

INDEPENDENT EDUCATIONAL EVALUATION PROCEDURES

Independent Educational Evaluations Paid for by the School District

The following procedures apply to all independent educational evaluations (IEEs) to be paid for by the School District, whether arranged for by the Evaluation Planning Team or as an Independent Educational Evaluation at parental request.

1. **Dissemination of IEE Policy and Procedure.** [At the time the Written Evaluation Report, or other report, of evaluation by the District is delivered to the parents, and/or] when parents inquire concerning independent evaluations, the parents shall be provided with a copy of this local procedure and policy, including attached Schedules A and B.
2. **Discussion of IEE with District Before IEE.** Parents and guardians are encouraged to consult, in advance of scheduling an independent evaluation, with the Director of Special Services concerning the need for an independent evaluation and the qualifications of the evaluator and relevant local evaluation standards. The Director (or designee) may inquire of the parents the reason(s) why they object to the evaluation team's evaluation, but the parents may not be required to respond, and the District may not unreasonably delay the providing of the evaluation at no cost to the parent or the filing for due process to defend the District's evaluation, whichever the District decides to do.
3. **Criteria Applicable to IEE's Paid for By the School District.** An independent evaluation at public expense must be obtained under the same criteria that the District uses when it initiates an evaluation and uses an outside evaluator. See, Criteria for Evaluations Initiated by District or Parents at Public Expense (Schedule A).

The District may challenge and refuse to reimburse any evaluator/evaluation (or part thereof) not meeting the criteria, by requesting a due process hearing. The request for due process should be made without unnecessary delay.

4. The Director shall provide parents or guardians, upon request, with a list of evaluation agents/sites that provide evaluations in the required geographic area. (See Schedule B). Parents and guardians are not required to select an evaluator from the list. The list is provided for informational purposes only. Inclusion of an evaluator on the list does not mean that the District recommends or endorses the evaluator, nor does it mean that those listed have the licensing or other qualifications to perform a particular kind of evaluation or test. Parents should make sure that the evaluator is located within the required geographical area, and should verify with a potential evaluator that the independent evaluator meets the qualification criteria of Schedule A, with respect to the particular evaluation or test(s) to be performed.
5. Except for the criteria described in the IEE policy, this procedure, and Schedules A and B, the District may not impose conditions or timelines related to obtaining an independent educational evaluation at the District's expense. 34 C.F.R. §300.502(e)(2).

6. **Consideration of Results of IEE by EPT and/or IEP Teams.** The results of any independent evaluation which meets the School District's independent evaluation criteria, whether or not paid for at District expense, and whether or not it precedes or follows a District evaluation, shall be considered by the Evaluation and Planning Team (EPT) and/or IEP Team meeting participants in any decision made with respect to the provision of a free appropriate public education to the student, and may be presented as evidence in a due process hearing regarding that child. Where a decision has been made prior to the availability of the results of the IEE, the relevant team should be convened to consider the IEE results when they become available.
7. **Only One Publicly-Funded Evaluation.** The District is not required to fund more than one parent-initiated independent evaluation for each District evaluation with which the parent disagrees. Each time the District conducts an evaluation with which the parent disagrees, however, the parent has a right to an independent evaluation. Parents are not entitled to reimbursement for independent evaluations which are not initiated as a result of disagreement with an evaluation by the District. The District always has the alternative of seeking a due process determination that its evaluation was appropriate, and/or that the parents' independent evaluation does not meet District criteria, as reflected in this procedure and Schedules A and B.
8. **Policy Requirements Apply to All IEE's.** Where a parent or guardian has obtained an independent evaluation without first consulting the Director of Instructional Support Services, reimbursement shall nonetheless be subject to all conditions and criteria set forth herein, including the IEE policy, Schedules A and B.
9. **Re-evaluation Distinguished:** **NOTE:** Where a parent or staff member feels that an evaluation is required:
- (1) Because a child's performance, behavior or condition has changed since the last evaluation conducted by the Evaluation and Planning Team; or
 - (2) Because the child's performance, behavior or condition warrants evaluation of an area not previously identified as an area to be evaluated by the Team,

the staff member or parent should request that a *re-evaluation* (i.e., additional evaluation) be performed through the Evaluation and Planning Team. The Evaluation and Planning Team shall promptly prepare and implement an evaluation plan, with parental input, pursuant to the usual procedures. If the parents disagree with the results of the reevaluation, they may then request an independent evaluation at public expense pursuant to this procedure.

Independent Evaluations Ordered by a Hearing Officer.

If a Hearing Officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation shall be at public expense.

SCHEDULE A

Evaluation Criteria For Independent Educational Evaluations Initiated By District or Parents At Public Expense

The following procedures and criteria apply to all independent educational evaluations to be conducted at District expense. Failure to comply with any of the criteria and/or procedures listed, may result in the District's refusal to fund an independent evaluation.

1. **Location:** All evaluations shall be conducted within the State of Vermont or within a 25 mile radius of the Colchester School District central office, Colchester, VT (the "designated area"). Under special circumstances (for example, where either scheduling or the uniqueness of the issue to be evaluated render assessment within the designated area impracticable), evaluations may be sought outside the designated area, with the prior written approval of the Superintendent. The person seeking an evaluation outside of the designated area shall show (a) that unique circumstances require evaluation outside the designated area; (b) that the costs of the evaluation are not excessive when compared to the customary and usual charges in Vermont for a comparable evaluation. In the event of such a waiver, other criteria listed below shall still apply, and reimbursement for approved associated expenses (meals, room, travel) shall be limited to the current District rates for meals and to the current federal government rate per mile for travel. (The current rates at a given time are available by phone from the Business and Operations Manager in the Colchester School District central office.) Travel other than by car, and lodging, shall be pre-approved by the Superintendent, shall be limited to the allowable expenses for one adult and the child, and shall be arranged in advance by the District.
2. **Qualifications of Evaluators:**
 1. Evaluators must have the following minimum qualifications:
 - (1) Expertise in the particular area for which information is sought and meet applicable state licensing and/or endorsement requirements;
 - (2) Training in administering the evaluation procedure(s) being used, and in scoring and interpreting the results, as required by and in conformance with the instructions provided by the producer of the evaluation procedure.
 2. In addition, where eligibility in any of the following categories of disability is concerned, the evaluator must be licensed in the applicable field specifically indicated by the appropriate provision of the VDE Rule 2362.1 (a)-(i), as it may be amended from time to time:
 - (1) Visual Impairment: optometrist or ophthalmologist;
 - (2) Deafness or being hard of hearing: audiologist, otologist or otolaryngologist;

- (3) Speech or language impairment: speech-language pathologist;
- (4) Orthopedic impairment: physician;
- (5) Chronic or acute health impairment: person with the professional licensure required by Rule 2362.1(g)(1)-(2), to wit: a person whose professional license qualifies him/her to offer an opinion on the existence of the specific condition suspected to be an other health impairment and its effect on the student's ability to function and who has specific training and experience in diagnosing and recommending treatment for the condition;
- (6) Emotional disturbance: psychologist or psychiatrist;
- (7) Autism: physician;
- (8) Traumatic Brain Injury: physician.

3. **Itemization or Description of Services:** If an evaluation consists of the administration of more than one test, the bill for the evaluator's fee should be itemized, including a description of each service performed, the identity, licensure and/or degree or certification level of each evaluator, and the hours spent by each individual evaluator performing any portion of the evaluation.

4. **Permissible Evaluation Tools, Techniques and Subject Matter:**

- a. Independent evaluation costs are limited to reasonable and necessary expenditures for necessary and appropriate evaluation procedures. "Evaluation procedures" are defined as observation of the student and other necessary and appropriate diagnostic measures. They do not include time for evaluator research, parent consultation, program evaluation, or other tasks not directly involving administration, scoring or report in writing, of a diagnostic procedure and/or its results. Note: parent interviews/meetings with evaluation staff for purposes other than a formal interview as a part of the evaluation (to get child's medical history, for example) are **not reimbursable** as evaluation expenses. For example, fees for meetings(s) with the parents to discuss evaluation results are **NOT** reimbursable.
- b. No area shall be evaluated, nor shall any evaluation procedure be carried out, unless appropriate justification can be given for it. No area should be the subject of an independent educational evaluation at public expense unless the Evaluation and Planning Team has first had an opportunity to evaluate the student in that area.
- c. Tests and other evaluation materials must meet the special evaluation requirements set forth in VDE Rule 2362.2.1; and federal rules 34 C.F.R. §104.35(b) and 34 C.F.R. §300.532.

- d. **Familiarity with Eligibility Criteria.** The independent evaluator shall be familiar with Vermont's criteria for eligibility under VDE Rule 2362(a)(1)-(3), (b) and (c), federal requirements for evaluating for a specific learning disability, 34 C.F.R. 300.541, and categories of disability as outlined in VDE Rule 2362.1(a) through (1), including the fact that the eligibility determination is to be made by the Evaluation and Planning Team, not by an individual evaluator.

The task of the independent evaluator is to develop diagnostically relevant information about the child, and to provide an opinion of the type specifically described by the applicable Vermont rules for the suspected specific disability, for consideration by the Evaluation and Planning Team, in determining eligibility, and not for the independent evaluator to determine eligibility. The evaluator's report may include diagnostic findings to support or refute the existence of a disability in one or more disability categories; that the student is or is not functioning significantly below expected age or grade norms in one or more basic skills; and that the student is or is not in need of specially designed instruction to meet the unique needs of the child with disabilities, as required by VDE Rule 2362(a)-(c).

- e. Tests should be selected and administered so as best to ensure that if a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual or speaking skills, (unless those skills are the factors that the test purports to measure).
- f. Assessment tools and strategies should provide relevant information that directly assists persons in determining the educational needs of the child.
5. **Inclusion of Unusual Circumstances; Departure from Standard Assessment Conditions.** The independent evaluator shall note in his/her report any unusual circumstances of the testing or evaluation session which may have affected the results. If the assessment is not conducted under standard conditions, this should include (but is not limited to), a description of the extent to which it varied from standard conditions (for example, the qualifications of the person administering the test, the method of test administration, deviation from prescribed times for response, or the ages for which the test is normed, if different from the child's age).
6. **Correcting for Regression Error.** The evaluator must use a formal process for correcting regression error when determining whether a severe discrepancy exists between cognitive ability and achievement. The correction for the effects of regression may be achieved through either the use of a regression calculation chart, or through the use of statistical procedures which eliminate the effects of regression toward the mean.
7. **Bands of Confidence.** The evaluator shall use bands of confidence or standard error of measurement when reporting and interpreting test scores and other evaluation results, whenever they are available.

8. **Reporting of Scores.** The evaluator shall report all standard scores and all percentile rank scores whenever they are available.
9. **Provision of Access to Raw Data.** Evaluators must make available to the EPT and/or IEP team, upon request, test protocols and other underlying raw data on which their evaluations are based, in order for the Evaluation and Planning Team and/or IEP team to consider the weight of evaluation results.
10. **Observation.** Where observation of the student in the classroom is called for by the Evaluation Plan, the Director of Special Services shall contact the independent evaluator and the classroom teacher (or other applicable service provider) to make the arrangements necessary to observe the child. The Director of Special Services, in consultation with the evaluator, the teacher of the class to be observed, and any other appropriate District personnel, shall determine the length, location and timing of the observation, to minimize disruption to the class and student. Where a parent's independent evaluator requests an opportunity to observe, such evaluator shall be given an opportunity to observe at least comparable to any opportunities to observe accorded to the District's evaluator.

Sources: 20 U.S.C. §§1415(b)(1); 34 C.F.R. §§300.502; VDE Rule 2362.2.7.