

Independent Educational Evaluations (IEE) Under IDEA

I: Introduction

The Individuals with Disabilities Education Act (IDEA) provides an important provision for parents to obtain an independent educational evaluation (IEE) at school district expense whenever parents disagree with an evaluation provided by the district.

When a parent requests an IEE, the school must either provide it at public expense or initiate a due process hearing to show that its evaluation was appropriate. If at any time during a due process hearing a hearing officer orders an IEE, the evaluation must also be provided at public expense. The aim of this provision is to insure that parents have recourse to a second opinion regarding special education identification and programming for their children.

IDEA regulations recognize the school district's role in safeguarding the standard of care afforded students in the evaluation process by stipulating that the independent evaluator must be qualified and that the independent evaluation must meet the district's criteria for such evaluations.

Specifically, the qualifications of the independent examiner must meet the same criteria that the district uses for its own school psychologists (Assistance to States for the Education of Children with Disabilities, 1999). This provision is meant to safeguard the rights of parents by insuring that independent evaluators meet the qualification standards as the district's own psychologists. This provision is not meant to encourage the imposition of conditions that interfere with the parents' right to obtain an independent educational evaluation (IEE).

Given the responsibility of school districts to insure that the skills and qualifications of the independent examiner are the same or better than the qualifications of the district's own evaluators, it is surprising that many school districts do not have a policy describing their criteria for evaluations. The lack of such a policy makes it difficult to determine whom the district should recommend to parents as potential independent evaluators and makes it difficult, in the case of a hearing, to determine the appropriateness of evaluators chosen unilaterally by parents.

II. General Credentialing Issues

A. Licensure and Certification of School Psychologists

Licensure and certification are processes designed to protect the public by documenting the levels of training and experience for mental health professionals.

Licensure and regulation of psychologists is the responsibility of state boards of psychology and psychological examiners. Certification of School Psychologists is the responsibility of State departments of education. Some states have used the Nationally

Certified School Psychologist (NCSP) credential as a means of attaining a certificate (Prus.et.al, 1995).

The Nationally Certified School Psychologist (NCSP) credential requires a six-year specialist degree in school psychology and indicates that the School Psychologist meets the 1994 National Association of School Psychologists Standards for the Credentialing of School Psychologists.

B. School Psychologists in Private Practice

School Psychologists in private practice who are both certified and licensed may perform all school psychology services as well as those broader psychological services provided by licensed psychologists. Licensure as a psychologist requires a Doctorate in psychology and one year of postdoctoral residency. In all cases, psychologists have an ethical obligation to work only within their identified areas of competency.

C. Neuropsychologists

There has been increased interest in recent years in assessing the neuropsychological aspects of children's learning. Neuropsychology is a subspecialty that has been recognized by the American Psychological Association and has been included as a specialty area of the American Board of Professional Psychology.

III. School Psychologists & Independent Educational Evaluations

A. School Psychology and Clinical Psychology as Distinct Specialties

The American Psychological Association has long recognized Clinical, School and Counseling Psychology as sub-specialties within the general practice of psychology. Other areas have more recently emerged as specialties, including family psychology, health psychology and neuropsychology.

All sub-specialties share a common core of knowledge and there is significant overlap in training and knowledge. School Psychology represents praxis between education and psychology and requires a core-training program in education and psychology as well as additional graduate training in School Psychology as a specialty.

B. School Psychologists: Specialists in Linking Evaluation to Intervention

School psychology is the sole psychological specialty, which requires training and experience in both psychological and educational assessment. The American Psychological Association and the National Association of School Psychologists both recognize the specialized training received by School Psychologists as different from the specialized training provided in other sub-specialties, such as Clinical and Counseling psychology.

School Psychologists have the training and experience needed to effectively gather and organize data in a school environment and to collaborate with school staff in designing interventions appropriate to that environment. Moreover, school psychologists are generally much more familiar with special education procedures and practices and are, therefore, better qualified to work collaboratively with parents and special education teams in making appropriate recommendations.

As the field shifts away from a diagnosis/classification/placement model toward a problem-solving paradigm, the unique skills of School Psychologists in linking evaluation to intervention become crucial to the meaningful assessment of students.

C. Local School District “Standards” and Criteria for Independent Evaluations

IDEA regulations require that independent educational evaluations (IEE’s) meet the same criteria the school district establishes for evaluations performed within the district. Moreover, IDEA requires that the qualifications of the independent evaluator meet the criteria the school district sets forth for qualifying evaluators within the district (Assistance to States for the Education of Children with Disabilities, 1999).

School Psychologists working in local education agencies are generally certified by the State Department of Education. Some School Psychologists are both certified and licensed. Independent evaluators should have at least the same level of training required of professionals who work within the schools. This means that State Department of Education’s certification as a School Psychologist should be the minimal credential required of independent evaluators.

In a district that employs School Psychologists who are both certified and licensed, independent evaluators would ideally have matching credentials, thereby meeting the level of expertise of the district’s resident School Psychologists.

The criteria for independent educational evaluations established by each district will depend upon the standards for evaluations that have been established within the district. Regardless of what those criteria are, formulating a policy through which to ensure that an independent evaluation is appropriate and meets the district’s standard of care is crucial.