Yadkin County Schools

Where You Can Succeed!

INDEPENDENT EDUCATIONAL EVALUATIONS (IEE) Procedures

I. Policy

A. According to state and federal special education laws, parents/guardians have the right to an Independent Educational Evaluation ("IEE") of their child at public expense if they disagree with an evaluation for the child conducted by a local education agency.

B. **Definitions:**

1. An **Evaluation** means the formal testing and/or assessment procedures used to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.

2. **Public Expense** means that Yadkin County Schools will either pay for the full cost of the evaluation or ensure that the evaluation is otherwise provided to a parent/guardian at no cost.

3. An **Independent Educational Evaluation** (IEE) is an evaluation conducted by a qualified examiner who is not employed by the public school unit which is the public agency responsible for the education of the child.

C. An evaluation must be completed by Yadkin County Schools before a parent/guardian may obtain an IEE at public expense. The formal evaluation is complete when the parent is provided with the evaluation findings.

D. Parents may only request one publicly funded IEE for each formal evaluation that Yadkin County Schools conducts.

E. The IEE must meet Yadkin County Schools' criteria for evaluations, which is the criteria Yadkin County Schools uses when it conducts its own evaluation.

References: 34 CFR §300.502, NC 1504–1.3

II. Procedures

Yadkin County Schools (hereinafter referred to YCS) has established the following procedures for obtaining an IEE.

A. Written Request

A parent/guardian who disagrees with the results of the YCS evaluation and wants to pursue an IEE, should submit a written request to the YCS' Exceptional Children's Director.

This written request may include an explanation of the reasons they object to the formal evaluation. However, YCS cannot deny parents a publicly funded IEE solely because they do not provide reasons for requesting an IEE, as federal and state law barrs public school units from requiring parents to provide an explanation.

If a parent/guardian verbally requests an IEE, YCS will petition the parent/guardian to put the request in writing, or if needed, assist the parent/guardian in writing the request. YCS will not unreasonably delay the process due to the parents/guardians not providing a reason or putting the request in writing.

Requests that are submitted to the student's case manager or other members of the IEP team should be immediately submitted to the Exceptional Children's Director.

B. Receipt of the Request

Upon receipt of a request for an IEE by a parent/guardian, YCS will either: (a) initiate a due process hearing to show that the evaluation of the child conducted by the YCS was appropriate or (b) provide an IEE at public expense;

1. If YCS requests a due process hearing and the final decision of the hearing officer is that the YCS' evaluation of the child was appropriate, the parent/guardian still has the right to an IEE, but not at public expense.

2. If, in response to the parent/guardian request, YCS decides to obtain an IEE, YCS will provide the names, addresses, and phone numbers of possible qualified IEE evaluators who meet YCS' criteria, as set forth below. The list will identify those evaluators who, in the YCS' judgment, are qualified to perform the evaluation requested by the parents.

   Parents may also select evaluators that are not included on YCS' list, provided that the parent's chosen evaluator fully satisfies all of the criteria set forth below in Section III.

   Parents will be expected to contact the evaluator that they have selected to conduct the IEE in a timely manner and to schedule any necessary appointments for the child. Parent(s)/guardian(s) and YCS must mutually agree to the parameters of the IEE (i.e., the areas to be assessed).

C. **Communication between Parent(s)/Guardian(s), YCS, and the Evaluator**

If an IEE is procured, communication between Parent(s)/Guardian(s), YCS and the evaluator will be facilitated as follows:

1. **Communication between Parent(s)/Guardian(s) and YCS**

   a. Parent(s)/guardian(s) must provide written consent for the release and exchange of information between YCS and the evaluator, including the release to YCS the evaluation report, which should include all the results of all assessment data collected by the evaluator.

   b, Parent(s)/guardian(s) will be provided with a copy of the Independent Educational Evaluation Agreement entered into between YCS and the evaluator.

2. **Communication between the Evaluator and YCS**

   a. The evaluator must be permitted to obtain information from YCS and share information with the YCS, communicate directly with school staff working with the child in their education setting, the members of the child's IEP Team and the Exceptional Children's Director.

   b. The evaluator shall review the student's education record, including the results of the evaluation conducted by YCS.

   c. The evaluator should obtain and consider school information and observations of the child in the school setting in the evaluation process and the evaluator's written report. YCS may require that the IEE include an observation of the student in an educational setting and interviews with school staff, if student observation and/or staff interviews would be included in an evaluation performed by YCS.

III. Criteria for Selecting Evaluators

Yadkin County Schools has established the following criteria for the selection of an appropriate independent evaluator. In accordance with applicable law, these criteria also apply to evaluations performed by non-employee evaluators selected by, and/or, at the request of YCS.

A. Minimum Credentials *for Psychologists:*

1. Hold a valid North Carolina license as a psychologist and must remain licensed/certified throughout the evaluation and reporting process;

2. Have achieved a relevant degree in Psychology, Neuropsychology, or Clinical Psychology from an accredited university;

3. Have training and experience in evaluating students AWof the same age level;

4. Have clinical background, advanced training, or recent experience in the areas of the disability being evaluated;

5. Be able to schedule an evaluation in a timely manner and produce a written report within forty-five (45) calendar days of the date YCS authorizes the IEE, subject to any contractual arrangement with YCS, or unusual circumstances which might justify an extension of this timeline; and

6. Meet all state law and Board policy requirements concerning criminal history record information.

B. Minimum Credentials *for individuals conducting Academic Achievement Testing:*

1. Fulfill all of the following requirements:

    a. Hold an appropriate and valid special education or other academic specialization (such as reading or mathematics) certificate from the State of North Carolina, which certification shall be valid through the evaluation and reporting process;

    b. Meet all state law and Board policy requirements concerning criminal history record information; and

    c. Have experience in teaching and evaluating students in the area of suspected disability; ***OR***

2. Fulfill all of the requirements for a Psychologist above.

C. **Minimum Credentials** ***for Speech Pathologists, Audiologists, Occupational Therapists, Physical Therapists and Physicians:***

1. Hold a valid license to practice in North Carolina in the designated specialty/practice area and must remain licensed/certified throughout the evaluation and reporting process;

2. Have clinical pediatric experience in evaluating and treating children in the area of the disability being evaluated; and

3. In the case of physicians, be Board Certified in the appropriate specialty area (pediatrics, care of children and adolescents, family medicine, etc.) and must remain Board Certified throughout the evaluation and reporting process.

D. **Criteria for** ***ALL EVALUATORS***:

1. The evaluator must not be an employee of YCS.

2. At the time of the evaluation, the evaluator shall not have any current or pending contractual relationship with the parent or the parent's attorney to serve as an expert witness in any legal proceeding related to the education of the child.

3. The evaluator must comply with all guidelines required under the Individuals with Disabilities Education Act ("IDEA") and the North Carolina Department of Public Instruction's regulations regarding the evaluation of children with disabilities.

4. The evaluator must comply with all applicable confidentiality requirements under state and federal law and will not disclose a student's personally identifiable information to a third party without the parents'/guardians' written consent.

E. **Location Limitations for Evaluators**

Evaluators who will be considered for approval by YCS for IEE's must be located within a 50 mile radius of Yadkin County Schools central office building (121 Washington Street, Yadkinville, NC 27055). Evaluators outside of this geographic area will be approved only on an exceptional basis, provided that the parent can demonstrate the necessity of using personnel outside of this geographic area. Parents will have the opportunity to submit special matters and circumstances to YCS to establish such necessity.

IV. **Criteria for selecting *ASSESSMENT TOOLS:***

A. The evaluator shall not knowingly utilize, sooner than is recommended by the test publisher's guidelines, the same version of an assessment instrument or measure that was used in a previous assessment of the child.

B. The evaluator shall not use any single measure or assessment as the sole criterion for determining whether a child has a disability or for determining an appropriate educational program for the child.

C. The evaluator shall select and administer assessment instruments so as not to be discriminatory on a racial or cultural basis.

D. 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.

E. The evaluator shall select assessments and evaluation materials that are provided and administered 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 clearly not feasible to so provide or administer.

F. The evaluator shall use only valid and reliable assessment instruments that are age and gender appropriate and that are chosen on the basis of their relevance to the educational questions to be addressed by the evaluation.

G. The evaluator shall 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.

H. The evaluator shall 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, motor impairment, or speaking skills, the assessment results accurately reflect the child's aptitude, achievement level, or other factors that the test purports to measure, rather than reflecting the child's impaired sensory, manual, motor impairment, or speaking skills, unless those skills are the factors that the test purports to measure.

V. Criteria for *IEE Report*

The final IEE report must provide the assessment information and results, including the results of teacher and parent checklists and surveys, in a written report to YCS prior to receipt of payment for services. The evaluator will be expected to produce his/her written report within forty-five (45) calendar days from the date YCS authorizes the IEE, subject to any contractual arrangement with YCS, or unusual circumstances which might justify an extension of this timeline. The evaluator's written report shall contain the following:

a. Date(s) of the evaluation;

b. A list of all information and data received;

c. A complete summary of all test scores along with subtest scores of the tests administered;

d. A complete summary of all information obtained or reviewed from observations, interviews, and other non-standardized assessment instruments;

e. A discussion and interpretation of the student's test results;

f. Full and complete information that addresses the presence or absence of those symptoms or conditions included in the specific eligibility criteria according to federal and state regulations;

g. The type and severity of the impairment and the functional implications for the student's educational process; and

h. The signature of all personnel involved in the evaluation.

VI. Exceptional Circumstances to Waive Criteria

YCS IEE criteria may be waived or modified in special circumstances where unique diagnostic expertise or exceptional circumstances may warrant an exception, provided that the parent or legal guardian can demonstrate the necessity of using an evaluator outside YCS IEE criteria. The parent or legal guardian may submit a written request to consider exceptional circumstances and grant an IEE not in compliance with YCS criteria to the Exceptional Children's Director.

VII. Costs

A. Evaluators must charge fees for evaluation services which, in the judgment of YCS, are reasonable and customary for such evaluations.

B. Payment for the IEE shall occur only after YCS has received the final written report of findings from the evaluator that meets all of the IEE criteria described in Section V above.

C. The evaluator shall make himself/herself available in person or electronically (e.g., telephone conference call, interactive video) to discuss the results of the IEE with the IEP team.

D. YCS has no obligation to pay for any assessments that are conducted outside of the mutually agreed parameters of the IEE.

E. If the evaluator has a sliding scale fee based on the parent or legal guardian's income or a reduced rate for privately funded evaluations, YCS will pay the amount normally charged to the parent or legal guardian.

F. YCS will not pay an unreasonable fee for an IEE. An unreasonably excessive fee is one that is more than twenty-five percent (25%) above the prevailing fees in the applicable geographic area as established in the Medicaid/Medicare Service Provider Manual for the specific evaluation being considered.

G. YCS shall not be responsible to provide transportation, nor pay any travel expenses, to and/or from the location of the evaluator. In the case of low incidence or severe disabilities where qualified evaluators may not exist in the geographic area, this requirement may be reconsidered by YCS on a case-by-case basis. Parents will have an opportunity to present YCS with circumstances that would merit such a reconsideration.

VIII. Outside Evaluations Which are Not IEEs

A. Evaluations and/or assessments obtained by parents/guardians which do not meet the criteria for an IEE are considered outside evaluations for which parents/guardians are not entitled to reimbursement or payment from YCS. Nonetheless, if a parent/guardian decides to unilaterally obtain such an evaluation and shares the results with YCS, YCS will consider the evaluation at an IEP meeting, as appropriate.

B. Consideration of the IEE

The IEP team will consider the findings and recommendations provided by an IEE completed in accordance with these procedures and applicable law. However, the IEP team continues to be responsible for making decisions regarding the student's eligibility, need for special education services and, when the student is eligible and needs special education, for determining an appropriate placement and services to be provided. A complete and final copy of the IEE report must be provided to YCS five (5) school days before any IEP meeting to consider an evaluator's report so that YCS has sufficient time to review the contents of the report. If the report is presented to YCS for the first time at an IEP meeting, the IEP team may recess the meeting and reconvene at a later time once YCS has had sufficient time to review the report.

Questions

Please contact the Yadkin County Schools Exceptional Children Department with any questions regarding the criteria for Independent Educational Evaluations.

Independent Education Evaluation Evaluators

Psychology & Achievement Assessments

Fostering Minds
2554 Lewisville Clemmons Rd., Suite 303
Clemmons, NC 27012
(336) 223-5060

Illumii
155 Sunnynoll Court, Ste. 100
Winston-Salem, NC 27106
(336) 777-6617

P.A.T. Kids
280 Charlois Blvd.
Winston-Salem, NC 27103
(704) 799-6824

Dr. Marissa Griggs
3775 Vest Mill Road
Winston-Salem, NC 27103
(336) 800-8122

Liz Williams
3775 Vest Mill Road
Winston-Salem, NC 27103
liz@williamspsych.com

Trinity Center
640 Holly Avenue
Winston-Salem, NC 27101
(336) 725-3999

Catherine Clodfelter, PhD
3000 Bethesda Pl.
Winston-Salem, NC 27103
(336) 794-0220

TriCare PA
1702 S. Hawthorne Road
Winston-Salem, NC 27103
(336) 659-8301

Camel City Counseling
235 South Church Street
Winston-Salem, NC 27101
(336) 355-8155

Carolina Psychological Associates
1501 Highwood Blvd. Suite 101
Greensboro, NC 27410
(336) 272-0855

Speech Assessments

"I Can" Pediatric Therapies
407 Oakwoods Road
Wilkesboro, NC 28697
(336) 667-1555

Carolina Speech & Occupational Therapy
129 N. Tradd Street
Statesville, NC 28677
(704) 380-0799

Speechcenter Inc.
185 Charlois Blvd.
Winston-Salem, NC 27103
(336) 725-0222

WFB Health Pediatric Hearing & Speech
131 Miller Street
Winston-Salem, NC 27103
(336) 716-3103

Occupational Therapy

"I Can" Pediatric Therapies
407 Oakwoods Road
Wilkesboro, NC 28697
(336) 667-1555

Carolina Speech & Occupational Therapy
129 N. Tradd Street
Statesville, NC 28677
(704) 380-0799

Caring Hands Pediatric Therapy, LLC
1531 Westbrook Plaza Dr. Ste. C

WFB Health Pediatric Occupational Therapy
131 Miller Street

Winston-Salem, NC 27103
(336) 659-1215

Winston-Salem, NC 27013
(336) 716-8400

Physical Therapy

"I Can" Pediatric Therapies
129 N. Tradd Street
Wilkesboro, NC 28697
(336) 667-1555

Caring Hands Pediatric Therapy, LLC
1531 Westbrook Plaza Dr. Ste. C
Winston-Salem, NC 28697
(336) 659-1215