

The parent of a student with a disability has the right to obtain an independent educational evaluation (IEE) of the parent's child if the parent disagrees with the evaluation of the student that was obtained by the open-enrollment charter school.

If the parent requests an IEE, Universal Academy open-enrollment charter school must provide the parent with information about where the parent may obtain an independent educational evaluation and about the open-enrollment charter school's criteria that apply to IEE.

Definitions

Independent educational evaluation (IEE) means an evaluation conducted by a qualified examiner who is not employed by the school responsible for the education of a student.

Public expense means that the open-enrollment charter school 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 the provisions of Part B of IDEA, which allow each State to use whatever State, local, Federal, and private sources of support are available in the State to meet the requirements of Part B of IDEA.

(34 CFR §300.502)

Right to Evaluation at Public Expense

The parent has the right to request an IEE of the parent's child at public expense if the parent disagrees with an evaluation of the student completed by Universal Academy open-enrollment charter school.

If the parent requests an IEE, Universal Academy open-enrollment charter school must respond to the parent by either:

UNIVERSAL ACADEMY

County School No.: **057808**

- 1) without unnecessary delay, file a due process complaint to request a hearing to show that its evaluation of the student is appropriate; or
- 2) provide an IEE at public expense, unless the open-enrollment charter school demonstrates in a due process hearing that the evaluation of the student that the parent obtained did not meet the open-enrollment charter school's criteria.

If Universal Academy open-enrollment charter school requests a hearing and the final decision is that the open-enrollment charter school's evaluation of the student is appropriate, the parent still has the right to an IEE, but not at public expense.

If the parent requests an IEE of the student, the open-enrollment charter school may ask why the parent objects to the evaluation of the student obtained by the open-enrollment charter school; however, the open-enrollment charter school may not require an explanation and may not unreasonably delay either providing the IEE of the student at public expense or filing a due process complaint to request a due process hearing to defend the open-enrollment charter school's evaluation of the student.

The parent is entitled to only one IEE of the student at public expense each time the open-enrollment charter school conducts an evaluation of the student with which the parent disagrees.

(34 CFR §300.502)

Parent-Initiated Evaluations

If the parent obtains an independent educational evaluation (IEE) of the student at public expense or the parent shares with the open-enrollment charter school an evaluation of the student that the parent obtained at private expense:

- (1) the open-enrollment charter school must consider the results of the evaluation of the student, if it meets the open-enrollment charter school's criteria for IEE, in any decision made with respect to the

UNIVERSAL ACADEMY

County School No.: **057808**

provision of a free appropriate public education (FAPE) to the student;
and

- (2) the parent or the open-enrollment charter school may present the evaluation as evidence at a due process hearing regarding the student.
- (34 CFR §300.502)

Requests for Evaluations by Hearing Officers

If a hearing officer requests an IEE of the student as part of a due process hearing, the cost of the evaluation must be at public expense.

Open-Enrollment Charter School Criteria

If an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the open-enrollment charter school uses when it initiates an evaluation (to the extent those criteria are consistent with the parent's right to an IEE).

Criteria for an Independent Educational Evaluation:

1. The parent(s) and District must mutually agree to the parameters of an IEE (i.e., the areas to be assessed and the cost);
2. Independent evaluators must be licensed or accredited by an organization or agency representing their profession that is recognized within the state of Texas;
3. Independent evaluators must meet the qualifications and training requirements to administer, score and interpret the evaluation instrument(s) utilized during the IEE, as specified by the test publisher;
4. Parents must provide written consent for the evaluation, and must simultaneously give their written consent for an exchange of information between the District and independent evaluator(s), including the release to the District of the evaluation report and results of all assessment data collected by the independent evaluator(s);
5. The independent evaluator(s) shall use only the most current version of each assessment instrument utilized for the IEE;
6. The independent evaluator(s) shall review the student record, including the results of evaluations

Date Adopted by Governing Body/Board: June 30, 2016
Date Revised: 6/20/2016

UNIVERSAL ACADEMY

County School No.: **057808**

conducted by the District;

7. The District may require the IEE include classroom observations and interviews with school staff;

8. The independent evaluator(s) shall provide a written report of findings simultaneously to the parent(s) and District. That report shall contain

- a. dates when evaluation activities were conducted;
- b. the scores, along with subtest scores, of the tests administered;
- c. a discussion and interpretation of test results;
- d. a diagnosis of the student's condition, as appropriate; and
- e. recommendations, based on evaluation data, for the District's evaluation team to consider.

9. Payment for the IEE shall occur only after the District has received the final written report of findings from the evaluator(s);

10. Upon request, the independent evaluator(s) shall be available in person or electronically (i.e. telephone conference call, interactive video, etc.) to discuss results of the IEE with the District team. The District reserves the right to deny a parental request for a specific independent evaluator where it appears the evaluator may have a vested interest in the outcome of the IEE.

In determining whether an evaluator has a vested interest in the outcome of the IEE, the District may consider factors such as, but not limited to:

1. the nature of the relationship between the proposed evaluator and the student, their family or legal council representing the student or family;
2. whether the proposed evaluator is currently or has previously provided services to the student or family; and
3. prior interactions between the proposed evaluator and the District.

Accessing

Except for the criteria described above, an open-enrollment charter school may not impose conditions or timelines related to obtaining an IEE at public expense.

(34 CFR 300.502(e))