

**CONNECTICUT STATE BOARD OF EDUCATION**  
**Hartford**

**TO:** State Board of Education

**FROM:** Dr. Dianna R. Wentzell, Commissioner of Education

**DATE:** February 1, 2017

**SUBJECT:** Consideration of Request for Amendment of Regulation of Connecticut State Agencies Section 10-76d-9

**I. Introduction**

The Connecticut State Board of Education (Board) has received a “Request for Amendment of Regulation” (Petition) filed by Attorney Andrew A. Feinstein on behalf of 71 Petitioners. The Petition (see Appendix A) was filed pursuant to Regulations of Connecticut State Agencies (Connecticut Regulations) Section 10-4-24 which provides a procedure for any interested person to petition the Board “to promulgate, amend or repeal any regulation.”<sup>1</sup> The Petitioners include Connecticut residents who are parents of children with disabilities and attorneys and advocates who seek to protect the rights of parents and secure appropriate educational services for children with disabilities. The Petition seeks to have the Board amend Section 10-76d-9 of the Connecticut Regulations concerning a parent’s right to an independent educational evaluation (IEE). For the reasons set forth below, the Department’s assessment is that amending the regulation in the manner urged by Petitioners is not advisable and the concerns raised can be more appropriately addressed by other means. While the Department recommends that the Petition not be granted, the Board has various options for how to proceed which are discussed in Section IV of this Report.

**II. Background**

**A. Independent Educational Evaluations under the IDEA**

Federal law, in particular the Individuals with Disabilities Education Act, (IDEA), 20 U.S.C. 1400 *et seq.*, sets forth controlling requirements with respect to special education. The IDEA establishes procedural safeguards that are designed to allow parents of children with disabilities to be meaningfully involved in the planning of their children’s special education services. One of the procedural safeguards is a parent’s right to an IEE at public expense if the parent disagrees with an evaluation obtained by a school district. An independent evaluation means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the public education of the child. At public expense means that the school district either pays for the

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<sup>1</sup> This regulation is based on Connecticut General Statutes Section 4-174 which provides that: “Any interested person may petition an agency requesting the promulgation, amendment, or repeal of a regulation. . . .”

full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent. The parent's right to an IEE at public expense is subject to various conditions outlined in the federal regulation, which is included in Appendix B to this Report.

The existing Connecticut regulation confirms a parent's right to an IEE under the IDEA, as follows:

- a) **Evaluation; Independent Educational Evaluations.** The board of education shall conduct an initial evaluation or reevaluation, in accordance with the provisions of the IDEA, to determine if a child is a child with a disability. A parent shall be permitted to obtain an *independent educational evaluation*, in accordance with the provisions of the IDEA. (Emphasis added)

## **B. The Petitioners' Proposed Amendment to the Connecticut Regulations**

The proposed amendment – provided in full in Appendix A – would add two new subsections to the Connecticut Regulation. The first, proposed subsection (d), would limit the ability of local and regional boards of education to set certain conditions on IEEs – for example, in regard to the evaluator's qualifications and location, fees, and the process for requesting an IEE. Proposed subsection (d) also would impose a timeline for a school district (within 14 days of notice from a parent's request) if it intended to contest a parent's request for an IEE and/or intended to contest the board's liability to fund the IEE. If it failed to meet this timeline, the school district would be deemed to have waived its ability to contest the parent's right to an IEE. Proposed subsection (d) would also allow parents the opportunity to justify their selection of an evaluator who does not meet board of education criteria for IEEs. A new subsection (e) would establish specific parameters with respect to the observation of students in school by parents and evaluators.

## **III. Analysis**

The Department's Bureau of Special Education (BSE) and Office of Legal Affairs have reviewed the Petition in light of existing federal law concerning IEEs, the particular function served by regulations, and the Department's well-established role in providing guidance, technical assistance, and enforcement concerning special education requirements. As a result of this analysis, the Department is recommending that the Board not initiate proceedings to amend its regulations as requested by the Petitioners. Rather, the concerns raised in the Petition would be more appropriately addressed by gathering facts concerning the administration of IEEs in Connecticut school districts, and, as necessary, providing written guidance to school districts and technical assistance to district staff, as well as issuing decisions on a case-by-case basis through the Department's special education complaint resolution process. The Department recommends this course of action for a number of reasons.

First, as an over-arching consideration, a proposed regulation normally would not be submitted to the Board for adoption without the benefit of a rigorous development process involving fact-gathering, stakeholder input, and thorough analysis of the need, efficacy, cost impact, potential unintended consequences, and legal appropriateness of the proposed regulation. Such a process

enables the Department to stand behind any proposed regulation it may present to the Board for consideration. The petition procedure being used here does not allow for such a process.

Second, there already exists a comprehensive federal regulation promulgated pursuant to the IDEA which addresses a parent's right to obtain an IEE. *See* 34 C.F.R. Section 300.502 (included in Appendix B). This federal regulation establishes the right of the parents of a child with a disability to obtain an IEE, including the right to obtain an IEE at public expense. This regulation also addresses the process by which an IEE is obtained, defines the limited restrictions on this right, and requires that the criteria under which the IEE may be obtained by a parent be the same as the criteria which are applied when the school district initiates an evaluation. As noted above, the existing Connecticut Regulation incorporates federal law. Therefore, on-point regulatory direction for school districts with respect to a parent's right to an IEE already exists. The Department's assessment is that the existing body of federal law, overall, strikes an appropriate balance between the needs of parents seeking an IEE and the needs and interests of school districts responsible for providing a free and appropriate public education to children who are entitled to services under the IDEA.

Third, the federal IEE regulation has been the subject of policy letters issued by the United States Department of Education's Office of Special Education Programs (OSEP) which apply the regulation to specific facts. The federal regulation, together with these policy letters, comments to the regulations, and court decisions, provide the regulated community of school districts with a reasonably comprehensive body of law concerning IEEs. Against this legal backdrop, promulgating new regulations under Connecticut law risks causing confusion concerning the governing legal requirements or even creating conflicts between the federal and state law. To give just one example of several areas of potential conflict we have identified, the Petition seeks a regulation which prohibits a board of education from requiring an evaluator to hold a state-issued educator certification. However, the federal IEE regulation generally permits school districts to require that IEEs meet the same criteria applicable to the district's own evaluations. Thus, in interpreting the federal regulation, OSEP has noted that it would be appropriate for a school district to require an evaluator conducting an IEE to hold a particular license when the district requires the same license for personnel who conduct evaluations for the district.

Furthermore, the evolving nature of federal legal expectations concerning special education is an important consideration favoring non-regulatory activity in this area. Federal law may be modified or interpreted differently in the future through OSEP policy letters or other means which may require changes or modifications to Connecticut policies. Addressing issues which may arise as a result of such modifications or explanations through a written guidance, or the complaint resolution process, allows the Department to ensure, in a timely manner, that state requirements and decisions are always in accordance with the federal law. As we have noted, federal law is controlling. A regulation, once enacted, is cumbersome to change.

Written guidance to school districts from the BSE and related technical assistance activities are effective means of addressing potential impairments of a parent's right to an IEE and, importantly, can be more carefully tailored to the specific concern being addressed than a general regulation. An example of the usefulness of a written guidance is the recent "Guidance Regarding Independent Educational Evaluations (IEEs)"(Appendix B) issued by the Department

to inform school districts of a recent clarification from OSEP concerning the permissible responses of a school district to a parent request for an IEE at public expense. Through the mechanism of a written guidance to school districts based on a clarification from the federal agency responsible for special education enforcement, the Department was able to clarify the law in a prompt manner consistent with controlling federal law.

In sum, addressing issues concerning IEEs and an evaluator's ability to observe a child in school through the use of written guidance, technical assistance, and the resolution of individual complaints will result in principled decision-making that is appropriately tethered to controlling federal law.

#### **IV. Conclusion and Options**

In this context, the Board has the options specified below.

1. Initiate regulation-making proceedings in accordance with Connecticut General Statutes Section 4-168.
2. Deny the Petition without further specific direction to the Department.
3. Deny the Petition (or offer Petitioners the opportunity to withdraw it) and direct the Department to undertake a review of the issues raised by the petition, this review to include, without limitation, as the Department deems appropriate: conducting stakeholder engagement, including public meetings, at which interested parties would be able to express their views on the issues raised in the Petition; and formulation of appropriate actions if necessary to address any issues identified in the Department's review. The Board could direct the Department to make a report of this review to the Board within a time period sufficient to complete an adequate review and determine appropriate next steps, at least 180 days.

Based on the analysis set forth in Section III of this Report, the Department recommends that the Board decline to initiate proceedings to amend its regulations as requested by the Petitioners. If the Board concludes that further review of the issues raised by the Petition would be appropriate, Option 3 would allow for thoughtful consideration of the issues raised (in the context of the relevant facts) and possible action by the Department to address such issues.

After the Board concludes its deliberations at the February 1 meeting and reaches a decision regarding the disposition of the Petition, the Department will supply an appropriate resolution for Board consideration.

Attachments included with this Report

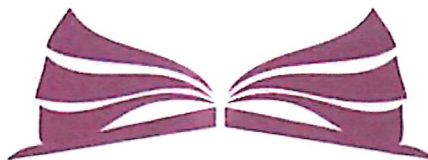
1. Appendix A: Petition
2. Appendix B: Example of prior written guidance re: IEEs

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Approved: Peter M. Haberlandt  
Director of Legal Affairs





## Feinstein Education Law Group

M Y S T I C • M A N C H E S T E R

November 30, 2016

Mr. Allan B. Taylor, Chairperson  
State Board of Education  
165 Capitol Avenue  
Hartford, Connecticut 06106

Re: Request for Amendment of Regulation

Dear Mr. Taylor:

Pursuant to Reg. Conn. State Agen. §10-4-24, the 71 petitioners listed in Appendix A request that the State Board of Education amend the regulations of the State Department of Education relating to Independent Educational Evaluations and observations of children with disabilities. Subsection (b) of the regulation has seven requirements, as follows:

*(A) The petition shall be in writing.*

This petition is in writing.

*(B) The petition shall clearly state the regulation(s) which petitioner would like promulgated, amended or repealed.*

The petition seeks to amend Reg. Conn. State Agen. 10-76d-9.

*(C) The petition shall state the statutory authority for the proposed changes, if applicable.*

Connecticut's special education program is in compliance with the Individuals with Disabilities Education Act, 10 U.S.C. 1400 et. seq. (IDEA). As an example of cooperative federalism, the IDEA provides federal funding "if the State submits a plan that provides assurances to the Secretary that the State has in effect policies and procedures to ensure that the State meet each of [various listed] conditions." 20 U.S.C. §1412(a). Among those conditions are that "a free appropriate public education is available to all children with disabilities," 20 U.S.C. §1412(a)(1)(A) and that "children with disabilities and their parents are afforded the procedural safeguards required by [20 U.S.C. §1415]," 20 U.S.C. §1412(a)(6)(A), which

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procedural safeguards include “an opportunity for the parents of a child with a disability to examine all records relating to such child and to participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such child, and to obtain an independent educational evaluation of the child.” 20 U.S.C. §1415(b)(1).

Moreover, the case law is clear that Connecticut’s regulations can provide greater protection for children with disabilities than is afforded under the federal law. The Second Circuit has stated:

IDEA frequently has been described as a model of “cooperative federalism.” See *Schaffer [v. Weast]*, 546 U.S. 49, 52 (2005). The statute requires participating states to establish a “basic floor of meaningful, beneficial educational opportunity,” but states may exceed the federal floor and enact their own laws and regulations to guarantee a higher level of entitlement to disabled students. See *D.D. ex rel. V.D. v. New York City Bd. of Educ.*, 480 F.3d 138, 139 (2d Cir. 2007), amending 465 F.3d 503 (2d Cir.2006); see also *Burlington v. Dep’t of Educ. for Comm. of Mass.*, 736 F.2d 773, 792 (1st Cir. 1984) (holding that “a state is free to exceed, both substantively and procedurally, the protection and services to be provided to its disabled children” under IDEA).

*Bay Shore Union Free School District v. Kain*, 485 F.3d 730, 733-34 (2<sup>nd</sup> Cir. 2007). The proposed regulation seeks to provide greater protection to children with disabilities and their parents.

*(D) The petition shall set forth clearly and concisely the text of the proposed change.*

The proposed text is:

**Amend Section 10-76d-9 of the Regulations of Connecticut State Agencies, as follows:**

**Amend subsection (a) to read as follows: (a) Evaluation; Independent Educational Evaluations. The board of education shall conduct an initial evaluation or reevaluation, in accordance with the provisions of the IDEA, to determine if a child is a child with a disability. A parent shall be permitted to obtain an independent educational evaluation, in accordance with subsection (d) and with the provisions of the IDEA.**

**Add a new subsection (d) to read as follows: (d) Independent Educational Evaluation. (1) No board of education shall impose criteria for an independent educational evaluation that: (a) requires an independent evaluator to hold any current certification from the State Department of Education; (b) restricts to an area smaller than the State of Connecticut and**



adjoining counties in neighboring states the geographic area in which the evaluator is located; (c) sets a fee cap at a level lower than what is reasonable and customary for such evaluations; (d) requires the independent evaluator to carry liability insurance; (e) requires the independent evaluator to complete the evaluation within a certain timeframe; or (f) requires the independent evaluator to provide results to the board of education prior to providing such results to the parents. (2) A parent or guardian may provide notice of a request for an independent evaluation or request for reimbursement of an independent evaluation either by written notice to the board of education or at a PPT meeting. If the board of education seeks to assert that its own evaluation is appropriate, the board of education shall file for due process within fourteen (14) calendar days of such notice. Failure to file in a timely manner shall act as a waiver of the district's right to challenge the parent's right to an independent educational evaluation. (3) A parent or guardian may provide notice of the identity of the evaluator and the cost of such evaluation either by written notice to the board of education or at a PPT meeting. If the board of education seeks to contest its liability to fund the evaluation because of failure to meet criteria, the board of education shall file for due process within fourteen (14) calendar days of such notice. Failure to file in a timely manner shall act as a waiver of the district's right to challenge the parent's right to payment for an independent educational evaluation. (4) If the selection of an independent evaluator does not meet the board of education's criteria the parents will have an opportunity to demonstrate the unique circumstances that justify the selection.

Add a new subsection (e) to read as follows:(e) Observations. Parents and guardians have the right to observe their children in their classes and other activities at school and have the right to send evaluators or treating therapists to observe their children in their classes or other activities at school, subject to the following restrictions: (1) A child may be observed for up to twenty hours in any school year unless the PPT recommends additional observation based on the unique needs of the child and the parent's needs to fully participate in the development of the IEP. Observation time applies cumulatively to the parents and any evaluators or therapists sent in by the parents of guardians. No board of education may limit the total number of hours of observation in a single day. Time spent as a classroom volunteer or attending school events is not considered observation. (2) Parents and guardians may be asked to sign a confidentiality agreement as to other children they observe. (3) If a board has an observation policy it will be equally applied to parents and guardians regardless of a child's eligibility for special education and related services.

*(E) The petition shall state the facts and arguments that favor the action it proposes by including such data, facts and arguments in the petition or in a brief annexed thereto.*

Access to an independent educational evaluation (IEE) and observation in school are central to a parent's ability to meaningfully participate in their child's school program. Further,

an accurate evaluation is the cornerstone to the IDEA, ensuring that the Student's functional and academic deficits are identified, and setting the stage for appropriate goals and objectives and appropriate special education and related services. The procedural safeguards, contained in 20 U.S.C. 1415(B)(1), guarantee parents the right to obtain an IEE at public expense. Connecticut school districts have created highly restrictive policies that serve to frustrate a parent's ability to obtain an IEE. This is a serious abrogation of the rights of all parents. For parents of low income, these policies serve to deny their children the right to a free appropriate public education.

The federal regulations on IEE, 34 C.F.R. §300.502(b), provide:

- (1) A parent has the right to an [IEE] at public expense if the parent disagrees with an evaluation obtained by the public agency, subject to the [following] conditions.
- (2) If a parent requests an [IEE] at public expense, the public agency must, without unnecessary delay, either- (i) File a due process complaint to request a hearing to show that its evaluation is appropriate; or (ii) Ensure that an [IEE] is provided at public expense, unless the agency demonstrates in [an impartial hearing under the IDEA] . . . that the evaluation obtained by the parent did not meet agency criteria.

Regarding "agency criteria" for IEEs at public expense, the regulations provide that "the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the [district] uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an [IEE]." 34 C.F.R. §300.502(e). Otherwise, a public agency may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense. *Id.*

Attached in Appendix B, are the guidelines for IEEs promulgated by a number of Connecticut school districts. Petitioners contend that, in each of these cases, the promulgated IEE guidelines create unreasonable limitations and are, thus, violative of the federal regulations:

**New Britain Public Schools:** The evaluator must agree to provide the assessment information and test results in a written report to the district prior to receipt of payment for services. In the event that the evaluator intends to meet with the parent to provide an individual session to review the evaluation results, that same opportunity must be extended to district personnel – either at the same time or prior to the meeting with the parent. If such opportunity for a feedback session is not accepted or is deemed inappropriate by the district, a full report must be provided to the District prior to the scheduled parent meeting.

**Berlin Public Schools:** The evaluator must agree to provide the assessment information and results, including the results of teacher and parent checklists and surveys, in a written report to the district prior to receipt of payment for services. Criterion also includes geographic limitations and specific timeline that evaluation must be provided.

**Shelton Public Schools:** Requires evaluator to provide evaluation to the district prior to sending the evaluation to the parents and prior to payment.

**Trumbull Public Schools:** The evaluator must have no history of acting as an advocate for parents or students in the special education process not consistently acting as an expert witness adversarial to school districts. The criterion also limits the cost of evaluation to reasonable and customary as judged by district, without exceptions and limits geography to Fairfield and New Haven County.

**Stamford Public Schools:** Criterion limits evaluators to Connecticut and the district judges if the cost is reasonable and customary, without exception.

**Fairfield Public Schools:** Requires Professional Educator Certificate in School Psychology (Endorsement 070) from the State of Connecticut Department of Education for a psychological evaluation. Criterion limits evaluators to Connecticut and the district judges if the cost is reasonable and customary, without exception.

**Darien Public Schools:** Psychological and educational evaluations are limited to \$3,500.

**West Hartford Public School:** Criterion includes specific timeline that evaluation must be provided and refuses to pay any travel expenses.

**Glastonbury Public Schools:** Requires evaluator to provide evaluation within 30 days. The evaluator must agree to provide the assessment information and results, including the results of teacher and parent checklists and surveys, in a written report to the district prior to receipt of payment for services.

In each of these cases, Connecticut school districts have imposed restrictions far in excess of those permitted by the federal regulations. Parents of students with disabilities are effectively being stripped of their right to an Independent Educational Evaluation at public expense. Instead, students with disabilities are assessed and programmed for based exclusively on school-based evaluations, which may or may not be adequate.

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Similarly, observations are almost always part of the evaluation process and Connecticut school districts are creating policies with unreasonable limitations. Evaluators often need to observe on multiple days in multiple settings. Limitations on observation curtails a parent's ability to understand their child's program in school, and impacts the usefulness of an IEE.

Further, under §300.502(c): "If the parent obtains an independent educational evaluation at private expense, the results of the evaluation...may be presented as evidence at a hearing . . . regarding that child." If a parent or their evaluator's ability to observe is limited then the parent is deprived of the right to challenge the school's program.

Several provisions of IDEA and its implementing regulations suggest observation is appropriate or necessary:

A variety of assessment tools and strategies are used to gather relevant functional and developmental information about the child, including . . . information related to enabling the child to be involved in and progress in the general curriculum. 34 C.F.R. §300.532(b); 20 U.S.C. §1414(b)(2)(A).

The public agency uses assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child. 34 C.F.R. §300.532(j); 20 U.S.C. §1414(b)(3)(D).

As part of an initial evaluation (if appropriate) and as part of any reevaluation . . . a group that includes the individuals described in Sec. 300.344, and other qualified professionals, as appropriate, shall--(1) Review existing evaluation data on the child, including-- . . . (ii) Current classroom-based assessments and observations; and (iii) Observations by teachers and related services providers. 34 C.F.R. §300.533(a); 20 U.S.C. §1414(c)(1)(A).

IDEA also contemplates that parties will conduct evaluations for use in due process proceedings. The Act provides: "At least 5 business days prior to a hearing . . . each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing." 20 U.S.C. §1415(f)(2)(A).

There is authority from the United States Department of Education (USDE) that parents must have at least the same rights as the school district to have independent evaluators observe their children in school. In the opinion letter, *Letter to Wessels*, 16 EHLR 735 (OSEP 1990), the USDE states if the district observed the child as part of its evaluation, or its evaluation policies permit "in-class observation of a child, the independent evaluator has the right to do so".

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Attached, in Appendix B, please find various observation policies that create unreasonable limitations:

West Hartford Public School: Evaluator's observation time is limited to 1.5 hours.

Glastonbury Public Schools: an evaluator's observation cannot exceed three hours.

East Haddam Public Schools: observation is limited to no more than one time per month and no more than two hours. See May 4, 2016 Letter to Parent.

Suffield Public Schools: The Special Education Department limits observation to no more than one hour every other month. This policy targets parents of special education students and is more restrictive than the district-wide observation policy. Compare September 2, 2015 Parent Requested Observation procedures from Office of special Education & Pupil Services with Policy 1250.1.

*(F) The petition shall be signed by the petitioner and state petitioner's name and address. If the petitioner represents an organization, the name and address of the organization shall be included. Where applicable, the petition shall contain the name and address of the petitioner's counsel, agent or representative.*

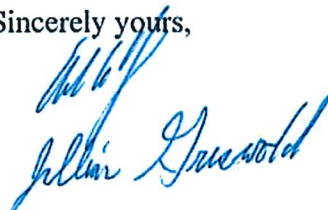
It is so signed.

*(G) The petition shall be filed with the State Board of Education, either by mail or hand delivery, during normal business hours at 165 Capitol Avenue, Hartford, Connecticut 06106.*

It is so filed.

Having complied with the regulatory requirements, petitioners ask the Connecticut State Board of Education to act promptly, in accordance with Reg. Conn. State Agen. §10-4-25 to initiate regulation-making proceedings.

Sincerely yours,



Andrew A. Feinstein, Esq.

Jillian Griswold, Esq.

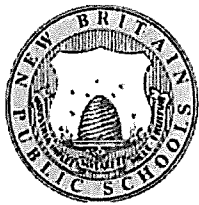
And the attached list of petitioners

APPENDIX A  
LIST OF PETITIONERS

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APPENDIX A  
LIST OF PETITIONERS

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(860) 827-2234 Fax: (860) 827-2273  
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## CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

### Guidelines for Independent Educational Evaluations (IEEs)

The Consolidated School District of New Britain has established the following guidelines for obtaining an Independent Educational Evaluation (IEE) and criteria for the selection of an appropriate evaluator. These criteria also apply to evaluations performed by an outside evaluator selected by, and/or, at the request of the Consolidated School District of New Britain. Exceptions to the guidelines set forth in this document may be granted by the district where good cause can be demonstrated.

According to state and federal special education laws, parents/guardians have the right to request an Independent Educational Evaluation (IEE) of their child at public expense if they disagree with an evaluation of the child conducted by the District. Such request may be made either at a Planning and Placement Team (PPT) meeting or in writing and submitted to the Director of Pupil Services.

Upon request, the District will provide names, addresses, and phone numbers of possible independent evaluators who meet the District's criteria. Parents may also select evaluators not included on the District's list, provided they fully satisfy all of the criteria set forth below.

Parents will be expected to contact the evaluator they have selected to conduct the IEE in a timely manner and to schedule any necessary appointments. The parent/guardian is responsible for transporting their child to/from the evaluator's office.

#### Criteria for Outside Evaluators

Evaluators chosen to conduct independent evaluations should meet *all of* the following criteria:

**A.** For individuals conducting psychological testing, the individual must *either*:

1. Hold a valid Department of Health license as a psychologist and an advanced degree in Psychology, Neuropsychology or Clinical Psychology from an accredited university; *or*
2. Hold a valid Connecticut State Department of Education certificate as a School Psychologist (070); *and*
3. Have training and experience in evaluating students of the relevant age level; *and*
4. Have appropriate background, training, and experience in the area(s) being evaluated.

**B.** For individuals conducting academic achievement testing, the individual must *either*:

1. Have attained a minimum of a Master's degree;



2. Hold an appropriate and valid special education or other academic specialization (such as reading or mathematics) certificate from an accredited university;
3. Have experience evaluating students in the area of suspected disability; or
4. Fulfill the credentials for a psychologist, as set forth above.

**C. For Speech Language Pathologists, Audiologists, Occupational or Physical Therapists:**

1. Hold a valid Connecticut Department of Health license to practice and have training and experience in evaluating and treating children in the area of disability being evaluated.
2. Evaluators otherwise qualified to conduct the evaluation who hold current Connecticut certifications in the relevant area will be preferred.
3. In the case of an audiology evaluation, the evaluator should have appropriate specialist-level training in audiology from a program accredited by the American Speech-Language Hearing Association and a certificate of Clinical Competence in Audiology issued by the American Speech-Language Hearing Association.

**D. For Physicians:**

1. Hold a valid Connecticut Department of Health license to practice and have training and experience in pediatric care, as well as in the area of disability.
2. Hold Board Certification in the appropriate specialty area.

**Additional Criteria**

Public funding of an IEE is conditional on prior agreement to the contractual terms set forth by the District. Evaluators must charge fees for evaluation services which, in the judgment of the District, are reasonable and customary for such evaluations. Evaluation costs exceeding the contracted amount will not be funded without advance notice of unexpected costs and prior written approval for same.

The evaluator must not be an employee of the District.

Evaluators who will be considered for approval must be located within a radius of SIXTY (60) miles. Evaluators located outside this geographic area will be approved only on an exceptional basis.

The evaluator must directly communicate with staff members who work with the child in the school, members of the Planning and Placement Team, and the Director of Pupil Services, as necessary, in order to obtain information from (and share information with) the District. The evaluator should notify the school in advance and schedule visits, observations, or test sessions directly with the District Coordinator, Supervisor, Building Administrator or his/her designee.

The evaluator **must** restrict their evaluations to areas in which they are qualified to evaluate and for which prior approval has been obtained. He or she must use assessments that are current, technically reliable and valid, and in accordance with the corresponding test manual and protocols. The evaluator must obtain and consider school information as well as **conduct observations of the child in the school setting** as part of the evaluation process and include such information within the written report.

The evaluator must agree to provide the assessment information and test results in a written report to the District prior to receipt of payment for services. The District, as the fiscally responsible party, will make the evaluation report available to the parent and appropriate District staff. One official, signed copy of the report is to be sent to the attention of the Director of Pupil Services.

The evaluator must comply with all guidelines required under the Individuals with Disabilities Education Act (IDEA) and the Connecticut State Department of Education regulations regarding the evaluation of children with disabilities. The evaluator must also comply with all applicable confidentiality requirements under state and federal law.

### **Evaluation Report and Parental/School District Feedback Session**

The evaluator must be able to schedule and complete an evaluation, in addition to produce a written report, in a timely manner. Any extraordinary or unusual circumstances which may result in an extended timeline is subject to agreement by the District.

The evaluator shall provide the District with a copy of the written evaluation report at least three (3) days in advance of the PPT meeting at which the report will be formally reviewed.

In the event that the evaluator intends to meet with the parent to provide an individual session to review the evaluation results, that same opportunity must be extended to District personnel – either at the same time or prior to the meeting with the parent. If such opportunity for a feedback session is not accepted or is deemed inappropriate by the District, a full report must be provided to the District prior to the scheduled parent meeting.

In lieu of any of the meetings referenced above, the evaluator may be asked to present evaluation findings, in person, at the PPT meeting which will be held for the purpose of reviewing the report.

### **Outside Evaluations Which Are Not IEEs**

Parents/guardians who obtain an evaluation or assessment that does not meet the criteria established for an IEE are not entitled to reimbursement or payment from the District. Nonetheless, if a parent/guardian decides to unilaterally obtain an outside evaluation and to share the results of such evaluation with the District, these will be considered at a PPT meeting, as appropriate.

### **Questions**

Please contact the Director of Pupil Services at 860-827-2234 with any questions regarding the criteria established for Independent Educational Evaluations (IEEs).

## **PUPIL PERSONNEL SERVICES**

238 Kensington Road • Berlin, CT 06037-2648 • Phone (860) 828-6581 Fax (860) 829-0832

# **GUIDELINES FOR INDEPENDENT EDUCATIONAL EVALUATIONS** **(IEE)**

According to state and federal special education laws, parents/guardians have the right to an independent educational evaluation of their child at public expense if they disagree with an evaluation of the child conducted by the district. The Berlin Public Schools has established the following procedure for obtaining an Independent Educational Evaluation (IEE) and criteria for the selection of an appropriate evaluator. In accordance with applicable law, these criteria also apply to outside evaluations performed by an outside evaluator selected by, and/or, at the request of the Berlin Public Schools.

### **Definitions**

An Independent Educational Evaluation (IEE) is an evaluation conducted by a qualified examiner who is not employed by the Berlin Public Schools, which is the public agency responsible for the education of the child.

An evaluation means the formal testing and/or assessment procedures used to determine whether a child has a disability and the nature and extent of the special education and related services the child needs.

Public expense means the district either pays for the full cost of the evaluation or ensures the evaluation is otherwise provided at no cost to the parents/guardians.

### **Procedure**

Upon receipt of a request for an IEE by a parent/guardian, the school district will either: (a) initiate due process and a hearing to show that the evaluation conducted by the district of the child is appropriate; or (b) provide an independent educational evaluation at public expense. If the school district requests a hearing and the final decision is that the district's evaluation of the child is appropriate, the parent/guardian still has the right to an independent educational evaluation, but not at public expense.

If, in response to the parent/guardian request for an IEE, the district decides to procure an independent evaluation, the district will provide names, addresses, and phone numbers of possible IEE evaluators who meet the district's criteria (*as set forth below*). The list will identify those evaluators who, in the district's judgment, are qualified to perform the evaluation requested by the parents. Parents may also select evaluators not included on the district's list, provided they fully satisfy all of the criteria set forth below. Parents will be expected to contact the evaluator they have selected to conduct the IEE in a timely manner to schedule any necessary appointments.

## **PUPIL PERSONNEL SERVICES**

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### **Criteria for Outside Evaluators (*Independent Evaluators and Outside Evaluators Selected by the Berlin Public Schools*)**

Evaluators chosen to conduct independent evaluations must meet *all of* the criteria established by the district as follows:

#### **A. Minimum Credentials for Evaluators**

**For Psychologists:**

1. Hold a valid Connecticut Department of Health license as a psychologist.
2. Have achieved a Doctor of Philosophy (Ph.D.) or Doctor of Psychology (Psy.D.) in Psychology, Neuropsychology or Clinical Psychology from an accredited university.
3. Have training and experience in evaluating students of the same age level.
4. Have clinical background, advanced training, and recent experience in the areas of disability being evaluated.
5. Be able to schedule an evaluation in a timely manner and produce a written report within forty - five (45) school days of the evaluation, subject to any contractual arrangement with the district or unusual circumstances which justify an extension of this timeline.

For individuals conducting academic achievement testing, the individual must *either*:

1. Fulfill the following requirements:
  - (a) Have attained a minimum of a Master's degree; *and*
  - (b) Hold an appropriate and valid special education or other academic specialization (such as reading or mathematics) certificate from the Connecticut, Massachusetts or Rhode Island State Departments of Education; *and*
  - (c) Have experience in teaching and evaluating students in the area of suspected disability. *or*
2. Fulfill the requirements of the psychologist above.

For Speech Pathologists, Audiologists, Occupational Therapists, Physical Therapists and Physicians:

1. Hold a valid Connecticut Department of Health license to practice.
2. Have clinical pediatric experience in evaluating and treating children in the area of disability being evaluated. In the case of physicians, be Board Certified in the appropriate specialty area (pediatrics, care of children and adolescents, etc.)

## **PUPIL PERSONNEL SERVICES**

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- B. **Cost:** Evaluators must charge fees for evaluation services which, in the judgment of the school district, are reasonable and customary for such evaluations.
- C. The evaluator must not be an employee of the school district.
- D. The evaluator must be permitted to directly communicate with school staff who works with the child in school and the members of the Planning and Placement Team, including the Special Education Director, as well as to obtain information from the school and share information with the school.
- E. The evaluator must obtain and consider school information and observations of the child in the school setting in the evaluation process and the written report.
- F. The evaluator must agree to provide the assessment information and results, including the results of teacher and parent checklists and surveys, in a written report to the district prior to receipt of payment for services. The evaluator will be expected to produce his/her written report within forty - five (45) school days of the evaluation, subject to any contractual arrangement with the district or unusual circumstances which justify an extension of this timeline.
- G. The evaluator must comply with all guidelines required under the Individuals with Disabilities Education Act (IDEA) and the Connecticut State Department of Education regulations regarding the evaluation of children with disabilities. The evaluator must also comply with all applicable confidentiality requirements under state and federal law.

### **Location Limitations for Evaluators**

Evaluators who will be considered for approval must be located within a radius of seventy-five miles. Evaluators outside of this geographic area will be approved only on an exceptional basis, provided that the parent can demonstrate the necessity of using personnel outside of this geographic area. The district shall not be responsible to provide transportation, nor pay any travel expenses, to and from the location of the evaluator. In the case of low incidence or severe disabilities where qualified evaluators may not exist in the geographic area, this requirement may be reconsidered by the district.

### **Additional Information**

If the district has not conducted an evaluation of a child, the parent does not have a right to an independent evaluation at public cost. The district has the right to first evaluation. A parent/guardian may request only one independent evaluation at public expense for each evaluation conducted by the district.

## **PUPIL PERSONNEL SERVICES**

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### **Outside Evaluations Which are Not IEEs**

Evaluations and/or assessment obtained by parents/guardians who do not meet the criteria for an IEE are considered outside evaluations for which parents/guardians are not entitled to reimbursement or payment from a public school district. Nonetheless, if a parent/guardian decides to unilaterally obtain an outside evaluation and to share the results of such evaluation with the district, the school district will consider the evaluation at an IEP meeting, as appropriate.

The results of an independent evaluation procured by the district will be considered at a Planning and Placement Team meeting.

### **Questions**

Please contact the Director of Special Services with any questions regarding the criteria for independent educational evaluations.

June 22, 2016 11:14 AM

Shelton IEE Request

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Dear Dr. , This is to inform you that the Shelton Public School System will need to review the neuropsychologist report on prior to it being sent to the parents. Once reviewed, the Shelton Public School System will send a copy of the reviewed report to the parents. Upon our review and receipt of report, the payment will be made by the SPSS. If you have any questions or concerns you may contact me. Thank you for your anticipated cooperation in this matter.

Sincerely,  
Janice

Janice Simonetti, Supervisor Special Education  
382 Long Hill Ave.  
Shelton, Ct. 06484  
203-924-1023 ext. 322  
Fax: 203-924-8057



**TRUMBULL PUBLIC SCHOOLS**  
**PUPIL PERSONNEL SERVICES**

**INDEPENDENT EDUCATIONAL EVALUATION (IEE) CRITERIA**

**I. INTRODUCTION**

The Trumbull 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, the parent may still obtain the evaluation, but it will not be publicly funded.

According to state and federal special education laws, 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 Trumbull 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 Trumbull Public Schools, when the Trumbull Public Schools have already conducted an evaluation of the student and the parent or guardian disagrees with the evaluation conducted by the district.

**III. PROCEDURE**

A request for an IEE at public expense should 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 may convene a PPT meeting to review the parent or guardian's request.

Upon request for an IEE by a parent/guardian, the Trumbull Public Schools ("the school 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 either 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; (b) the district will initiate a due process hearing to show that its evaluation of the student is appropriate; or (c) the district will provide an IEE at public expense. 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, or because a hearing officer determines that the district's evaluation was appropriate, the parent or guardian may still obtain an independent evaluation, but it will be at their own risk and expense. The district is entitled to evaluate the student in the first instance, prior to a parent request for IEE. A request for IEE when the district has not yet had an opportunity to evaluate the student in the disputed area may be deferred until after the district has had an opportunity to evaluate the student. A parent or guardian is entitled to only one IEE at public expense in response to each district evaluation.

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.

If the district decides to provide an IEE at public expense, the district will provide names, addresses, and phone numbers of possible IEE evaluators who meet the district's criteria for the particular type of evaluation at issue (see below).

#### **IV. 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.

**Functional Behavioral Assessment**

Must meet one of the following:

- (a) Minimum requirements above for Psychological or Psycho-Educational Evaluation; or
- (b) Hold current certification in good standing as Board Certified Behavior Analyst (BCBA), including attaining a minimum of a master's degree in Applied Behavior Analysis (ABA) from an accredited university.
- (c) Qualified Behavior Specialist with a minimum of a Master's Degree in a related field.

**V. COST REQUIREMENT**

Evaluators must charge fees for evaluations which are reasonable and customary in the community, as judged by the school district. 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. 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.

#### VI. INDEPENDENCE REQUIREMENT

Evaluators must have no treating relationship with the student at issue, nor with the parents, and may not have advocated for the student in a Planning and Placement Team (PPT) meeting or in a due process hearing. Evaluators will not be employees of the Trumbull Public Schools. The evaluator must have no history of acting as an advocate for parents or students in the special education process nor consistently acting as an expert witness adversarial to school districts.

#### VII. 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).

#### VIII. 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 to discuss the child's needs and progress in the educational setting. Evaluators must be available and willing to attend the PPT meeting 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.

**IX TIMELY WRITTEN REPORT REQUIREMENT**

The evaluator must be able to evaluate the student within a reasonable period of time after the district secures parental consent for the evaluation, and must be able to provide a timely written report of the evaluation, in most cases no more than 60 calendar days from the date the evaluation is initiated. The written report must be provided to the district before the district will fund the evaluation.

**X LOCATION REQUIREMENT**

Evaluators for the Trumbull Public Schools must be located in Fairfield or New Haven County. 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. Exceptions may be made in the case of low-incidence or severe disabilities where qualified evaluators are not available within the area specified in this section.

## **INDEPENDENT EDUCATIONAL EVALUATION (IEE) CRITERIA**

### **I. INTRODUCTION**

The Stamford 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, the parent may still obtain the evaluation, but it will not be publicly funded.

According to state and federal special education laws, 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 Stamford 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 Stamford Public Schools, when the Stamford Public Schools have already conducted an evaluation of the student and the parent or guardian disagrees with the evaluation conducted by the district, or when the PPT has declined to evaluate a student to determine eligibility for special education services and the parent or guardian disagrees with the decision not to evaluate the student, and seeks an IEE at public expense.

### **III. PROCEDURE**

A request for an IEE at public expense should 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 may convene a PPT meeting to review the parent or guardian's request, however, the convening of a PPT meeting shall not be used solely for the purpose of delaying the response to the IEE request.

Upon request for an IEE by a parent/guardian, the Stamford Public Schools ("the school 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 either 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; (b) the district will initiate a due process hearing to show that its evaluation of the student is appropriate; or (c) the district will provide an IEE at public expense. If the district has evaluated the student 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 is appropriate or that the evaluation obtained by the parent did not meet its criteria. 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, or because a hearing officer determines that the district's evaluation was appropriate, the parent or guardian may still obtain an independent evaluation, but it will be at their own risk and expense. The district is entitled to evaluate the student in the first instance, prior to a parent request for IEE. A request for 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. A parent or guardian is entitled to only one IEE at public expense in response to each district evaluation (initial evaluation or triennial reevaluation).

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.

If the district decides to provide an IEE at public expense, the district will provide 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).

Any of the criteria may be waived by the school district in a particular instance because of unique circumstances applicable to the case at issue, or the student's unique needs.

#### **IV. 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).
- (e) Certification from the Ct. Depart of Education endorsement number 061

**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.

**Functional Behavioral Assessment**

Must meet one of the following:

- (a) Minimum requirements above for Psychological or Psycho-Educational Evaluation; or
- (b) Hold current certification in good standing as Board Certified Behavior Analyst (BCBA), including attaining a minimum of a master's degree in Applied Behavior Analysis (ABA) from an accredited university.

**V. COST REQUIREMENT**

Evaluators must charge fees for evaluations which are reasonable and customary in the community, as judged by the school district. 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. 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. The Evaluator must sign a Contract with the City of Stamford's Purchasing department and therefore become a vendor with the City for payment of services.

**VI. INDEPENDENCE REQUIREMENT**

Evaluators will not be employees of the Stamford Public Schools.

**VII. 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).

#### **VIII. 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. Evaluators must be available and willing to attend the PPT meeting (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.

#### **IX. TIMELY WRITTEN REPORT REQUIREMENT**

The evaluator must be able to evaluate the student within a reasonable period of time after the district approves the evaluation, and must be able to provide a timely written report of the evaluation, in most cases no more than 60 calendar days from the date the evaluation is initiated. The written report must be provided to the district before the district will issue payment for the evaluation.

#### **X. LOCATION REQUIREMENT**

Evaluators for the Stamford 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. Exceptions may be made in the case of low-incidence or severe disabilities where qualified evaluators are not available within the area specified in this section.

**FAIRFIELD PUBLIC SCHOOLS  
DEPARTMENT OF SPECIAL EDUCATION AND PUPIL SERVICES**

**INDEPENDENT EDUCATIONAL EVALUATION (IEE) CRITERIA**

**I. INTRODUCTION**

The Fairfield 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, the parent may still obtain the evaluation, but it will not be publicly funded.

According to state and federal special education laws, 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 Fairfield 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 Fairfield Public Schools, when the Fairfield Public Schools have already conducted an evaluation of the student and the parent or guardian disagrees with the evaluation conducted by the district.

**III. PROCEDURE**

A request for an IEE at public expense should 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 may convene a PPT meeting to review the parent or guardian's request.

Upon request for an IEE by a parent/guardian, the Fairfield Public Schools ("the school 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 either 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; (b) the district will

initiate a due process hearing to show that its evaluation of the student is appropriate; or (c) the district will provide an IEE at public expense. If the district has evaluated the student 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 is appropriate or that the evaluation obtained by the parent did not meet its criteria. 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, or because a hearing officer determines that the district's evaluation was appropriate, the parent or guardian may still obtain an independent evaluation, but it will be at their own risk and expense. The district is entitled to evaluate the student in the first instance, prior to a parent request for IEE. A request for IEE when the district has not yet had an opportunity to evaluate the student in the disputed area may be deferred until after the district has had an opportunity to evaluate the student. A parent or guardian is entitled to only one IEE at public expense in response to each district evaluation.

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.

If the district decides to provide an IEE at public expense, the district will provide names, addresses, and phone numbers of possible IEE evaluators who meet the district's criteria for the particular type of evaluation at issue (see below).

Any of the criteria may be waived by the school district in a particular instance because of unique circumstances applicable to the case at issue, or the student's unique needs.

#### **IV. 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.

**Functional Behavioral Assessment**

Must meet one of the following:

- (a) Minimum requirements above for Psychological or Psycho-Educational Evaluation; **or**



(b) Hold current certification in good standing as Board Certified Behavior Analyst (BCBA), including attaining a minimum of a master's degree in Applied Behavior Analysis (ABA) from an accredited university.

#### V. COST REQUIREMENT

Evaluators must charge fees for evaluations which are reasonable and customary in the community, as judged by the school district. 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. 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.

#### VI. INDEPENDENCE REQUIREMENT

Evaluators will not be employees of the Fairfield Public Schools.

#### VII. 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).

### VIII. 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. Evaluators must be available and willing to attend the PPT meeting (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.

### IX. TIMELY WRITTEN REPORT REQUIREMENT

The evaluator must be able to evaluate the student within a reasonable period of time after the district secures parental consent for the evaluation, and must be able to provide a timely written report of the evaluation, in most cases no more than 60 calendar days from the date the evaluation is initiated. The written report must be provided to the district before the district will issue payment for the evaluation.

### X. LOCATION REQUIREMENT

Evaluators for the Fairfield 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. Exceptions may be made in the case of low-incidence or severe disabilities where qualified evaluators are not available within the area specified in this section.

## **DARIEN PUBLIC SCHOOLS**

### **IEE CRITERIA**

According to state and federal special education laws, parents/guardians have the right to an independent educational evaluation of their child at public expense if they disagree with an evaluation of the child conducted by the district. The Darien Public Schools has established the following procedure for obtaining an Independent Educational Evaluation (IEE) and criteria for the selection of an appropriate evaluator.

#### **Definition**

An Independent Educational Evaluation (IEE) is an evaluation conducted by a qualified examiner who is not employed by the Darien Public Schools, which is public agency responsible for the education of the child.

#### **Procedure**

Upon receipt of a request for an IEE by a parent/guardian, the school district will either: (a) Initiate due process and a hearing to show that its evaluation of the child is appropriate; or (b) provide an independent educational evaluation at public expense. If the school district requests a hearing and the final decision is that the district's evaluation of the child is appropriate, the parent/guardian still has the right to an independent educational evaluation, but not at public expense.

If, in response to the parent/guardian request for an IEE, the district decides to procure an independent evaluation, the district will provide names, addresses, and phone numbers of possible IEE evaluators who meet the district's criteria (*as set forth below*). The list will identify those evaluators who, in the district's judgment, are qualified to perform the evaluation requested by the parents.

#### **Criteria for Evaluators** (*Independent Evaluators and Outside Evaluators Selected byDPS*)

Evaluators chosen to conduct independent evaluations must meet *all of* the criteria established by the district as follows:

##### **A. Minimum Credentials for Evaluators**

###### **For Psychologists:**

1. Hold a valid Connecticut license/certification as a psychologist; and
2. Have achieved a Doctor of Philosophy (Ph.D.) or Doctor of Psychology (Psy.D.) in Psychology, Neuropsychology or Clinical Psychology from an accredited university; and

3. Have training and experience in evaluating students of the same age level; and
4. Have clinical background, advanced training, and recent experience in the areas of disability being evaluated.

For individuals conducting academic achievement testing, the individual must *either*:

1. Fulfill the following requirements:
  - (a) Have attained a minimum of a Master's degree; *and*
  - (b) Hold an appropriate and valid special education or other academic specialization (such as reading or mathematics) teaching certificate from the Connecticut State Department of Education; *and*
  - (c) Have experience in teaching and evaluating students in the area of suspected disability.

*Or*

2. Fulfill the requirements of the psychologist above.

For Speech Pathologists, Audiologists, Occupational Therapists, Physical Therapists and Physicians:

1. Hold a valid Connecticut Department of Health license to practice; and
2. Have clinical pediatric experience in evaluating and treating children in the area of disability being evaluated; and
3. In the case of physicians, possess Board Certification in the appropriate specialty area (pediatrics, care of children and adolescents, etc.)

B. Cost Evaluators must charge fees for evaluation services which, in the judgment of the school district, are reasonable and customary for such evaluations. The following schedule of reasonable and customary fees applies:

- |    |   |                    |
|----|---|--------------------|
| 1. | Psychological evaluation:                   | \$2,500 to \$3,500 |
| 2. | Educational/achievement evaluation:         | \$2,500 to \$3,500 |
| 3. | Speech and Language evaluation:             |                    |
| 4. | Audiology evaluation:                       |                    |
| 5. | Occupational Therapy evaluation:            |                    |
| 6. | Physical Therapy evaluation:                |                    |
| 7. | Medical, including psychiatric, evaluation: |                    |

C. Independence Requirement: The evaluator must not have advocated for the child who is the subject of the evaluation or for the School District at a Planning and Placement Team meeting regarding the child who is the subject of the evaluation.

D. The evaluator must not be an employee of the school district.

E. The evaluator must be permitted to directly communicate with school staff who work with the child in school and the members of the Planning and Placement

Team, including the Director of Special Education, as well as to obtain information from the school and share information with the school.

- F. The evaluator must obtain and consider school information and observations of the child in the school setting in the evaluation process and the written report.
- G. The evaluator must comply with all guidelines required under the Individuals with Disabilities Education Act (IDEA) and the Connecticut State Department of Education regulations regarding the evaluation of children with disabilities.

#### **Location Limitations for Evaluators**

Evaluators who will be considered for approval must be located within Fairfield County or the surrounding counties in New York and Connecticut. Evaluators outside of this multi-county area will be approved only on an exceptional basis, provided that the parent can demonstrate the necessity of using personnel outside of this area. The district shall not be responsible for providing transportation, nor pay any travel expenses, to and from the location of the evaluator. This district will take into account cases of low incidence or severe disabilities where qualified evaluators may not exist in the multi-county area to ensure that reasonable exceptions to this requirement are made where qualified evaluators do not exist given the nature of the disability/suspected disability.

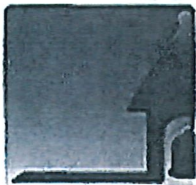
#### **Additional Information**

If the district has not conducted an evaluation of a child, the parent does not have a right to an independent evaluation at public cost. The district has the right to the first evaluation. A parent/guardian may request only one independent evaluation at public expense for each evaluation conducted by the district.

The results of an independent evaluation procured by the district will be considered at a Planning and Placement Team meeting.

#### **Questions**

Please contact the Director of Special Education with any questions regarding the criteria for independent educational evaluations.



June 7, 2016

Dear Dr. \_\_\_\_\_ :

Re: Independent Educational Evaluation Criteria

This letter is in response to your correspondence to me, dated May 23, 2016, regarding the West Hartford Public Schools' independent educational evaluation (IEE) criteria. As you may know, the federal regulations implementing the Individuals with Disabilities Education Act provide that school districts may establish criteria under which IEEs may be obtained at public expense. While parents may obtain outside evaluations at their own expense and pay whatever costs the parents and the outside evaluator agree upon, the establishment of IEE criteria is important when an IEE is at public expense so that school districts can ensure public money is being used for evaluations that meet the same criteria as evaluations conducted or obtained by the district.

As such, school districts are permitted to establish cost criteria for IEEs. The purpose of including these criteria is to ensure that public money is well-spent and to prevent districts from incurring the costs of evaluations that are significantly and unnecessarily higher than comparable evaluations conducted by equally qualified evaluators. Any questions or concerns about the costs of evaluations by other neuropsychologists in the region should be addressed to those neuropsychologists.

In addition, the district has been consistent in its policy to limit the duration of observations of students by independent evaluators as part of a publicly funded IEE to the same duration that school evaluators observe students as part of the evaluation process under similar circumstances. Establishing criteria for such observations reduces unnecessary disruption to the educational process while providing an opportunity for independent evaluators to conduct observations under the same criteria as observations conducted by the district. If you have specific questions about the observation period for \_\_\_\_\_ ; I welcome you to contact me.

Also, for your reference, I have enclosed the district's IEE guidelines, which contain the district's other IEE criteria. Please let me know if you have any questions.

Sincerely,

Glenn McGrath  
Director of Pupil Services

Enclosure

**WEST HARTFORD PUBLIC SCHOOLS  
PUPIL SERVICES  
GUIDELINE FOR INDEPENDENT EDUCATION EVALUATIONS (IEE)**

According to state and federal special education laws, parents/guardians have the right to an independent educational evaluation of their child at public expense if they disagree with an evaluation of the child conducted by the West Hartford Public Schools (the "District). The West Hartford Public Schools has established the following procedure for obtaining an Independent Educational Evaluation (IEE) and criteria for the selection of an appropriate evaluator. In accordance with applicable law, these criteria also apply to the outside evaluations performed by an outside evaluator selected by, and/or, at the request of the West Hartford Public Schools.

**Definitions**

**An Independent Educational Evaluation (IEE) is an evaluation conducted by a qualified examiner who is not employed by the West Hartford Public Schools, which is the public agency responsible for the education of the child.**

**An evaluation means the formal testing and/or assessment procedures used to determine whether a child has a disability and the nature and extent of the special education and related services the child needs.**

**Public expense means that the District either pays for the full cost of the evaluation or ensures the evaluation is otherwise provided at no cost to the parents/guardians.**

**Procedure**

**Upon receipt of a request for an IEE by a parent/guardian, the school district will either: (a) initiate due process and a hearing to show that the evaluation of the child conducted by the District is appropriate or (b) provide an IEE at public expense, unless the District demonstrates through a due process hearing that the evaluation obtained by the parent/guardian did not meet the District's criteria. If the school district requests a hearing and the final decision is that the District's evaluation of the child is appropriate, the parent/guardian still has the right to an IEE, but not at public expense.**

**If, in response to the parent/guardian request for an IEE, the District decides to procure an independent evaluation, the district will provide names, addresses, and phone numbers of possible IEE evaluators who meet the district's criteria (*as set forth below*). The list will identify those evaluators who, in the district's judgment, are qualified to perform the evaluation requested by the parents. Parents may also select evaluators not included on the District's list, provided they fully satisfy all of the criteria set forth below.**

**Parents will be expected to contact the evaluator they have selected to conduct the IEE in a timely manner to schedule any necessary appointments.**

**Criteria for Outside Evaluators (*Independent Evaluators and Outside Evaluators Selected by the West Hartford Public Schools*)**

Evaluators chosen to conduct independent evaluations must meet *all of* the criteria established by the district as follows:

**A. Minimum Credentials for Evaluators**

**For Psychologists:**

**1. License or Certification:**

Psychologists must either hold a valid Connecticut Department of Health license as a psychologist and have achieved a Doctor of Philosophy (Ph.D) or Doctor of Psychology (Ph.D) in Psychology, Neuropsychology or Clinical Psychology from an accredited university; OR hold an appropriate and valid certificate school psychology from the Connecticut, Massachusetts or Rhode Island State Department of education.

**2. Additional Requirements:**

Psychologists must:

1. Have training and experience in evaluating students of the same age and level.
2. Have clinical background, advanced training, and recent experience in the areas of disability being evaluated.
3. Be able to schedule an evaluation in a timely manner and produce a written report within forty-five (45) school days of the evaluation, subject to any contractual arrangement with the district or unusual circumstances which justify an extension of this timeline.

For individuals conducting academic achievement testing, the individual must *either*:

**1. Fulfill the following requirements:**

- (a) Have attained a minimum of a Master's degree; *and*
- (b) Hold an appropriate and valid special education or other academic specialization (such as reading or mathematics) certificate from the Connecticut, Massachusetts, New York or Rhode Island State Departments of Education; *and*
- (c) Have experience in teaching and evaluating students in the area of suspected disability.

**Or**

2. Fulfill the requirements of the psychologist above.



**For Speech Pathologists, Audiologists, Occupational Therapists, Physical Therapists and Physicians:**

- 1. Hold a valid Connecticut Department of Health license to practice.**
- 2. Have clinical pediatric experience in evaluating and treating children in the area of disability being evaluated.**
- 3. In the case of physicians, be Board Certified in the appropriate specialty area (pediatrics, care of children and adolescents, etc.)**

**B. Cost**

**Evaluators must charge fees for evaluation services which, in the judgment of the school district, are reasonable and customary for such evaluations. Evaluators will be asked to provide an estimate of the evaluation cost in accordance with District expectations for fees that are reasonable and customary for such evaluations.**

**C. Independence Requirement**

**The evaluator must not be an employee of the District.**

**D. Evaluation and Consultation Process**

**The evaluator must be permitted to directly communicate with school staff who work with the child in school and the members of the Planning and Placement Team, including the Pupil Services Supervisor and/or Director and to obtain information from the school and share information with the school. The evaluation process should include; a review of records and administration of evaluation instruments that are sufficiently comprehensive to assess the child in all areas of suspected disability and identify all the child's special needs whether or not they are linked to the disability category in which the child has been classified.**

**E. Observations**

**The evaluator must obtain and consider school information and observations of the child in the school setting in the evaluation process and include such information in the written report. The evaluator must notify the District in advance of any observation of the child. Observations shall be conducted within 1.5 hours, absent the demonstration of exceptional circumstances.**

**F. Timeline Requirement**

**The evaluator must agree to provide the assessment information and results, including the results of teacher and parent checklists and surveys, in a written report to the district prior to receipt of payment for services. The evaluator will be expected to produce his/her written report within forty-five (45) school days of the evaluation, subject to any**

contractual arrangement with the district or unusual circumstances which justify an extension of this timeline

**G. Compliance Evaluation Requirements and Confidentiality Requirements**

The evaluator must comply with all requirements under the Individuals with Disabilities Education Act (IDEA) and the Connecticut State Department of Education regulations regarding the evaluation of children with disabilities. The evaluator must also comply with all applicable confidentiality requirements under state and federal law.

**H. Location Limitations for Evaluators**

Evaluators who will be considered for approval must be located within a radius of seventy-five miles. Evaluators outside of this geographic area will be approved only on an exceptional basis, provided that the parent can demonstrate the necessity of using personnel outside of this geographic area. The District shall not be responsible to provide transportation, nor pay any travel expenses, to and from the location of the evaluator. In the case of low incidence or severe disabilities where qualified evaluators may not exist in the geographic area, this requirement may be reconsidered by the District.

**I. Additional Information**

If the District has not conducted an evaluation of a child, the parent does not have a right to an IEE at public expense. The district has the right to conduct its evaluation(s) before a parent/guardian may seek an IEE at public expense. A parent/guardian is entitled to only one IEE at public expense each time the District conducts an evaluation.

**J. Outside Evaluations Which are Not IEEs**

Evaluations and/or assessments obtained by parents/guardians that do not meet the criteria for an IEE are considered outside evaluations for which parents/guardians are not entitled to reimbursement from or payment by the District. Nonetheless, if a parent/guardian decides to unilaterally obtain an outside evaluation and to share the results of such evaluation with the District, the school district will consider the evaluation at a PPT meeting, as appropriate.

**K. Results/Findings**

The results of an IEE procured by the district will be considered at a Planning and Placement Team meeting.

**L. Evaluators Meeting Criteria**

A list of evaluators meeting district criteria will be provided upon request.

**Please contact the Director of Pupil Services with any questions regarding the criteria for independent educational evaluations.**

**Glenn McGrath  
Director of Pupil Services  
West Hartford Public Schools  
50 South Main Street  
West Hartford, CT 06117  
Phone – 860-561-6606**

GLASTONBURY PUBLIC SCHOOLS  
DEPARTMENT OF PUPIL SERVICES  
1029 Neipsic Road  
Glastonbury, CT 06033

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**GUIDELINES FOR INDEPENDENT EDUCATIONAL EVALUATIONS (IEE)**

According to state and federal special education laws, parents/guardians have the right to an independent educational evaluation of their child at public expense if they disagree with an evaluation of the child conducted by the district. The Glastonbury Public Schools has established the following procedure for obtaining an Independent Educational Evaluation (IEE) and criteria for the selection of an appropriate evaluator. In accordance with applicable law, these criteria also apply to outside evaluations performed by an outside evaluator selected by, and/or, at the request of the Glastonbury Public Schools.

**Definitions**

**An Independent Educational Evaluation (IEE)** is an evaluation conducted by a qualified examiner who is not employed by the Glastonbury Public Schools, which is the public agency responsible for the education of the child.

**An evaluation** means the formal testing and/or assessment procedures used to determine whether a child has a disability and the nature and extent of the special education and related services the child needs.

**Public expense** means the district either pays for the full cost of the evaluation or ensures the evaluation is otherwise provided at no cost to the parents/guardians.

**Procedure**

Upon receipt of a request for an IEE by a parent/guardian, the school district will either: (a) initiate due process and a hearing to show that the evaluation conducted by the district of the child is appropriate: or (b) provide an independent educational evaluation at public expense. If the school district requests a hearing and the final decision is that the district's evaluation of the child is appropriate, the parent/guardian still has the right to an independent educational evaluation, but not at public expense.

If, in response to the parent/guardian request for an IEE, the district decides to procure an independent evaluation, the district will provide names, addresses and phone numbers of possible IEE evaluators who meet the district's criteria as set forth below. The list will identify those evaluators who, in the district's judgment, are qualified to perform the evaluation requested by the parents. Parents may also select evaluators not included on the district's list, provided they fully satisfy all of the criteria set forth below.

Parents will be expected to contact the evaluator they have selected to conduct the IEE in a timely manner to schedule any necessary appointments.

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**Criteria for Outside Evaluators** (*Independent Evaluators and Outside Evaluators Selected by the Glastonbury Public Schools*)

Evaluators chosen to conduct independent evaluations must meet *all of* the criteria established by the district as follows:

**A. Minimum Credentials for Evaluators**

For Psychologists:

1. Hold a valid Connecticut Department of Health license as a psychologist.
2. Have achieved a Doctor of Philosophy (Ph.D.) or Doctor of Psychology (Psy.D.) in Psychology, Neuropsychology or Clinical Psychology from an accredited university.
3. Have training and experience in evaluating students of the same age level.
4. Have clinical background, advanced training, and recent experience in the areas of disability being evaluated.
5. Be able to schedule an evaluation in a timely manner and produce a written report within thirty (30) school days of the evaluation, subject to any contractual arrangement with the district or unusual circumstances which justify an extension of this timeline.

For individuals conducting academic achievement testing, the individual must *either*:

1. Fulfill the following requirements:
  - a. Have attained a minimum of a Master's degree: *and*
  - b. Hold an appropriate and valid special education or other academic specialization (such as reading or mathematics) certificate from the Connecticut, Massachusetts or Rhode Island State Departments of Education; *and*
  - c. Have experience in teaching and evaluating students in the area of suspected disability.

*Or*

2. Fulfill the requirements of the psychologist above.

For Speech Pathologists, Audiologists, Occupational Therapists, Physical Therapists and Physicians:

1. Hold a valid Connecticut Department of Health license to practice.
2. Have clinical pediatric experience in evaluating and treating children in the area of disability being evaluated.
3. In the case of physicians, be Board Certified in the appropriate specialty area (pediatrics, care of children and adolescents, etc.)

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Glastonbury, CT 06033

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- B. **Cost:** Evaluators must charge fees for evaluation services which, in the judgment of the school district, are reasonable and customary for such evaluations.
- C. The evaluator must not be an employee of the school district.
- D. The evaluator must be permitted to directly communicate with school staff who work with the child in school and the members of the Planning and Placement Team, including the Special Education Director, as well as to obtain information from the school and share information with the school.
- E. The evaluator must obtain and consider school information and observations of the child in the school setting in the evaluation process and the written report. The observation must be scheduled with reasonable notice with the district, must not be disruptive to the educational process, and is not to exceed three (3) hours duration.
- F. The evaluator must agree to provide the assessment information and results, including the results of teacher and parent checklists and surveys, in a written report to the district prior to receipt of payment for services. The evaluator will be expected to produce his/her written report within thirty (30) school days of the evaluation, subject to any contractual arrangement with the district or unusual circumstances which justify an extension of this timeline.
- G. The evaluator must comply with all guidelines required under the Individuals with Disabilities Education Act (IDEA) and the Connecticut State Department of Education regulations regarding the evaluation of children with disabilities. The evaluator must also comply with all applicable confidentiality requirements under state and federal law.

**Location Limitations for Evaluators**

Evaluators who will be considered for approval must be located within a radius of seventy-five miles. Evaluators outside of this geographic area will be approved only on an exceptional basis, provided that the parent can demonstrate the necessity of using personnel outside of this geographic area. The district shall not be responsible to provide transportation, nor pay any travel expenses, to and from the location of the evaluator. In the case of low incidence or severe disabilities where qualified evaluators may not exist in the geographic area, this requirement may be reconsidered by the district.

**Additional Information**

A parent/guardian may request only one independent evaluation at public expense for each evaluation conducted by the district.

GLASTONBURY PUBLIC SCHOOLS  
DEPARTMENT OF PUPIL SERVICES  
1029 Neipsic Road  
Glastonbury, CT 06033

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Outside Evaluations Which are Not IEEs

Evaluations and/or assessment obtained by parents/guardians which do not meet the criteria for an IEE are considered outside evaluations for which parents/guardians are not entitled to reimbursement or payment from a public school district. Nonetheless, if a parent/guardian decides to unilaterally obtain an outside evaluation and to share the results of such evaluation with the district, the school district will consider the evaluation at an IEP meeting, as appropriate.

The results of an independent evaluation procured by the district will be considered at a Planning and Placement Team meeting.

Questions

Please contact the Director of Special Services with any questions regarding the criteria for independent educational evaluations.

Revised July, 2015

# East Haddam Elementary School

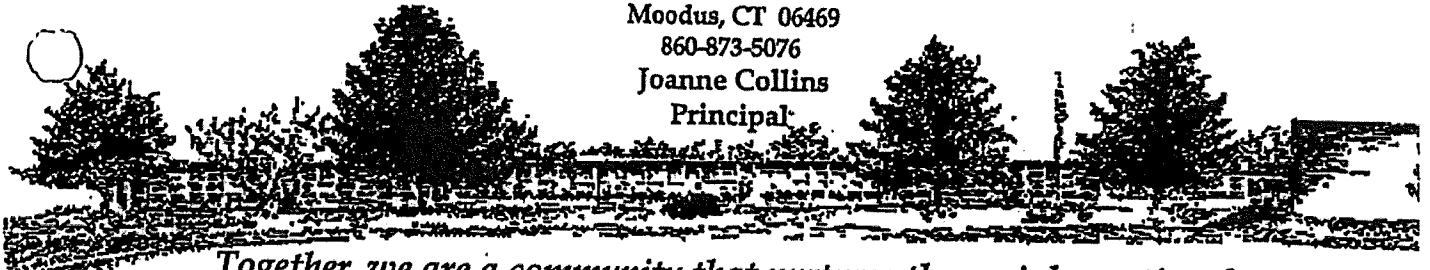
45 Joe Williams Road

Moodus, CT 06469

860-873-5076

Joanne Collins

Principal



*Together, we are a community that nurtures the social, emotional, academic, and physical development of individuals.*

May 4, 2016

Dear Mr. and Mrs. [redacted]

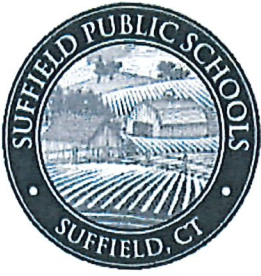
I also want you to be aware of a district-wide procedure that was developed in response to an increase in parents seeking to observe their student(s) in school. This procedure ensures that the student's educational process remains uninterrupted and requires a written request, to the attention of the principal, no later than two school days prior to the proposed date of observation, not to exceed two hours, and no more than one time per month, per student, and as approved in advance by the principal.

Thank you for sharing your thoughts with Ms. Lilburn and so she could share them with me as well.

Sincerely,

Joanne Collins  
Principal





## Parent Requested Observations

(effective September 2, 2015)

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In order to accommodate parent requests for observations while also being mindful of confidentiality and the disruption to learning that can occur with frequent observations, the following procedures are in place from the Office of Special Education & Pupil Services:

- Observations must be scheduled through the teacher and principal.
- Notification should occur a minimum of 5 days before the observation.
- Parent requests should state the purpose of the observation in an effort to plan the instructional time accordingly.
- When parents request an observation by an outside evaluator, the following must be provided to the school: the evaluator's name, phone number, address and professional credentials.
- Observations are limited to no more than one hour every other month per student.
- Observers must be accompanied by a staff member. SPS staff member will write an account of the observation.
- Due to confidentiality concerns, all observers are required to sign and adhere to a confidentiality agreement.
- Principals will determine the number of observations per classroom per month in an effort to limit distractions to learning and disruptions to staff schedules and instruction.
- Parent videos of their own child must be approved for a specific purpose by the Supervisor of Special Education or Director of Special Services.

**Series 1000 – Community Relations**

**2. Participation by the Public**

**F. Visits to the Schools**

**(a) Classroom Observations**

The Suffield Public Schools has as its highest priority, the safety and the welfare of its students and staff. The Suffield Board of Education welcomes purposeful observations of classes by parents and other interested members of the community. The Board recognizes its responsibility to insure that students may learn in an educational environment free of unnecessary disruption and distractions and to provide a school environment that is safe for staff and students alike. In the interest of protecting the welfare of students and staff, preserving the privacy rights of students, minimizing disruptions to the learning process and maintaining order and security on its premises, the following guidelines have been established for observations:

1. All observers will be governed by visitation expectations of Policy #1250.
2. Anyone wishing to observe a class must contact the administration of the school prior to the observation and provide the name of the observer and purpose of the observation. Outside evaluators are required to provide their phone number, address and professional credentials. Whenever possible, a minimum of twenty-four (24) hours' notice should be provided.
3. In addressing requests for classroom observation, the administration will consider its responsibility to avoid disruption to the learning environment and learning benefit of students and minimizing distractions and disruptions to the learning process.
4. Requests to observe a class shall not be unreasonably withheld; however administration may deny or place limitations on observations to ensure the integrity and benefit of the educational process for teachers and students. If an observation is denied, alternate avenues to achieve the purpose, if available, should be suggested and/or arranged.





STATE OF CONNECTICUT  
DEPARTMENT OF EDUCATION

Appendix B



**TO:** Special Education Directors

**FROM:** Isabelina Rodriguez, Ed.D., Chief  
Bureau of Special Education

**DATE:** June 9, 2015

**SUBJECT:** Independent Evaluation Guidance

As a result of a recent OSEP review, the Connecticut Department of Education has provided the attached guidance regarding Independent Evaluation. Please take the necessary time to review and implement any needed training to staff and PPT liaisons to ensure you will remain compliant.

I am also attaching a copy of a guidance letter from OSEP which further outlines these requirements.

If you have any further questions, please don't hesitate to contact our office.

IR:lj

Attachments

## **Guidance Regarding Independent Educational Evaluations (IEEs)**

The State Department of Education, Bureau of Special Education, is providing guidance on a school district's obligations in regard to requests by parents/guardians (hereinafter "parents") for publically funded independent educational evaluations (IEE). This guidance includes recent clarification from the Office of Special Education Programs (OSEP) regarding IEEs.

As set forth in the Individuals with Disabilities Education Act and 34 C.F.R. Section 300.502, and subject to certain conditions, parents have the right to an IEE at public expense if the parents disagree with an evaluation obtained by the school district. This applies equally to initial evaluations and reevaluations. A district *may* ask the parent for the reason why he or she objects to the district's evaluation, however the district *may not require* the parent to provide an explanation. 34 C.F.R. Section 300.502 (b)(4).

If a parent requests payment for an IEE at public expense, the school district must, without unnecessary delay, either:

1. Ensure that an IEE is provided at public expense; or
2. Request a due process hearing to show that its evaluation is appropriate, or that the evaluation obtained by the parent did not meet agency criteria. Agency criteria include the location of the evaluation and the qualifications of the examiner and must be the same as the criteria that the school district uses when it initiates an evaluation.

These are the ***only two choices*** available to the school district when a parent requests a publicly funded IEE.

Please note the following:

- A. The recent clarification from OSEP states that if the parent requests an IEE that includes a specific type of evaluation that was not performed by the school district as part of its initial evaluation or reevaluation, the district no longer has the option of conducting that specific type of evaluation before the parent is granted the IEE. As stated above, the school district must either pay for the IEE or initiate a due process hearing to show that its evaluation is appropriate;
- B. A parent's right to an IEE may also be triggered when a school district has refused to perform an evaluation as part of either an initial referral or a reevaluation (or the district has only performed a screening); in this situation the school district must respond to the parent's request for an IEE in one of the two ways set forth above;
- C. In circumstances where the school district has determined through the PPT process that an initial evaluation is not needed because a disability is not suspected by the PPT, the parent has the right to obtain an IEE and the district has the same two options stated above: the school district must either pay for the IEE or initiate a due process hearing to show that it is not necessary;
- D. If a parent requests an IEE in an area the school district deems unrelated or tangential to any possible, suspected disability, the school district response is still limited to one of the two responses above;
- E. If a parent provides the school district with the report of a completed IEE and requests payment or reimbursement for the cost of that IEE, the school district may only reply with one of the two

responses set forth above. This means if a parent obtains an IEE without informing the school district, the parent may still seek payment or reimbursement from the school district for the cost of the IEE;

- F. There is no requirement that a request for an IEE be considered by a PPT. If the parent and school district agree to discuss the request at a PPT meeting, such meeting is permissible so long as convening the PPT meeting does not unnecessarily delay the district's decision to pay or request a hearing. There is no requirement that a school district obtain parental consent for an IEE and districts should not seek such consent.

*Questions may be directed to the Due Process Unit by calling 860-713-6928.*

<Link to the federal regulation on following pages>

§ 300.502 Independent educational evaluation.

**(a) General.**

(1) The parents of a child with a disability have the right under this part to obtain an independent educational evaluation of the child, subject to paragraphs (b) through (e) of this section.

(2) Each public agency must provide to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and the agency criteria applicable for independent educational evaluations as set forth in paragraph (e) of this section.

(3) For the purposes of this subpart—

(i) *Independent educational evaluation* means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question; and

(ii) *Public expense* means that the public agency 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 § 300.103.

**(b) Parent right to evaluation at public expense.**

(1) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency, subject to the conditions in paragraphs (b)(2) through (4) of this section.

(2) If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, either—

(i) File a due process complaint to request a hearing to show that its evaluation is appropriate; or

(ii) Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing pursuant to §§ 300.507 through 300.513 that the evaluation obtained by the parent did not meet agency criteria.

(3) If the public agency files a due process complaint notice to request a hearing and the final decision is that the agency's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

(4) If a parent requests an independent educational evaluation, the public agency may ask for the parent's reason why he or she objects to the public evaluation. However, the public agency may not require the parent to provide an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a due process complaint to request a due process hearing to defend the public evaluation.

(5) A parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

**(c) *Parent-initiated evaluations.*** If the parent obtains an independent educational evaluation at public expense or shares with the public agency an evaluation obtained at private expense, the results of the evaluation—

**(1)** Must be considered by the public agency, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child; and

**(2)** May be presented by any party as evidence at a hearing on a due process complaint under subpart E of this part regarding that child.

**(d) *Requests for evaluations by hearing officers.*** If a hearing officer requests an independent educational evaluation as part of a hearing on a due process complaint, the cost of the evaluation must be at public expense.

**(e) *Agency criteria.***

**(1)** If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation.

**(2)** Except for the criteria described in paragraph (e)(1) of this section, a public agency may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

(Authority: 20 U.S.C. 1415(b)(1) and (d)(2)(A))



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

February 23, 2015

Debbie Baus

Dear Ms. Baus:

This is in response to your June 27, 2014 electronic correspondence requesting guidance from the Office of Special Education Programs (OSEP) regarding an independent educational evaluation (IEE) under 34 CFR §300.502 of the Individuals with Disabilities Education Act (IDEA). Specifically, you ask whether a parent can request an IEE in an area that was not previously assessed by the school district's evaluation.

Under 34 CFR §300.502(b)(1) of the IDEA, a parent of a child with a disability is entitled to an IEE at public expense if the parent disagrees with an evaluation obtained by the public agency. Evaluation is defined at 34 CFR §300.15 as procedures used in accordance with 34 CFR §§300.304 through 300.311 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. An initial evaluation of the child is the first completed assessment of a child to determine if he or she has a disability under IDEA, and the nature and extent of special education and related services provided. 34 CFR §300.301. Once a child has been fully evaluated for the first time in a State, a decision has been rendered that a child is eligible under the IDEA, and the required services have been determined, any subsequent evaluation of a child would constitute a reevaluation. See the *Analysis of Comments and Changes* published as Attachment 1 to the March 12, 1999 final regulations at 64 Fed. Reg. at 12606. Evaluation procedures at 34 CFR §300.304(b)(1) require that in conducting an evaluation, the public agency must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child that may assist in determining whether the child is a child with a disability and the content of the child's individualized education program, including information related to enabling the child to be involved in and progress in the general education curriculum. Furthermore, the State must ensure that in evaluating each child with a disability under 34 CFR §§300.304 through 300.306, the evaluation is sufficiently comprehensive to assess the child in all areas related to the suspected disability, and must identify all of the child's special needs, whether or not commonly linked to the disability category in which the child has been classified. 34 CFR §300.304(c)(4) and (6).

[www.ed.gov](http://www.ed.gov)

400 MARYLAND AVE., SW, WASHINGTON, DC 20202

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.



When an evaluation is conducted in accordance with 34 CFR §§300.304 through 300.311 and a parent disagrees with the evaluation because a child was not assessed in a particular area, the parent has the right to request an IEE to assess the child in that area to determine whether the child has a disability and the nature and extent of the special education and related services that child needs. Under 34 CFR §300.502(b)(2), if a parent requests an IEE at public expense, the public agency must, without unnecessary delay, either: (i) initiate a hearing under 34 CFR §300.507 to show that its evaluation is appropriate; or (ii) ensure that an IEE is provided at public expense, unless the agency demonstrates in a hearing under 34 CFR §300.507 that the evaluation obtained by the parent did not meet agency criteria.

Based on section 607(e) of the IDEA, we are informing you that our response is provided as informal guidance and is not legally binding, but represents an interpretation by the U.S. Department of Education of the IDEA in the context of the specific facts presented.

If you have questions, please do not hesitate to contact Jennifer Wolfsheimer at 202-245-6090 or by email at [Jennifer.Wolfsheimer@ed.gov](mailto:Jennifer.Wolfsheimer@ed.gov).

/s/ Melody Musgrove

Melody Musgrove, Ed.D.

Director

Office of Special Education Programs