

SPECIAL EDUCATION OPERATING GUIDELINE

INDEPENDENT EDUCATIONAL EVALUATIONS

FEDERAL AND STATE REQUIREMENTS

A parent of the child with the disability has the right to obtain an Independent Educational Evaluation (IEE) at public expense if the parent disagrees with an evaluation conducted by the LEA (34 CFR 300.502(b)(1)). Public expense means that the LEA either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent consistent with the provisions of the Individuals with Disabilities Education Act (IDEA) regarding the use of IDEA Part B formula amounts in general.

A parent is limited to only one IEE at public expense each time the LEA conducts an evaluation with which the parent disagrees (34 CFR 300.502.(b)(5)).

- An IEE is an evaluation conducted by a qualified examiner who is not employed by the local education agency (LEA), which is responsible for the education of the child.
- When a parent requests an IEE, the LEA must provide:
- Information about where an IEE may be obtained; and
- The LEA Criteria for an IEE.

If a parent requests an IEE at public expense, the LEA must, without unnecessary delay, either:

- File a due process complaint to request a hearing to show that its evaluation is appropriate; or
- Ensure that an IEE is provided at public expense, unless the LEA demonstrates in a due process hearing that the evaluation obtained by the parent does not meet LEA CRITERIA.

The LEA may ask for the parent's reason why the parent objects to the public evaluation; however, the LEA may not:

- Require the parent to provide an explanation; and
- Unreasonably delay either providing the IEE at public expense or filing a due process complaint to request a due process hearing to defend the public evaluation.

If the final decision from a due process hearing officer is that the LEA's evaluation is appropriate, the parent still has a right to an IEE, but not at public expense.

If a hearing officer requests an IEE as part of a hearing on a due process complaint, the cost of the evaluation must be at public expense.

LEA CRITERIA

If an IEE is at public expense, the criteria under which the evaluation is obtained must be:

- The same as the criteria that the LEA uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an IEE, including:
 - o The location of the evaluation; and
 - o The qualifications of the examiner.

Except for the LEA criteria, the LEA may not impose conditions or timelines related to obtaining an IEE at public expense.

RESULTS OF IEE

If the parent obtains an IEE at public expense or shares with the LEA an evaluation obtained at private expense, the results of the evaluation:

- Must be considered by the LEA, if it meets LEA CRITERIA, in any decision made with respect to the provision of a free appropriate public education to the child; and
- May be presented by any party as evidence at a hearing on a due process complaint regarding the child.

LEA SPECIFIC INFORMATION

Upon receipt of a request for an IEE, the District makes the determination whether or not to provide the an IEE at district expense.

PERSONS RESPONSIBLE: Campus Administration, Teachers, and Support Personnel, Campus Based Evaluation Specialists and Itinerant Personnel, Special Education Central Administration, and Central Office Administration

TIMELINES: Katy Independent School District follows the timelines regulated by the Office of Special Education (OSEP).

MATERIALS: Individuals with Disabilities Education Act, State Board of Education Rules, Commissioner’s Rules, Texas State Laws, Guide to the Admission, Review and Dismissal Process; Notice of Procedural Safeguards, Full Individual Evaluation / ARD – IEP Documents

METHODS: In accordance with Federal Law and Regulations, Office of Special Education (OSEP), State Board of Education Rules, Commissioner’s Rules, Texas State Laws, and Texas Education Agency Guidance.

CONTACT

Katy ISD Special Education Department

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KATY ISD IEE - SPECIFIC CRITERIA

Upon receipt of a request for an IEE, the District makes the determination whether or not to provide the an IEE at district expense.

IEE CRITERIA, IEE PROVIDER CRITERIA, AND FEE/COST SCHEDULE FOR IEES

If the district agrees to provide an IEE at district expense, the following will be used to set the fee.

- The district will pay a fee for the IEE which allows the parent to choose from among qualified professionals in the area.
- The district will not pay unreasonable excessive fees. An unreasonable excessive fee is one which is 35% above the Medicaid rate for the specific type of evaluation being conducted. If no Medicaid rate exists for a particular type of evaluation, the rate for the most similar Medicaid evaluation will apply. (*A fee schedule is available upon request.*)
- When service providers have a sliding scale, fee based on parent income, the district will pay the amount charged to the parent.
- Travel costs for the evaluator and/or parents will not exceed the district rates for travel.

The following criteria must be met in selecting an evaluator.

- The independent evaluator will have the same qualifications required for district evaluation personnel (e.g. Licensed Specialist in School Psychology for a psychological evaluation, etc.)
- The independent evaluator shall have access to the student's education records upon request by the independent evaluator. The independent evaluator may meet with the district staff to gather information about a student as a part of the evaluation upon request by the independent evaluator.
- The independent evaluator shall follow federal and state evaluation regulations and rules in conducting the evaluation and making recommendations regarding eligibility for special education services.
- The independent evaluator must be located within a 100-mile radius of the district.
- The independent evaluator must provide information to the district in the same timely manner as required by district personnel.
- The independent evaluator must provide an original typed and signed report to the district within 60 calendar days from the date the contract is executed with the independent evaluator and at least five school days prior to an ARD committee meeting scheduled to review the report.
- The report must include an original signature and title of all personnel involved in the evaluation.
- The report must comply with all requirements of state and federal regulations and contain.
 - Date(s) when evaluation activities were conducted
 - A list of all information/data reviewed
- A complete summary of all test scores along with subtest scores, of the tests administered

- The type and severity of the impairment and the functional implications for the educational process
- A complete summary of all information obtained or reviewed from observations, interviews, and other non-standardized assessment instruments
- Sufficient information to determine whether or not the student meets the referral and state eligibility criteria, whether the student has a disability that requires the provision of special education services, and if so, information that is sufficiently comprehensive to identify all of the student's special education and related service needs, whether or not commonly linked to the student's disability category.
- A discussion and interpretation of test results
- Full and complete information that addresses the presence or absence of those characteristics or conditions included in the specific eligibility criteria according to federal and state regulations.

Payment will not be made until after the District has received a signed written report from the independent evaluator that includes all required elements noted herein.

Parents are allowed the opportunity to demonstrate that unique circumstances justify an IEE that does not fall within the district's criteria.

Contracts issued for IEEs must be completed within the fiscal year. If an IEE is not completed within the fiscal year, a new request will need to be submitted and a new contract developed.

SPECIFIC CREDENTIALS IEE PROVIDERS (MONOLINGUAL AND BILINGUAL)

- Functional Behavioral Assessments (FBA)
 - Required credential: Licensed Specialist in School Psychology (LSSP) or Board-Certified Behavior Analyst (BCBA)
- Psycho-educational Evaluations
 - Required credential: LSSP or Educational Diagnostician's Certificate
- Psychological Evaluations
 - Required credential: LSSP
- Speech and Language Evaluations
 - Required credential: Certificate of Clinical Competence (CCC)
- Vocational Assessments
 - Required credential: LSSP, Educational Diagnostician's Certificate or other education related certificate
- Occupational, Physical, or Music Therapy Evaluations
 - Required credentials: Occupational Therapy License, Physical Therapy License
- Functional Vision / Learning Media Assessment
 - Required credential: Certified Teacher of Visual Impairments
- Adapted Physical Education (APE) Evaluations
 - APE Certification