

TEXAS COLLEGE PREPARATORY ACADEMIES SPECIAL EDUCATION OPERATING PROCEDURES: INDEPENDENT EDUCATION EVALUATION

Texas College Preparatory Academies Board Policy along with these *Special Education Operating Procedures* constitute the Policies and Procedures of Texas College Preparatory Academies, designed to be consistent with the State policies and procedures developed pursuant to the IDEA Texas College Preparatory Academies' *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 ResponsiveEd's website. These *Special Education Operating Procedures* should be interpreted consistent with the IDEA. Texas College Preparatory Academies' *Special Education Operating Procedures* are reviewed and updated, as needed, on at least an annual basis. Texas College Preparatory Academies 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 Texas College Preparatory Academies into compliance with the requirements of IDEA. Texas College Preparatory Academies maintains systems to ensure that all students with disabilities enrolled in the Charter, 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. Texas College Preparatory Academies 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 Charter respond when it receives a request for an independent educational evaluation (IEE)?

If a parent or guardian disagrees with the results of a Charter-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 the Director of Special Education. The Director of Special Education is responsible for granting or denying the request for an IEE in writing as an administrative decision, providing the parent or guardian with the Charter'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 Charter and who meets the Charter's criteria for an independent evaluator.

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

¹ 34 C.F.R. § 300.502

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

If the parent or guardian requests an IEE, the Charter may ask for the parent or guardian's reason why she or he objects to the Charter's evaluation; however, the Charter 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 Charter uses a reimbursement model to fund the parent or guardian's request for an IEE, if the Charter, in its discretion, grants the IEE request. The Director of Special Education will ensure that the Charter's IEE criteria includes an explanation of the Charter'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 Charter, those results, if the private evaluation meets the Charter'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 Charter's criteria and qualified evaluators

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

³ 34 C.F.R. § 300.502(b)(4)

⁴ 34 C.F.R. § 300.502(c)