



BROWNWOOD INDEPENDENT SCHOOL DISTRICT SPECIAL EDUCATION OPERATING PROCEDURES: INDEPENDENT EDUCATION EVALUATION

Update October 2024

Legal Framework: INDEPENDENT EDUCATIONAL EVALUATION

Related Resources

Broad Category: EVALUATION

BROWNWOOD ISD Board Policy along with these *Special Education Operating Procedures* constitute the Policies and Procedures of BROWNWOOD ISD, designed to be consistent with the State policies and procedures developed pursuant to the IDEA. BROWNWOOD ISD *Special Education Operating Procedures* are not to be for the purpose of creating a requirement that is not otherwise imposed by the Individuals with Disabilities Education Improvement Act (“IDEA”), together with its implementing federal regulations, state statutes and rules, as they shall from time to time be amended, and shall not be construed to create a higher standard than that established by IDEA. These *Special Education Operating Procedures* will be posted on BROWNWOOD ISD’s website. These *Special Education Operating Procedures* should be interpreted consistent with the IDEA. BROWNWOOD ISD’s *Special Education Operating Procedures* are reviewed and updated, as needed, on at least an annual basis. BROWNWOOD ISD will make timely changes to policies and procedures in response to IDEA amendments, regulatory or rule changes, changes to state policy, or new legal interpretation as are necessary to bring BROWNWOOD ISD into compliance with the requirements of IDEA. BROWNWOOD ISD maintains systems to ensure that all students with disabilities residing in the District, including students with disabilities attending non-public schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and provided a free appropriate public education. BROWNWOOD ISD maintains systems to ensure that students with disabilities and their parents are afforded the procedural safeguards required under the IDEA (and its implementing federal regulations, state statutes and rules) including with respect to the confidentiality of records and personally identifiable information.

How does the District respond when it receives a request for an independent educational evaluation (IEE)?

If a parent or guardian disagrees with the results of a District-conducted evaluation or reevaluation, she or he has a right to request an independent educational evaluation.¹ Any requests for an IEE will be communicated to the Special Populations Director. The Special Populations Director is responsible for granting or denying the request for an IEE in writing as an administrative decision, providing the parent or guardian with the District’s IEE criteria, information about how to obtain an IEE, and a copy of [TEA’s Notice of Procedural Safeguards](#). An IEE will be conducted by a qualified examiner who is not employed by the District and who meets the District’s criteria for an independent evaluator.

¹ 34 C.F.R. § 300.502

If a parent or guardian requests a publicly funded IEE, the District will, without necessary delay, take the following actions:

- file a due process complaint to obtain a hearing to prove that the District's evaluation is appropriate or that the parent's request does not meet District criteria, or
- grant the request for an IEE that meets District criteria and provide the parent or guardian with the District's IEE criteria.²

If the parent or guardian requests an IEE, the District may ask for the parent or guardian's reason why she or he objects to the District's evaluation; however, the District may not require the parent or guardian to provide an explanation and may not unreasonably delay either providing the IEE at public expense or filing a due process complaint to request a due process hearing.³

The District uses a DIRECT-PAY OR REIMBURSEMENT model to fund the parent or guardian's request for an IEE, if the District in its discretion grants the IEE request. The Special Populations Director will ensure that the District's IEE criteria includes an explanation of the District's IEE funding model and provides a procedure for a parent or guardian to request an exception to that model.

If a parent or guardian obtains a private evaluation and shares the results with the District, those results, if the private evaluation meets the District's criteria, will be considered by the student's ARD committee in any decision made with respect to the provision of a free appropriate public education to the student.⁴

LEA Specific Information:

INDEPENDENT EDUCATIONAL EVALUATION CRITERIA & PROCEDURES

Parents/Guardians of students with disabilities have the right to request an Independent Educational Evaluation (IEE) conducted by a qualified examiner who is not employed by the BROWNWOOD Independent School District (BROWNWOOD ISD) if the parent/guardian disagrees with an evaluation conducted by BROWNWOOD ISD. BROWNWOOD ISD may either initiate a hearing to show that the BROWNWOOD ISD evaluation is appropriate or authorize an IEE at public expense. BROWNWOOD ISD shall provide to parents/guardians, upon request, the information about where an IEE may be obtained including the process and procedures for the IEE request, as well as ensure that there are no financial barriers for parents to access and IEE for their student. Parent/Guardian requests for an IEE should be sent in writing (letter or BROWNWOOD

² 34 C.F.R. § 300.502(a)(3)(i) – (b)(2)

³ 34 C.F.R. § 300.502(b)(4)

⁴ 34 C.F.R. § 300.502(c)

ISD form) to the Special Education Director. The Special Education Director will respond to the parent's request for an IEE within the required timeframe.

If an IEE is authorized 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 used by BROWNWOOD ISD when it initiates an evaluation.

Specific criteria for an IEE include:

I. Criteria for IEE Providers/Evaluators

1. While BROWNWOOD ISD shall provide to parents/guardians a list of evaluators in the area where a specific IEE may be obtained, a parent/guardian is not required to select an evaluator from the provided list.
2. Independent evaluators should be selected within a 50-mile radius of the BROWNWOOD ISD Administration Building located at 12707 Southside Drive, Brownwood, TX, unless the District agrees otherwise
3. Once the parent/guardian has chosen an independent evaluator, the parent/guardian should contact the Director of Special Populations, who will negotiate the terms of the arrangement with the independent evaluator prior to the evaluation.
4. The independent evaluator must be certified or licensed by an accredited professional organization or agency recognized within the State of Texas to represent/oversee his or her profession.
5. The independent examiner shall not be employed by BROWNWOOD ISD.
6. The independent evaluator must meet the District's minimum qualifications for District personnel who perform the type of evaluation/s that will make up the IEE. If the independent evaluator uses additional evaluators/individuals to complete the IEE, each one of those evaluators/individuals must meet the District's criteria for completing his or her part of the IEE. The independent evaluator will provide the District with the credentials and qualifications for each person that administers a portion of the IEE.
7. The independent evaluator must meet the qualifications and training requirements to administer, score, and interpret the evaluation instrument(s) utilized during the IEE, as specified by the test publisher.

8. The independent evaluator must comply with all state and federal requirements, the Code of Ethics for his or her professional licensing agency, and remain fully licensed and/or certified for the duration of the evaluation and reporting process.
9. The independent evaluator must meet all state law and District policy requirements concerning criminal history record information.
10. The independent evaluator selected by the parent must not have any conflicts of interest that would impact the evaluator's ability to complete a non-biased IEE. Accordingly, the evaluator must not have any interest, including but not limited to, other projects or independent agreements, and shall not acquire any such interest, direct or indirect, which are, or which the Independent Educational Evaluator believes to be, incompatible in any manner or degree with the performance of services required to be performed in completing the IEE. Independent Educational Evaluator agrees to inform District of all of the Independent Educational Evaluator's interests, if any, which are or which the Independent Educational Evaluator believes to be, incompatible with any interests of District.
11. The independent evaluator will be invited to the Admission Review and Dismissal (ARD) where the evaluation will be considered at the request of the parent as a parent invitee. However, BROWNWOOD ISD does not pay for the independent evaluator to attend the ARD.

II. Criteria for Independent Education Evaluations (IEE)

1. Independent Educational Evaluators will complete and provide the District with a comprehensive Independent Educational Evaluation ("IEE"), in only the area(s) identified by the parent and approved by the District.
2. Parents must provide written consent for the release and exchange of information between the District and independent evaluator, including the release to the District of the evaluation report, all protocols, and results of all assessment data collected by the independent evaluator. This information will be provided to the District by the independent evaluator upon completion of the IEE.
3. With parental consent, the independent evaluator shall have access to the student's records in gathering information about the student, including the District's evaluation of the student and the student's current IEP.
4. The independent evaluator will only use the most current version of each assessment instrument to complete the IEE.

5. The independent evaluator will use assessment instruments that are age and gender appropriate to the child.
6. The independent evaluator will use assessment instruments that are chosen on the basis of their relevance to the educational questions to be addressed by the evaluation.
7. The independent evaluator will contact the campus principal where the student is enrolled if s/he would like to observe the student in the school setting, and/or to obtain any additional educational records, and/or to arrange a time to meet or talk with school staff to gather information about the student, and/or to request any other information from the District necessary to complete the IEE.
8. The independent evaluator will not knowingly utilize sooner than recommended in the test publisher's guidelines the same version of an assessment instrument or measure that was used in a previous assessment of the child.
9. The independent evaluator will not use any single measure or assessment as the sole criterion for determining whether a child has a disability or for recommending an appropriate educational program for the child.
10. The independent evaluator will select and administer assessment instruments so as not to be discriminatory on a racial or cultural basis.
11. The independent evaluator will provide and administer assessment instruments in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally unless it is not clearly feasible to do so.
12. If the student has been exposed to a second language, the evaluation must include assessment of language dominance and proficiency, and the results must be utilized to determine the appropriate language for the remainder of the evaluation.
13. The independent evaluator will use assessment instruments that are used for the purposes for which the assessments or measures are valid and reliable, and tailored to assess educational need.
14. The independent evaluator will select and administer assessment instruments or measures that are tailored to assess specific areas of educational need and not merely those that are designed to provide a single intelligence quotient.
15. The independent evaluator will use assessment instruments that are selected and administered so as to best ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the

child's aptitude, achievement level, 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).

16. The independent evaluator shall follow federal and state evaluation regulations and rules, reporting requirements and established eligibility criteria for the diagnosis of students with disabilities, including, but not limited to the IDEA, its implementing regulations, the Texas Education Code, and the Texas Administrative Code.

17. The District may discontinue the IEE without cause upon thirty (30) days' written notice. In the event of a termination without cause, the District shall pay Independent Educational Evaluator for all services performed and all expenses incurred supported by documentary evidence up until the date of the notice of termination.

18. The District may discontinue the IEE immediately and without notice to Independent Educational Evaluator in the event of a substantial failure of performance, including insolvency of Independent Educational Evaluator, loss of state or federal licensing, or upon District's discovery of a violation of any term, condition, or provision of these procedures on the part of the Independent Educational Evaluator. The District has the right, at its sole discretion, to define a substantial failure of performance for the IEE

19. Upon completion of the evaluation, the examiner must forward a signed written report to the Director of Special Programs before payment will be processed.

III.Criteria for IEE Reports

1. The IEE report will include the following:
 - a. Date(s) when evaluation activities were conducted.
 - b. A list of all information/data reviewed/considered.
 - c. A complete summary of all test scores, including subtest scores for all tests administered.
 - d. A complete summary of all information obtained and/or reviewed from all observations, interviews, and other non-standardized assessment instruments
 - e. A discussion and interpretation of test results.
 - f. Full and complete information that addresses the presence or absence of those symptoms or conditions included in the specific eligibility criteria for the disability areas assessed, including the type and severity of the impairment and the functional implications for the educational process.
 - g. All of the independent evaluator's recommendations for the Admission, Review and Dismissal Committee's consideration.
 - h. An original signature and title of all personnel involved in the evaluation.
2. The evaluation and resulting report must comply with all federal and state laws governing assessment of students with disabilities.

3. The report must provide the ARD Committee with sufficient information to determine whether or not the student meets the federal and state eligibility criteria, whether the student has a disability that requires the provision of special education services to the student, and if so, information that is sufficiently comprehensive to identify all of the student's special education and related service needs, whether or not commonly linked to the student's disability category.
4. When determining the presence of a specific learning disability (LD), the independent evaluator must follow the model adopted by BROWNWOOD ISD.

IV. Criteria for IEE Payment

1. District agrees to compensate Independent Educational Evaluator for services satisfactorily rendered pursuant as detailed in the letter of intent provided to the parent, upon the independent evaluators provisions of the original signed report, all test protocols used during evaluation (whether the protocol data was included in the final report or not), results of all testing data, and an itemized invoice. Invoices must reflect all costs incurred in sufficient detail, and include the outstanding balance due for the completion of the IEE.
2. BROWNWOOD ISD will not pay excessive fees for the IEE. The total fees for classroom observation of the student, folder review, formal evaluation procedures, the written report, and consultation with parent must be reasonable and in accordance with the criteria set forth by BROWNWOOD ISD.
3. Evaluator shall submit to the District any documentation necessary to substantiate the full and satisfactory performance of the services of which payment is requested.
4. The independent evaluator must submit all required documentation for payment, including any required conflict of interest form and vendor background screening form, and set up an account through the BROWNWOOD ISD payment system before payment will be processed.
5. The District will not pay for assessment and/or services the independent evaluator provides after the IEE's completion. The District will not pay for assessments outside the agreed upon parameters of the IEE.
6. Parents will be allowed the opportunity to demonstrate to the District that unique circumstances justify an independent educational evaluation that does not fall within the District's established criteria. Parents may appeal in writing to the Director of Special Education to waive the District's established criteria. If an independent educational

evaluation falls outside the District's established criteria and is justified by the child's unique circumstances, the District will pay for the evaluation.

STAFF RESPONSIBLE:

District Level: Special Populations Director
Assessment Coordinator

Campus Level: Campus Special Education Evaluation Staff

TIMELINES:

- Response to parent's request for an IEE/ 10 school days from the date of the IEE request
- Payment for IEE
- Scheduling an ARD committee meeting to consider an IEE

EVIDENCE OF PRACTICE:

- Training artifacts
- Forms used for the IEE process
- Independent Education Evaluator Criteria
- Letters notifying parents of the District's criteria and qualified evaluators
- List of independent evaluators
- Contracts with IEE providers