

## **Guidance on Independent Education Evaluation (IEE) Forms** (October 2007)

A number of parents and professionals have contacted the AB SpEd PAC with questions about the district's practice regarding the completion of IEE forms. We offer the following information as guidance to families in the district. This information is based on our understanding of the district's current practice and state and federal law, *but is not the district's official published practice*. (A necessary disclaimer: *This information is also not meant as a substitute for legal advice, nor can the AB SpEd PAC be held liable for any action you may take based on this information.*) However, we have made every effort to provide accurate information as of October 13, 2007 and hope you will find the information provided helpful. We have updated this document to reflect changes made in the district's recently released practice titled, "Outside Agency Forms." That document is also posted on our website for your reference.

### **What is an Independent Education Evaluation?**

At any time during your child's education you may choose to have a professional outside of the school system evaluate your child's educational needs (at your own expense). This is called an Independent Education Evaluation (IEE). However, if you request an IEE because you disagree with the school district's initial or subsequent re-evaluation of your child you may qualify to have the district pay for your child's independent evaluation. (See "Who Pays for an IEE?" below.) Either way your child has a legal right to an independent evaluation by a professional of your choosing. As part of a private evaluation the outside professional may ask your child's teachers or service delivery specialists to complete one or more Teacher Report Forms to help the evaluator get a complete picture of how your child is functioning in the school environment. These Teacher Report Forms are also known as IEE forms.

### **Who Pays for an Independent Education Evaluation?**

Public funding for an IEE is generally based on a sliding fee scale dependent on your family size and family income. However, other factors may contribute to whether or not the district will fund an IEE, for example whether or not the district's assessment of your child covered all areas of your child's suspected disability. If your child is: 1) eligible for a free or reduced cost lunch, 2) is in the custody of a state agency with an appointed Educational Surrogate Parent, or 3) if your income is less than 400% of the federal poverty level, then the school will pay for all of the independent evaluation. If your income is between 400% and 500% of the federal poverty level, the school will pay 75%; at income between 500% and 600%, the school will pay 50%; at an income over 600%, the parent must pay 100% of the evaluation cost.

- *If you are willing to provide financial information, the school must pay the percentage of the independent evaluation cost determined by the sliding fee scale. You will need to provide the school with information regarding your income for the past year as well as the upcoming year. Financial information will be kept confidential during school review, will not be copied by the district, and will be returned to you without delay.*

- *If you do not wish to share financial information with the school district, you may still request an independent evaluation at the school's expense. In this case the school must, within five days of your request, either agree to pay for 100% of the Independent Educational Evaluation or move forward to a hearing at the Bureau of Special Education Appeals (BSEA) to prove that their own evaluation was both comprehensive and appropriate. If the Bureau of Special Education Appeals rules that the school evaluation was comprehensive and appropriate, then the school is not obligated to pay for an IEE. However if the BSEA determines that the district's evaluation was not comprehensive and appropriate the district is obligated to pay for the IEE.*

### **To Whom Do You Give IEE Forms?**

While you may give your IEE forms to whichever staff member you choose, the forms will be routed to the following school personnel to be processed. Consequently, it will expedite the process if you submit the forms directly to the following personnel.

- *Regular Education:* If your child is in regular education (has not been found eligible for special education services), you should give the outside evaluator's forms to the School Counselor/Psychologist or Principal.
- *Special Education:* If your child is in special education, then all IEE forms should be given to the Special Education Coordinator in the Pupil Services office.

### **Original Forms Only**

The district can only complete original forms, not Xeroxed copies of copyrighted material, so make sure you provide original forms to the school to expedite processing.

### **District Confirmation Letter & Timeline for Form Completion**

Once the district has received your request to complete outside agency forms, they will send you a letter confirming receipt of the IEE forms. They may also include an information release form, which allows the district to speak directly with your outside evaluator regarding the information he/she has requested the district provide. You may ask the district to include you in any communications between the school and your private evaluator, if you so choose. The acknowledgement letter from the school provides information about the district's practice and timeline for returning the completed forms. The letter states that *you should receive completed IEE forms within 3 weeks* of the district receiving your request. Completed forms will be sent directly to the independent evaluator and a copy of these forms will be sent to you, as well as placed in your child's student record.

### **How the District Completes IEE Forms**

When answering narrative questions, the district's practice is to use actual documents from the student record whenever possible, rather than rewording information. The district also feels that sometimes asking staff to complete a district Teacher Assessment Form or write a 2-3 paragraph report is more useful than filling out a standardized Teacher Report form. You may discuss these options with the school and choose to accept this information in place of the IEE forms, but you are not obligated to accept these documents in place of the IEE forms if you or your private evaluator feels the

information provided doesn't meet the private evaluator's needs. In addition, the district has stated a preference for certain assessment tools. For example, the district recommends the Connors Scale for rating attention issues, the BASC-II for behavioral issues and the BRIEF for organizational skills. If you and your private evaluator feel that these are equally appropriate tools to assess your child's areas of concern, you may agree to have your private evaluator use one or more of these assessment tools as part of your child's private evaluation. If not, the district has a responsibility to complete all reasonable IEE forms requested by the outside evaluator.

### **Which Questions on the IEE Forms will the District Answer?**

In the Acton Public School district and Acton-Boxborough School district Pupil Services has stated that staff will only respond to questions regarding observable behaviors that are within the teachers', specialists', or clinicians' area of expertise. Staff members will not answer any questions that require subjective judgments or educated opinions. This seems to be particularly the case in regards to questions related to attention, organizational skills and/or behavior. As a result of this practice, many families may receive incomplete IEE Teacher Report forms. Unfortunately, incomplete data on standardized IEE forms (like the Achenbach Teacher Report Form) can limit the private evaluators' ability to compare your child's data to nationally collected, standardized data. In the PAC's opinion, the district's current practice of not answering all questions on standardized IEE Teacher Report forms prevents children from receiving the full and complete Independent Education Evaluation to which they are entitled by law.

### **Who to Contact with Questions?**

If you have questions about which documents or assessment tools might best address your child's unique needs, you may contact your child's School Counselor/Psychologist or the Pupil Services Coordinator for assistance. If you haven't received your child's completed IEE forms within 3 weeks (or by an earlier date if agreed by the school), you should contact the individual to whom you submitted the forms originally. If you do not receive a prompt response, you should then contact that individual's immediate superior (either the School Principal or Director of Pupil Services). It is reasonable for you to expect the school district to support your private evaluator in a timely, professional and cooperative manner.