

## INDEPENDENT EDUCATIONAL EVALUATION POLICY

### Background

In certain circumstances, as part of the special education placement process, parents may submit on behalf of their child an Independent Educational Evaluation ("IEE"). Under limited conditions, narrow legal provisions exist for school districts to reimburse parents for the costs of such IEEs, provided that detailed procedures are complied with, as set forth under federal regulations. School districts, such as the Mt. Lebanon School District, may maintain that they are not required to consider an IEE that does not meet established school criteria or reimburse parents for an IEE that does not meet established criteria. However, to preclude introduction of (and District payment of) an insufficient IEE, the District must establish criteria for what constitutes an acceptable IEE.

### Objective

It is this policy's objective that the District sets out sufficient IEE criteria so that only those IEEs that meet such criteria are accepted at an administrative due process hearing. Further, this policy's objective is to ensure that District payment of IEEs is limited to those evaluations that meet such established criteria.

### Policy

The policy of the Mt. Lebanon School District is as follows:

#### A. General Provisions:

1. The parents of a child with a disability have the right to obtain an independent educational evaluation (IEE) of their child. An IEE is an evaluation conducted by a qualified examiner who is not an employee of or an independent contractor with the District.
2. Upon parental request for an IEE, the District will provide the parents information about where an IEE may be obtained and the District's criteria applicable for IEEs, as set forth below. The criteria under which the independent evaluation is obtained must be the same as the criteria the District uses in conducting an evaluation. The following criteria are required:
  - a. If the independent evaluation is at public expense, it must be conducted within a 30 mile radius of the District.
  - b. An evaluation of a child for autism, emotional disturbance, intellectual disability, multiple disabilities, other health impairments, specific learning disability or traumatic brain injury must be

done by a school psychologist certified in the State of Pennsylvania. An evaluation for other disabilities (i.e. speech and language) must be done by a person licensed or certified to conduct and interpret assessments of the area(s) of concern. The District reserves the right to request and obtain the credentials of the evaluator.

- c. The evaluator and the District must have permission to communicate and share information. The evaluator must release written results of the evaluation to the District in the Pennsylvania Department of Education's mandated evaluation report format.
- d. The evaluation must include an observation of the child in the educational setting and must include input from relevant IEP Team members.
- e. The evaluation must consist of tests of appropriate reliability and validity for the intended purpose and population.
- f. The evaluation must cover all areas of suspected disability.
- g. The evaluation must consist of more than just one test or assessment procedure.
- h. The evaluation must be in the child's native language unless clearly not possible to do so.
- i. A diagnosis under Diagnostic and Statistical Manual of Mental Disorders: Fourth Edition (DSM-IV) requirements do not necessarily equate with eligibility requirements under IDEA (1997), Section 504 and/or ADA.
- j. The evaluation must follow requirements for administration as set forth by the test publishers.

## B. Independent Evaluations at School District Expense:

- 1. Parents may obtain an IEE at the District's expense if they disagree with the District's evaluation. If the District is in the process of completing an evaluation when a request is made, the District will complete its evaluation prior to making a determination regarding the IEE.
- 2. If a parent requests an IEE at the District's expense, or if the parent requests that the District reimburse them for an IEE that is already completed, the District must, without unnecessary delay either:
  - a. Initiate a due process hearing to show that its evaluation is appropriate; or
  - b. Ensure that an IEE is provided at the District's expense.

3. If at the due process hearing described above in Section B.2.a, a hearing officer determines that the District's evaluation is appropriate, parents may still obtain an IEE, but not at the District's expense.
4. If a parent requests an IEE, the District may ask the parents the reasons why they object to the evaluation. However, this request, or the parents' failure to respond towards this request, will not unreasonably delay the District from either providing the IEE at its expense or initiating a hearing to defend the District's evaluation.

### C. Independent Evaluations at Parent Expense

If the parents obtain an IEE at their own expense, the results of this evaluation:

1. Must be considered, but not necessarily accepted, by the District, if it meets the District's criteria as set forth above in Section A.2 above, in any decision made with respect to the provision of FAPE to the child.

Therefore, if a parent presents an IEE regarding their child, the District will convene the Multidisciplinary Team and/or IEP Team to consider the information. Based upon the information provided the Team may accept the information, reject the information or determine that additional evaluation data should be collected. If the Team feels additional information is necessary, a Permission to Reevaluate will be issued. The results of the Team's consideration will be reflected in the child's school evaluation report (ER);

AND

2. May be presented as evidence in any due process hearing regarding the child.

### Administrative Responsibility

It shall be the responsibility of the Superintendent to assure that the guidelines established by this Policy are followed by appropriate District administration, faculty and staff, and that policy terms be made known to District parents and students.

### Communications

This Policy shall be communicated to all school personnel involved in implementation of this Policy. This Policy shall also be communicated by District personnel with special education responsibility to District parents whom such personnel reasonably believes will seek an IEE for their children.

Adopted July 21, 2003  
Revised October 17, 2022