

## **Independent Educational Evaluation Guidelines Flagstaff Unified School District**

### **I. Introduction**

Parents or guardians have the right to request an Independent Educational Evaluation of their child at public expense if they disagree with the evaluation conducted by the district. The following sections provide the legal background and the district guidelines and procedures for responding to such a request.

### **II. District Policy**

#### Definitions:

*Independent Educational Evaluation (IEE)* means an evaluation conducted by a qualified examiner who is not employed by the Flagstaff Unified School District, which is responsible for the education of the child.

*Public Expense* means the Flagstaff Unified School District pays for the cost of the evaluation or ensures the evaluation is otherwise provided at no cost to the parent.

#### When Does A Parent Have The Right To Obtain An IEE At Public Expense?

The parent/guardian has the right to obtain an IEE at public expense when the parent disagrees with the assessment conducted by the Flagstaff Unified School District. A request for an IEE must be received within a reasonable time following the district's evaluation, not to exceed one year from the date of the eligibility decision.

#### Who Conducts The IEE?

The qualifications of the IEE examiner must be equivalent to those of the district's examiner. Upon request for an IEE, the Flagstaff Unified School District will provide information to parents regarding where an appropriate IEE may be obtained. If the parent feels there are special circumstances that require an IEE by an examiner not pre-authorized by the district, the parent must submit the name, qualifications, and contact information of the suggested examiner in order for the district to make a determination of whether the IEE can be conducted at public expense.

#### What Is Required For An IEE At Public Expense?

Federal regulations require that whenever an IEE is to be provided 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 district uses or would use when performing a similar evaluation. The following criteria apply to both IEEs and assessments prepared by the Flagstaff Unified School District.

- The assessment must be completed in a public school or other appropriate setting.
- The assessment must be completed by a qualified examiner certificated and/or licensed by the state of Arizona in the area assessed in the evaluation.
- The parent must be provided an assessment plan clearly stating it is an IEE and explaining the types of assessments to be conducted.
- The assessment instruments must be selected and administered in the child's primary language or other mode of communication unless the assessment plan indicates why it is not clearly feasible to do so.
- Tests and other assessment materials shall have been validated for the specific purpose for which they are used; must use the most up-to-date norms; must be administered by trained personnel; and must be tailored to assess specific areas of educational need.
- A written report of the IEE assessment results shall be provided to the parent/guardian and the Flagstaff Unified School District prior to the IEP team meeting.
- The IEE assessment results must be considered by the IEP team at the child's IEP team meeting.

### **III. District Procedures**

#### Steps Following A Parent Request For An IEE At Public Expense

1. A parent/guardian of a child with an identified or disputed disability shall contact the Flagstaff Unified School District Special Education Director for assistance in requesting an IEE. The parent

should be advised to provide this request in writing. The inclusion of the following will assist in providing an appropriate district response:

- a. Specific areas of disagreement or dispute in the district evaluation; and
  - b. A list of desired assessment areas, issues or questions to be addressed by the IEE.
2. The Special Education Director will provide Prior Written Notice stating whether the Flagstaff Unified School District is providing or denying the IEE.
    - a. If the district is providing an IEE at public expense, an Assessment Plan and the names and contact information of authorized evaluators shall be attached.
    - b. If the district is denying the IEE, the district will file for Due Process to defend its own evaluation.
    - c. In the event that the request for an IEE is beyond 1 year from the date of the district's evaluation, the special education director will notify the parent by written correspondence that the IEE request does not meet policy guidelines.
  3. If the parent receives a Prior Written Notice indicating district agreement to the IEE, the parent shall contact a pre-authorized evaluator to schedule all necessary appointments.

#### Criteria For All IEEs Conducted At Public Expense

1. The IEE must be administered by the evaluator in the same type of location and /or setting as that used by the district in providing similar evaluations.
  - a. If the district evaluation included classroom observations, the IEE evaluator will be given access to the classroom.
2. The IEE must be provided by an evaluator who holds equivalent certifications, licenses, or other qualifications that would be required of the district staff providing similar evaluations.
3. The IEE evaluator must be located within a 60-mile radius of the district, unless prior written approval is obtained by the district.
4. IEE evaluators must comply with all state and federal requirements.
5. The IEE provider must provide the district with a copy of their report at least five days prior to the IEP team meeting. The report must contain all necessary assessment and eligibility sections. The report must include the evaluator's name, title, license and/or certification number, and an original signature of the evaluator that completed the IEE. The district will provide the family with a copy of the report.
  - a. The original assessment protocols should be attached to the IEE report.
  - b. The results and recommendations of the IEE will be considered, but do not dictate the identification, program decisions, and educational services to be provided to the student.

#### Criteria For Determination of IEE Fees

1. The district will pay a fee that is routine and reasonable for the IEE, similar to those performed by qualified professionals in the local area or comparable to those costs that the district incurs when it uses its own employees or contractors to perform a similar assessment. Routine and reasonable fees are based on an average of a random sampling of fees charged by professionals providing service in the district area.
2. When travel is negotiated as part of the contract, any travel costs for evaluators or parents may not exceed the district's established rates for travel.
3. Any expenses beyond that directed related to preparation of the evaluation (i.e. food, lodging, transportation, etc.) are not covered in the cost of the independent evaluation.
4. The following should be included in the fees for IEEs conducted at public expense:
  - a. Cost to conduct assessment
  - b. Mileage
  - c. Developing a written report

- d. Providing copies of the report to the parent and school
- e. Attending the IEP meeting

Criteria for Independent Educational Evaluators

1. Local Limitations for Evaluators

- a. Evaluators must be located within 60-mile radius of the district area. Evaluators outside of this area will be approved only on an exceptional basis if the parents can demonstrate the necessity of using personnel outside the specified area. Parents must receive prior written notice from the district for an IEE conducted outside of the approved area.

2. Minimum Qualifications for Evaluators

- a. Evaluators must be appropriately credentialed by State certifying and/or licensing agencies. All assessments must be conducted in accordance with requirements of Federal and State law. All assessments, including all tests and subtests, must be conducted by persons competent to perform the assessment as determined by the district.