

GUIDELINES FOR INDEPENDENT EDUCATIONAL EVALUATIONS ~~(IEE)~~

According to state and federal special education laws, parents/guardians have the right to an ~~independent educational evaluation~~ Independent Educational Evaluation (IEE) of their child at public expense if they disagree with an evaluation of the child conducted by the ~~district. The~~ Plainfield Public Schools (the “district”). The district has established the following procedure for obtaining an ~~Independent Educational Evaluation (IEE)~~ IEE at public expense and criteria for the selection of an appropriate evaluator. ~~In accordance with applicable law, these criteria also apply to outside evaluations performed by an outside evaluator selected by and/or at the request of the _____ Public Schools.~~

Definitions

An **Independent Educational Evaluation (IEE)** is an evaluation conducted by a qualified examiner who is not employed by the _____ ~~Public Schools~~ district, which is the public agency responsible for the education of the child.

An **evaluation** means the formal testing and/or assessment procedures used to determine whether a child has a disability and the nature and extent of the special education and related services the child needs.

Public expense means the district either pays for the full cost of the evaluation or ensures the evaluation is otherwise provided at no cost to the parents/guardians.

Procedure

- A. Upon receipt of a request for an IEE by a parent/guardian, the school district will, without unnecessary delay, either: (a) initiate a due process hearing to show that the evaluation of the child conducted by the district is appropriate; or (b) provide an IEE at public expense, unless the school district demonstrates through a due process hearing that the evaluation obtained by the parent did not meet the district’s criteria. The district will provide the requesting parent/guardian with a written response to the IEE request generally within ten (10) school days if the request is made during the academic year, or within fourteen (14) calendar days if the request if made in between school years. If the school district requests a hearing and the final decision is that the district’s evaluation of the child is appropriate, the parent/guardian still has the right to an IEE, but not at public expense. The district may deny public funding of an IEE, and need not request a due process hearing, if the parent/guardian requests an IEE more than two (2) years after the district completed its evaluation.
- B. If, in response to the parent/guardian request for an IEE, the district ~~decides to procure an independent evaluation~~ agrees to provide the IEE at public expense, the district will provide names, addresses, and phone numbers of possible IEE evaluators who meet the district’s criteria (*as set forth below*). The list will identify those evaluators who, in the district’s judgment, are qualified to perform the evaluation requested by the parents. Parents/guardians may also select evaluators not included on the district’s list, provided

~~they~~the evaluators fully satisfy all of the criteria set forth below. Parents/guardians have the opportunity to demonstrate unique circumstances to justify the use of an independent evaluator who does not meet the district's IEE criteria.

- C. Parents/guardians will be expected to contact the evaluator they have selected to conduct the IEE in a timely manner and to schedule any necessary appointments.
- D. The district will only reimburse a parent/guardian for the cost of an IEE if the district receives a copy of the IEE from the parent/guardian or evaluator and it meets the district's criteria as set forth here. If written consent is required for the independent evaluator to provide the results of the IEE to the district and the parent/guardian refuses to provide consent, thereby denying the district access to the information in the IEE, the district will deny reimbursement for the IEE because the district will be unable to consider the results of the IEE.

Voluntary Resolution and Mediation

- A. After an IEE request is made, the parent/guardian and the district may agree to engage in a voluntary resolution process through which the parties attempt to resolve the issues and concerns related to the IEE request. The period of time for resolution shall be not be considered an unnecessary delay in responding to the request of the parent/guardian for an IEE at public expense. If the parties agree to this process, each party shall sign the district's Voluntary Resolution form.
- B. The parties shall agree on a reasonable period of time for resolution. This reasonable period of time generally shall not exceed twenty (20) school days from the initial request when the request is made during the school year, or thirty (30) calendar days from the initial request when the request is made in between school years.
- C. The parties may also agree to engage in mediation through the Connecticut State Department of Education or another independent mediator. Voluntary participation in the mediation process shall not be considered an unnecessary delay in responding to the request of the parent/guardian for an IEE at public expense.
- D. If the parties do not resolve the dispute after the voluntary resolution period or mediation, the district shall either file a request for due process or ensure that the IEE is provided at public expense.

Criteria for ~~Outside Evaluators (Independent Evaluators and Outside Evaluators Selected by the _____ Public Schools)~~

Evaluators chosen to conduct independent evaluations must meet ~~all~~ALL of the criteria established by the district as follows:

- A. Minimum Credentials for Evaluators
~~For Psychologists:~~

1. For Psychologists:

a. Licensure or Certification:

Psychologists must either ~~hold:~~

- 1) Hold a valid ~~Connecticut Department of Health~~ license as a psychologist from the Connecticut [optional as deemed appropriate: New York, Massachusetts or Rhode Island] Departments of Public Health and have achieved a Doctor of Philosophy (Ph.D.) or Doctor of Psychology (Psy.D.) in Psychology, Neuropsychology or Clinical Psychology from an accredited university; OR ~~hold~~
- 2) Hold an appropriate and valid certificate in school psychology from the Connecticut [optional as deemed appropriate: New York, Massachusetts or Rhode Island] State Departments of Education.

~~2.~~ b. Additional Requirements:

Psychologists must:

- 1) ~~1.~~ Have training and experience in evaluating students of the same age level.; and
- 2) ~~2.~~ Have clinical background, advanced training, and recent experience in the areas of disability being evaluated.
3. ~~Be able to schedule an evaluation in a timely manner and produce a written report within forty five (45) school days of the evaluation, subject to any contractual arrangement with the district or unusual circumstances which justify an extension of this timeline.~~

2. For individuals conducting academic achievement testing, the individual must either:

a. ~~1.~~ Fulfill the following requirements:

- 1) Have experience and training in teaching and evaluating students in the area of suspected disability; and
- ~~(a)2)~~ Have attained a minimum of a Master's degree; ~~and~~ or
- ~~(b)3)~~ Hold an appropriate and valid special education or other academic specialization (such as reading or mathematics) certificate from the Connecticut [optional as deemed appropriate: New York, Massachusetts or Rhode Island] State Departments of Education;

~~and~~ ~~(c)~~ Have experience in teaching and evaluating students in the area of suspected disability.

~~Or~~

OR

~~2.~~ b. Fulfill the requirements of the psychologist above.

3. For Speech Pathologists, Audiologists, Occupational Therapists, Physical Therapists and Physicians:

- a. ~~1.~~ Hold a valid ~~Connecticut Department of Health license to practice.~~ license to practice from the Connecticut [optional as deemed appropriate: New York, Massachusetts or Rhode Island] Departments of Public Health or Departments of Education, as applicable;
- b. ~~2.~~ Have clinical pediatric experience in evaluating and treating children in the area of disability being evaluated; and
- c. ~~3.~~ In the case of physicians, be Board Certified in the appropriate specialty area (pediatrics, care of children and adolescents, etc.).

4. For individuals conducting assistive technology testing, the individual must either:

a. Fulfill the following requirements:

- 1) Have experience and training in teaching and evaluating assistive technology needs for students in the areas of suspected disability; and
- 2) Have attained a minimum of a Master's degree; or
- 3) Hold an appropriate and valid special education or other academic specialization (such as reading or mathematics) certificate from the Connecticut [optional as deemed appropriate: New York, Massachusetts or Rhode Island] Departments of Education.

OR

b. Fulfill the requirements for Psychologists, Speech Pathologists, Audiologists, Occupational Therapists, Physical Therapists or Physicians listed above and have experience and training in teaching and evaluating assistive technology needs for students in the areas of suspected disability.

5. For individuals conducting, or leading the process to conduct, a functional behavioral assessment, the individual must either:

a. Fulfill the following requirements:

- 1) Have experience and training in conducting functional behavioral assessments and analyzing the relationship between observed behavior and antecedents and consequences preceding and following such behavior, respectively; and
- 2) Fulfill the requirements of the psychologist above; or
- 3) Be a Board Certified Behavior Analyst and/or hold a valid behavior analyst license from the Connecticut *[optional as deemed appropriate: New York, Massachusetts or Rhode Island]*; Departments of Public Health; or
- 4) Hold an appropriate and valid social worker certification from the Connecticut *[optional as deemed appropriate: New York, Massachusetts or Rhode Island]* Departments of Education; or
- 5) Hold an appropriate and valid special education certificate from the Connecticut *[optional as deemed appropriate: New York, Massachusetts or Rhode Island]* Departments of Education.

In addition, functional behavioral assessments must include a review of information provided by the student's school team.

- B. Cost: Evaluators must charge fees for evaluation services which, in the judgment of the school district, are reasonable and customary for such evaluations. Parents/guardians may request specific cost information from the school district. Parents/guardians have the opportunity to demonstrate unique circumstances to justify the use of an independent evaluator whose fees exceed the district's criteria.
- C. The evaluator must not be an employee of the school district.
- D. The evaluator must be permitted to directly communicate with school staff who work with the child in school and the members of the Planning and Placement Team (PPT), including the Special Education Director, as well as to obtain information from the school and share information with the school.
- E. The evaluator must obtain and consider school information and observations of the child in the school setting in the evaluation process and the written report. All in-school observations as part of an IEE must be scheduled in advance with the Director or Special Education/Pupil Services or his/her designee. The scope, schedule, setting and length of any such observations shall be based, in part, on the purpose of the IEE and the district's obligation to ensure programming of all of its students free from disruption. The district

may limit the length of in-school observations that are part of IEEs to the same length as observations conducted as part of district evaluations.

- ~~F.~~F. The evaluator must agree to provide the assessment information and results, including the results of teacher and parent checklists and surveys, in a written report to the district prior to receipt of payment for services. ~~The evaluator will be expected to produce his/her written report within forty-five (45) school days of the evaluation, subject to any contractual arrangement with the district or unusual circumstances which justify an extension of this timeline~~report shall be provided to the district and the parent/guardian at the same time. In addition, if the district, in its sole discretion, determines that it needs to review the test protocols used by the independent evaluator conducting the IEE, the district will require that the independent evaluator provide an opportunity for district officials to inspect and review the test protocols and the independent evaluator must provide an explanation of the test protocols if requested by the district.
- G. The evaluator must comply with all ~~guidelines required~~requirements under the Individuals with Disabilities Education Act (IDEA) and its implementing regulations and the Connecticut State Department of Education regulations regarding the evaluation of children with disabilities. The failure of an evaluator to comply with these federal and state regulations regarding requirements for evaluations means that the IEE performed by the evaluator does not meet district criteria. For reference, the applicable federal and state regulations are included in an appendix to these criteria. The evaluator must also comply with all applicable confidentiality requirements under state and federal law.

After Completion of the IEE

The results of an IEE funded by the district will be considered at a PPT meeting. The PPT is not required to implement the recommendations from the IEE or to invite the independent evaluator to the PPT meeting. The district shall ensure that a participant of the PPT meeting can interpret the instructional implications of the IEE results.

Geographic Location Limitations for Evaluators

Evaluators who will be considered for approval must be located within a radius of seventy-five ~~(75)~~ miles. ~~Evaluators outside of this geographic area will be approved only on an exceptional basis, provided that the parent can demonstrate the necessity of using personnel outside of this geographic area of the school district.~~ The district shall not be responsible to provide transportation, nor pay any travel expenses, to and from the location of the evaluator. ~~In the case of low incidence or severe disabilities where qualified evaluators may not exist in the geographic area, this requirement may be reconsidered by the district.~~Parents/guardians have the opportunity to demonstrate unique circumstances to justify obtaining an IEE from an evaluator located outside of these geographic limitations.

Additional Information

If the district has not conducted an evaluation of a child, or an evaluation or reevaluation of the student is currently pending, the parent/guardian does not have a right to an **independent evaluation**IEE at public **cost**expense. The district has the right to conduct its evaluation or reevaluation first. A parent/guardian may request only one **independent evaluation**IEE at public expense for each evaluation conducted by the district.

Outside**Private Evaluations** ~~that are Not IEEs~~Obtained by Parents/Guardians

Evaluations and/or assessments obtained by parents/guardians that do not meet the criteria for an IEE are considered **outside**parent-initiated private evaluations for which parents/guardians are not entitled to reimbursement or payment from a public school district. ~~Nonetheless, if~~

~~If a parent/guardian decides to unilaterally obtain an outside evaluation and to share the results of such~~shares a parent-initiated private evaluation with the district and it meets these criteria, the ~~school~~-district will ~~consider the evaluation at an Individualized Education Program (“IEP”) meeting, as appropriate.~~The results of an independent evaluation procured by the district will be considered at a Planning and Placement Team meetingreview the evaluation at a PPT meeting and consider it relative to any decision made with respect to a free appropriate public education for the student.

Questions

Please contact the Director of Special Education/Pupil Services with any questions regarding the criteria for **independent educational evaluations**IEEs.

Evaluators Meeting Criteria

A list of evaluators meeting district criteria will be provided upon request.

Legal Resources

Federal:

34 C.F.R. § 300.502

State:

Regs. Conn. State Agencies § 10-76d-9

Guidelines Regarding Independent Educational Evaluations at Public Expense and In-School Observations, Connecticut State Department of Education (Mar. 28, 2018).

7/17/2018

Document comparison by Workshare 9 on Thursday, August 30, 2018 9:41:06 AM

Input:	
Document 1 ID	interwovenSite://sgdms.shipman.com/SG/1371324/4
Description	#1371324v4<SG> - Model Federal Notification - Guidelines for (IEE) Independent Educational Evaluations
Document 2 ID	interwovenSite://sgdms.shipman.com/SG/1371324/6
Description	#1371324v6<SG> - Model Federal Notification - Guidelines for (IEE) Independent Educational Evaluations
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