

SPECIAL EDUCATION INSTRUCTIONAL PRGRAMS

9305 Special Education Evaluations and Independent Educational Evaluations

I. 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.

II. Definitions

- 2.1** 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 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 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 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.
- 2.2** 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.
- 2.3** 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.

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- 2.4 When necessary, the evaluation shall include an observation of the student in an educational setting, unless the student is not then in such a setting. If a direct observation of the student in the educational setting is not possible or deemed not to be necessary, 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.
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- 2.5 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.
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- 2.6 The evaluator shall prepare and sign a full report of the evaluation containing (a) a clear explanation of the testing and assessment results; (b) 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; (c) a complete summary of all information obtained or reviewed from sources other than testing conducted by the evaluator; and (d) specific recommendations for educational programming and, if possible, placement.
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- 2.7 Evaluators are expected to adhere to high ethical and professional standards.
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- 2.7.1. Evaluators shall use appropriate, sound, and independent professional judgment in conducting evaluations, analyzing information, and identifying recommendations.
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- 2.7.2. 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.

III. Independent Educational Evaluations at Public Expense

3.1 A parent who disagrees with an evaluation or reevaluation performed or obtained by the School District may request an 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.

3.2 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.

3.3 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—

3.3.1 Initiate a due process hearing defending the adequacy of the District's evaluation or reevaluation and notify the parent in writing that he/she has done so; or

3.3.2 Issue correspondence to the parents that:

- confirms parents' request for an IEE at public expense;**
- confirms School District agreement to the IEE;**
- includes a copy of this Policy;**
- identifies the applicable financial cap and the process to obtain an exception;**
- notes the limited scope of financial responsibility to educational assessment and recommendations;**
- includes an appropriate form to allow consent to disclose school records and the IEE report; and**
- explains the evaluation logistics.**

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:

- receives a complete and unredacted copy of the IEE report;**

- determines that the IEE meets all of the requirements of this Policy;
and
- receives sufficient documentation substantiating that the parents paid or incurred the obligation to pay for the evaluation without reimbursement from a public 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.

3.4 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.

3.5 The purposes and the generally applicable criteria for an evaluation or a reevaluation are stated in Section 2, above. An IEE at public expense must fulfill these same purposes and meet these same criteria. 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.

3.6 There is no privacy expectation in any activity related to an IEE at public expense. The School District will not accept financial responsibility for activities from which the School District is excluded, or analyses or recommendations not shared with the School District.

3.7 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.

3.8 The IEE provider shall comply with the same criteria required of School District evaluators, including this Policy and including the following federal regulatory sections of Title 34 of the Code of Federal Regulations:

- 301(c)(2) (relating to initial evaluations);
- 304(b) (relating to evaluation procedures);
- 304(c)(1)-(4) (relating to other evaluation procedures);
- 304(c)(6)-(7) (relating to identifying needs);
- 305(a)(1)(i)-(ii) (relating to review of existing data);
- 305(a)(2) (relating to identification of needed additional data);
- 306(b) (relating to special rule for eligibility);

- 306(c)(i)-(ii) (relating to procedures for determining eligibility and educational need);
 - 307(b) (relating to consistency with State criteria);
 - 310 (relating to observation);
 - For students suspected of or identified as having a specific learning disability, the IEE report must also reference the applicable criteria and make recommendations consistent with Title 34 of the Code of Federal Regulations, Sections 309 and 311(a)(1)-(7)(i);
 - In addition to identifying needed additional data, the IEE report must recommend and identify needed additional data consistent with Subsection 305(a)(2) of Title 34 of the Code of Federal Regulations.
- The IEE provider shall comply with the same criteria required of School District evaluators found in Chapter 14 of Title 22 of the Pennsylvania Administrative Code:
- 14.123(b) and 14.124(b) (relating to time line); and
 - 14.125 (relating to specific learning disability).

3.9 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 the student's evaluation/IEP Team that includes parents and appropriate School District staff.

3.10 If the IEE report recommends obtaining additional data or assessment, and the IEP Team agrees with the recommendation, or if, upon consideration of the IEE report the IEP Team concludes additional evaluation is needed, the School District shall issue a Permission to Reevaluate form to parent in order to conduct the necessary assessments and obtain the additional data.

3.11 The responsible School District administrator 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 (psycho-educational; OT; PT; Speech; FBA) and shall make that list available promptly to any parent who requests it.

3.12 The responsible School District administrator 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 assume financial responsibility above the prevailing cost for the type of IEE at public expense allowed without prior approval. To obtain approval for costs above the prevailing cost, the 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. The responsible School District administrator shall consider the amount requested, the reasons offered and, considering the nature and scope of the evaluation in conjunction with the student's unique complexities as affecting assessment techniques, determining whether to allow or disallow the request or offer some other additional payment amount and terms.

3.13 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.

III. Definitions

4.0 Unless the context shows otherwise, the term "IEE at public expense" means 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" means an evaluation, usually a private evaluation, not conducted by or for the School District and not paid for by the School District.

Adoption Date - October 9, 2017

Revision Date -

Review Date -

Legal Reference - 34 C.F.R. § 300.502; 34 C.F.R. § 300.8; 34 C.F.R. §§ 300.301(c) and 304(b)(1); 34 C.F.R. § 300.304(b)(1); 34 C.F.R. § 300.8; Title 34 §§ 301(c)(2), 304(b), 304(c)(1)-(4), 304(c)(6)-(7), 305(a)(1)(i)-(ii), 305(a)(2), 306(b), 306(c)(i)-(ii), 307(b), 309, 310, 311(a)(1)-(7)(i); Chapter 14 of Title 22 §§ 14.123(b), 14.124(b) and 14.125.

Retired -

Cross-Reference -