

STAMFORD PUBLIC SCHOOL INDEPENDENT EDUCATIONAL EVALUATION (IEE)
CRITERIA/PROCEDURES

I. PREAMBLE

FROM Mr. Bryan Klimkiewicz, Chief
Bureau of Special Education

DATE: March 28, 2018

SUBJECT: Guidelines Regarding Independent Educational Evaluations at Public Expense and In-School Observations

In September 2017, the Bureau of Special Education (BSE) assembled an Advisory Work Group to contribute to the development of guidelines regarding independent educational evaluations (IEEs) at public expense and in-school observations for districts, schools, educators, parents, and other interested parties.

The attached guidelines clarify the existing obligations of school districts with respect to IEEs pursuant to the Individuals with Disabilities Education Improvement Act (IDEA). It also includes guidelines regarding in-school observations. These guidelines are primarily based on the plain language of the IDEA, the regulations implementing the IDEA, commentary to the implementing regulations, as well as the Office of Special Education Programs' policy interpretations. These guidelines replace the BSE's guidance memorandum titled Guidance Regarding Independent Educational Evaluations issued on June 9, 2015, and the guidance memorandum titled Guidance Regarding Independent Educational Evaluations dated May 3, 2017. This guidance is informal and represents the BSE's interpretation of the applicable statutory or regulatory requirements and is not legally binding. This guidance is not intended to be a replacement for a careful study of the IDEA and its implementing regulations.

Please distribute these guidelines to appropriate personnel to ensure compliance.

Administrators should carefully review these guidelines and the requirements of the IDEA and its implementing regulations, and work with staff in their district to ensure that local practices align with state and federal law. This review should include comparing any existing policies and procedures with these guidelines, as well as state and federal law, to identify and then remedy any compliance issues. Policies and procedures should be readily available for distribution in special education administrative offices, posted on the district Web site for easy online access, and available in a parent's native language.

Follow the link to read State of Connecticut Guidelines

<https://docs.google.com/document/d/1E1xCOqkwbu4bgTLCzyS9T3tqm2JPMYhPuZUh6NH2Qbo/edit?usp=sharing>

II. INTRODUCTION

The Stamford Public Schools employ certified staff such as school psychologists, special education teachers, school social workers, occupational therapists, physical therapists, and speech-language pathologists for the purpose of evaluating students with special education needs. In some instances, parents may wish to exercise their rights pursuant to their Procedural Safeguards in Special Education to obtain an Independent Educational Evaluation (IEE) at public expense. In the event that a parent seeks to obtain an IEE at public expense, or a Planning and Placement Team (PPT) seeks to obtain an outside evaluation of a student to obtain additional information regarding a student, the evaluation must meet the following criteria. In the event that the evaluation does not meet the following criteria, the parent may still obtain the evaluation, but it will not be publicly funded.

According to state and federal special education laws, parents and guardians have the right to obtain an IEE at public expense if, and only if, the district has conducted an evaluation of the student by personnel employed or designated by the school district, and the parent or guardian disagrees with the evaluation conducted by the district. The Stamford Public Schools have established the following procedure for obtaining an IEE at public expense and selecting an appropriate evaluator.

III. DEFINITION

An Independent Educational Evaluation (IEE) is an evaluation conducted by a qualified examiner who is not employed by the Stamford Public Schools, when the Stamford Public Schools have already conducted an evaluation of the student and the parent or guardian disagrees with the evaluation conducted by the district, or when the PPT has declined to evaluate a student to determine eligibility for special education services and the parent or guardian disagrees with the decision not to evaluate the student, and seeks an IEE at public expense.

IV. PROCEDURES

A request for an IEE at public expense can be made at a Planning and Placement Team (PPT) meeting. If the request is made outside of a PPT meeting, for example, in the form of a written request, the district may convene a PPT meeting to review the parent or guardian's request; however, the convening of a PPT meeting shall not be used solely for the purpose of delaying the response to the IEE request. Our practice should be to respond to a parent's IEE request within **ten school** days or less after receiving it.

Upon request for an IEE by a parent/guardian, the Stamford Public Schools ("the school district") will respond in one of the following ways: (a) The district will explain that the parent or guardian is not entitled to an IEE at public expense because either the district has not yet evaluated the student, and 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; (b) the district will initiate a due process hearing to show that its evaluation of the student is appropriate; or (c) the district will provide an IEE at public expense (e). The Office of Special Education Programs (OSEP) has provided guidance that a school district may deny public funding of an IEE, and need not request a due process hearing, if the IEE is requested over two years after the school district completed its evaluation. This aligns with the two-year period under the IDEA. If the district has evaluated the student and denies the parent's request for an IEE at public expense, either because the district's evaluation was appropriate or because the evaluation obtained by the parent does not meet the district's criteria, the district must file for a due process hearing to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet its criteria. 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 the district's evaluation was appropriate, the parent or guardian may still obtain an independent evaluation, but it will be at their own risk and expense. The district is entitled to evaluate the student in the first instance, prior to a parent request for IEE. A request for IEE submitted at a time when the district has not yet had an opportunity to evaluate the student may be deferred until after the district has had an opportunity to evaluate or reevaluate the student. A parent or guardian is entitled to only one IEE at public expense in response to each district evaluation (initial evaluation or triennial reevaluation).

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 will not be required to provide a reason, and if s/he refuses to provide a reason, the request will be promptly granted or denied on the basis of the available information.

If the district decides to provide an IEE at public expense, the district will provide names, addresses, and phone numbers of possible IEE evaluators who meet the district's criteria for the particular type of assessment at issue (see below).

Any of the criteria may be waived by the school district in a particular instance because of unique circumstances applicable to the case at issue, or the student's unique needs.

V. CRITERIA FOR EVALUATORS: Education, Certification, and Licensure requirements.

Psychological Evaluation or Psycho-Educational 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.), 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) Post-doctoral fellowship in Neuropsychology for two (2) years at an approved facility; and
- (d) Three (3) years of professional experience in neuropsychology after obtaining 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-Language Evaluation:

- (a) Minimum of master's degree in speech-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); and
- (e) Certification from the State of Connecticut Department of Education (endorsement number 061).

Audiological/Auditory Processing Evaluation:

- (a) Minimum of master's 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 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 Psycho-Educational Evaluation;
- or
- (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.

VI. COST REQUIREMENT

(Our customary rate range is reviewed annually by July 1, annually.)

Evaluators must charge fees for evaluations which are reasonable and customary 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 a reasonable fee for the service provided. The Evaluator must sign a Contract with the City of Stamford's Purchasing department and, therefore, become a vendor with the City for payment of services.

Listed below you will find the range of what we consider reasonable and customary rates for all areas and is based on the median and high cost of fees paid to evaluators from six Fairfield County Schools, the rate should include , written reports, PPT participation and evaluators are expected to use CPT(current procedural terminology) codes to identify the completed evaluation procedure:

Speech - \$2,000.00-\$3,200 CPT 96251, 92522, 92523, 92605, 92607, 92610;

Audiology - \$1,000.00-\$3,500.00 CPT Codes 92550, 92551, 92552, 92555, 92556, 92557, 92571, 92572, 92576;

Psychiatric - \$4,800.00- \$7,800.00 CPT Codes 90791, 90834; 90837, H0031;

Psychological or Psycho-Educational - \$4,000.00-\$6000.00 CPT Codes 96130 and 9613 ;

Neuropsychological - \$4,000-\$6,5000 CPT Code 96132 and 96133;

Occupational Therapy - \$2,200-\$ 3,000 CPT Codes 97165, 97166, 97167;

Physical Therapy - \$2,200 -\$3,000 CPT Codes 97161, 97162, 9716

Educational- \$2,000-\$3,300

Functional Behavioral Assessment- \$1,200-\$2,000 CPT 97151

VII. INDEPENDENCE REQUIREMENT

Evaluators will not be employees and/or individuals or companies contracted by the Stamford Public Schools.

VIII. 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 IDEA 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).

In-School Observations

A. For most evaluations, it is important for the independent evaluator to understand the student within the context of his or her classroom, and the student's general presentation in school. Some observations conducted by independent evaluators may require more time than others depending upon the purpose and the complexity of the student's programming.

B. When determining the scope of the observation, all parties should be clear about the specific questions that the independent evaluation is attempting to address.

C. The school district should not arbitrarily limit in-school observations to only one type of setting (e.g., academic classroom). In some cases, it may be reasonable for an independent evaluator to observe a student in a variety of settings (e.g., classroom, lunchroom, recess, etc.), given his or her IEP goals and objectives. These parameters should be addressed and resolved in discussions with the parents and the independent evaluator.

22 This section applies only to in-school observations conducted by an independent evaluator as part of an IEE at public expense.

Guidelines Regarding IEEs at Public Expense and In-School Observations

D. School districts that have policies and procedures placing restrictions on in-school observations, should be aware that OSEP has provided guidance stating that any policy limiting the length of observations conducted by independent evaluators would also have to apply to district personnel and independent evaluators hired by the school district in order for it to be consistent with the IDEA.

IX. AVAILABILITY AND CONSULTATION REQUIREMENT

The utility of an evaluation and its relevance are greatly increased when the evaluator takes the time to familiarize him or herself with the child in the school setting, and is available to consult with staff and review the evaluation at a PPT meeting for purposes of discussing any implications for the child's IEP. Evaluators are required to observe the student in the school setting as a requirement for the evaluation(in person or through video), and to consult with school staff (this may be accomplished by telephone or video conference) to discuss the child's needs and progress in the educational setting. Evaluators must be available and willing to attend the PPT meeting (this may be accomplished by remote means such as by telephone or video conference) to review the results of their evaluation and to discuss educational implications of the evaluation. The evaluator must be permitted to communicate directly with the district staff, and to obtain information from and share information with the school.

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 him- or herself available to district staff to respond to questions, including questions concerning the standardized administration of test instruments.

X. TIMELY WRITTEN REPORT REQUIREMENT

The evaluator must be able to evaluate the student within a reasonable period of time after the district approves 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 before the district will issue payment for the evaluation.

XI. LOCATION REQUIREMENT

Evaluators for the Stamford Public Schools must be located in Connecticut. 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. The district 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.

XII. EVALUATOR LIST (Stamford has no relationship with any of the evaluators on the list and we are not recommending any person over another. This completes our requirement as stated in the IEE Connecticut State Guidelines)

PSYCHIATRIST

Dr. Barbra Rickler: (203) 389-1229 x1/ bnrickler@gmail.com

Dr. Gallo: (203) 226-3134

Dr. Stubbe: (203) 785-2516

Dr. R. Nikolov: (203) 863-4570

Dr. Elizabeth Ortiz-Swartz: (203) 983-5294

AUDIOLOGIST

Dr. Elizabeth D' Souza: exd-522@sbcglobal.net

Dr. Amanda Peluso: peluso@norwalkps.org

PSYCHOLOGIST

Jeff Deteso: (203) 622-8600

Dr. Porino: (203) 202-7654

Chelsa Ackerman: (203) 622-8600/ Chelsea.e.ackerman@gmail.com

NEUROPSYCHOLOGIST

Barbra Boller & Linda Weiland: learnrt@optonline.net

Laura Gutman: 203-682-0199

Dr. Tim Heitzman: (203) 612-0908

Mana Shafie: (203) 855-9691

SPEECH-LANGUAGE PATHOLOGIST

Wendy Marans: (203) 789-0424

Megan Angiolillo: (914) 244-9600

Danielle Buffamante: (914) 419-0824

OCCUPATIONAL

Kristi Nguyen: (203) 530-2108

Aubrey Schmalte: (203) 200-7256

Physical Therapy

Aileen Tisser: (203) 545-0024

Charlotte Bishop: (203) 622-8600

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