

Educational Support Services

Independent Educational Evaluation Procedures

Legal:

Independent Educational Evaluation (IEE) means an evaluation conducted by a qualified evaluator not employed by the school district which is responsible for the education of the student in question. If a parent/legal guardian/adult student (referred to as “parent” in this document moving forward) disagrees with all or part of the Cypress Fairbanks Independent School District (CFISD) assessment, the parent may request CFISD to provide an IEE at public expense. Public expense means that the LEA either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent consistent with the provisions of the Individuals with Disabilities Education Act (IDEA) regarding the use of IDEA Part B formula amounts in general. When a parent requests an IEE CFISD must do one of the following without unreasonable delay:

- A. File a due process complaint to request a hearing to show that CFISD’s evaluation is appropriate; or*
- B. Ensure the IEE, which meets federal and state requirements, is provided at public expense.*

If a parent requests an IEE, the District may ask for the parent’s reason why he or she objects to the public evaluation. However, the explanation may not be required and CFISD will not unreasonably delay either providing the IEE at public expense or initiating a due process hearing to defend the District’s evaluation.

*If the final decision from a due process hearing officer is that the LEA’s evaluation is appropriate, the parent still has a right to an IEE, but not at public expense. If a hearing officer requests an IEE as part of a hearing on a due process complaint, the cost of the evaluation must be at public expense.
(34 C.F.R. §300.502)*

What We Do:

Procedure for Consideration of IEE

- A. **District Evaluation** - If CFISD has not conducted an evaluation, the parent does not have a right to an independent evaluation at public expense. The parent may request only one IEE for each evaluation completed by the District. The results of a parent-initiated IEE will be considered by the District, but such consideration does not make the District liable for reimbursement for the IEE.
- B. **Parent Notifies District** - Parent will be requested to notify the District of specific areas of disagreement when they disagree with the District’s evaluation. CFISD may offer to resolve the parent’s disagreement by providing additional evaluation, but the parents are not required to accept the offer. If parents elect to have CFISD conduct a new evaluation, new consent for testing will be obtained.
- C. **Request for an IEE at Public Expense (Steps to Follow):**
 - a. Parent will email their request for an IEE to IEERequest@cfisd.net within two years of the CFISD evaluation date. Written request should include the following:

- i. Student Name, DOB, Grade, Current Campus or Last Attended, Parent/Legal Guardian Information
- ii. CFISD evaluation disagreed with and date
- iii. Areas of disagreement with the CFISD evaluation(s)
- b. *Note: Parents will have an opportunity to provide evidence of any unique circumstances that justify an IEE that does not meet CFISD IEE Criteria and Evaluator Requirements.*

Response to Request for IEE

- A. Timeline - the office of the Director of Assessment will respond in writing to the parent's request within 10 school days to either approve or deny the request.
- B. If an IEE is approved:
 - a. The District sends the following to the Parent:
 - i. CFISD IEE Procedures
 - ii. **CFISD Memorandum of Understanding**
 - iii. **IEE Provider Qualifications**
 - iv. **IEE Provider List & Fee Schedule**
 - v. **Authorization for Release of Records**
 - vi. **Notice of Procedural Safeguards English** or **Notice of Procedural Safeguards Spanish**
 - b. Parent communicates selected provider(s) from the list in writing to the office of the Director of Assessment including the full name and contact information of the proposed evaluator.
 - c. Within 10 school days of receipt of the parent-elected evaluator, the office of Director of Assessment will contact the independent evaluator to provide him/her with the following:
 - i. CFISD IEE Contract
 - ii. CFISD IEE Procedures & **Fee Schedule**
 - iii. CFISD **Pre-Service Affidavit**
 - d. Within 10 school days of receipt of the completed vendor packet from the independent evaluator, the office of the Director of Assessment will process the paperwork to establish him/her as a vendor.
 - e. Once the Vendor is approved, the office of the Director of Assessment will email the Vendor, the Parent, and appropriate campus personnel that the independent evaluator has been established as a vendor for CFISD.
 - f. Once the Parent has received the email from CFISD, the parent may schedule an appointment with the established Vendor.

C. DENYING A REQUEST FOR AN IEE WITHOUT FILING FOR DUE PROCESS

If the school district denies a request for an IEE, it is required to file a request for due process without unnecessary delay unless one of the following exceptions applies.

- a. No district evaluation with which to disagree.
If the school district has not conducted an evaluation of the student, the parent does not have a right to an IEE at public expense. The school district should determine if it is appropriate to conduct an evaluation of the child in the area for which a parent sought an IEE. The district will provide the parent PWN indicating that the district is refusing the request for an IEE due to the fact that there is no district evaluation with which to disagree and attach a copy of the Notice of Procedural Safeguards.
- b. Refusal to consent to evaluation.

If the parent refused to consent to the district's request to conduct an evaluation, the parent does not have the right to an IEE. The district will provide PWN and attach a copy of the Notice of Procedural Safeguards.

c. The district has not completed its evaluation.

If the school district is evaluating a student, the parent does not have a right to an IEE. Once the district's evaluation is completed, the parent has the right to request an IEE if the parent disagrees with the school district's evaluation. The district will provide PWN and attach a copy of the Notice of Procedural Safeguards.

d. IEE has previously been conducted.

If the parent has previously obtained an IEE and the school district has not conducted another evaluation with which the parent can disagree, the parent is not entitled to another IEE. The district will provide PWN and attach a copy of the Notice of Procedural Safeguards.

e. The district's evaluation was conducted more than two years ago.

If the parent requests an IEE due to disagreement with a district evaluation that occurred more than two years ago, the parent may not be entitled to an IEE. The district will review such requests on a case-by-case basis. The district will provide PWN and attach a copy of the Notice of Procedural Safeguards.

f. Request is for an IEE in an area the district has not evaluated.

If a parent disagrees with an evaluation but seeks an IEE in an area other than the areas for which the school district assessed the student, the school district will analyze the district's evaluation to determine if there was information or data at the time that indicated that the evaluation should have included assessment in the area in which the parent now requests an IEE. The analysis will be done upon receipt of the IEE request so that the school district may respond promptly to the parent's request for an IEE. If the district's evaluation comprehensively assessed the student's needs and disabilities known or suspected at the time, the school district may choose to deny the request for an IEE. The school district should determine if it is appropriate to conduct an evaluation of the child in the area for which a parent seeks an IEE. The district will provide PWN and attach a copy of the Notice of Procedural Safeguards.

IEE Criteria & Responsibilities

A. Evaluator Criteria

- a. The independent evaluator must have at least equivalent licensure as the CFISD assessment personnel who conduct the same type of assessment (e.g., LSP, educational diagnostician, speech/language pathologist, etc).
- b. If the requestor wishes to use evaluators not listed on the provided IEE Provider List to conduct the IEE, each provider must be submitted to the Director of Assessment for verification that he/she meets the District's evaluator criteria for performing his or her part of the IEE.
- c. The evaluator must be located within a 50-mile radius of the CFISD Mark Henry Administration Building. This will allow the evaluator to observe the student in the school setting.
- d. The independent evaluator must meet the qualifications and training requirements to administer, score and interpret the evaluation instrument(s) utilized during the IEE, as specified by the test publishers.

- e. The independent evaluator must comply with all State and Federal requirements, the Code of Ethics for his or her professional licensing agency, and remain fully licensed and/or certified during the evaluation and reporting process.
- f. The independent evaluator must meet all State law and District policy requirements concerning criminal history record information.
- g. All evaluators must be willing to sign a contract with the district and communicate directly with district personnel.

B. Evaluation Requirements

- a. The IEE Provider will conduct direct observations of the student in the student's educational environment where the student's Individual Educational Program (IEP) is implemented.
- b. The evaluation will include consultation with the student's teacher(s)/other school personnel regarding the student's educational program to gather information for the assessment.
- c. The evaluation will include review of the student's educational records, including the results of evaluations conducted by the District, to gain a perspective of the student's educational history and progress.
- d. The report must comply with all requirements of State and Federal regulations for special education.
- e. The report must contain the following:
 - i. date(s) when evaluation activities were conducted
 - ii. a list of all information/data reviewed
 - iii. a complete summary of all test scores along with subtest scores, of the tests administered
 - iv. the type and severity of the impairment and the functional implications for the educational process
 - v. a complete summary of all information obtained or reviewed from observations, interviews, and other non-standardized assessment instruments
 - vi. sufficient information to determine whether or not the student meets the referral and State eligibility criteria, whether the student has a disability that requires the provision of special education services, and if so, information that is sufficiently comprehensive to identify all of the student's special education and related service needs, whether or not commonly linked to the student's disability category
 - vii. a discussion and interpretation of test results
 - viii. full and complete information that addresses the presence or absence of those characteristics or conditions included in the specific eligibility criteria according to Federal and State regulations
- f. Contracts issued for IEEs must be completed within the fiscal year. If an IEE is not completed within the fiscal year, a new request will need to be submitted and a new contract developed.

C. Evaluator Responsibilities

- a. The independent evaluator shall provide an original signed written report of findings and test protocols used in the assessment **directly to the District**. The District will in turn share the written report with the parent and appropriate school district and campus personnel.
- b. Observations of the student will need to be scheduled with school district personnel who will accompany the independent evaluator during this process while at a Cypress Fairbanks ISD facility.

- c. The independent evaluator is expected to review the findings of the evaluation with the parent following the completion of the assessment. *Additional charges may not be billed for parent feedback sessions.
- d. The independent evaluator shall follow Federal and State assessment regulations and rules, reporting requirements and established eligibility criteria for the diagnosis of students with disabilities.
- e. The independent evaluator will only assess in areas that have been contracted for by the District.
- f. The independent evaluator shall select assessment instruments that provide relevant information and recommendations that directly assist the ARD Committee in determining the disability and/or educational needs of the child in the areas for which the IEE was granted.
- g. The independent evaluator shall use only the most current version of each assessment instrument utilized for the IEE that are age and gender appropriate to the child.
- h. The independent evaluator shall select and administer assessment instruments so as not to be discriminatory on a racial, linguistic or cultural basis.
- i. The independent evaluator shall not knowingly utilize the same version of an assessment instrument or measure, which was used in a previous assessment of the child, sooner than recommended in the test publisher's guidelines.
- j. The independent evaluator shall not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability or for determining an appropriate educational program for the child.
- k. The independent evaluator shall provide and administer assessment instruments in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not clearly feasible to do so.
- l. If the student has been exposed to a second language, the evaluation must include assessment of language dominance and proficiency, and the results must be utilized to determine the appropriate language for the remainder of the evaluation.
- m. The independent evaluator shall use assessment instruments that are used for the purposes for which the assessments or measures are valid and reliable.
- n. The independent evaluator shall select and administer assessment instruments that accurately reflect the student's aptitude, achievement level, or other factors the test purports to measure rather than reflecting the student's impaired sensory, manual or speaking skills (unless those skills are the factors the test purports to measure).

D. Mutual Exchange of Information

- a. Consent for Release of Confidential Information from the parent will be obtained by District personnel.
- b. After obtaining the signed Consent for Release of Confidential Information, the District will provide the independent evaluator with appropriate student information.
- c. The independent evaluator will send all protocols used during the evaluation and the final report (including original signatures and title of all assessment personnel involved in the evaluation) to the office of the Director of Assessment.

IEE Fee Setting & Reimbursement

- A. Fee Setting - CFISD will pay a fee for the IEE which allows a parent to choose among qualified professionals in an area.
 - a. The district will pay reasonable fees. See CFISD IEE Fee Schedule for allowable fees.
- B. Payment
 - a. Payment will be made directly to the independent evaluator upon completion of the evaluation and receipt of the signed report and test protocols.
 - b. The independent evaluator will send an invoice for services to the office of the Director of Assessment.
 - c. Parents obtaining an IEE without following these procedures will risk non-payment.
 - d. Whenever an IEE is at public expense, the criteria under which the IEE is obtained must be the same as the criteria which the District uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's rights to an IEE.
 - e. When service providers have a sliding scale fee based on parent income, the district will pay the amount normally charged to the parent.
- C. Unilaterally Obtained IEE
 - a. The results of a unilaterally obtained IEE at private expense will be considered by the ARD committee in any decision made with respect to the provision of a free appropriate public education to the student if the IEE meets the district's criteria. Such consideration does not mean the district must accept the recommendations in the IEE, nor does it make the CFISD liable for payment of the evaluation.

Reviewing the IEE

The ARD committee is mandated by law to consider an IEE that meets school district criteria in any decision made with respect to the provision of a free appropriate public education (FAPE). The complete and final IEE report must be provided to the school district five (5) school business days before a scheduled ARD committee meeting so that there is sufficient time for the school district to review the report prior to the ARD committee meeting. If the complete and final report is provided to the school district for the first time in an ARD committee meeting, the ARD committee may table the meeting and reconvene at a later time so that the school district can have adequate time to review the report to determine compliance with the school districts criteria for an IEE. If the district receives the complete and final report and an ARD meeting is not scheduled the district will contact parent to schedule an ARD meeting.

The ARD committee is not mandated to accept the evaluation findings, implement the recommendations, or modify the IEP unless it is necessary to provide the child with a free appropriate public education (FAPE).