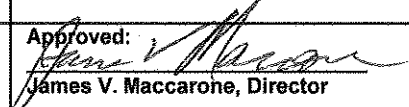


**MISSISSIPPI DEPARTMENT OF HUMAN SERVICES
DIVISION OF YOUTH SERVICES
JUVENILE INSTITUTIONS**

Subject: Special Education: Independent Evaluation	Policy Number: 8
Number of Pages: 2	Section: XII
Attachments	Related Standards & References Individuals with Disabilities Education Act Amendment of 2004 (IDEA '04) and Regulations Mississippi Department of Education, Office of Special Education Policies (2013) Mississippi Department of Education, Office of Special Education Procedures (2016) Mississippi Nonpublic School Accountability Standards, 2004
Effective Date: 06/09/2006, Reviewed 10/06/08, 12/15/10, 06/09/14, Revised 02/01/17	Approved:  James V. Maccarone, Director

I. POLICY

It is a policy of the Mississippi Department of Human Services, Division of Youth Services (MDHS/DYS) in accordance with federal IDEA 2004, to provide parents the option of an independent evaluation in the event there is disagreement with MDHS/DYS evaluation outcomes.

II. DEFINITIONS

As used in this policy, the following definitions apply:

- A. Free and Appropriate Public Education** – Special education and related services provided to students with disabilities in conformity with an IEP at public expense and under public supervision at no cost to the parents.
- B. Independent Evaluation** – An independent evaluation is an evaluation that is conducted by a qualified examiner who is not employed by the DMHS/DYS. It can be provided at public expense if a parent disagrees with the evaluation conducted by the public agency. A parent has the right to an IEE at his/her own expense, at which the IEP Committee must consider the results.
- C. Individualized Education Program** – An individualized education program is a written statement for a student with a disability that is developed, implemented, reviewed, and revised in accordance with Mississippi Special Education Rules and required procedures of the Mississippi Department of Education. The IEP evidences that the student is receiving a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) and that it provides for the student to receive educational services – regular and special education – that may be reasonably predicted to benefit the student.

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D. Least Restrictive Environment (LRE) - Least Restrictive Environment is a federal mandate

that requires education programs, to the maximum extent appropriate, to educate students with disabilities with their non-disabled peers.

III. PROCEDURE

If a parent makes a request, the DMHS/DYS must, without delay:

- Provide an IEE at public expense—OR—
- File a request for a due process hearing to demonstrate that the DMHS/DYS's evaluation of the child is appropriate.

If the DMHS/DYS requests a Due process hearing and the final decision is that the DMHS/DYS's evaluation is appropriate, the parent has a right to an IEE, but not at public expense.

The IEP Committee must consider the results.

- If the hearing officer requests an IEE as part of an impartial Due process hearing, the cost of the evaluation will be at the expense of the DMHS/DYS.
- If a parent requests the IEE, the DMHS/DYS may ask the reason why he/she objects to the LEA's evaluation. The parent is not required to provide explanation and the DMHS/DYS shall not delay providing the IEE at public expense or file a request for a Due process hearing to defend its evaluation.
- A parent is entitled to only one (1) IEE at public expense each time the DMHS/DYS conducts an evaluation at which the parent disagrees.

DMHS/DYS's Responsibilities Following an IEE Request

Following a request for an IEE the DMHS/DYS will:

1. File a request for Due process hearing to show that its evaluation is appropriate, or
2. Provide the parent information about where an IEE can be obtained and the criteria applicable for the IEE. The criteria for an IEE must include the following:
 - a. Location of the evaluation
 - b. Qualifications of the examiner
3. The DMHS/DYS may not impose conditions or timelines related to obtaining an IEE at public expense beyond the criteria utilized by the DMHS/DYS.