

Independent Educational Evaluation (IEE)

An independent educational evaluation (IEE) is an evaluation conducted by a qualified examiner who is not a CFISD employee. If a parent/guardian requests an IEE, a CFISD representative must tell the parent how to obtain an IEE. The evaluation with which the parent or legal guardian disagrees must have been conducted within (1) year of the date the parent or legal guardian requests the IEE.

If the parent/guardian disagrees with an evaluation that CFISD personnel have completed for his/her child, the parent/guardian has the right to request an IEE at public expense, meaning CFISD must either pay for the IEE or ensure that one is obtained at no cost to the parent unless the request is denied and CFISD seeks a due process hearing to demonstrate that its evaluation is appropriate. The district may not unreasonably delay either providing the IEE or initiating a due process hearing to defend the public evaluation.

If CFISD has not conducted an evaluation, the parent or guardian does not have a right to an IEE. If the parent or guardian refused to consent to the district's request to conduct an evaluation, the parent or legal guardian does not have the right to an IEE.

If CFISD is in the process of evaluating, the parent or guardian does not have a right to an IEE. Once the district evaluation is completed and reviewed in an ARD meeting, the parent or legal guardian has a right to request an IEE if they disagree with CFISD's evaluation.

If a parent or guardian has obtained an IEE previously and CFISD has not conducted another evaluation with which the parent or legal guardian can disagree, the parent or legal guardian is not entitled to another IEE.

If a parent or legal guardian requests an IEE verbally or in writing, the school district must without unnecessary delay 1) provide an IEE at public expense or 2) request a due process hearing to show that its evaluation of the child was appropriate.

CFISD will ask the parent/guardian to notify the district of specific areas of disagreement when he/she disagrees with the district's evaluation and may offer to resolve the parent's disagreement by providing an additional district evaluation. However, parents are not required to accept the district's offer.

If an IEE is provided at public expense, CFISD must use the same criteria as it uses for its own evaluation, including specifications of the location of the evaluation and the qualifications of the examiner. CFISD may not impose conditions or timelines related to obtaining an IEE at public expense other than the criteria used by district when it initiates an evaluation. CFISD gives the independent evaluator the same opportunities to evaluate the child as given during the school district's evaluation, including the opportunity to observe in the school setting and access educational records. CFISD can define the nature and scope of the IEE evaluator's in-school observations, to prevent unnecessary disruptions to the classroom and to protect the privacy interest of the other students.

If the parent/guardian requests an IEE at public expense, CFISD has the right to file for a due process hearing to show that its evaluation is appropriate. If the hearing officer decides that the evaluation by CFISD is appropriate, the parent is entitled to an IEE, but not at public expense.

If the parent/guardian pays for an IEE, the ARD Committee must consider the results of that evaluation when making decisions affecting the provisions of FAPE to the student. The district is not obligated to accept or agree with the content or results of the evaluation(s) and is not liable for payment/reimbursement for the evaluation.

If a hearing officer requests an FIE as part of a due process hearing, the cost of the evaluation must be at public expense.

Requesting an Independent Educational Evaluation (IEE)

Parent Responsibilities

- Request an IEE at a meeting of the student's ARD Committee. The request will be forwarded to the Director of Special Education, or
- Notify the campus diagnostician, psychologist, speech/language pathologist or the CFISD Director of Special Education concerning the request for an IEE.
- Request an IEE as soon as possible following the evaluation in question.
- Provide the name of the evaluator to allow CFISD to (a) check certification/license of the evaluator and (b) develop a contract for the evaluator.

ARD Committee Responsibilities

- The facilitator of the ARD Committee will ask the parent to provide a written statement specifying the nature of the disagreement. However, securing an IEE is not contingent upon receipt of a written statement. The reasons are to be reflected in the additional deliberations of the ARD meeting.
- The facilitator reviews the IEE section of the Procedural Safeguards with the parent.
- The ARD Committee neither approves nor disapproves a request for an IEE, it only documents the request.
- The facilitator will provide the parent with contact information for the Director of Special Education and ask the parent to request the IEE in writing, identifying the specific evaluation with which the parent or legal guardian disagrees.
- Following the ARD meeting, the ARD Committee administrator or facilitator will inform the Director of Special Education that she may be contacted regarding an IEE request and will provide details regarding the nature of the request.
- The ARD Committee reconvenes following the completion of the IEE to consider the results of the assessment.

CFISD Director of Special Education Responsibilities

- The Director of Special Education will review the request for IEE with the parent or legal guardian, investigate the situation and provide the parent with Prior Written Notice granting or denying the request for the IEE.
- If the request for IEE is denied, the Director of Special will give written explanation of why the request was denied and what was used as the basis for denial. Also included will be

any other factors relevant to the denial and any other options for evaluation, and Procedural Safeguards. The written notice will also notify the parent or legal guardian if CFISD intends to file a request for Due Process hearing to defend the district's evaluation.

- If the request for IEE is approved, the Director of Special Education will provide for the parent with CFISD procedures, evaluator criteria, and a list of qualified evaluators who are not employees of the district they can choose from but are not obligated to use.
- The Director of Special Education will request that the parent inform him/her as soon as an evaluator has been selected. Any release of records forms will be completed at the time the parents confirm evaluator selection.
- The Director of Special Education will contact the selected provider and notify him/her of the requirements of the IEE and will issue a contract to the IEE provider.
- If the parent or legal guardian refuses to request the IEE in writing, the Director of Special Education will communicate in writing with the parent or legal guardian to determine the necessary information regarding the request for an IEE.
- If the parent did not disagree in the ARD meeting but contacts the CFISD Director of Special Education with a disagreement several days after the ARD meeting, the Director of Special Education will then determine the nature of the disagreement and will contact members of the ARD Committee and the membership of the multidisciplinary team completing the assessments in question. The Director of Special Education will determine if an IEE is appropriate or if the ARD committee needs to reconvene to address a possible need for further evaluation.
- With the parent's written consent, the CFISD Director of Special Education will assist the independent evaluator in gathering information about the student by providing access to the student's cumulative folder and special education folder.
- If unknown, the Director of Special Education will ask the parent or legal guardian to identify the specific area of disagreement; however, the parent is not obligated to provide this information and failure to do so does not alleviate the school district from its obligation to provide the IEE or timely file for due process

Independent Evaluator Responsibilities

- Evaluators must comply with all state and federal requirements, the Code of Ethics of their professional licensing agencies and be fully licensed and/or certified. Evaluators must have at least equivalent licensure/certification as individuals employed by the district who conduct the same type(s) of assessment(s).
- Evaluators must be trained to administer the specific tests and other evaluation materials used and adhere to the instructions provided by the producer of the instrument.
- With parent's written consent, the evaluator shall have access to the student's records in gathering information about the student, and district personnel may communicate with the evaluator concerning the student.
- Evaluators must provide an original typed report to the district within 45 school days of when the IEE is completed. Protocols must be submitted with the completed report and the report must include original signatures and titles of all assessment personnel involved in the evaluation. The written report must comply with all state and federal requirements.
- The independent evaluator may meet with the ARD Committee or evaluation team to

gather information about the student prior to the evaluation and to share information following the evaluation.

- The evaluator must be willing to sign a contract with CFISD and to communicate directly with district personnel.

Fees for Independent Educational Evaluations

- CFISD will pay a fee for an IEE which allows a parent to choose from among qualified professionals located within a 50-mile radius of the district. This requirement allows for the evaluator's access (a) to the public school for observation of the student (b) to ARD Committee meetings.
- Reimbursement/payment will be made directly to the evaluator for an IEE which meets all CFISD requirements.
- The district will not pay unreasonably excessive fees. Fees which are 25% above the prevailing fees in the area (as established in the Medicaid/Medicare Service Provider Manual) will generally not be paid/reimbursed.
- Upon receipt of an invoice for an amount exceeding the contract amount, the district will request a hearing to challenge the right of the parent to be reimbursed.
- Parents will have the opportunity to demonstrate to CFISD that unique circumstances justify an IEE that does not fall within the district's criteria.
- When service providers have a sliding scale fee based on the parent's income, the school district will pay the amount that would be charged to the parent.
- In the event that a parent pursues an IEE independently, an original billing form must be submitted to CFISD prior to payment. Before reimbursement or district payment is authorized, CFISD IEE criteria must be met and the independent evaluator's written report must be received.
- Travel costs, if appropriate, for parents will not exceed district rates for travel, as established by state guidelines.

Guidelines for Reimbursement

- CFISD will approve payment of an authorized IEE upon receipt of:
 - A typed report appropriately signed,
 - Copies of the evaluation protocols, and
 - An invoice in compliance with the issued contract

Steps to be followed by parents seeking reimbursement a unilaterally obtained IEE

- The district will consider a parent request for payment for a unilaterally obtained IEE if requested within 1 year after receipt of the result of the evaluation.
- The request will be presented to the Director of Special Education.
- The district can request a due process hearing to prove its evaluation was appropriate. This can occur before an IEE is conducted or after the parent has obtained an IEE and is asking for reimbursement.
- The district will deny payment of an IEE conducted by an evaluator who does not meet the minimum qualifications. "Minimum qualifications" is defined as having the same

- licensure/certification as the district staff member who conduct the same assessment.
- The district will deny payment of an IEE that does not meet minimum Texas Education Agency criteria for the specific disability identified.
 - The district will deny payment of an IEE which does not meet all state and federal requirements.

Consideration of unilaterally obtained IEE

The results of a unilaterally obtained IEE obtained at private expense will be considered by the district, if it meets district criteria, in any decision made with respect to the provision of a free appropriate public education to the student. Such consideration does not make the district liable for payment of the evaluation. Additionally, although the district will consider such evaluations, it is not obligated to accept or agree with the content or results of the evaluations.

Parents obtaining an IEE without following these procedures will risk non-payment