

REGIONAL SCHOOL DISTRICT NO. 14 PUBLIC SCHOOLS INDEPENDENT EDUCATIONAL EVALUATION [“IEE”] CRITERIA

I. INTRODUCTION

Under federal law, when a Planning and Placement Team [“PPT”] determines that a student should be evaluated to determine his or her possible special education needs, school districts are entitled to have those evaluations administered by evaluators of its choosing. To that end, the Regional School District No. 14 Public School District [“Region 14”] employs certified staff such as school psychologists, special education teachers, school social workers, occupational therapists, physical therapists, and speech and language pathologists.

On occasion, the PPT may deem it appropriate to recommend an evaluation by an evaluator who is not employed by Region 14. An example of this is when the PPT determines that a psychiatric evaluation is necessary for a complete assessment of the student. As Region 14 does not employ a psychiatrist, the psychiatric evaluation would have to be performed by an outside evaluator. Nonetheless, the district has the legal right to select the evaluator.

In some instances, when parents or guardians disagree with the results of an assessment administered by an evaluator selected by the PPT, they may wish to exercise their rights under the Individual with Disabilities Education Improvement Act of 2004, 42 U.S.C. §§1400, *et seq.* [“IDEA”] to obtain an Independent Educational Evaluation [“IEE”] from an appropriately qualified evaluator who is not employed by the Board.

If a parent or guardian requests an IEE, federal law provides that school districts can either agree to the IEE or, if they disagree, initiate a special education due process hearing in order to defend the validity of their own evaluations. If school districts agree to the IEE, federal law entitles them to establish criteria which the evaluators selected by the parents must satisfy.

Regardless of whether recommended by the PPT to conduct an evaluation -- or selected by parents or guardians to administer an IEE -- outside evaluators and their evaluations **must meet all** of the criteria established by the Board. In the event that the evaluation does not meet the following criteria, the parent may still obtain the evaluation, and the PPT will consider the resultant reports, but the evaluation will not be publicly funded.

II. DEFINITION

An IEE is an evaluation conducted by a qualified examiner who is not

employed by Region 14 and is obtained by a parent or guardian who disagrees with the evaluation conducted by the district.

III. PROCEDURE

A request for an IEE at public expense is typically made at a PPT meeting. If the parent or guardian submits a written request outside of a PPT meeting, Region 14 may convene a PPT meeting to review the parent or guardian's request.

Upon a parent's request for an IEE, the PPT will respond in one of the following ways:

- The PPT will recommend an IEE at public expense.
- The PPT will explain that the parent or guardian is not entitled to an IEE at public expense either because the school district is entitled to conduct its own evaluation of the student, or the parent or guardian has already obtained an IEE at public expense as a result of a previous disagreement with the same district evaluation.
- The PPT will decline the request for an IEE and will instead initiate a special education, due process hearing before a State of Connecticut Department of Education hearing officer to defend the validity of its evaluation and to otherwise establish that its evaluation of the student was appropriate.

If the parent or guardian is not entitled to an IEE at public expense, either because the conditions for an IEE at public expense have not been met, or because a hearing officer determines that Region 14's evaluation was appropriate, the parent or guardian may still obtain an outside evaluation, but it will be at their own expense.

As noted, Region 14 is entitled to evaluate the student in the first instance. Furthermore, a parent or guardian is entitled to only one IEE at public expense in response to each district evaluation. Connecticut has determined that parents or guardians have two years from the district evaluation with which they disagree to request an IEE.

The district may ask the parent or guardian to explain the reason for the request in order to have more information upon which to make a decision to grant or deny the request, or in order to focus the evaluation request on the area of disagreement. The parent or guardian, however, is not required to provide a reason; consequently, if the parent refuses to provide a reason, the request will be granted or denied on the basis of the available information.

If Region 14 decides to provide an IEE at public expense, it will provide names, addresses, and phone numbers of possible IEE evaluators who meet the district's following criteria for the particular type of evaluation at issue. Although the parent or guardian is not required to select one of those proposed evaluators, whomever the parent ultimately chooses – and their evaluations -- must meet all of the following criteria.

IV. MINIMUM CREDENTIALS FOR EVALUATORS

The evaluators selected by a parent or guardian must satisfy **all** of the following criteria that is set forth in the relevant area of expertise. In addition, any and all independent evaluators selected by a parent or guardian must:

1. Be able to schedule and complete an evaluation in a timely manner and produce a written report within sixty (60) calendar days of the date the parents provide consent, subject to any contractual arrangement with the district or unusual circumstances which justify an extension of this timeline.
2. Have experience and the necessary knowledge to administer the most recent iterations or editions of the applicable and relevant testing protocols.
3. Have training and experience in evaluating students for purposes of making **education-related** recommendations.

Psychological Evaluation or Psychoeducational Evaluation:

Must meet one of the following groups of criteria:

- (a) Master's degree from an accredited university and appropriate specialist level degree (e.g. Sixth Year Professional Diploma) in School Psychology from an accredited university; and
- (b) Professional Educator Certificate in School Psychology (Endorsement 070) from the State of Connecticut Department of Education; and
- (c) Minimum five (5) years full-time supervised professional experience beyond any internship or practicum experience in a public school setting.

Or:

- (a) Doctor of Philosophy ["Ph.D."], Doctor of Education ["Ed.D."], or Doctor of Psychology ["Psy.D."] in School Psychology, Counseling Psychology, or Clinical Psychology from an accredited university; and
- (b) Valid Connecticut Department of Public Health license as a

- psychologist; and
- (c) Minimum three (3) years training and experience post-licensure evaluating students of the same age level; and
 - (d) Clinical background, advanced training, and recent experience in the areas of disability being evaluated.

Neuropsychological Evaluation:

A professional who uses the title Neuropsychologist must have adequate specialty level training as this is not a legally regulated title or practice area. The district requires that the following criteria be met:

- (a) Doctor of Philosophy ["Ph.D."], or Doctor of Psychology ["Psy.D."] in psychology or clinical psychology with an emphasis, major or concentration in neuropsychology, clinical neuroscience or very similar field from an accredited university; and
- (b) Valid Connecticut Department of Public Health license as a psychologist; and
- (c) Post-doctoral fellowship in Neuropsychology for two (2) years at an approved facility; and
- (d) Three (3) years of professional experience in neuropsychology after attaining licensure, working with children and adolescents.
- (e) Optional: Board certification from the American Board of Professional Psychologists ["ABPP"], American Board of Clinical Neuropsychologists ["ABCN"], or the American Board of Pediatric Neuropsychologists ["ABPN"].

Psychiatric Evaluation:

- (a) Medical degree ["M.D."] from an accredited university; and
- (b) Clinical training in child and adolescent psychiatry; and
- (c) Valid license by the State of Connecticut Department of Public Health in good standing; and
- (d) Board certified by the American Board of Psychiatry and Neurology in the specialty area of Child and Adolescent Psychiatry.

Occupational Therapy Evaluation:

- (a) Minimum Bachelor's degree from an accredited university and has graduated from an educational program accredited by the American Occupational Therapy Association; and
- (b) Valid license issued by the State of Connecticut Department of Public Health in good standing; and
- (c) Clinical experience in evaluating and treating children and/or adolescents in the area of disability under evaluation.

Physical Therapy Evaluation:

- (a) Graduate of a school of physical therapy approved by the Board of Examiners for Physical Therapists; and
- (b) Valid license issued by the State of Connecticut Department of Public Health in good standing; and
- (c) Clinical experience in evaluating and treating children and/or adolescents in the area of disability under evaluation.

Speech and Language Evaluation:

- (a) Minimum of master's degree and appropriate specialist level training (e.g. Sixth Year Degree) in speech and language pathology from a program accredited by the American Speech-Language Hearing Association; and
- (b) Valid license issued by the State of Connecticut Department of Public Health in good standing; and
- (c) Clinical experience in evaluating and treating children and/or adolescents in the area of disability under evaluation; and
- (d) Current Certificate of Clinical Competence ["CCC"] in good standing from the American Speech-Language Hearing Association ["ASHA"].

Audiological Evaluation:

- (a) Minimum of master's degree and appropriate specialist level training (e.g. Sixth Year Degree) in audiology from a program accredited by the American Speech- Language Hearing Association; and
- (b) Valid license issued by the State of Connecticut Department of Public Health in good standing; and
- (c) Clinical experience in evaluating and treating children and/or adolescents in the area of disability under evaluation; and
- (d) Current Certificate of Clinical Competence in Audiology ["CCC"] in good standing from the American Speech-Language Hearing Association ["ASHA"].

Educational Evaluation

- (a) Master's degree from an accredited university and appropriate specialist level degree (e.g. Sixth Year Professional Diploma) in Special Education from an accredited university; and
- (b) Professional Educator Certificate in Special Education from the State of Connecticut Department of Education; and
- (c) Minimum three years full-time supervised professional experience beyond any internship or practicum experience in a public school setting.

Functional Behavioral Assessment

Must meet one of the following:

- (a) Minimum requirements above for Psychological or Psychoeducational Evaluation
- (b) Hold current certification in good standing as Board Certified Behavior Analyst ["BCBA"], including attaining a minimum of a master's degree in Applied Behavior Analysis ["ABA"] from an accredited university.

V. COST REQUIREMENT

Evaluators must not charge an amount that is in excess of the reasonable and customary fees for such evaluations in the community, as judged by the school district. Evaluators will be asked to provide an estimate of evaluation costs and, if necessary, to conform them to the expectations of the school district for fees that are reasonable and customary in the community. Refusal to comply will disqualify the evaluator. In the event that the school district is providing reimbursement to a parent or guardian for an evaluation already conducted, the school district shall not be responsible for reimbursement of any costs in excess of the customary fee for such evaluation in the community.

VI. INDEPENDENCE REQUIREMENT

Evaluators whom parents or guardians propose to conduct an IEE must have no treating or familial relationship with the student at issue, nor with the parents or other members of the student's family, and may not prior to the evaluation have advocated for the student in a PPT meeting or in a due process hearing. Evaluators may not be Region 14 employees. The evaluator must have no financial, professional, personal, or referral relationship, understanding or affiliation with attorneys or with advocates who represent parents or students in matters that are adverse to school districts.

VII. EVALUATION CONTENT REQUIREMENT

Evaluators must restrict their evaluations to their specific area of expertise and may not opine on matters outside of their specific area of expertise. Evaluators must administer evaluations within acceptable guidelines of practice for the area of evaluation and follow all best practices and legal requirements applicable to the area of expertise for evaluation of students pursuant to federal and Connecticut law, including but not limited to: the use of a variety of assessment tools and strategies administered in compliance with the test protocols issued by the manufacturer for each standardized assessment tool; the use of technically sound instruments; the use of instruments not selected so as to be discriminatory on racial or cultural basis; the use of assessment

tools administered in the child's native language or other mode of communication and in the form most likely to yield accurate information; the use of instruments used for the purpose for which the assessments or measures are valid and reliable; the use of instruments by an individual properly trained in the use of the instrument; the use of instruments tailored to address specific areas of educational need; and the use of instruments selected so as to ensure that for a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or other factors the test attempts or purports to measure, and not the child's impairment (unless those are the factors the test attempts to measure).

The evaluator shall make recommendations that address educational interventions and strategies that will assist the student to achieve appropriate educational progress. It is **not** the role of, nor appropriate for, the evaluator to make recommendations concerning the educational placement of the child as such decisions can only be made by the PPT. Therefore, the evaluator shall **not** make recommendations regarding the student's placement.

VIII. AVAILABILITY AND CONSULTATION REQUIREMENT

The utility of an evaluation and its relevancy are greatly increased when the evaluator takes the time to familiarize him or herself with the child and his or her educational program by consulting with the student's instructional staff. Consequently, evaluators **must** consult with the student's instructional staff within Region 14 regarding the child's needs and progress in the educational setting. The parent or guardian **must** authorize the evaluator and Region 14 staff to communicate directly regarding the student and to share records pertaining to the student. School-based information **must** be discussed and addressed in the evaluator's written report.

In the event of questions concerning the evaluator's written report or evaluation/test results, the evaluator must make himself or herself available to district staff to respond to questions, including questions concerning the standardized administration of test instruments.

IX. TIMELY WRITTEN REPORT REQUIREMENT

As noted in Section IV(1) above, the evaluator must be able to evaluate the student within a reasonable period of time after the district secures parental consent for the evaluation, and must be able to provide a timely written report of the evaluation, in most cases no more than 60 calendar days from the date the evaluation is initiated. The written report must be provided to the district no later than it is provided to the parent or guardian. Payment for the evaluation shall not be tendered until Region 14 has received the written report as well as the appropriate invoice.

X. LOCATION REQUIREMENT

Evaluators selected by parents or guardians to conduct an IEE must be located in either Litchfield, Fairfield, Hartford or New Haven County. Evaluators outside of this area will be approved only if the parent can show that it is necessary to look outside of this area to locate a suitable qualified evaluator. Region 14 shall not be responsible to fund travel expenses or transportation to and from the location of the evaluator. Exceptions may be made in the case of low-incidence or severe disabilities where qualified evaluators are not available within the area specified in this section.

XI. OUTSIDE EVALUATIONS THAT ARE NOT IEES

As noted, a parent or guardian is not entitled to reimbursement or payment by Region 14 for an evaluation obtained by a parent or a guardian that does not meet the criteria set forth herein for an IEE. If a parent or a guardian nonetheless decides to obtain such an outside evaluation and to share the results of such evaluation with the district, the student's PPT will meet to consider the evaluation, as appropriate. Such consideration of the evaluation is required by federal law; thus, the district does not assume financial responsibility simply by doing so. Furthermore, and as is true with any evaluation report, regardless of who conducts it, the consideration of the report does not necessarily mean that the PPT will accept its conclusions or recommendations.