

BRAZOS ISD INDEPENDENT SCHOOL BRAZOS ISD SPECIAL EDUCATION OPERATING PROCEDURES: INDEPENDENT EDUCATION EVALUATION

BRAZOS ISD Board Policy along with these *Special Education Operating Procedures* constitute the Policies and Procedures of BRAZOS ISD, designed to be consistent with the State policies and procedures developed pursuant to the IDEA. BRAZOS ISD *Special Education Operating Procedures* are not to be for the purpose of creating a requirement that is not otherwise imposed by the Individuals with Disabilities Education Improvement Act (“IDEA”), together with its implementing federal regulations, state statutes and rules, as they shall from time to time be amended, and shall not be construed to create a higher standard than that established by IDEA. These *Special Education Operating Procedures* will be posted on BRAZOS ISD’s website. These *Special Education Operating Procedures* should be interpreted consistent with the IDEA. BRAZOS ISD’s *Special Education Operating Procedures* are reviewed and updated, as needed, on at least an annual basis. BRAZOS ISD will make timely changes to policies and procedures in response to IDEA amendments, regulatory or rule changes, changes to state policy, or new legal interpretation as are necessary to bring [BRAZOS ISD] into compliance with the requirements of IDEA. BRAZOS ISD maintains systems to ensure that all students with disabilities residing in the Brazos ISD, including students with disabilities attending non-public schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and provided a free appropriate public education. BRAZOS ISD maintains systems to ensure that students with disabilities and their parents are afforded the procedural safeguards required under the IDEA (and its implementing federal regulations, state statutes and rules) including with respect to the confidentiality of records and personally identifiable information.

How does the Brazos ISD respond when it receives a request for an independent educational evaluation (IEE)?

If a parent or guardian disagrees with the results of a Brazos ISD-conducted evaluation or reevaluation, she or he has a right to request an independent educational evaluation.¹ Any requests for an IEE will be communicated to BRAZOS ISD. The[BRAZOS ISD is responsible for granting or denying the request for an IEE in writing as an administrative decision, providing the parent or guardian with the Brazos ISD’s IEE criteria, information about how to obtain an IEE, and a copy of [TEA’s Notice of Procedural Safeguards](#). An IEE will be conducted by a qualified examiner who is not employed by the Brazos ISD and who meets the Brazos ISD’s criteria for an independent evaluator.

If a parent or guardian requests a publicly funded IEE, the Brazos ISD will, without necessary delay, take the following actions:

- file a due process complaint to obtain a hearing to prove that the Brazos ISD’s evaluation is appropriate or that the parent’s request does not meet Brazos ISD criteria, or
- grant the request for an IEE that meets Brazos ISD criteria and provide the parent or guardian with the Brazos ISD’s IEE criteria.²

¹ 34 C.F.R. § 300.502

² 34 C.F.R. § 300.502(a)(3)(i) – (b)(2)

If the parent or guardian requests an IEE, the Brazos ISD may ask for the parent or guardian's reason why she or he objects to the Brazos ISD's evaluation; however, the Brazos ISD may not require the parent or guardian to provide an explanation and may not unreasonably delay either providing the IEE at public expense or filing a due process complaint to request a due process hearing.³

The Brazos ISD uses a DIRECT-PAY OR REIMBURSEMENT model to fund the parent or guardian's request for an IEE, if the Brazos ISD in its discretion grants the IEE request. The BRAZOS ISD will ensure that the Brazos ISD's IEE criteria includes an explanation of the Brazos ISD's IEE funding model and provides a procedure for a parent or guardian to request an exception to that model.

If a parent or guardian obtains a private evaluation and shares the results with the Brazos ISD, those results, if the private evaluation meets the Brazos ISD's criteria, will be considered by the student's ARD committee in any decision made with respect to the provision of a free appropriate public education to the student.⁴

PRACTICE GUIDE— Review of IEE criteria and the list of IEE providers should occur periodically to ensure compliance and availability. Ascertain whether the parent's selected evaluator is willing to conduct school-based observations and notify the parent of any potential impact when the ARD committee considers the IEE report.

Demonstrations of this procedure's implementation may include, but are not limited to, examples such as:

- Training materials
- Independent Education Evaluator Criteria
- Sample letters notifying parents of the Brazos ISD's criteria and qualified evaluators

³ 34 C.F.R. § 300.502(b)(4)

⁴ 34 C.F.R. § 300.502(c)