

**TITLE: EDUCATION OF STUDENTS WITH EXCEPTIONALITIES**

1. Approval Of WVDE Manual. The district adopts and approves by reference the West Virginia Manual for the Education of Students with Exceptionalities.
2. Independent Educational Evaluations. The purpose of this policy is to provide for a process for responding to a parental request for the LEA to fund an independent educational evaluation (IEE). In addition, provision of copies of these guidelines to parents will meet the IDEA's requirement to provide necessary information to parents when they request an IEE, including information about where an IEE may be obtained and the LEA's criteria applicable to IEEs.
3. Right to an IEE. Under the IDEA and West Virginia Board of Education Policy 2419, a parent has the right to an IEE at public expense *only* when the parent disagrees with an individual evaluation completed or obtained by the LEA. If the LEA has not conducted or obtained an evaluation of the student, the parental right to an IEE does not arise until the LEA has completed its evaluation. If the request for an IEE is made one calendar year or more from the date of completion of the LEA's evaluation, the LEA may seek to complete a reevaluation prior to agreeing to fund an IEE. A parent is entitled to only one IEE at public expense each time the LEA conducts an individual evaluation(s) with which the parent disagrees.
4. Definition of IEE. An IEE is an evaluation conducted by a qualified evaluator who is not an employee of the LEA. The IEE is funded by the LEA or otherwise provided at no cost to the parent of a student with a disability. The purpose of an IEE is for determining a student's eligibility for special education or related services and for meeting a student's educational needs.
5. LEA's general response to a request for an IEE. If a parent requests an IEE at public expense, the LEA must, without unnecessary delay, either 1) file a due process hearing request to show that its evaluation is appropriate 2) request West Virginia Department of Education mediation when the parents agree to mediation or 3) agree to fund the IEE and ensure that the IEE is provided, unless the LEA demonstrates in a due process hearing that the evaluation obtained by the parent did not meet agency criteria. If the final decision in a due process hearing is that the LEA's evaluation is appropriate, the parent continues to have the right to an IEE, but not at public expense. Specific procedures for responding to a request for an IEE are set forth below and are to be followed when a parent makes a request for an IEE.
6. Consideration of IEE results. If a parent obtains an IEE at public expense or shares with the LEA an evaluation obtained by the parent at private expense, the results of the evaluation will be considered by the LEA in any decision made with respect to the provision of FAPE to the

student, if it meets agency criteria applicable to evaluations. However, the LEA is not required to adopt the findings or recommendations contained in an IEE.

7. Specific procedures for responding to a request for an IEE. Parents are encouraged to notify the LEA and ask for funding prior to obtaining an IEE. However, the LEA will not necessarily deny funding or reimbursement for an IEE already obtained, as long as the IEE meets LEA evaluation criteria, including cost and location of the evaluation and the qualifications of the evaluator that the LEA uses when it initiates an evaluation. All parental requests for an IEE must be made in writing and forwarded to the LEA's Special Education Director or designee for decision. When a parent makes a request for an IEE, a copy of these Guidelines, the Request form for an IEE, LEA evaluation criteria and the LEA's list of qualified evaluators must be provided to the parent. The refusal of a parent to complete the Request for IEE form cannot ultimately serve as a basis for unnecessarily delaying the funding decision if an otherwise proper request for an IEE has been made. Upon receipt of the Request for an IEE, the Special Education Director or designee will decide whether the requested IEE will be publicly-funded, whether to seek West Virginia Department of Education mediation or, whether the LEA will seek a due process hearing to obtain a ruling that its evaluation is appropriate or that the parents' privately-funded IEE (if they have already obtained one) does not meet LEA criteria. Once it is clear to the LEA that the parent disagrees with an evaluation conducted by the LEA and has properly and clearly requested an IEE, a decision will be made, without unnecessary delay, as to whether it will be funded. Generally, the time period for responding to the request will be 10 school days. In selecting an evaluator to conduct the IEE, a parent may choose from the LEA's list of qualified evaluators. Parents may select an evaluator that does not appear on the list, but must ensure that the IEE performed otherwise meets the LEA's criteria, including those related to the qualifications of the evaluator, the cost and location of the evaluation and the criteria for performing evaluations. Should the parent's requested IEE not meet criteria, the parent will be given the opportunity to provide an explanation of any unique circumstances that exist that would justify any deviation from the criteria. Once the parent has selected an independent evaluator from the LEA's approved list or has identified another evaluator that meets LEA criteria or is otherwise approved pursuant to the guidelines, the Special Education Director or designee will contact the evaluator in order to make appropriate contractual arrangements for the evaluation to be performed and funded. An independent evaluator will not be paid for the independent evaluation until the LEA receives a written evaluation report from the evaluator and is given the opportunity to discuss the evaluation results with the evaluator, if needed, and at the same time that the results are discussed with the parent. If the LEA decides to refuse funding for the IEE, prior written notice of the refusal shall be provided to the parent and a request for due process hearing will be initiated by the LEA to prove its evaluation is appropriate or that the IEE requested or obtained by the parent does not meet agency criteria.

8. Review Schedule. This policy shall be reviewed in accordance with the Policy Review Schedule published by the Superintendent.

**Legal Authority:** West Virginia Board of Education Policy 2419

**Board Adoption:** July 21, 2014

**PARENTAL REQUEST FORM FOR AN  
INDEPENDENT EDUCATIONAL EVALUATION (IEE)**  
**(to be completed by or on behalf of a parent requesting an IEE)**

Student's Name: \_\_\_\_\_

School: \_\_\_\_\_

Parent(s) name, address and phone: \_\_\_\_\_  
\_\_\_\_\_

Do you disagree with an evaluation conducted by the LEA? \_\_\_Yes \_\_\_No If so, with which evaluation(s) do you disagree? \_\_\_\_\_

Why do you disagree with the LEA's evaluation(s)? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What kind of independent evaluation do you wish to be done or in what area(s) do you wish for your child to be evaluated? \_\_\_\_\_

**A copy of the LEA's approved list of qualified evaluators has been provided to you, along with applicable criteria related thereto.**

Please identify the evaluator you have chosen to conduct the independent evaluation. If you do not select someone from the LEA's approved list, please identify your chosen examiner and describe the qualifications of the selected examiner, the location of the evaluation, the estimated cost of the evaluation and the contact information for the evaluator so that the LEA can make a proper decision and, if appropriate, proper arrangements for obtaining/funding the evaluation. **In addition, please set forth the unique circumstances that justify any deviation from the LEA's IEE criteria (add additional pages if needed).** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Submit this Request to Office of Special Education. The LEA will respond to your request

without unnecessary delay and will either agree to fund it or will initiate a due process hearing to show the appropriateness of its own evaluation or to prove that the IEE requested does not meet applicable criteria. The LEA may request that you participate in West Virginia Department of education mediation to in an effort to resolve any differences concerning the request for an IEE.

Parental Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Date Received by Special Education Director/designee: \_\_\_\_\_**

## **LIST OF APPROVED QUALIFIED EVALUATORS AND APPLICABLE CRITERIA FOR CONDUCTING INDEPENDENT EDUCATIONAL EVALUATIONS**

You have indicated that you disagree with an evaluation conducted by the LEA and have requested that the LEA fund an Independent Educational Evaluation (IEE). The criteria under which an IEE is conducted or obtained, including the location and cost of the evaluation and 'the qualification of the evaluator, must be the same as the criteria the LEA uses when it conducts the same kind of evaluation.

Below is a list of approved qualified evaluators from which you may choose to conduct such an evaluation, along with LEA criteria for conducting an IEE. Should you choose an evaluator that is not on the list, you must ensure that the qualifications of the evaluator and the LEA's criteria are met or provide the LEA with an explanation as to any unique circumstances that would justify deviation from the list or the criteria.

The following is a list of approved qualified independent examiners within the geographic region and . where they can be reached:

### **LIST OF APPROVED EVALUATORS**

**(INSERT List** of approved evaluators here with contact information—it is suggested that evaluators be listed by type of evaluation: Psychological, Educational, Medical, Psychiatric, Neuropsychological, etc.)

### **LEA'S EVALUATION CRITERIA**

Where an IEE is at the expense of the LEA, the criteria under which the evaluation is conducted or obtained, including the location of the evaluation and the qualifications of the evaluator, must be the same as the criteria the LEA uses when it initiates an evaluation, to the extent the criteria are consistent with the parent's rights to an IEE. The following are the LEA's criteria applicable to the performance of evaluations. An IEE must be conducted based upon these criteria, unless the parent can demonstrate that unique circumstances justify deviation from them.

#### **Applicable Overall Criteria for Conducting an Evaluation**

An independent evaluation must include an observation of the student in an educational setting (if the student is in an educational setting) and review and consideration of current education records;

The evaluator must obtain direct information concerning the performance of the student from not less than one current teacher or other service provider of the child, unless the child does not have a current teacher/service provider;

All assessment instruments must be administered by a qualified evaluator, be age appropriate to the child, and be administered and scored in conformance with the test publisher's

instructions. The evaluation instruments are to be chosen on the basis of their relevancy to the educational questions to be addressed by the evaluation. This means that the instruments should be those which are commonly known to and used by public school professionals. All instruments used must be current editions and reported in standard scores;

The evaluator must prepare and sign a full evaluation report containing:

A list of all information/data reviewed;

A clear explanation of the testing and assessment results;

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;

A complete summary of all information obtained or reviewed from sources other than testing conducted by the evaluator;

Recommendations for IEP team consideration for educational programming and, if appropriate, placement that are educationally relevant and realistic within a public educational setting.

#### 1. Location of Evaluators Conducting IEEs

An independent evaluator must be located within the same geographic area that the LEA uses for its own evaluations, which is \_\_\_\_\_ (NOTE: Describe specific region, e.g., mile radius;

to include area). These location requirements may be waived or modified in special circumstances when unique diagnostic expertise is warranted, provided the parents can demonstrate the necessity of using an evaluator outside the specified geographic area.

#### 2. Qualifications of Evaluators Conducting IEEs

Independent evaluators must meet the minimum qualifications/criteria set forth in Appendix A.

#### 3. Cost for IEEs

The cost of an IEE shall reflect reasonable and customary rates for such services in RESA VIII. Unreasonable costs for travel will not be reimbursed as part of the funding for an IEE. Costs above customary amounts will be approved only if the parent can demonstrate that the cost reflects a reasonable and customary rate for such evaluative services or if the parents can demonstrate that there are other factors that make the extraordinary costs necessary in order to exercise their right to an IEE.

#### 4. Timeline for Completing the IEE

If the IEE has not already been conducted, it must be completed within a reasonable period of time from the date that the LEA finalizes its agreement with the evaluator to fund the IEE. Generally, the IEE should be completed within eighty (80) calendar days from the date that the LEA finalizes the agreement with the evaluator.

#### 5. Provision of Evaluation Report to LEA

The evaluator must have parental permission to communicate and share information with the LEA and, as part of the contracted evaluation, must agree to prepare an evaluation report and release their assessment information and results directly to the LEA prior to the receipt of payment for services. Results must be sent to the LEA prior to or on the same day that results are provided to the parents.

#### 6. Conflict of Interest Requirements

The independent evaluator must be free of any conflict of interest and the independent evaluation must not be of benefit to any particular public, non-public or private school, agency or institution.

**Independent Educational Evaluations (IEE) Minimum Qualifications/Criteria for Evaluators**

<b>Type of Assessment</b>	<b>Qualifications</b>	<b>Cost</b>
Academic Achievement	Certificated Special Education Teacher or Licensed Educational Psychologist/Psychometrist	
Adaptive Behavior	Licensed Educational Psychologist/Psychometrist or Certificated Special Education Teacher	
Auditory Processing/Perception	Certificated or Licensed Speech/Language Pathologist	
Behavioral	Certificated Special Education Teacher or Licensed Educational Psychologist/Psychiatrist Behavior Specialist	
Cognitive/Intellectual	Licensed Educational, Clinical or School Psychologist Psychometrist Clinical Psychiatrist	
Health or Medical Disability	Licensed Physician	
Hearing Acuity	Audiologist OR Certificated or Licensed Speech/Language Pathologist	
Motor Adaptive	Physical Education Specialist or Registered Occupational Therapist or Licensed Physical Therapist	
Neurological	Licensed Psychiatrist/Neurologist	
Neuropsychological	Licensed Clinical Psychologist with American Board of Clinical Neuropsychology or comparable Board Certification	
Social/Emotional	Licensed Educational Psychologist/ Psychometrist or Clinical Psychologist or Psychiatrist	
Speech and Language	Certificated or Licensed Speech/ Language Pathologist	

Visual Processing/Perception

Certificated Special Education Teacher  
or Licensed Educational Psychologist/Psychometrist

Visual Acuity

Ophthalmologist or Optometrist