

Independent Education Evaluation

- **Lackland Independent School District #015913**
- **Independent Education Evaluation Operating Procedure**

2.12 What is the process for conducting an evaluation before a student may no longer be eligible for special education and related services?

Before determining that a student is no longer eligible for special education and related services, the District will complete a full and individual evaluation of the student.⁴⁹ However, no reevaluation is required if the student's special education rights have been terminated due to graduation from high school with a regular diploma or due to exceeding the age eligibility for FAPE under State law.⁵⁰ If a student's right to special education has been terminated due to age or graduation with a regular high school diploma, the District will provide the student with a summary of the student's academic achievement and functional performance, including recommendations about assisting the student in meeting postsecondary goals.⁵¹

2.13 How does the District respond when it receives a request for an independent educational evaluation (IEE)?

If a parent or guardian disagrees with the results of a District-conducted evaluation or reevaluation, she or he has a right to request an independent educational evaluation.⁵² Any requests for an IEE will be communicated to the Director of Special Education. The Director of Special Education is responsible for granting or denying the request for an IEE in writing as an administrative decision, providing the parent or guardian with the District's IEE criteria, information about how to obtain an IEE, and a copy of [TEA's Notice of Procedural Safeguards](#). An IEE will be conducted by a qualified examiner who is not employed by the District and who meets the District's criteria for an independent evaluator.

⁴⁹ 34 C.F.R. § 300.305(e)(1)

⁵⁰ 34 C.F.R. § 300.305(e)(2)

⁵¹ 34 C.F.R. § 300.305(e)(3)

⁵² 34 C.F.R. § 300.502

⁵³ 34 C.F.R. § 300.502(a)(3)(i) – (b)(2)

⁵⁴ 34 C.F.R. § 300.502(b)(4)

If a parent or guardian requests a publicly funded IEE, the District will, without necessary delay, take the following actions:

- file a due process complaint to obtain a hearing to prove that the District's evaluation is appropriate or that the parent's request does not meet District criteria, or
- grant the request for an IEE that meets District criteria and provide the parent or guardian with the District's IEE criteria.⁵³

If the parent or guardian requests an IEE, the District may ask for the parent or guardian's reason why she or he objects to the District's evaluation; however, the District may not require the parent or guardian to provide an explanation and may not unreasonably delay either providing the IEE at public expense or filing a due process complaint to request a due process hearing.⁵⁴

The District uses a direct pay of reimbursement model to fund the parent or guardian's request for an IEE, if the District in its discretion grants the IEE request. The Director of Special Education will ensure that the District's IEE criteria includes an explanation of the District's IEE funding model and provides a procedure for a parent or guardian to request an exception to that model.

If a parent or guardian obtains a private evaluation and shares the results with the District, those results, if the private evaluation meets the District's criteria, will be considered by the student's ARD committee in any decision made with respect to the provision of a free appropriate public education to the student.⁵⁵

⁵⁵ 34 C.F.R. § 300.502(c)