

ARLINGTON PUBLIC SCHOOLS
Office of Special Education
2110 Washington Blvd. 2nd Floor
Arlington, Virginia 22204
703-228-6040

Independent Educational Evaluations

“Independent Educational Evaluation” (IEE) means an evaluation conducted by a qualified examiner who is not employed by the Local Educational Agency (LEA) responsible for the education of the student. A parent has the right to obtain an IEE of his/her child and be provided, on request, information as to where an IEE may be obtained.

If there are questions after reading and reviewing these guidelines, please contact the Elementary or Secondary Director of Special Education or the Special Education Compliance Specialist at 703-228-6040.

An IEE can be available if you disagree with a test given during your child’s evaluation process. If an IEE is requested, please note the following:

1. You have the right to request another APS evaluator conduct and evaluation.
2. You have the right to an independent educational evaluation (IEE) conducted by a qualified person who does not work for the school division.
3. You may request one IEE for each test given to your child during the evaluation process.
4. Please direct all inquiries for an IEE to the Administrator of the school and/or the Student Support Coordinator.
5. Upon request for an IEE, the school division will provide you with information for obtaining an independent evaluation and any requirements for that evaluation.
6. The IEE must be obtained under the same requirements, including the location of the evaluation and the qualifications of the examiner, as the school uses for evaluations to determine if a student has a disability.
7. In the event a provider is selected by the Parent that is unknown to Arlington Public Schools (APS), requirements must be met before any evaluation can be conducted under an IEE. These requirements are found on Page 4 of this document.

Please note that APS may request a due process hearing to show that its evaluation is appropriate. If the hearing officer decides that the school’s evaluation is appropriate, then you still have the right to an IEE, but the school does not have to pay for it.

In addition, the results of the IEE, and any evaluations you obtain at private expense that are shared with the school division, will be considered in any decision about your child’s special education and may be presented as evidence at a due process hearing by you or the school division.

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 federal and state regulations.

A request for an IEE should be made within reasonable time of a parent's receipt of the existing APS evaluation. It has been determined that evaluations that occurred more than two years ago are not recent and therefore do not qualify for an IEE. APS will take the necessary steps to ensure that IEE reimbursements are processed and considered in a timely manner.

Adherence to the guideline will avoid delays and facilitate timely processing of the IEE request. Please review references to Federal and State Regulations:

Independent Educational Evaluation (8VAC20-81-170)

1. General. (34 CFR 300.502(a))

- a. The parent(s) of a child with a disability shall have the right to obtain an independent educational evaluation of the child.
- b. The local educational agency shall provide to the parent(s) of a child with a disability, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained and the applicable criteria for independent educational evaluations.

2. Parental right to evaluation at public expense. (34 CFR 300.502 (b) and (e))

- a. The parent(s) has the right to an independent educational evaluation at public expense if the parent(s) disagrees with an evaluation component obtained by the local educational agency.
- b. If the parent(s) requests an independent educational evaluation at public expense, the local educational agency shall, without unnecessary delay, either:
 - (1) Initiate a due process hearing to show that its evaluation is appropriate;
 - or
 - (2) Ensure that an independent educational evaluation is provided at public expense, unless the local educational agency demonstrates in a due process hearing that the evaluation obtained by the parent(s) does not meet the local educational agency's criteria.
- c. If the local educational agency initiates a due process hearing and the final decision is that the local educational agency's evaluation is appropriate; the parent(s) still has the right to an independent educational evaluation, but not at public expense.
- d. If the parent(s) requests an independent educational evaluation, the local educational agency may ask the reasons for the parent's objection to the public evaluation. However, the explanation by the parent(s) may not be required and the local educational agency may not unreasonably delay either providing the

independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation.

e. A parent is entitled to only one independent educational evaluation at public expense each time the public educational agency conducts an evaluation component with which the parent disagrees.

f. If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria that the local educational agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation. Except for the criteria, a local educational agency may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.

3. Parent-initiated evaluations. If the parent obtains an independent educational evaluation at public expense or shares with the local educational agency an evaluation obtained at private expense, the results of the evaluation: (34 CFR 300.502(c))

a. Shall be considered by the local educational agency, if it meets local educational agency criteria, in any decision regarding the provision of a free appropriate public education to the child; and

b. May be presented by any party as evidence at a hearing under 8VAC20-81-210.

4. Requests for evaluations by special education hearing officers: If a special education hearing officer requests an independent educational evaluation for an evaluation component, as part of a hearing on a due process complaint, the cost of the evaluation shall be at public expense. (34 CFR 300.502(d)).

ARLINGTON PUBLIC SCHOOLS
Office of Special Education
2110 Washington Blvd. 2nd Floor
Arlington, Virginia 22204
703-228-6040

Evaluator's Guidelines

Pursuant to these regulations, Arlington Public Schools (APS) has established the following criteria:

- I. Evaluators must submit the following to the Compliance Specialist or the Director of Special Education:
 - A. A valid, current license from the Virginia Board of Education or its equivalent, if practicing in Maryland or the District of Columbia, in good standing.
 - B. Providers must be in good standing in the surrounding jurisdictions, with no violations, recent or historic.
 - C. Provide APS with evidence that demonstrated experience with students with similar needs to the student being evaluated, both in developmental stages of the assessment as well as educational concern. Evidence can be demonstrated in the form of previously written evaluations.

- II. The following standards and guidelines shall be adhered conducting evaluation:
 - A. Prior to evaluating the student, evaluators will receive written verification that the aforementioned criteria has been submitted, reviewed and all costs that are approved by APS to conduct an IEE.
 - B. The evaluation shall be conducted in an office, school facility or other appropriate professional setting. The complete evaluation must be administered only by the individual whom the school division approved.
 - C. All tests are to be administered individually.
 - D. Only the most recent edition of a test will be used.
 - E. All tests must be administered and scored in accordance with the instructions in the test manual.
 - F. Tests are to be administered in their entirety, unless a specific prior agreement has been reached.

- G. All tests or subtests which comprise a scale or cluster must be administered and standard scores for the scale or cluster must be reported.
 - H. Tests are to be selected to ensure that each identified area of concern is addressed. A list of tests approved for use by APS staff is available on request.
 - I. All tests selected must be culturally and linguistically appropriate for the child being evaluated and must be validated for the specific purpose for which they are used.
 - J. Materials and procedures used to assess a child with limited English proficiency must be selected and administered to ensure they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.
 - K. All tests must be provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so.
 - L. Tests are to be selected and administered to ensure the results accurately reflect the child's aptitude or achievement level or whatever other factors the tests purports to measure rather than reflecting the child's impaired sensory, motor, or communication skills. The only exception to this would be those cases in which the skills are factors that the test purports to measure.
 - M. Informal and/or nonstandard measures may be used to supplement the formal testing.
- III. The following standards and guidelines shall be adhered to regarding evaluation reports:
- A. Relevant behavioral observations are to be described within the report.
 - B. If an assessment was not conducted under standard conditions, a description of the extent to which it varied from standard conditions must be included in the evaluation report.
 - C. An appendix of all scores obtained from administered tests must be provided with the report. The report should include a validity statement asserting that tests were selected based on cultural and linguistic factors and results are considered to be valid.
 - D. Individual evaluators are expected to maintain objectivity in reporting their findings. The evaluator shall refrain from making specific recommendations for placement or eligibility since state regulations stipulate these decisions are to be made by a multi-disciplinary committee.

VI. Costs and payable rates are considered based on the type of IEE evaluation.

- A. Please contact the Elementary or Secondary Director of Special Education or the Special Education Compliance Specialist at 703-228-6040 for more information regarding reasonable rates regarding billing and payment.
- B. The original APS IEE evaluation report will be provided to the Parent, the Elementary or Secondary Director of Special Education or the Special Education Compliance Specialist.
- C. The invoice, W-9 and APS Stars Vendor Application should be submitted to the Elementary or Secondary Director of Special Education or the Special Education Compliance Specialist via email or US Postal Mail at Arlington Public Schools, 2110 Washington Blvd. 2nd Floor, Arlington VA 22204.
- D. If there are questions regarding these guidelines, please contact the Elementary or Secondary Director of Special Education or the Compliance Specialist at 703-228-6040.