

# **Baldwin County Public Schools**

## **PROCEDURES AND GUIDELINES FOR THE PROVISION OF INDEPENDENT EDUCATIONAL EVALUATIONS (IEEs) AT BOARD EXPENSE**

### **PURPOSE**

The purpose of these procedures is to provide for a process for responding to a parental request for the Baldwin County Board of Education (Board) to fund an independent educational evaluation (IEE). In addition, provision of copies of these guidelines to parents will meet the IDEA's requirement to provide necessary information to parents when they request an IEE, including information about where an IEE may be obtained and the Board's criteria applicable to IEEs.

### **THE PARENTAL RIGHT TO AN IEE**

Under the IDEA, a parent has the right to an IEE at public expense *only* when the parent disagrees with an individual evaluation completed or obtained by the Board (e.g., OT, PT, achievement). If the Board has not conducted or obtained an evaluation of the student, the parental right to an IEE does not arise until the Board has completed its evaluation. If the request for an IEE is made one calendar year or more from the date of completion of the Board's evaluation, the Board may seek to complete a reevaluation prior to agreeing to fund an IEE.

A parent is entitled to only one IEE at public expense each time the Board conducts an individual evaluation(s) with which the parent disagrees.

### **DEFINITION OF AN IEE**

An IEE is an evaluation conducted by a qualified evaluator who is not an employee of the Board. The IEE is funded by the Board or otherwise provided at no cost to the parent of a student with a disability. The purpose of an IEE is for determining a student's eligibility for special education or related services and for meeting a student's educational needs.

### **BOARD'S GENERAL RESPONSE TO A REQUEST FOR AN IEE**

If a parent requests an IEE at public expense, the Baldwin County Board of Education must, without unnecessary delay, either 1) file a due process hearing request to show that its evaluation is appropriate or 2) agree to fund the IEE and ensure that the IEE is provided, unless the Board demonstrates in a due process hearing that the evaluation obtained by the parent did not meet agency criteria. If the final decision in a due process hearing is that the Board's evaluation is appropriate, the parent continues to have the right to an IEE, but not at public expense. Specific procedures for responding to a request for an IEE are set forth below and are to be followed when a parent makes a request for an IEE.

### **CONSIDERATION OF IEE RESULTS**

If a parent obtains an IEE at public expense or shares with the Board an evaluation obtained by the parent at private expense, the results of the evaluation will be considered by the Board in any decision made with respect to the provision of FAPE to the student, if it meets agency criteria applicable to evaluations. However, the Board is not required to adopt the findings or recommendations contained in an IEE.

### **SPECIFIC PROCEDURES FOR RESPONDING TO A REQUEST FOR AN IEE**

1. Parents are encouraged to notify the Board and ask for funding prior to obtaining an IEE. However, the Board will not necessarily deny funding or reimbursement for an IEE already obtained, as long as the IEE meets Board evaluation criteria, including cost and location of the evaluation and the qualifications of the evaluator that the Board uses when it initiates an evaluation.
2. All parental requests for an IEE must be made in writing and forwarded to the Board's Special Education Coordinator or designee for decision. When a parent makes a request for an IEE, a copy of these Guidelines, the Request form for an IEE, Board evaluation criteria and the Board's list of qualified evaluators must be provided to the parent. The Request for IEE should be completed by the parent making the IEE request and returned to the Special Education Coordinator or designee. The refusal of a parent to complete the Request for IEE form cannot ultimately serve as a basis for unnecessarily delaying the funding decision if an otherwise proper request for an IEE has been made.
3. Upon receipt of the Request for an IEE, the Special Education Coordinator or designee will decide whether the requested IEE will be publicly-funded or, in the alternative, whether the Board will seek a due process hearing to obtain a ruling that its evaluation is appropriate or that the parents' privately-funded IEE (if they have already obtained one) does not meet Board criteria. Once it is clear to the Board that the parent disagrees with an evaluation conducted by the Board and has properly and clearly requested an IEE, a decision will be made, without unnecessary delay, as to whether it will be funded. Generally, the time period for responding to the request will be 10 school days, unless more flexibility is needed to accommodate good faith discussions and negotiations regarding the need and arrangements for an IEE.
4. In selecting an evaluator to conduct the IEE, a parent may choose from the Board's list of qualified evaluators. Parents may select an evaluator that does not appear on the list, but must ensure that the IEE performed otherwise meets the Board's criteria, including those related to the qualifications of the evaluator, the cost and location of the evaluation and the criteria for performing evaluations. Should the parent's requested IEE not meet criteria, the parent will be given the opportunity to provide an explanation of any unique circumstances that exist that would justify any deviation from the criteria.
5. Once the parent has selected an independent evaluator from the Board's approved list or has identified another evaluator that meets Board criteria or is otherwise approved pursuant to the guidelines, the Special Education Coordinator or designee will contact the

evaluator in order to make appropriate contractual arrangements for the evaluation to be performed and funded. An independent evaluator will not be paid for the independent evaluation until the Board receives a written evaluation report from the evaluator and is given the opportunity to discuss the evaluation results with the evaluator, if needed, and at the same time that the results are discussed with the parent.

6. If the Board decides to refuse funding for the IEE, prior written notice of the refusal must be provided to the parent and a request for due process hearing will be initiated by the Board to prove its evaluation is appropriate or that the IEE requested or obtained by the parent does not meet agency criteria.

**PARENTAL REQUEST FORM FOR AN  
INDEPENDENT EDUCATIONAL EVALUATION (IEE)**  
**(to be completed by or on behalf of a parent requesting an IEE)**

Student's Name: \_\_\_\_\_

School: \_\_\_\_\_

Parent(s) name, address and phone:

\_\_\_\_\_

Do you disagree with an evaluation conducted by the Board? \_\_Yes \_\_No

If so, with which evaluation(s) do you disagree?

\_\_\_\_\_

Why do you disagree with the Board's evaluation(s)?

\_\_\_\_\_

\_\_\_\_\_

What kind of independent evaluation do you wish to be done or in what area(s) do you wish for your child to be evaluated?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**A copy of the Board's approved list of qualified evaluators has been provided to you, along with applicable criteria related thereto.**

Please identify the evaluator you have chosen to conduct the independent evaluation. If you do not select someone from the Board's approved list, please identify your chosen examiner and describe the qualifications of the selected examiner, the location of the evaluation, the estimated cost of the evaluation and the contact information for the evaluator so that the Board can make a proper decision and, if appropriate, proper arrangements for obtaining/funding the evaluation. **In addition, please set forth the unique circumstances that justify any deviation from the Board's IEE criteria (add additional pages if needed).**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Submit this Request to the **district special education coordinator** at the central office at 1091 B Avenue, Loxley, Alabama 36551. The Baldwin County Board of Education will respond to your request without unnecessary delay and will either agree to fund it or will initiate a due process hearing to show the appropriateness of its own evaluation or to prove that the IEE requested does not meet applicable criteria.

Parental Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Date Received by Special Education Coordinator/designee:** \_\_\_\_\_

## **Baldwin County Board of Education**

### **LIST OF APPROVED QUALIFIED EVALUATORS AND APPLICABLE CRITERIA FOR CONDUCTING INDEPENDENT EDUCATIONAL EVALUATIONS**

You have indicated that you disagree with an evaluation conducted by the Baldwin County Board of Education and have requested that the Baldwin County Board of Education fund an Independent Educational Evaluation (IEE). The criteria, under which an IEE is conducted or obtained, including the location and cost of the evaluation and the qualification of the evaluator, must be the same as the criteria the Board uses when it conducts the same kind of evaluation.

Below is a list of approved qualified evaluators from which you may choose to conduct such an evaluation, along with Board's criteria for conducting an IEE. Should you choose an evaluator that is not on the list, you must ensure that the qualifications of the evaluator and the Board's criteria are met or provide the Board with an explanation as to any unique circumstances that would justify deviation from the list or the criteria.

The following is a list of approved qualified independent examiners within the geographic region and where they can be reached:

#### **LIST OF APPROVED EVALUATORS FOR FUNCTIONAL BEHAVIORAL ASSESSMENTS**

<b>Mr. D. Reed Bechtel, M.S., BCBA</b>	<b>Office # (251) 990-9736</b>
<b>Ms. Sue Heatter, M.S., BCBA</b>	<b>Office # (251) 990-9736</b>
<b>Mr. Heath Sherrer, MS, BCBA</b>	<b>Office # (334) 663-3503</b>

#### **BOARD'S EVALUATION CRITERIA**

Where an IEE is at the expense of the Board, the criteria under which the evaluation is conducted or obtained, including the location of the evaluation and the qualifications of the evaluator, must be the same as the criteria the Board uses when it initiates an evaluation, to the extent the criteria are consistent with the parent's rights to an IEE. The following are the Board's criteria applicable to the performance of evaluations. An IEE must be conducted based upon these criteria, unless the parent can demonstrate that unique circumstances justify deviation from them.

1. **Applicable Overall Criteria for Conducting an Evaluation**

An independent evaluation would typically include an observation of the student in an educational setting (if the student is in an educational setting) and review and consideration of current education records;

The evaluator must obtain direct information concerning the performance of the student from not less than one current teacher or other service provider of the child, unless the child does not have a current teacher/service provider;

If the independent evaluator is making a Special Education diagnosis for Eligibility purposes, then all required evaluations must be included, in accordance with the Alabama Administrative Code (AAC) and the AAC Eligibility criteria met for the disability area. (Note: Clinical or Medical diagnoses will be considered but do not necessarily meet Eligibility requirements in the AAC.);

All assessment instruments must be administered by a qualified evaluator, be age appropriate to the child, and be administered and scored in conformance with the test publisher's instructions. The evaluation instruments are to be chosen on the basis of their **relevancy** to the educational questions to be addressed by the evaluation. (Note: Screening instruments or short form tests will not be accepted.) This means that the instruments should be those that are commonly known to and used by public school professionals. All instruments used must be current editions and reported in standard scores;

The evaluator must prepare and sign a full evaluation report containing:

- A list of all information/data reviewed;
- The location, date and time of testing;
- A clear explanation of the testing and assessment results;
- A complete summary of all test scores, including, for all standardized testing administered, all applicable full scale or battery scores, domain or composite scores, and sub-test scores reported in standard, scaled or T-score format;
- A complete summary of all information obtained or reviewed from sources other than testing conducted by the evaluator;
- Recommendations for IEP team consideration for educational programming and, if appropriate, placement that are educationally relevant and realistic within a public educational setting.

## 2. Location of Evaluators Conducting IEEs

An independent evaluator must be located within the same geographic area that the Board uses for its own evaluations, which is South Alabama, typically not to exceed a 110 mile radius of Loxley, Alabama. These location requirements may be waived or modified in special circumstances when unique diagnostic expertise is warranted, provided the parents can demonstrate the necessity of using an evaluator outside the specified geographic area.

## 3. Qualifications of Evaluators Conducting IEEs

Independent evaluators must be licensed and/or certified to practice in Alabama and meet the minimum qualifications/criteria set forth in Appendix A.

## 4. Cost for IEEs

The cost of an IEE shall reflect reasonable and customary rates for such services in South Alabama. Unreasonable costs for travel will not be reimbursed as part of the funding for an IEE. Mileage will be reimbursed at the prevailing district approved rate. Costs above customary

amounts will be approved only if the parent can demonstrate that the cost reflects a reasonable and customary rate for such evaluative services or if the parents can demonstrate that there are other factors that make the extraordinary costs necessary in order to exercise their right to an IEE.

5. Timeline for Completing the IEE

If the IEE has not already been conducted, it must be completed within a reasonable period of time from the date that the Board finalizes its agreement with the evaluator to fund the IEE. Generally, the IEE should be completed within sixty (60) calendar days from the date that the Board finalizes the agreement with the evaluator.

6. Provision of Evaluation Report to Board

The evaluator must have parental permission to communicate and share information with the Board and, as part of the contracted evaluation, must agree to prepare an evaluation report and release their assessment information and results directly to the Board prior to the receipt of payment for services. Results must be sent to the Board prior to or on the same day that results are provided to the parents.

7. Conflict of Interest Requirements

The independent evaluator must be free of any conflict of interest and the independent evaluation must not be of benefit to any particular public, non-public or private school, agency or institution.

**Independent Educational Evaluations (IEE)**  
**Minimum Qualifications/Criteria for Evaluators**

<b>Type of Assessment</b>	<b>Qualifications</b>
Academic Achievement	Certificated Special Education Teacher or Licensed <b>Psychologist or Certified School Psychologist</b> /Psychometrist
Adaptive Behavior	Licensed Psychologist <b>or Certified School Psychologist</b> /Psychometrist or Certificated Special Education Teacher
Auditory Processing/Perception Speech/Language Pathologist	Certificated or Licensed Speech/Language Pathologist
Behavioral (FBA/BIP)	Certificated Special Education Teacher or Licensed <b>Psychologist or Certified School Psychologist</b> /Psychometrist Psychiatrist or Behavior Specialist
Cognitive/Intellectual	Licensed Educational or Clinical <b>Psychologist or Certified School Psychologist</b> /Psychometrist Clinical Psychiatrist
Health or Medical Disability	Licensed Physician
Hearing Acuity Licensed Speech/Language Pathologist	Audiologist or Certificated or Licensed Speech/Language Pathologist
Motor Adaptive	Physical Education Specialist or Registered Occupational Therapist or Licensed Physical Therapist
Neurological	Licensed Psychiatrist/Neurologist
Neuropsychological	Licensed Clinical Psychologist with American Board of Clinical Neuropsychology or comparable Board Certification
Social/Emotional	Licensed Educational, <b>Clinical Psychologist or Certified School Psychologist</b> /Psychometrist or Psychiatrist

Speech and Language	Certificated or Licensed Speech/ Language Pathologist
Visual Processing/Perception	Certificated Special Education Teacher or Licensed Educational Psychologist or Certified School Psychologist/Psychometrist
Visual Acuity	Ophthalmologist or Optometrist