

Independent Educational Evaluations (IEE)

Regulations: 511 IAC 7-25-5

An independent educational evaluation (IEE) is an evaluation conducted by a qualified person who is not employed by us. We will provide you with information about where an IEE may be obtained and, if we are paying for the IEE, the criteria which must be met.

If you disagree with our evaluation and want the school to pay for an IEE, you must notify us. (We may ask you why you believe an IEE is necessary, but you do not have to answer our questions.) Within 10 business days after we receive your request for an IEE, we must either:

- initiate a due process hearing to show that our educational evaluation is appropriate; or
- notify you in writing that we will pay for the IEE.

If we initiate a due process hearing and the final hearing decision is that our educational evaluation is appropriate, you still have the right to an IEE, but you must pay for it. If an independent hearing officer (IHO) requests an IEE as part of a hearing, the school must pay for the IEE.

If you pay for an IEE and the IEE complies with our criteria, we must consider the evaluation results in any decision made about the provision of a FAPE to your child. If at a later time, you initiate a due process hearing to have the school pay for the IEE, the IHO may not order the school to pay if your IEE did not meet our criteria (including the location of the evaluation and the qualifications of the evaluator). In any event, you may present the IEE as evidence in a due process hearing.

Least Restrictive Environment (LRE)

Regulations: 511 IAC 7-27-9

Each student with a disability is entitled, to the maximum extent appropriate, to be educated with nondisabled students. Placements and services are not determined on the basis of the student's identified disability. Instead, the student's IEP is developed first, and the services provided are based on the goals and benchmarks or objectives of the IEP. A placement is reconsidered at least once each year when the IEP is reviewed. Unless the IEP requires some other arrangement, a student will be educated in the school s/he would attend if not disabled, and in classes with his/her chronological peers, unless an alternative is determined appropriate by the CCC and the reasons are documented.

We must ensure that a continuum of placement options is available to meet the individual needs of each student. This begins with the general education classroom with special education and related services provided during the school day and also includes resource rooms, separate classrooms, separate public and private non-residential and residential schools or facilities, and homebound or hospital settings as determined by the CCC. For early childhood programs, this

continuum begins with programs designed primarily for nondisabled students and also includes programs designed primarily for students with disabilities, home-based programs, and separate non-residential and residential schools or facilities. In selecting the LRE, consideration is given to any potential harmful effect on the student or on the quality of services needed.

We make available to students with disabilities the same variety of educational programs and services that are available to nondisabled students. The CCC determines the appropriateness of these programs and services individually for each student. Each student with a disability has an equal opportunity to participate with nondisabled students in nonacademic and extracurricular services and activities, to the maximum extent appropriate.

Students Placed in Private Schools by Parents

Regulations: 511 IAC 7-19-1, 7-19-2

We are not required to pay for the cost of a student's education in a private school if we made a FAPE available to the student, and you chose instead to enroll him or her in a private school. We are required to make some special education and related services available to the student while attending the private school. However, we determine what services will be provided and where those services will be provided. You may ask for mediation or a due process hearing if you disagree with our:

- Childfind procedures;
- evaluation or reevaluation of the student; or
- determination of your child's eligibility for special education.

However, you may not use mediation or a due process hearing if you disagree with the type or amount of services we make available to the student.

If you decide to enroll your child in a private school because you think that we did not make a FAPE available, you must tell us of your intentions at the CCC prior to the removal of him/her from public school and enrolling him/her in a private school. You must also provide us with written notice, 10 business days prior to removing your child from public school, that you don't agree with the placement proposed by the CCC, that you have concerns about our ability to provide a FAPE, and that you want us to pay for his/her's education in a private school.

If we do not agree to pay for the student's education in a private school, you may ask us to mediate the issue or you may ask for an IHO to decide the issue. An IHO may require us to reimburse you for the cost of the private school enrollment if the evidence establishes that:

- we did not make a FAPE available to your child in a timely manner prior to the enrollment in the private school ; and
- the private placement is an appropriate placement.

The IHO may determine that we have to pay a reduced amount or nothing at all if:

- you did not inform us of your disagreement and intentions at the CCC prior to enrolling your child in a private school;
- you did not give us written notice of your disagreement with the proposed placement, your intention to enroll your child in a private school, and your request that we pay for the private school placement;
- you did not make your child available for us to evaluate even though we gave you proper notice we wanted to evaluate or reevaluate him/her; or
- the IHO decides your actions were unreasonable.

The IHO cannot reduce the amount we have to pay if you didn't provide the written notice and:

- you cannot read or write in English;
- the student would have been physically or emotionally harmed by providing the written notice;
- we prevented you from providing this notice; or
- you had not received a copy of a *Notice of Procedural Safeguards* to inform you of your responsibility to provide written notice.