SOUTHINGTON PUBLIC SCHOOLS

Department of Pupil Services

Independent Educational Evaluations Guidelines

INDEPENDENT EDUCATIONAL EVALUATION (IEE) CRITERIA

I. INTRODUCTION

The Southington Public Schools employ certified staff such as school psychologists, special education teachers, school social workers, occupational therapists, physical therapists, and speech and 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 and no exception applies, the parent may still obtain the evaluation, but it will not be publicly funded.

According to federal special education laws and State policy guidance, 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 Southington Public Schools have established the following procedure for obtaining an IEE at public expense and selecting an appropriate evaluator.

II. DEFINITION

An Independent Educational Evaluation (IEE) is an evaluation conducted by a qualified examiner who is not employed by the Southington Public Schools, when the Southington Public Schools have already conducted an evaluation of the student and the parent or guardian disagrees with an Initial Evaluation or Three Year Reevaluation conducted by the district, and seeks an IEE at public expense.

III. PROCEDURE

a. A request for an IEE at public expense may 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 cannot require the parent to discuss the request for an IEE at a PPT meeting prior to deciding whether to grant the IEE request or file for due process. The parent(s) and the district may agree to convene a PPT meeting to review the parent or guardian's request, however, the convening of a PPT meeting must not unnecessarily delay the school district's decision to grant the IEE request or to file for due process. If the request for an IEE is made at a PPT meeting, the district need not respond to the request at that meeting, and may respond to the parent or guardian at a later date after further consideration.

b. The district will make every effort to provide a written response to the parent or guardian within 10 school days during the regular academic year, or 14 calendar days

when the request is made between school years. There may be times when additional time is required in order to provide a response, but the district will not unnecessarily delay providing a response to the parent or guardian. After an IEE request is made, the district and parent may agree to engage in mediation or a voluntary resolution process in order to resolve the issues connected to the IEE request. The State Department of Education allows for 20 school days (if during the regular academic year) or 30 calendar days (if made between school years) as a reasonable timeframe for this voluntary resolution process, provided that both parties agree to engage in the resolution process. If the issue is not resolved at the end of that process or in mediation, the district will file for a due process hearing or grant the request without unnecessary delay.

c. Upon request for an IEE by a parent/guardian, the Southington Public Schools ("the 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 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, or the evaluation with which the parent or guardian disagrees is three or more years old and the student is being reevaluated by the district, or the assessment that is the basis of the disagreement was a targeted assessment rather than an Initial Evaluation or Three-Year Reevaluation; or (b) the district will initiate a due process hearing to show that its evaluation of the student conducted less than three years ago was appropriate; or (c) the district will provide an IEE at public expense. If the district has evaluated the student less than three years ago 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 was appropriate or that the evaluation obtained by the parent did not meet the district's IEE criteria.

d. A parent may request an IEE if the parent believes that the district's evaluation conducted less than three years ago was not sufficiently comprehensive, and the parent believes that an additional area should have been evaluated. In that instance, the district must either grant the request and allow the IEE to proceed at public expense, or request a due process hearing to show that its evaluation as designed and conducted at the time, was appropriate to meet the child's needs. The district may not insist on completing its own evaluation in the missing area prior to allowing the parent to obtain an IEE at public expense or requesting a due process hearing.

e. 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.

f. If the parent requests an IEE at public expense, regardless of whether the district grants or denies the request, the district will provide the parent with a copy of these IEE Criteria, as well as 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). The parent may choose an evaluator from the list provided by the district or use another evaluator who meets the Criteria below.

IV. CIRCUMSTANCES WHEN PARENTS DO NOT HAVE A RIGHT TO AN IEE

It is important to clarify that there are certain times when a parent or guardian does not have a right to an IEE. This is different from a denial of an IEE request. Those circumstances are:

1) The district has not obtained or conducted an evaluation of the student and therefore there is no evaluation of the student with which the parent/guardian can disagree. The district is entitled to evaluate the student in the first instance, prior to granting a parent request for an IEE. A request for an 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. When there is a request for an initial evaluation, and the district declines to evaluate, the parent is not entitled to an IEE at public expense.

2) The evaluation with which the parent or guardian disagrees is three years old, and the student is in the process of being reevaluated by the district.

3) A parent is entitled to only one IEE at public expense each time that the district conducts an evaluation with which the parent disagrees. Therefore, if the parent is making a second request for an IEE, disagreeing with the same evaluation, the parent is not entitled to a second IEE.

4) A parent/guardian is not entitled to an IEE at public expense if the assessment that is the basis of the disagreement was a targeted assessment of the student, not conducted as part of an Initial Evaluation or Three-Year Reevaluation of the student.

In these instances, the parent or guardian is not entitled to an IEE, and the district is not under any obligation to commence a due process hearing upon notifying the parent or guardian that they do not have a right to an IEE. 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, the parent or guardian may still obtain an independent evaluation, but it will be at his/her own expense.

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 attaining 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.

Medical Evaluation:

(a) Medical degree (M.D.) from an accredited university; and
(b) Clinical training in field of specialty required for evaluation or pediatrics, as applicable; and
(c) Valid license issued by the State of Connecticut Department of Public Health in good standing; and
(d) Board certified by the appropriate agency in pediatrics or the appropriate field of specialty in which the evaluation is sought.

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 and Language Evaluation:

(a) Minimum of master's degree and appropriate specialist level training (e.g. Sixth Year Degree) in speech and 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).

Audiological Evaluation:

(a) Minimum of master's degree and appropriate specialist level training (e.g. Sixth Year 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 (e.g. Sixth Year Professional Diploma) 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.

Parents or guardians may demonstrate unique circumstances to justify obtaining an IEE that does not meet these requirements.

VI. COST REQUIREMENT

Evaluators must charge fees for evaluations that are reasonable and customary in the community and are not unreasonable or excessive. The district will provide, upon request, a cost schedule for evaluations based on its assessment of what constitutes a reasonable and customary fee for a given type of evaluation. 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, unless a demonstration is made that additional funds must be allocated for the evaluation due to the unique requirements of the child or the evaluation required to be performed. 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. Parents or guardians may demonstrate unique circumstances to justify obtaining an IEE that does not meet these requirements.

VII. INDEPENDENCE REQUIREMENT

Evaluators will not be employees of the Southington Public Schools and will not have a disqualifying conflict of interest with respect to the student, parent, or school district. An example of a disqualifying conflict of interest would be that an evaluator works with or treats the student or a family member in school or privately, a student that the evaluator is related to by blood or marriage, a close personal friend or family member, or any other relationship that raises an actual conflict of interest or the appearance of bias or partiality either toward or against the student or parent. A school-based or private mental health provider such as a school counselor, therapist, clinician, social worker, psychologist, or psychiatrist who has a treatment relationship with a student would have a disqualifying conflict of interest. A school-based or private contractor who provides services to the student pursuant to an IEP, or funded by the parent, has a disqualifying conflict of interest. These examples are illustrative and not intended to encompass all possible

examples of disqualifying or impermissible conflicts of interest. Parents or guardians may demonstrate unique circumstances to justify obtaining an IEE that does not meet these requirements.

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). Parents or guardians may demonstrate unique circumstances to justify obtaining an IEE that does not meet these requirements.

IX. AVAILABILITY AND CONSULTATION REQUIREMENT

The utility of an evaluation and its relevancy 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 must be willing to observe the student in the school setting to the extent needed for the evaluation, and to consult with school staff (this may be accomplished by telephone) to discuss the child's needs and progress in the educational setting. Any restrictions placed on the evaluator's ability to observe the child in the school setting will be consistent with restrictions placed on school personnel and other outside observers. Evaluators must be available and willing to discuss the evaluation results with district staff and parents upon request (this may be accomplished by remote means such as by telephone) 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. Parents or guardians may demonstrate unique circumstances to justify obtaining an IEE at public expense that does not meet these requirements.

X. TIMELY WRITTEN REPORT

It is important that the evaluation be conducted and finalized promptly. The district believes that 60 calendar days from the initiation of the evaluation is a reasonable time period for the completion of an evaluation. If for any reason the evaluation is anticipated to take longer than 60 calendar days to complete, it is important that the district and parents be notified, and that there be an opportunity for selection of an evaluator who can provide a more timely evaluation if appropriate to the child's situation.

The written report must be provided to the district before the district will issue payment for the evaluation, and must be provided simultaneously to the district and the parent by the evaluator.

XI. LOCATION REQUIREMENT

Evaluators for the Southington 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.