

# OPERATING PROCEDURES

## INDEPENDENT EDUCATIONAL EVALUATION

Goose Creek CISD

101911

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Legal Framework: INDEPENDENT EDUCATIONAL EVALUATION

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Broad Category: EVALUATION

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### PROCEDURES:

#### INDEPENDENT EDUCATIONAL EVALUATION (Individual Educational Evaluation (IEE))

##### ***34 CFR § 300.502***

"Independent Educational Evaluation" ("IEE") means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the child's education.

#### **Right to an Independent Evaluation**

A parent may seek an Independent Educational Evaluation ("IEE") at public expense if the parent disagrees with an evaluation obtained by the District. However, the District may initiate a special education hearing to show that its evaluation is appropriate. This can occur before an IEE is conducted or after the parent has obtained an IEE and is asking for reimbursement. If the final decision of the hearing officer is that the evaluation was appropriate, the parent still has the right to an independent evaluation, but not at public expense.

#### **Number of IEEs**

A parent is entitled to only one IEE at public expense each time the District conducts an evaluation. This would include the three-year re-evaluation or re-evaluations conducted more frequently. "Public expense" means that the District pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

#### **Criteria under Which Evaluation Must Be Obtained**

When an IEE is conducted at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria the District uses when it conducts an evaluation, to the extent those criteria are consistent with the parents' right to an IEE.

## OPERATING PROCEDURES

### INDEPENDENT EDUCATIONAL EVALUATION

Goose Creek CISD

101911

#### Condition of Payment

The District will not pay for an IEE if the examiner, the evaluation, and/or the written report, do not meet District criteria and Texas Education Agency criteria for the specific disability evaluated.

#### Reasonable Cost Criteria

The District will pay a fee for an IEE that allows a parent to choose from among the qualified professionals in the area.

The District will not pay unreasonably excessive fees. An unreasonably excessive fee is one that is 25% or more above the prevailing fees in the area (as established in the Medicaid/Medicare Service Provider Manual) for the specific test being considered.

When service providers have a sliding scale fee based on parent income, the District will pay the amount charged to the parent.

In the event that a parent pursues an IEE independently, an original billing form must be submitted to the District prior to payment. Before reimbursement or direct payment is authorized, criteria must be met and written report received by the District.

Upon receipt of a request for payment of an unreasonably excessive fee or payment for an IEE which was not agreed upon by the District prior to the evaluation, the District may request a hearing to challenge the right of parents to be reimbursed.

#### Location of the Examiner

The examiner must be located within 50 miles of the District. This will permit the examiner to be accessible to the District if needed for further consultation.

#### Conditions for Waiver of Cost/Location Criteria

If a parent feels that an IEE that falls outside the District's cost and location criteria is justified by the child's unique circumstances underlying the request, the District will consider such a request.

#### Certifications and Licenses

Each IEE examiner must provide copies of his or her license(s) or certificates(s) prior to the completion of the IEE.

## OPERATING PROCEDURES

### INDEPENDENT EDUCATIONAL EVALUATION

Goose Creek CISD

101911

#### **Conflict of Interest**

The examiner must complete a conflict of interest form provided by the District. Payment will not be made until the district has received the conflict of interest form indicating whether the examiner has a personal monetary interest in any service or program recommended by the examiner.

#### **Steps for Making a Request for an IEE**

It is preferred that the parent or guardian make the request in writing to the Director of Special Education and Coordinator of Assessment. A request in writing is not required as a pre-condition of payment for an IEE but is preferred in order to minimize any confusion or misinterpretation regarding the nature of the request. If the parent disagrees with the district Full and Individual Evaluation during the ARD meeting, notify the Director of Special Education and Coordinator of Assessment. They will complete the Parent Procedure letter and mail it to the parent. The letter requests the parent send all written requests to the Director of Special Education and Coordinator of Assessment. While a parent is not required to do so as a precondition for payment for an IEE, it would be helpful to the ARD Committee if the parent would explain the areas of disagreement with the district's evaluation and list assessment questions to be addressed by the IEE.

The District will make the determination if the request for the IEE will be approved, or if not, the District must file a Due Process Hearing to defend the District's FIE.

#### **Selection of Examiner**

The District will provide the parent with a list of qualified independent evaluators already located by the District. Parents are free to ask the District to consider an evaluator not on the list to perform the IEE. If the parents select an examiner who is not on the District's list of qualified examiners, they should submit the name and vitae of the examiner in advance of conducting the IEE in order that the District may notify the parents whether the examiner is qualified to perform the IEE. If the parent fails to submit the name and credentials of the examiner prior to conducting the IEE, they risk non-payment if the examiner does not meet the District's criteria.

#### **Parent-Initiated IEEs**

The District will not consider a parent request for payment of a parent-initiated IEE unless the request is made within a reasonable time after receipt of the results of the evaluation. A reasonable time is defined as 90 calendar days.

## OPERATING PROCEDURES

### INDEPENDENT EDUCATIONAL EVALUATION

Goose Creek CISD

101911

The request will be presented to the ARD Committee for action.

#### **Evaluation**

The evaluation must be conducted in accordance with all applicable state and federal laws.

#### **Teacher Reports**

The examiner must consider data obtained from the student's teacher through consultation with the teacher or teacher reports.

#### **Written Reports/Content**

There shall be a written assessment report that addresses, at a minimum, the presence or absence of those symptoms or conditions included in the specific eligibility criteria for the category of disability for which the student is being assessed. The report shall include the type and severity of the impairment and the functional implications for the education process. The report must provide the ARD committee with sufficient information to determine whether the student is disabled and in need of special education services or not.

#### **Timeline**

While there is no official timeline for an IEE to be conducted, the completed written report by the qualified examiner will be provided to the District. Upon completion of the IEE, the District will conduct the staffing and ARD within 30 school days.

#### **Form of Report**

In preparing a report, the examiner shall follow the format for assessment and determination of eligibility used by the District. Forms are available upon request.

#### **Signatures on Report**

All persons participating in the examination of the student must sign the report.

#### **Consideration of Parent-Initiated IEEs**

If the parent obtains an IEE at public expense or shares with the District an evaluation obtained at private expense, the District must consider the results of the evaluation, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child. The District's obligation to consider an IEE does not require the District to accept the IEE or its recommendations. Moreover, consideration by the ARD Committee of an IEE

## OPERATING PROCEDURES

### INDEPENDENT EDUCATIONAL EVALUATION

Goose Creek CISD

101911

obtained at private expense does not make the District liable for payment of the IEE.

#### STAFF RESPONSIBLE:

**District Level:** Director of Special Education and Coordinator for Assessment

**Campus Level:** Campus Based Evaluators

#### TIMELINES FOR IEEs:

- Response to parent's request for an IEE
- Payment for IEE
- Scheduling an ARD committee meeting to consider an IEE

#### EVIDENCE OF PRACTICE:

- Forms and checklists used in the IEE process
- List of independent evaluators
- Contracts with IEE providers