

## **EANES INDEPENDENT SCHOOL DISTRICT**

### **CRITERIA AND PROCEDURES FOR AN INDEPENDENT EDUCATIONAL EVALUATION AT DISTRICT EXPENSE**

#### **General**

A parent of a child with a disability has the right to an independent educational evaluation (IEE) at public expense if the parent disagrees with an evaluation performed by the District. An IEE may be paid for by the District if the IEE meets the District criteria specified in this notice. If a parent requests an IEE at public expense, the District, without unnecessary delay, must (1) initiate a due process hearing to demonstrate that the evaluation is appropriate, or (2) insure that an IEE is provided at public expense, unless the District demonstrates in a hearing that the evaluation obtained by the parent did not meet agency criteria. The District may ask for the parent's reason for objection to the District's evaluation. However, the District may not require an explanation by the parent and may not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the District's evaluation. If the District initiates a hearing and the final decision is that the District's evaluation is appropriate, the parent still has the right to an IEE, but not at public expense.

#### **Eanes ISD Criteria for an IEE**

##### **1. General**

- A. If the District has not conducted an evaluation, the parent does not have a right to an IEE at public expense, unless a District evaluation has been requested and refused by the District.
- B. The right of a parent to obtain an IEE is triggered if the parent disagrees with a District initiated evaluation. Therefore, if a parent refuses to consent to a proposed District evaluation, then an IEE at public expense would not be available since there would not be a District evaluation with which the parent can disagree.
- C. Only one IEE may be reimbursed for each evaluation obtained by the District.
- D. Information on how and where an IEE at public expense may be obtained will be provided to the parent of a child with a disability upon request for an IEE.
- E. If an IEE is at public expense, the criteria under which the IEE is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the District uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an IEE. The District may not impose conditions or timelines related to

obtaining an IEE at public expense other than the criteria used by the district when it initiates an evaluation.

### **Evaluator Criteria**

The following are the same criteria used to select the School District's examiner.

- A. The evaluator conducting an IEE of a child with a disability at public expense must be located within a 200 mile radius of the District. This will allow the evaluator access to the public school for observation of the student and access to ARD meetings. This will also help ensure that the cost of the evaluation is reasonable for the area.
- B. Evaluators must possess current licensure/certification to conduct evaluations of students with disabilities.
- C. An evaluation that involves a determination of whether or not a student meets, or continues to meet, eligibility criteria as a student with emotional disturbance (ED) under the IDEA, must include, but is not limited to, an evaluator who is a Licensed Specialist in School Psychology (LSSP).
- D. Evaluators must meet appropriate professional requirements in the State and be trained to administer the specific tests and other evaluation materials used, in conformance with the instructions provided by the producer.
- E. If the evaluator is going to be working with the student one-on-one in the school setting, the evaluator must go through the State Board of Educator Certification fingerprinting process and consent to a criminal background check.

### **Evaluation Criteria**

The following are the same requirements of a School District evaluation:

- A. Evaluations must comply with all requirements specified in state and federal law.
- B. The evaluation must be completed a reasonable time after the IEE is approved by the District, and in accordance with any timelines established by the ARD committee for its completion.
- C. The independent evaluator must furnish an original report to the District and the parent in advance of an ARD meeting where the report will be considered by the student's ARD committee.

- D. The report must include an original signature and title of all evaluation personnel involved in the evaluation.
- E. Protocols must be made available for review by District evaluation staff.
- F. The evaluator must agree to an observation of the student at their home campus and must review and consider records provided by the District.

**Criteria for Fee Setting/Reimbursement for an IEE**

- A. Reimbursement/payment will be made directly to the evaluator upon receipt of an IEE which meets all District criteria. PARENTS OBTAINING AN IEE WITHOUT FOLLOWING EISD CRITERIA RISK NON-PAYMENT.
- B. The District will pay a fee for an IEE which allows a parent to choose from qualified professionals in the area.
- C. The District will not pay unreasonably excessive fees. An unreasonably excessive fee is one which is 25% above the prevailing rate in the area for the specific test or type of evaluation being considered.
- D. Parents will be offered the opportunity to demonstrate to an ARD committee that unique circumstances justify an IEE that does not fall within the District's criteria.
- E. When service providers have a sliding scale fee based on parent income, the District will pay the amount that would be charged to the parent.
- F. Travel costs for the examiners or parents will not exceed District rates for travel as established by state guidelines. The District will not cash advance any travel costs.

**Consideration of Results of an IEE**

- A. The IEE must be considered by the District at an ARD meetings. The results/findings/recommendations will only be incorporated into the student's IEP if the ARD committee determines this necessary to provide a Free and Appropriate Public Education.

**Steps To Be Followed by Parents Requesting An IEE At Public Expense**

- A. Request an IEE at a meeting of the child's ARD committee, or
- B. Notify the Executive Director of Special Education concerning the request for an IEE. Provide the Director with the name and the address of the examiner to

enable the District to 1) check the evaluator's certification/licensure, and 2) contract directly with the evaluator for the costs of the IEE.

- C. Complete a notice of release allowing the District and evaluator the opportunity to request and/or exchange information relevant to the assessment.

**For More Information Contact:**

Molly May  
Executive Director of Special Education  
Eanes ISD  
601 Camp Craft Rd.  
Austin, Texas 78746

Phone: (512) 732-9021  
Fax: (512) 732-9029