

# Pennsbury School District

## School Board Policy

Effective Date	Supercedes Index No.	Index No.
<b>12/10/15</b>	<b>New</b>	<b>113.4</b>

**Title:** Special Education Evaluations and Independent Educational Evaluations

**Purpose:** To define the minimum requirements for educational evaluations and reevaluations for special education eligibility and IEP development, and to establish the requirements for independent educational evaluations (“IEE”) at public expense in accordance with 34 C.F.R. § 300.502.

**Definitions:** **IEE or IEE at public expense** is defined, unless the context shows otherwise, as an evaluation not conducted by or for the School District, conducted in accordance with this Policy and federal regulations, and paid for by the School District whether by reimbursement to parent after the evaluation is completed or by direct payment to the evaluator under contractual terms with the School District. The term *IEE* can also mean a private evaluation not conducted or paid for by the School District.

**Policy:** Appropriate Evaluation Defined

An appropriate evaluation or reevaluation, whether conducted by School District staff or persons not employed by the School District, shall consist of the administration of all testing and other assessment procedures required: in the case of an initial evaluation, to determine if the child is a child with a disability and who, by reason thereof, needs special education and related services under 34 C.F.R. § 300.8, to determine the educational needs of the child, and that may assist in determining the content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (34 C.F.R. §§ 300.301(c) and 304(b)(1)); and in the case of a reevaluation, to determine if the child is a child with a disability and who, by reason thereof, needs special education and related services under 34 C.F.R. § 300.8, and that may assist in determining the content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (34 C.F.R. § 300.304(b)(1)).

The evaluator shall review all previous evaluations, prior instructional assessments, and, if a reevaluation, the current IEP and the current and previous school year's progress reports prior to conducting testing and

assessment. To the extent that the results of such reviewed instructional assessments are inconsistent with the results of norm- or criterion-referenced testing and assessments that the evaluator has administered, the evaluator shall explain in his or her report, if possible, the reason for the inconsistency.

Testing and assessment procedures shall be selected and administered to yield valid measurement or assessment of the construct or quality each purports to measure or assess. The evaluator shall administer tests and assessments in a manner consistent with the requirements and recommendations of the publisher of the test or assessment, if any, as well as 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.

The evaluation shall 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 current teacher of the child, unless the child does not have a current teacher.

The evaluator shall hold an active certification from the Pennsylvania Department of Education that qualifies the evaluator to conduct the type of evaluation that he or she is conducting of the student. If certification from the Pennsylvania Department of Education is not issued for the particular area of professional practice in which the evaluator is otherwise lawfully engaged, the evaluator shall hold such license or other credentialing as is required for the area of professional practice under Pennsylvania law or recognized professional association.

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

1. a clear explanation of the testing and assessment results;
2. 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 subtest scores reported in standard, scaled, or T-score format;
3. a complete summary of all information obtained or reviewed from sources other than testing conducted by the evaluator; and
4. specific recommendations for educational programming and, if possible, placement.

Evaluators are expected to adhere to high ethical and professional standards.

Evaluators shall use appropriate, sound, and independent professional judgment in conducting evaluations, analyzing information, and identifying recommendations.

The existence of actual or the appearance of possible conflicts of interests raises intrinsic questions of trust and doubt in the evaluation process. During the course of an evaluation or reevaluation, evaluators are to disclose to and inform the parents and School District officials of any actual or possible conflict of interest, or of circumstances that reasonably give the appearance of a conflict of interest, such as, by way of example: a familial relationship with the Student's family, school officials, or the parties' attorneys (if applicable); or a financial interest, either directly or indirectly through relatives, of any recommended service.

### Independent Educational Evaluations at Public Expense

A parent who disagrees with an evaluation or reevaluation performed or obtained by the School District may request an independent educational evaluation ("IEE") at public expense. If the request is received verbally, the staff member who receives the request shall immediately inform the parent that the request must be in writing. If the native language of the parent is other than English, the requirement that the parent make his or her request in writing shall be conveyed by whatever means practicable in the native language of the parent. A written request for an IEE at public expense shall be immediately forwarded to the responsible School District administrator.

The responsible School District administrator may, upon receipt of the request for an IEE at public expense, request that the parent state his or her reasons for disagreement with the evaluation conducted or proposed by the School District, but may not require the parents to do so, and the refusal of the parent to do so shall not delay the applicable processes required by this Section.

Without unnecessary delay after receiving a request for an IEE at public expense in writing from a parent, the responsible School District administrator shall either—

Initiate a due process hearing and notify the parent in writing that he or she has done so; or

Issue correspondence to the parents that:

1. confirms parents' request for an IEE at public expense;
2. confirms School District agreement to the IEE;

3. identifies the applicable financial cap and the process to obtain an exception;
4. clarifies that the School District will be responsible only for assessment and recommendations that are educationally relevant;
5. clarifies that payment will be made only upon receipt of a full, unredacted, signed copy of the IEE report and a billing statement from the independent evaluator;
6. includes a copy of this Policy; and
7. includes an appropriate form to allow consent to disclose school records and the IEE report.

If an IEE has already been conducted, the correspondence shall also advise the parent that the School District will not reimburse the parent for the IEE until it:

1. receives a complete and unredacted copy of the IEE report;
2. determines that the IEE meets all of the requirements of this Policy; and
3. receives sufficient documentation substantiating that the parents paid or incurred the obligation to pay for the evaluation without reimbursement or private source of insurance or other reimbursement.

The responsible School District administrator shall send the correspondence to the parent by certified mail or by other independently verifiable means of conveyance.

For each evaluation or reevaluation report completed by the School District with which the parent timely disagrees, parent may request one IEE at public expense. The School District will not accept financial responsibility for more than one evaluator conducting an IEE at public expense.

Parent must express any disagreement with a School District evaluation or reevaluation within 12 months of the date the report of the evaluation or reevaluation was provided to parent. A request for an IEE at public expense that is made more than 12 months from the date on which the report of the most recent School District evaluation or reevaluation was provided to the parent shall not be sufficient to constitute a disagreement with such evaluation or reevaluation. A refusal to pay for an IEE requested more than 12 months after the date of the report of the School District evaluation or reevaluation shall be treated as a refusal to pay for the requested IEE subject to the provisions of this Policy.

An IEE at public expense must fulfill the same purposes and meet the same criteria as apply to School District evaluations and reevaluations, as described in this policy. Activities not related to identifying the student under special education criteria or not related to assisting the IEP Team with educational program development are not properly within the scope of an IEE at public expense.

The School District will not accept financial responsibility for activities from which the School District is excluded, or for testing, analyses, or recommendations not shared with the School District.

The School District will not accept financial responsibility for an IEE unless parent provides consent for the School District and the evaluator to disclose records and exchange information, including the IEE report.

Whether the student is a child with a disability and whether the child is in need of special education and related services is to be determined by a multidisciplinary team, including parents, assigned by the School District for that purpose.

If the independent evaluator recommends obtaining additional data or assessments, and the IEP Team agrees with the recommendation, or if, upon consideration of the IEE report the IEP Team concludes that additional evaluation is needed, the School District shall issue a permission to evaluate or reevaluate form to the parent to obtain consent to conduct the necessary assessments.

The School District administrator designated by the Superintendent shall maintain a list of qualified IEE providers within the geographic or market area of the School District in each of the various disciplines commonly relied upon for educational program development and shall make that list available promptly to any parent who requests it.

The School District administrator designated by the Superintendent shall periodically survey the cost of obtaining various private educational evaluations within the relevant geographic or market area of the School District and determine the average prevailing cost for an IEE at public expense. The School District will not, without prior approval, assume financial responsibility for IEE costs above the prevailing cost for the type of IEE requested. To obtain approval for costs above the prevailing cost, the parent or IEE provider must make a request to the responsible School District administrator for a specific dollar amount and provide substantiating reasons supporting the need to exceed the prevailing cost. In determining whether to allow or disallow the request or to offer some other additional payment amount and terms, the responsible School District administrator shall consider:

1. The dollar amount requested;
2. the educational relevance of the proposed testing and assessments;
3. whether proposed tests and assessments are overly redundant;
4. the child-specific need for assessments not typically administered to children of the same age, language background, and disability or suspected disability category;
5. the volume of existing information that the evaluator must review to comply with the requirements of this Policy; and
6. the unique behavioral, social, sensory, or language limitations of the child that might affect the nature or time-intensity of testing and assessment.

If the responsible administrator and the parents or evaluator are unable to agree upon the cost of a proposed IEE, the failure to agree shall be treated as a refusal to pay for the requested IEE subject to the provisions of this Policy.

At any time, the School District and parent may agree for the School District to contract with a mutually agreeable independent, private evaluator to conduct a reevaluation.

**Responsible  
Administrator:** Director of Special Education