must consider the findings and provide PWN addressing any decisions made regarding the recommendations from the evaluation.

#### Procurement of IEE:

Throughout the IEE process, the SPED ISS is to work closely with the district procurement office as soon as the parental request is received and prior to obligating DoDEA for payment.

- The Government Commercial Purchase Card (GPC) may be used for all IEEs where the total value of the IEE is under \$3,500.00 (the micro purchase threshold).
- In the Americas, if the total value of the IEE exceeds \$3,500.00, the SPED ISS shall submit a request to DoDEA Procurement to procure the specific vendor, and DoDEA Procurement will create a purchase order.
- In the Europe and Pacific Regions, for any procurement exceeding \$3,500.00, the SPED ISS shall contact DoDEA Procurement for assistance. Under certain circumstances, an exception in the procurement regulations allows the GPC to be used to obligate funds for purchases up to \$25,000.00 for overseas procurements. However, DoDEA Procurement will need to determine whether a purchase order is necessary due to Privacy Act- and competition-related requirements applicable to procurements exceeding \$3,500.00.