

CRITERIA FOR OUTSIDE EVALUATORS

(INDEPENDENT EVALUATORS AND OUTSIDE EVALUATORS SELECTED BY THE NEW MILFORD BOARD OF EDUCATION)

INTRODUCTION

The New Milford Board of Education employs certified staff such as psychologists, special education teachers, school social workers, occupational therapists, physical therapists, and speech and language pathologists for the purpose of evaluating students with special education needs. When recommending evaluations for the purpose of determining a student's possible eligibility for special education, or for the purpose of determining their continued eligibility for special education, or for any other purpose, the Planning and Placement Team ["PPT"] has the legal right to have such evaluations administered by the appropriate New Milford Board of Education ["Board"] staff members.

On occasion, the PPT may deem it appropriate to recommend an evaluation by an evaluator who is not employed by the Board. An example of this is when the PPT determines that a psychiatric evaluation is necessary for a complete assessment of the student. As the Board does not employ a psychiatrist, the psychiatric evaluation would have to be performed by an outside evaluator. Nonetheless, the PPT has the legal right to select the evaluator.

In some instances, when parents or guardians¹ disagree with the results of an assessment administered by an evaluator selected by the PPT, they may wish to exercise their rights pursuant to their *Procedural Safeguards in Special Education* to obtain an Independent Educational Evaluation ["IEE"] from an appropriately qualified evaluator who is not employed by the Board.

Regardless of whether recommended by the PPT to conduct an evaluation -- or selected by parents or guardians to administer an IEE -- outside evaluators and their evaluations **must meet all** of the criteria established by the Board. In the event that the evaluation does not meet the following criteria, the parent may still obtain the evaluation, and the PPT will consider the resultant reports, but the evaluation will not be publicly funded.

DEFINITION

An IEE is an evaluation conducted by a qualified examiner who is not employed by the

¹The terms "parent" and "parent and/or guardian" are used interchangeably in this document but are intended to have the same meaning. Thus, if only "parent" or "parents" are used, these are intended to be equally applicable to "guardian" or "guardians."

Board, when the Board has already conducted an evaluation of the student and the parent or guardian disagrees with that evaluation.

PROCEDURE

An assessment that the PPT recommends be conducted by an outside evaluator follows the same process as is in place for evaluations that are administered by Board staff. The parent's consent is required both for evaluations conducted by Board staff and for those administered by outside evaluators recommended by the PPT.

The Board requests that requests for an IEE at public expense be made at a PPT meeting. Upon a parent's request for an IEE, the PPT will respond in one of the following ways:

- The PPT will recommend an IEE at public expense.
- The PPT will explain that the parent or guardian is not entitled to an IEE at public expense either because the Board is entitled to conduct its own evaluation of the student, or the parent or guardian has already obtained an IEE at public expense as a result of a previous disagreement with the same Board evaluation.
- The PPT will decline the request for an IEE and will instead initiate a due process hearing to show that its evaluation of the student is appropriate.

If the parent or guardian is not entitled to an IEE at public expense, either because the conditions for an IEE at public expense have not been met, or because a hearing officer determines that the Board's evaluation was appropriate, the parent or guardian may still obtain an independent evaluation, but it will be at their own expense.

As noted, the Board is entitled to evaluate the student in the first instance. Furthermore, a parent or guardian is entitled to only one IEE at public expense in response to each Board evaluation.

The Board may ask the parent or guardian to explain the reason for the request in order to have more information upon which to make a decision to grant or deny the request, or in order to focus the evaluation request on the area of disagreement. The parent or guardian will not be required to provide a reason, and if the parent refuses to provide a reason, the request will be promptly granted or denied on the basis of the available information.

If the Board decides to provide an IEE at public expense, the Board will provide names, addresses, and phone numbers of possible IEE evaluators who meet the Board's following criteria for the particular type of evaluation at issue. Although the parent or guardian is not required to select one of those proposed evaluators, whomever the parent ultimately chooses – and their evaluations -- must meet all of the following criteria, or the Board shall not be responsible for the cost of such evaluation.

MINIMUM CREDENTIALS FOR EVALUATORS

The evaluators selected by a parent or guardian must satisfy *all* of the following criteria that is set forth in the relevant area of expertise. In addition, any and all independent evaluators selected by a parent or guardian must:

1. Be able to schedule and complete an evaluation in a timely manner and produce a written report within sixty (60) calendar days of the date the parents provide consent, subject to any contractual arrangement with the district or unusual circumstances which justify an extension of this timeline.
2. Have experience and the necessary knowledge to administer the most recent iterations or editions of the applicable and relevant testing protocols.
3. Have training and experience in evaluating students for purposes of making ***education-related*** recommendations.

Psychological Evaluations

1. Hold a valid Connecticut Department of Public Health license as a psychologist.
2. Have earned and been awarded a Doctor of Philosophy ["Ph.D."] or Doctor of Psychology ["Psy.D."] in Counseling Psychology or Clinical Psychology from an accredited university.
3. Have training and experience in evaluating students of the same age level as the student being evaluated.
4. Have a clinical background, advanced training, and recent experience in the areas of disability being evaluated.

Neuropsychological Evaluation

A professional who uses the title Neuropsychologist must have adequate specialty level training as this is not a legally regulated title or practice area. Thus, the Board requires that the evaluator:

1. Have earned and been awarded 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.
2. Hold a valid Connecticut Department of Public Health license as a psychologist.
3. Have served a post-doctoral fellowship in Neuropsychology for two (2) years at an approved facility.
4. Have three (3) years of professional experience in neuropsychology after attaining licensure, working with children and adolescents.

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"].

Psycho-Educational Evaluations

1. Hold 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.
2. Possess a Professional Educator Certificate in School Psychology (Endorsement 070) from the State of Connecticut Department of Education.
3. Minimum five (5) years full-time supervised professional experience beyond any internship or practicum experience in a public school setting.

Or:

Fulfill the above-specified requirements for a Psychological or Neuropsychological Evaluation.

Psychiatric Evaluation

1. Hold a medical degree (M.D.) from an accredited university.
2. Have clinical training in child and adolescent psychiatry.
3. Hold in good standing a valid license by the State of Connecticut Department of Public Health.
4. Be board certified by the American Board of Psychiatry and Neurology in the specialty area of Child and Adolescent Psychiatry.

Medical Evaluation

1. Hold a medical degree (M.D.) from an accredited university.
2. Have clinical training in field of specialty required for evaluation or pediatrics, as applicable.
3. Hold a valid license issued by the State of Connecticut Department of Public Health in good standing.
4. Be board certified by the appropriate agency in pediatrics or the appropriate field of specialty in which the evaluation is sought.

Occupational Therapy Evaluation

1. Possess at the minimum a Bachelor's degree from an accredited university and have graduated from an educational program accredited by the American Occupational Therapy Association.
2. Hold in good standing a valid license issued by the State of Connecticut Department of Public Health.
3. Have clinical experience in evaluating and treating children and/or adolescents in the area of disability under evaluation.

Physical Therapy Evaluation

1. Have graduated from a school of physical therapy approved by the Board of Examiners for Physical Therapists.

2. Hold a valid license issued by the State of Connecticut Department of Public Health in good standing.
3. Have clinical experience in evaluating and treating children and/or adolescents in the area of disability under evaluation.

Speech and Language Evaluation

1. Possess at a minimum a 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.
2. Hold in good standing a valid license issued by the State of Connecticut Department of Public Health.
3. Have clinical experience in evaluating and treating children and/or adolescents in the area of disability under evaluation.
4. Hold a current Certificate of Clinical Competence ["CCC"] in good standing from the American Speech-Language Hearing Association ["ASHA"].

Educational/Achievement Evaluation

1. Possess 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
2. Hold a Professional Educator Certificate in Special Education from the State of Connecticut Department of Education; and
3. Possess at a minimum three years full-time supervised professional experience beyond any internship or practicum experience in a public school setting.

Functional Behavioral Assessment

Possess at the minimum the requirements set forth above for Psychological or Neuropsychological Evaluators;

Or

Hold current certification in good standing as a Board Certified Behavior Analyst ["BCBA"], including possessing at a minimum a Master's degree in Applied Behavior Analysis ["ABA"] from an accredited university.

COST REQUIREMENT

Fees charged for evaluations must, in the Board's judgment, not exceed what is reasonable and customary in the community, as judged by the Board. Evaluators will be asked to provide an estimate of evaluation costs and if necessary, to conform them to the expectations of the school Board for fees that are reasonable and customary in the community. Refusal to comply will disqualify the evaluator. In the event that the

Board is providing reimbursement to a parent or guardian for an evaluation already conducted, the Board shall not be responsible for reimbursement of any costs in excess of a reasonable fee for the service provided. The rates sets forth on the attached schedule are based upon the reasonable customary professional rate in the community and will be reviewed on an annual basis.

INDEPENDENCE REQUIREMENT

Evaluators whom are proposed to conduct *independent* evaluations must have no treating or familial relationship with the student at issue, nor with the parents or other members of the student's family, and may not prior to the evaluation have advocated for the student in a Planning and Placement Team ["PPT"] meeting or in a due process hearing. Evaluators may not be Board employees. The evaluator must have no financial, professional or referral relationship, understanding or affiliation with attorneys or with advocates who represent parents or students in matters that are adverse to school districts.

EVALUATION CONTENT REQUIREMENT

Evaluators must restrict their evaluations to their specific area of expertise and may not opine on matters outside of their specific area of expertise. 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 the Individuals with Disabilities Education Improvement Act of 2004, 20 U.S.C. §§1400 *et seq.* ["IDEA"] and Connecticut law, specifically Conn. Gen. Stat. §§10-76a, *et seq.*, including but not limited to the use of a variety of assessment tools and strategies administered in compliance with the test protocols issued by the manufacturer for each standardized assessment tool; the use of technically sound instruments, the use of instruments not selected so as to be discriminatory on racial or cultural basis; the use of assessment tools administered in the child's native language or other mode of communication and in the form most likely to yield accurate information; the use of instruments used for the purpose for which the assessments or measures are valid and reliable, the use of instruments tailored to address specific areas of educational need; and the use of 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).

The evaluator shall make recommendations that address educational interventions and strategies that will assist the student to achieve appropriate educational progress. It is not the role of nor appropriate for the evaluator to make recommendations concerning the educational placement of the child as such decisions can only be made by the PPT. Therefore, the evaluator shall *not* make recommendations regarding the student's placement.

AVAILABILITY AND CONSULTATION REQUIREMENT

The utility of an evaluation and its relevancy are greatly increased when the evaluator takes the time to familiarize him or herself with the child in the school setting, and is available to consult with staff and review the evaluation at a PPT meeting for purposes of discussing any implications for the child's IEP. Therefore, evaluators *must* be willing to observe the student in the school setting to the extent needed for the evaluation, and *must* consult with school staff to discuss the child's needs and progress in the educational setting.

The evaluator *must* be permitted to communicate directly with the Board staff, and to obtain information from and share information with the school. School-based information *must* be discussed and addressed in the evaluator's written report. In the event of questions concerning the evaluator's written report or evaluation/test results, the evaluator *must* make himself or herself available to Board staff to respond to questions, including questions concerning the standardized administration of test instruments.

The Board has no financial responsibility for any post-evaluation meetings the evaluator may choose to have with a parent or guardian except as otherwise noted below.

The Board has no obligation to invite the evaluator to any PPT meetings, including the meeting at which his or her evaluation is to be considered so long as the Board has someone on its staff or under retainer who in the Board's judgment is qualified to interpret and explain the evaluation to the PPT. The parent or guardian has the right to invite the evaluator to any PPT meeting, but the parent or guardian will be responsible for arranging the evaluator's attendance and for the cost of his or her attendance.

Notwithstanding the foregoing, should the PPT request an evaluator's attendance at a PPT meeting, the evaluator must be available and willing to attend the PPT meeting to review the results of his or her evaluation and to discuss educational implications of the evaluation.

TIMELY WRITTEN REPORT REQUIREMENT

As noted above in the "Minimum Credentials for Evaluators" section, the evaluator must be able to evaluate the student within a reasonable period of time after the Board secures parental consent for the evaluation, and must be able to provide a timely written report of the evaluation, in most cases no more than 60 calendar days from the date the evaluation is initiated. The written report must be provided to the Board before the Board will fund the evaluation, and it must be provided to the Board concurrently with its provision to the parent or guardian.

Location Requirement

Evaluators who will be considered for approval must be located within Connecticut and no further than seventy-five (75) miles from New Milford. Evaluators outside of this geographic area will be approved only on an exceptional basis, provided that the parent can demonstrate the necessity of using personnel outside of this geographic area. The district shall not be responsible to provide transportation, nor pay any travel expenses, to and from the location of the evaluator. In the case of low incidence or severe disabilities where qualified evaluators may not exist in the geographic area, this requirement may be reconsidered by the district.

OUTSIDE EVALUATIONS THAT ARE NOT IEEs

A parent or guardian is not entitled to reimbursement or payment by the Board for an evaluation obtained by a parent or a guardian that does not meet the criteria set forth herein for an IEE. If a parent or a guardian, however, nonetheless decides to obtain such an outside evaluation and to share the results of such evaluation with the district, the school district will consider the evaluation at an IEP meeting, as appropriate.

Fee Schedule of Independent Educational Evaluations

General cost guidelines are as follows:

Psychological/Psycho-educational Evaluations	\$2,000-3,500
Neuropsychological Evaluation	\$2,000-3,000
Psychiatric Evaluation	\$2,500-3,000
Medical Evaluation	\$1,000-1,500
Educational Evaluation	\$1,000-1,500
Occupational/Physical Evaluation	\$1,000-1,500
Speech and Language Evaluation	\$2,000-2,500