



# Evergreen Community Charter School

Section	100 Programs
Title	Independent Educational Evaluation
Code	113.5
Revised	December 2, 2021

## **Authority**

Parents/Guardians of children with disabilities may have a right to request an Independent Educational Evaluation (IEE) of a child if the parent/guardian disagrees with an evaluation obtained by the public agency. Upon request for an IEE, Evergreen Community CS shall provide to parents with information about where an IEE may be obtained and the criteria applicable for an IEE, as set forth in this policy. An IEE shall not be provided at public expense unless it strictly adheres to the requirements set forth in this policy.

## **Definitions**

The following definitions shall apply to this policy:

**Independent Educational Evaluation (IEE)** - an evaluation conducted by a qualified examiner who is not employed by Evergreen Community Cs.

**At Public Expense, Publicly-Funded** - Evergreen Community Cs either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent/guardian.

## **Delegation of Responsibility**

The Director and/or Special Education Coordinator shall determine whether a request for an IEE meets the criteria set forth in this policy and whether an IEE shall be funded at public expense.

## **Guidelines**

### Request for IEE to be Provided at Public Expense

If an Independent Educational Evaluation is requested to be provided at public expense, then the school shall, without unnecessary delay, either file a due process complaint to request a hearing to show that its evaluation is appropriate or ensure that an IEE is provided at public expense.

A parent/guardian does not have a right to an IEE at public expense prior to the time that Evergreen Community CS completes its own evaluation.

If an IEE has already been conducted and meets the criteria set forth in this policy, and if the parents/guardians request that such IEE be funded at public expense, then the school shall, without unnecessary delay, either file a due process complaint to request a hearing to show that its evaluation is appropriate or ensure that such evaluation is provided at public expense.

Evergreen Community CS reserves the right to ask for the parent's/guardian's reason for objecting to the public evaluation. However, Evergreen Community CS shall not require the parent/guardian to provide an explanation and shall not unreasonably delay either providing the IEE at public expense or filing a due process complaint to request a due process hearing to defend the public evaluation.

A parent/guardian is entitled to only one (1) IEE at public expense each time the school conducts an evaluation with which the parent/guardian disagrees.

Results of a publicly funded IEE must be shared with the school.

### Procedure

A request for an IEE must be made in writing to the Assistant Superintendent for Special Education. All requests and IEEs must meet the requirements of this policy.

### Criteria

Evergreen Community CS shall consider all Independent Educational Evaluations shared with the school that satisfy the following criteria:

1. *Qualifications of the Examiner* – An evaluation of a child for autism, emotional disturbance, mental retardation, multiple disabilities, specific learning disability or traumatic brain injury must be done by a school psychologist certified in the state of Pennsylvania or, where necessary, a licensed physician or psychiatrist who is qualified in evaluating and diagnosing the student's specific disability or impairment. An evaluation for other disabilities (i.e., speech and language) must be done by a person licensed or certified to conduct and interpret assessments of the area(s) of concern. The school reserves the right to request and obtain the credentials of the evaluator.
2. *Distance of Examiner from School* – If the IEE is at public expense, it must be conducted within a 90-mile radius of the school unless justifying circumstances exist and an explanation of such is submitted to the school in writing, as per this policy.
3. *Cost Containment* – If the IEE is at public expense, it shall not exceed \$2,500.00 unless justifying circumstances exist and an explanation of such is submitted to the school in writing, as per this policy.
4. *Timeline for Evaluation* – The IEE must be completed within sixty (60) calendar days of receiving parental consent for the evaluation.
5. The evaluator must review existing evaluation data on the child, including input from the child's teachers and parents. The evaluation must contain a list of the specific information/data that the evaluator reviewed as a part of the evaluation process.

6. The IEE must use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the child, including information provided by the parent/guardian, that may assist in determining whether the child is a child with a disability under 34 CFR §300.8, and in forming the child's IEP, including information related to enabling the child to be involved in and progress in the regular education curriculum.
7. Testing and assessment procedures shall be selected and administered to yield valid measurement or assessment of the construct or quality they purport to measure or assess. The evaluator shall administer any testing or recommendations of the publisher of the test or procedure, if any, and in compliance with applicable and authoritatively recognized professional principles and ethical tenets and shall report any factor that might affect the validity of any results obtained.
8. The evaluation must include an observation of the student in an educational setting, unless the student is not then in such a setting, and the evaluator shall obtain information concerning the performance of the student directly from at least one (1) current teacher of the child, unless the child does not have a current teacher.
9. The evaluator and the school must have permission to communicate and share information. The evaluator must release the results of the evaluation to the school.

The evaluator shall prepare and sign a full report of the evaluation containing:

1. A list of all information/data reviewed.
2. A clear explanation of the testing and assessment results.
3. A complete summary of all test scores, including, for all standardized testing administered, all applicable full scale or battery scores, domain or composite scores, and sub-test scores reported in standard, scaled, or T-score format.
4. A complete summary of all information obtained or reviewed from sources other than testing conducted by the evaluator.
5. Specific recommendations for educational programming and, if possible, placement.

If a parent-initiated evaluation does not meet the criteria as set forth by the district, such that funding is denied, Evergreen Community CS shall, in writing, explain to the parent/guardian why it does not.

If an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall meet the same as the criteria that Evergreen Community CS uses when it initiates an evaluation, to the extent that those criteria are consistent with the parent's/guardian's right to an IEE. Evergreen Community CS shall not impose other conditions or timelines related to obtaining an IEE at public expense.

If the parents/guardians and/or students wish to meet with the evaluator to discuss and/or review the results of an IEE that is publicly funded, they shall do so at their own expense. If an IEE is at public expense, the school shall not reimburse or pay for meetings between the parents/guardians and the evaluator to discuss the results of the evaluation.

Parental consent is required for Evergreen Community CS to release education records to an independent evaluator conducting an IEE. If a parent/guardian refuses such consent, the records shall not be released, and the IEE would, therefore, not meet the criteria set forth in this policy.

An IEE obtained at the expense of the parents/guardians that meets the above criteria must and will be considered in any decision made with respect to the provisions of FAPE to the child. The school, however, is under no obligation to adopt the findings of such evaluation.

For Evergreen Community CS to consider or publicly fund an IEE that does not meet the criteria specified in this policy, parents must demonstrate to the school, in writing, that unique circumstances justify any deviation from the criteria. Evergreen Community CS reserves the right to accept or deny any such deviation.

Legal

1. 34 CFR 300.502

2. 34 CFR 300.508

3. 34 CFR 300.8