Independent Education Evaluation Template

**General**

The parents of a child with a disability have the right to obtain an independent educational evaluation (IEE) of the child at public expense if the parent disagrees with an evaluation obtained by the local educational agency (LEA).

- IEE means an evaluation conducted by a qualified examiner who is not employed by the LEA which is responsible for the education of the child.
- Public expense means that the LEA either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent consistent with the provisions of the IDEA regarding the use of IDEA Part B formula amounts.

If an IEE is at public expense, the criteria under which the evaluation is obtained must be:

- The same as the criteria that the LEA uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an IEE, including:
  - The location of the evaluation; and
  - The qualifications of the examiner.

Except for the LEA criteria, the LEA may not impose conditions or timelines related to obtaining an IEE at public expense. A parent is limited to only one IEE at public expense each time the LEA conducts an evaluation with which the parent disagrees.

**Parent Request**

When the parent requests an IEE, the LEA must provide:

- Information about where an IEE may be obtained; and
- The LEA criteria for an IEE.

If a parent requests an IEE at public expense, the LEA must, 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, unless the LEA demonstrates in a due process hearing that the evaluation obtained by the parent does not meet the LEA criteria.

The LEA may ask for the parent's reason why the parent objects to the public evaluation; however the LEA may not:

- Require the parent to provide an explanation; and
- 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.

If the final decision from a due process hearing officer is that the LEA’s evaluation is appropriate, the parent still has a right to an IEE, but not at public expense.

**Parent-Initiated Evaluations**

If the parent obtains an IEE at public expense or shares with the LEA an evaluation obtained at private expense, the results of the evaluation:

- Must be considered by the LEA, if it meets the LEA criteria, in any decision made with respect to the provision of a FAPE to a child; and
- May be presented by any party as evidence at a due process regarding the child.
Requests for Evaluations by Hearing Officer

If a hearing officer requests an IEE as part of a hearing on a due process complaint, the cost of the evaluation must be at public expense.

LEA Criteria

If the LEA has not conducted an evaluation, the parent does not have the right to an IEE at public expense. A parent is limited to only one IEE at public expense each time the LEA conducts an evaluation with which the parent disagrees. The LEA criteria for an IEE is listed below.

Location

The evaluator conducting an IEE of a child with a disability at public expense must be located within a 100 mile radius of the LEA. This will allow the evaluator access to the LEA for observation of the student and access to the student’s cumulative and special education eligibility folders.

Cost

Parents are free to select whomever they choose to perform the IEE, so long as the examiner meets the LEA’s criteria.

The LEA will pay a fee for an IEE that allows a parent to choose from among qualified professionals in the area.

The LEA will not pay unreasonably excessive fees. An unreasonably excessive fee is one which is 20% above the prevailing fees in the area as established by the Medicaid/Medicare Service Provider Manual for the specific test being considered.

Parents will be offered the opportunity to demonstrate to their child’s ARD committee that unique circumstances exist which justify an IEE that does not meet the LEA criteria outlined in this document.

When evaluators have a sliding scale fee based on parent income, the LEA will pay the amount charged to the parent if the evaluator meets the LEA criteria or the LEA has approved the IEE that does not meet the LEA criteria.

In the event a parent pursues an IEE independently or pursues an IEE provider that is not on the LEA independent evaluator list, the LEA will determine if the evaluator meets the LEA criteria prior to authorizing payment or reimbursement. If payment will be authorized, an original billing form and an original written report with original signature must be submitted to the LEA prior to payment.

The LEA will deny payment for an IEE conducted by an evaluator who does not meet LEA criteria. The LEA will deny payment for an IEE that does not meet Texas Education Agency criteria for the specific disability identified.
Travel costs for evaluators will not exceed LEA rates for travel as established by state guidelines.

A contract for an IEE between an evaluator and the LEA will not exceed one year. All terms will become void after the expiration date of one year.

**Evaluator Criteria**

The evaluator conducting the IEE must meet the LEA criteria and possess comparable credentials to the examiner that conducted the evaluation that is in dispute.

Evaluators must possess current licensure/certification to conduct the evaluation and must provide copies of his or her license or certification with the evaluation, if not previously provided.

Evaluators must comply with all requirements specified in state and federal law, including those outlined in the professional board responsible for providing the license or certification.

Evaluators must meet the examiner qualifications for the tests administered as outlined by the test producer.

The evaluator will have access to the student’s cumulative folder and special education folders in gathering information about the student.

The evaluator will have the ability to interview teachers and observe the student in the educational setting.

Prior to conducting the assessment, the evaluator agrees to submit to a national criminal history review and to provide any and all information necessary to secure the national criminal history review, including fingerprints and photographs, or other information required by Texas Education Code § 22.0834 concerning Contractor or Contractor’s Subcontractors. The evaluator agrees to conduct a thorough evaluation in the area(s) performed by the LEA with which the parent disagrees.

Copies of protocols must be provided to the district.

The evaluator will provide an original written evaluation report with an original signature within 30 calendar days from the date the contract is initiated with the evaluator. The report must be received 10 days prior to the ARD committee meeting in which it will be reviewed.

The report must comply with all federal and state requirements, including addressing the presence or absence of a disability condition as defined under the Individuals with Disabilities Education Act (IDEA) and the Texas Education Code (TEC).