

## GUIDELINES AND CRITERIA FOR INDEPENDENT EDUCATIONAL EVALUATIONS (IEE)

CTECS has established the following procedure for obtaining an IEE and the attached criteria for the selection of an independent evaluator. A copy of CTECS' Criteria for Independent Evaluators and Outside Evaluators is attached to these guidelines. These criteria also apply to outside evaluations performed by an outside evaluator selected by and/or at the request of CTECS.

### Definitions

An **Independent Educational Evaluation (IEE)** is an evaluation conducted by a qualified examiner who is not employed by CTECS.<sup>1</sup>

An **evaluation** means the procedures used to determine whether a child has a disability and the nature and extent of the special education and related services the student's needs.

**Public expense** means CTECS either pays for the full cost of the evaluation or ensures the evaluation is otherwise provided at no cost to the parents/guardians.

### Procedure for Making a Request for an IEE

1. A parent/guardian may request an IEE at public expense if they disagree with the most recent evaluation conducted by CTECS. Requests may be made verbally, though written requests are preferred.
2. When a parent/guardian requests an IEE, CTECS will provide names, addresses, and phone numbers of possible IEE evaluators who meet CTECS' criteria.<sup>2</sup> Parents/guardians may also select evaluators not included on CTECS' list, provided they fully satisfy all of CTECS' criteria.

**NOTE:** If a parent/guardian cannot find an evaluator that meets their needs and adheres to CTECS' criteria, they may submit to CTECS a written statement specifying the unique circumstances that justify approval of an evaluator that does not adhere to CTECS' criteria.

3. CTECS may ask why the parent/guardian disagrees with the evaluation. The reason might better inform the decision to grant or deny the request or to focus the independent evaluator on the area of disagreement. The parent/guardian shall not be required to provide a reason, and the request will be promptly granted or denied on the basis of the available information.<sup>3</sup>
4. Upon receipt of a request for an IEE by a parent/guardian, CTECS will respond in one of the following ways:
  - (a) CTECS will provide an IEE at public expense; or

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<sup>1</sup> 34 C.F.R. §300.502 (a) (3) (i).

<sup>2</sup> 34 C.F.R. §300.502 (e).

<sup>3</sup> 34 C.F.R. §300.502 (b) (4).

- (b) CTECS will deny the request for one of the following reasons.
- i. CTECS' evaluation was appropriate. CTECS will file a request for a due process hearing to demonstrate that CTECS' evaluation of the student was appropriate.<sup>4</sup>
  - ii. CTECS has not yet evaluated the student.<sup>5</sup>
  - iii. The parent/guardian has already obtained an IEE at public expense as a result of a previous disagreement with the same evaluation.<sup>6</sup>
  - iv. The parent's/guardian's request is over two years after the school district completed the evaluation being challenged.<sup>7</sup>

### **When a Request for an IEE Has Been Granted**

CTECS will provide a copy of its "Criteria for Independent Evaluators and Outside Evaluators" to the selected evaluator.

The parents/guardians will contact the selected evaluator to schedule any necessary appointments. The PPT can assist in determining evaluator availability. If the evaluation will require in-school observation, the parent/guardian should promptly contact the school to arrange scheduling.

The results of an IEE funded by CTECS will be considered at a PPT meeting. The PPT meeting is not required to implement the recommendations from the IEE or to invite the independent evaluator to the PPT meeting. CTECS shall ensure that a participant of the PPT meeting can interpret the instructional implications of the IEE results.

If the evaluator chosen by a parent does not meet CTECS' IEE criteria, the parent/guardian may submit to CTECS a written statement specifying the unique circumstances that justify approval of an evaluator that does not adhere to CTECS' criteria. If CTECS determines there is no justification for choosing an evaluator that does not meet its criteria, CTECS will, without unnecessary delay either provide the IEE at public expense or file a request for a due process hearing to demonstrate that the evaluator does not meet its IEE criteria.

If the evaluator's fees do not and cannot conform to CTECS' cost criteria, the parent/guardian may submit to CTECS a written statement specifying the unique circumstances that justify a fee in excess of CTECS' cost criteria. If CTECS denies a request to pay a fee in excess of CTECS' cost criteria, CTECS will promptly request a due process hearing to review the denial.

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<sup>4</sup> 34 C.F.R. §300.502 (b) (2) (i).

<sup>5</sup> If CTECS has not conducted an evaluation of a child, or an evaluation or reevaluation of the student is currently pending, the parent or guardian does not have a right to an IEE at public expense. The parent/guardian can use the dispute resolution options (i.e., state complaint, mediation, due process hearing) afforded by the IDEA in order to pursue an evaluation by the school district. Connecticut State Department of Education, *Guidelines Regarding Independent Educational Evaluations at Public Expense and In-School Observations*, March 28, 2018.

<sup>6</sup> 34 C.F.R. §300.502 (b) (5) (A parent/guardian may request only one IEE at public expense for each evaluation conducted by the district.).

<sup>7</sup> 34 C.F.R. § 300.507 (a) (2); Regs. Conn. State Agencies § 10-76h-4; Connecticut State Department of Education, *Guidelines Regarding Independent Educational Evaluations at Public Expense and In-School Observations*, March 28, 2018.

Evaluators must be located within a radius of fifty (50) miles of the CTECS school in which the student is enrolled. Parents/guardians have the opportunity to demonstrate unique circumstances to justify obtaining an IEE from an evaluator located outside of these geographic limitations. If CTECS denies a request for an evaluator outside the geographic limitations, CTECS will promptly request a due process hearing to review the denial.

### **When a Request for an IEE Has Been Denied**

In the event CTECS denies a request for an IEE, the parent/guardian and CTECS may discuss the possibility of a mutually agreeable resolution. If discussions are going to take place, the parties will enter into an agreement to participate in voluntary resolution. A sample agreement is attached to these guidelines.

If voluntary resolution fails to resolve the disagreement in the time set forth in the agreement, CTECS will immediately file a request for due process. Filing a request for due process does not affect the ability of the parent/guardian and CTECS to continue to discuss the matter and attempt to resolve the disagreement either informally or through formal mediation. If the parent/guardian and CTECS come to an agreement, CTECS will withdraw its request for due process.

Nothing in these guidelines and criteria limits a parent's/guardian's ability to obtain an IEE at their own expense.<sup>8</sup> Any IEE obtained by the parent/guardian that meets CTECS' criteria shall be considered by the PPT in determining the student's special education program.<sup>9</sup>

### **Legal Representation at Due Process Hearing**

Parents/guardians have the right to have an attorney or other advocate represent the student at a due process hearing to demonstrate that CTECS' evaluation of the student was appropriate. Please be advised that legal representation that is provided free of charge or at a reduced rate is available through Statewide Legal Services, Inc. at [www.slsct.org](http://www.slsct.org) or 1-800-453-3320.

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<sup>8</sup> 34 C.F.R. §300.502 (b) (3).

<sup>9</sup> 34 C.F.R. §300.502 (c) (1).

## CRITERIA FOR INDEPENDENT EVALUATORS AND OUTSIDE EVALUATORS

### General Information

A copy of this document will be provided by CTECS to any selected independent or outside evaluator.

Evaluators must meet **all** the criteria established by CTECS.

An **Independent Educational Evaluation** (IEE) is an evaluation requested or initiated by a parent/guardian that is conducted by a qualified examiner who is not employed by CTECS.<sup>10</sup>

An **Outside Educational Evaluation** (OEE) is an evaluation initiated by CTECS that is conducted by a qualified examiner who is not employed by CTECS.

If a parent/guardian who has been granted an IEE at public expense cannot find an evaluator that meets their needs and adheres to CTECS' criteria, they may submit to CTECS a written statement specifying the unique circumstances that justify approval of an evaluator that does not adhere to CTECS' criteria.

If a parent/guardian obtains an IEE at public expense or shares with CTECS an evaluation obtained at private expense, CTECS will consider the results of that evaluation only if the evaluator meets all the established criteria.

The evaluator must comply with all applicable confidentiality requirements under state and federal law.

### **1. Qualifications Requirement**

The qualifications requirements for specific types of evaluators are contained in Attachment A.

Unique circumstances and areas of assessment shall be reviewed on an individual basis.

### **2. Independence Requirement:**

The proposed evaluation must be free of any conflict of interest on the part of CTECS, the family, the family's counsel, and/or service providers, and the independent evaluation must not be of benefit to any particular public, non-public, or private school, agency, or institution.

- (a) Evaluators shall not be employees of CTECS or former employees of CTECS who left employment within the previous calendar year.
- (b) There shall be no family relationship between the evaluator and one or more of the parties involved in the IEE.
- (c) None of the parties shall be employed by the evaluator.
- (d) The evaluator shall not have, nor shall the evaluator be employed by a school, agency, or institution that has, bias with respect to one or more of the parties involved in the IEE.
- (e) After completing an IEE, neither the evaluator nor their agency or institution shall provide the service(s) recommended by the PPT as a result of the IEE.

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<sup>10</sup> 34 C.F.R. §300.502 (a) (3) (i).

### **3. Cost Criteria:**

The evaluator's fees for evaluation services must, in the judgment of CTECS, be reasonable and customary fees for such evaluations. CTECS' cost criteria for reasonable and customary fees are available in Attachment B.

In the event that CTECS is providing reimbursement to a parent/guardian for an evaluation already conducted, CTECS shall not be responsible for reimbursement of any costs more than a reasonable fee for the service provided.

### **4. Evaluation Content Requirement:**

- (a) Evaluators must restrict their evaluations to their specific area of expertise.
- (b) Evaluators must administer evaluations within acceptable guidelines of practice for the area of evaluation and follow all best practices and legal requirements applicable to the area of expertise for evaluation of students pursuant to IDEA and Connecticut law, including but not limited to the use of:
  - i. a variety of assessment tools and strategies administered in compliance with the test protocols issued by the manufacturer for each standardized assessment tool;
  - ii. technically sound instruments;
  - iii. instruments not selected so as to be discriminatory on racial or cultural basis;
  - iv. assessment tools administered in the child's native language or other mode of communication and in the form most likely to yield accurate information;
  - v. instruments used for the purpose for which the assessments or measures are valid and reliable;
  - vi. instruments by an individual properly trained in the use of the instrument;
  - vii. instruments tailored to address specific areas of educational need; and
  - viii. instruments selected so as to ensure that for a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or other factors the test attempts or purports to measure, and not the child's impairment (unless those are the factors the test attempts to measure).

### **5. Availability and Consultation Requirements:**

The evaluator is expected to directly communicate with school staff who work with the child in school and the members of the PPT, including the Special Education Supervisor, as well as to obtain information from the school and share information with the school.

The evaluator must obtain and consider school information and conduct observations of the child in the school setting, as appropriate, in the evaluation process and the written report. All in-school observations as part of an IEE must be scheduled in advance with the Supervisor of Special Education and Pupil Services or his/her designee within the school. The scope, schedule, setting and length of any such observations shall be based, in part, on the purpose of the IEE and CTECS' obligation to ensure programming of all of its students free from disruption. CTECS may limit the length of in-school observations that are part of the IEE to the same length as observations conducted as part of CTECS evaluations.

### **6. Formal Written Report Requirement:**

The evaluator must agree to provide the assessment information and results, including the results of teacher and parent/guardian checklists and surveys, in a written report to CTECS prior to receipt of payment for services. The report shall be provided to CTECS and the parent/guardian at the same time. In addition, if CTECS, in its sole discretion, determines that it needs to review the test protocols used by the independent evaluator conducting the IEE, CTECS will require that the independent evaluator provide an opportunity for CTECS to inspect and review the test protocols. The independent evaluator must provide an explanation of the test protocols if requested by CTECS. In the event of questions concerning the evaluator's written report or evaluation/test results, the evaluator must make him or herself available to CTECS staff to respond to questions, including questions concerning the standardized administration of test instruments.

#### **8. Location Limitations for Evaluators**

Evaluators who will be considered for approval must be located within a radius of fifty (50) miles of the CTECS' school in which the student is enrolled. Parents/guardians have the opportunity to demonstrate unique circumstances to justify obtaining an IEE from an evaluator located outside of these geographic limitations. If CTECS denies an evaluator due to the location of the evaluator not meeting CTECS' criteria, CTECS will promptly request a due process hearing to review the denial.

## **ATTACHMENT A**

### **Qualifications Requirements for Independent Evaluators and Outside Evaluators**

#### **Psychological Evaluator or Psycho-Educational Evaluator:**

Must meet one of the following groups of criteria:

- (a) Master's degree from an accredited university and appropriate specialist level degree (e.g. Sixth Year Professional Diploma) in School Psychology from an accredited university; and
- (b) Professional Educator Certificate in School Psychology (Endorsement 070) from the State of Connecticut Department of Education; and
- (c) Minimum of five (5) years full-time supervised professional experience beyond any internship or practicum experience in a public-school setting.

Or:

- (a) Doctor of Philosophy (Ph.D.), Doctor of Education (Ed.D.), or Doctor of Psychology (Psy.D.) in School Psychology, Counseling Psychology, or Clinical Psychology from an accredited university; and
- (b) Valid Connecticut Department of Public Health license as a psychologist; and
- (c) Minimum of three (3) years training and experience post-licensure evaluating students of the same age level; and
- (d) Clinical background, advanced training, and recent experience in the area of disability under evaluation.

#### **Neuropsychological Evaluator:**

A professional who uses the title Neuropsychologist must have adequate specialty level training as this is not a legally regulated title or practice area. CTECS requires that the following criteria be met:

- (a) Doctor of Philosophy (Ph.D.), Doctor of Education (Ed.D.), or Doctor of Psychology (Psy.D.) in School Psychology, Counseling Psychology, or Clinical Psychology from an accredited university; and
- (b) Valid Connecticut Department of Public Health license as a psychologist; and
- (c) Post-doctoral fellowship in Neuropsychology for two (2) years at an approved facility; and
- (d) Three (3) years of professional experience in neuropsychology after attaining licensure working with children and adolescents.
- (e) Optional: Board certification from the American Board of Professional Psychologists (ABPP), American Board of Clinical Neuropsychologists (ABCN), or the American Board of Pediatric Neuropsychologists (ABPN).

#### **Psychiatric Evaluator:**

- (a) Medical degree (M.D.) from an accredited university; and
- (b) Clinical training in child and adolescent psychiatry; and
- (c) Valid license by the State of Connecticut Department of Public Health in good standing; and
- (d) Board certified by the American Board of Psychiatry and Neurology in the specialty area of Child and Adolescent Psychiatry.

**Medical Evaluator:**

- (a) Medical degree (M.D.) from an accredited university; and
- (b) Clinical training in field of specialty required for evaluation or pediatrics, as applicable; and
- (c) Valid license by the State of Connecticut Department of Public Health in good standing; and
- (d) Board certified by the appropriate agency in pediatrics or the appropriate field of specialty in which the evaluation is sought.

**Occupational Therapy Evaluator:**

- (a) Graduated from an accredited occupational therapy professional program, have completed all clinical affiliation requirements, and passed the National Board for Certification in Occupational Therapy or its predecessor ; and
- (b) Valid license issued by the State of Connecticut Department of Public Health in good standing; and
- (c) Experience in conducting educationally relevant evaluations, providing interventions, and collaborating with team members to improve student outcomes.

**Physical Therapy Evaluator:**

- (a) Graduated from an accredited physical therapy professional program recognized by APTA, have completed all clinical affiliation requirements, and passed the National Physical Therapy Examination; and
- (b) Valid license issued by the State of Connecticut Department of Public Health in good standing; and
- (c) Experience in conducting educationally relevant evaluations, providing interventions, and collaborating with team members to improve student outcomes.

**Speech and Language Evaluator:**

- (a) Minimum of master's degree and appropriate specialist level training (e.g. Sixth Year Degree) in speech and language pathology from a program accredited by the American Speech-Language-Hearing Association (ASHA); and
- (b) Valid license issued by the State of Connecticut Department of Public Health in good standing; and
- (c) Clinical experience in evaluating and treating children and/or adolescents in the area of disability under evaluation; and
- (d) Current Certificate of Clinical Competence (CCC) in good standing from the American Speech-Language-Hearing Association (ASHA).

**Audiological Evaluator:**

- (a) Minimum of master's degree and appropriate specialist level training (e.g. Sixth Year Degree) in audiology from a program accredited by the American Speech-Language-Hearing Association (ASHA); and
- (b) Valid license issued by the State of Connecticut Department of Public Health in good standing; and
- (c) Clinical experience in evaluating and treating children and/or adolescents in the area of disability under evaluation; and



- (d) Current Certificate of Clinical Competence in Audiology (CCC) in good standing from the American Speech-Language-Hearing Association (ASHA).

**Educational Evaluator:**

- (a) Master's degree from an accredited university and appropriate specialist level degree (e.g. Sixth Year Professional Diploma) in Special Education from an accredited university; and
- (b) Professional Educator Certificate in Special Education from the State of Connecticut Department of Education; and
- (c) Minimum of three (3) years of full-time supervised professional experience beyond any internship or practicum experience in a public-school setting.

**Functional Behavioral Assessor:**

Must meet one of the following:

Minimum requirements above for the Psychological or Psycho-Educational Evaluation;

or

- (a) Minimum of a Master's Degree in Applied Behavior Analysis, Psychology, Special Education or Related Degree with completion of a graduate course series in Applied Behavior Analysis,
- (b) Hold a current certification in good standing as a Behavior Analyst through the National Behavior Analyst Certification Board (BACB),
- (c) Licensed Behavior Analyst with the Connecticut Department of Public Health (LBA), and
- (d) Experience working as a BCBA with students with autism or developmental disabilities and other behavioral disabilities.
- (e) Experience working with Adolescents.

**Assistive Technology Assessor:**

Must meet one of the following groups of criteria:

- (a) Speech Language Pathologist with a valid Connecticut State Department of Education (CSDE) Certification, Occupational Therapist, or Physical Therapist with valid Connecticut Department of Health (DPH) license, and
- (b) Demonstrated experience with Assistive Technology in a K-12 educational setting.

or

A Graduate Certificate in Assistive Technology from an accredited university or an Assistive Technology Professional Certification program.

**ATTACHMENT B**  
**Evaluator Cost Criteria**

<b>Evaluator</b>	<b>Maximum Fee*</b>
Psychological Evaluator or Psycho-Educational Evaluator	<i>\$7,800.00</i>
Neuropsychological Evaluator	<i>\$6,500.00</i>
Psychiatric Evaluator	<i>\$7,800.00</i>
Transition Assessment	<i>\$7,800.00</i>
Medical Evaluator	<i>\$8,000.00</i>
Occupational Therapy Evaluator	<i>\$3,000.00</i>
Physical Therapy Evaluator	<i>\$3,000.00</i>
Speech and Language Evaluator	<i>\$3,500.00</i>
Audiological Evaluator	<i>\$3,500.00</i>
Educational Evaluator	<i>\$3,000.00</i>
Functional Behavioral Assessor	<i>\$3,000.00</i>
Assistive Technology Assessor	<i>\$3,000.00</i>

Evaluators will be asked to provide an estimate of evaluation costs and, if necessary, conform them to the expectations of CTECS for fees that are reasonable and customary in the community.

\*If the evaluator's fees do not and cannot conform to CTECS' cost criteria, the parent/guardian may submit to CTECS a written statement specifying the unique circumstances that justify a fee more than CTECS' cost criteria.

If CTECS denies a request to pay a fee more than CTECS' cost criteria, CTECS will promptly request a due process hearing to review the denial.

**AGREEMENT TO PARTICIPATE IN VOLUNTARY RESOLUTION OF REQUEST FOR INDEPENDENT EDUCATIONAL EVALUATION**

\_\_\_\_\_ (the "Parent/Guardian") has requested an independent educational evaluation ("IEE") at public expense from the Connecticut Technical Education and Career System, ("CTECS") based on the Parent's/Guardian's disagreement with an evaluation obtained by CTECS. The Parent/Guardian and CTECS ("Parties") understand that upon such a request for an IEE at public expense, CTECS must, without unnecessary delay, either:

1. File a due process complaint to request a hearing to show its evaluation is appropriate; or
2. Ensure the IEE is provided at public expense, unless CTECS demonstrates in a due process hearing that the evaluation obtained by the parent/guardian does not meet CTECS' IEE criteria.

The Parties understand that the right to request an IEE at public expense upon the Parent's/Guardian's disagreement with an evaluation obtained by CTECS is a procedural safeguard and parental right under the IDEA regulations.

The Parties believe that it is in both parties' interest to participate in an informal, voluntary resolution period to further discuss the request for an IEE at public expense and related issues and concerns of the parties before CTECS files a due process complaint.

The Parties agree that the time period necessary to engage in an informal, voluntary resolution period does not constitute an unnecessary delay relative to the federal requirements imposed on CTECS when an IEE request is made by a parent/guardian.

Based on this mutual consideration, the Parties agree to the following:

1. The time period for the informal, voluntary resolution period shall be:
  - One week (End date: \_\_\_\_\_)     Two weeks (End date: \_\_\_\_\_)
  - In order to participate in the CT State Department of Education's mediation process, or mediation through an independent mediator
  - Other: \_\_\_\_\_ (End date: \_\_\_\_\_)
2. Either Party may terminate this Agreement at any time in writing provided to the other Party.
3. The Parent/Guardian shall not raise a claim in any forum that CTECS was untimely in responding to the Parent's/Guardian's request for an IEE at public expense based on the time covered under this Agreement.
4. This Agreement does not waive any other rights, obligations, or defenses of either Party.
5. Upon the expiration or termination of this Agreement, including the conclusion of the mediation process, CTECS shall have 10 school days or 14 calendar days (whichever is fewer) to either file for due process or ensure the IEE is provided at public expense
6. The Parent/Guardian understands and acknowledges that the Parent/Guardian has no obligation to sign this Agreement or otherwise agree to participate in the informal, voluntary resolution process. If this Agreement is not signed by the Parent/Guardian, CTECS will, without unnecessary delay, respond to the IEE request in accordance with federal law.

For the Parents/Guardians:

For CTECS:

\_\_\_\_\_  
Parent/Guardian                      Date

\_\_\_\_\_  
Executive Director                      Date

\_\_\_\_\_  
Parent/Guardian                      Date