OPERATING PROCEDURES

INDEPENDENT EDUCATIONAL EVALUATION

Kirbyville CISD **121905**

Template update October 2024

Legal Framework: INDEPENDENT EDUCATIONAL EVALUATION
Related Resources
Broad Category: EVALUATION

PROCEDURES:

- If the parent or guardian disagrees with the results of a district-conducted evaluation or reevaluation, they have a right to request an independent education evaluation (IEE).
    - Any request for an IEE will be communicated to the Special Education Director. The director is responsible for granting or denying the request for an IEE in writing as an administrative decision.
        - Grant the request for an IEE that meets the district criteria and provide the parents with the IEE criteria.
        - File a due process complaint to obtain a hearing to prove the district's evaluation is appropriate or that the person does not meet the district's criteria.
    - The parent will be provided with the district's IEE criteria, information about how to obtain an IEE, and a copy of the Notice of Procedural Safeguards.
    - The IEE will be conducted by a qualified examiner that is not employed by the district and who meets the district's criteria for an independent evaluator.

- **Evaluation Criteria:**

    - The independent examiner will have the same qualifications as the assessment personnel as described in SBOE Rules, Kirbyville CISD procedures, and listed above.
    - The evaluation will be conducted in the school building to which the student is assigned, unless clearly not feasible.
    - The independent examiner shall have access to the student's cumulative folder and special education folders in gathering information about the student.

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- The independent examiner may meet with the school ARD committee to gather information about a student prior to the assessment and to share information following the assessment.
- The independent examiner shall follow federal and state assessment regulations and rules, reporting requirements and established eligibility criteria for the diagnosis of students with disabilities.
- The independent evaluation may be restricted to one assessment area upon mutual agreement by the Kirbyville CISD and parent.
- The evaluator must be located within a 125-mile radius of the school district. This will allow the evaluator access to the public school for observation of the student and access to ARD/IEP meetings.
- The evaluator must provide information in the same timely manner as required by district personnel including an original typed report to Kirbyville CISD within 45 school days from the date that an IEE is Approved by Kirbyville CISD. Protocols must be available for review and the report must include an original signature and title of all assessment personnel involved in the evaluation. The report must comply with all requirements of state and federal regulations.

- **Criteria for Fee Setting:**
  - Kirbyville CISD will pay a fee for the IEE which allows a parent to choose from among the qualified professionals in the area.
  - Kirbyville CISD will not pay an unreasonably excessive fee; unreasonably excessive fee is one which is 25% above the prevailing fees in the area.
  - Upon receipt of a request for payment of an unreasonably excessive fee, the districts may request a hearing to challenge the right of parents to be reimbursed.
  - Parents will be allowed the opportunity to demonstrate to an ARD committee that unique circumstances justify an IEE that does not fall within the district's criteria.
  - In the event that a parent pursues an IEE independently, an original billing form must be submitted to Kirbyville CISD prior to payment before reimbursement or direct payment is authorized, criteria must be met and the written report received.

- The district will contract directly with the IEE provider. The payment will be direct-pay to the provider.

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- Campus administrators will be made aware that there may be an evaluator present to conduct classroom observations on a student for the purpose of completing the IEE.
- The ARD committee will consider the IEE in the purpose of the provision of a free and appropriate public education.

STAFF RESPONSIBLE:

District Level: Special Education Director

Campus Level: Campus Administrator/Evaluation Personnel/Teacher

TIMELINES FOR IEEs:

- Response to parent's request for an IEE
- Payment for IEE
- Scheduling an ARD committee meeting to consider an IEE

EVIDENCE OF PRACTICE:

- Forms and checklists used in the IEE process
- Training artifacts (agenda, presentation hand-outs, sign-in sheets, etc.)
- List of independent evaluators
- Contracts with IEE providers

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