



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

JUN 27 2000

Honorable Don Nickles  
United States Senate  
409 South Boston, Suite 3310  
Tulsa, Oklahoma 74103-4007  
Attn.: Ms. Elora Reynolds,  
Constituent Representative

Dear Senator Nickles:

You wrote to Assistant Secretary Fleming on behalf of your constituent, (blanked out) regarding reimbursement for an Independent Educational Evaluation for (blanked out) under the IDEA. Specifically, (blanked out) indicated in (blanked out) letter to you, dated September 30, 1999, that the Public Schools denied (blanked out) request for reimbursement for the cost of (blanked out) Independent Education Evaluation. She requested the name of the appropriate Federal agency to appeal the school district's decision. The following information is provided for your consideration in responding to (blanked out).

A parent may obtain an Independent Education Evaluation (IEE) each time the public agency conducts a Part B evaluation for that parent's child. 20 U.S.C. §1415(b)(1). A Part B evaluation is conducted to determine the child's initial and continued eligibility and prior to the child's educational placement to determine the child's educational needs. 20 U.S.C. § 1414(a)(1); 34 C.F.R. § 300.320(a). A reevaluation may also be conducted at the request of the child's parent or teacher, if other conditions warrant, or at least every third year. 20 U.S.C. § 1414(a)(2); 34 C.F.R. §§ 300.321 and 300.536(b).

Under Part B, a parent has the right to an IEE at public expense "if the parent disagrees with an evaluation obtained by the public agency." 34 C.F.R. §300.502(b)(1). If the parent disagrees with the evaluation conducted by the public agency, and requests an IEE, the public agency must without unnecessary delay either: (i) pay for the cost of the IEE, or (ii) initiate a due process hearing where the hearing officer determines whether the public agency's evaluation is appropriate. 34 C.F.R. §300.502(b)(2). If the hearing officer determines that the public agency's evaluation is appropriate, the public agency does not have to pay the cost of the IEE. However, if a parent obtains an IEE at private

400 MARYLAND AVE., S.W. WASHINGTON. D.C. 20202

*Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation .*

expense, the IEE results must be considered by the public agency (if the IEE meets agency criteria) in any decision made with respect to the provision of a free appropriate public education to the child. 34 CFR §300.502(c). In addition, the IEE results may be introduced as evidence at a due process hearing on the reimbursement issue. *Id.*

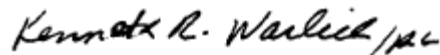
If \_\_\_\_\_ believes that \_\_\_\_\_ Public Schools incorrectly denied Reimbursement claim or that other Part B requirements were not met, \_\_\_\_\_ may request a due process hearing in writing on this issue.

\_\_\_\_\_ may also raise such issues by filing a complaint with the Oklahoma Department of Education (OKDE). OKDE is the State educational agency (SEA) that is required to maintain procedures for receiving and resolving any written, signed complaint stating that a public agency has violated a requirement of Part B. 34 CFR §§300.660-300.662. The OKDE contact information is:

Ms. Darla Griffin  
Executive Director  
Special Education Division  
State Department of Education  
2500 N. Lincoln Boulevard  
Oklahoma City, Oklahoma 73105-4599  
Telephone Number: (405) 521-3351

A copy of the Federal regulations implementing IDEA is enclosed for your information and possible transmittal to \_\_\_\_\_. We hope that this information is helpful. If this Office can be of further assistance, please do not hesitate to contact Ms. Maral Taylor, the OSEP Part B contact for Oklahoma, at (202) 205-9181, or me.

Sincerely,



Kenneth R. Warlick Director  
Office of Special Education Programs

Enclosure cc: Ms. Darla Griffin (w/o enc.)