

EVALUATION

REFERRAL SYSTEM

A LEA shall have a referral system that explains how referrals from district or non-district sources will be accepted and acted upon in a timely manner.

707 KAR 1:300 Section 2

34 CFR 300.503 (b) (6)

*34 CFR 300.527 (b) (4)

When a referral is submitted by any source, the ARC Chairperson convenes an ARC within 15 school days to determine if the referral is complete. One component of a complete referral is the documentation of interventions, appropriate instruction, and behavior supports that have been implemented prior to referral to target and address the behavior(s) of concern.

Owen County School District encourages the utilization of a teacher assistance team process to provide teacher support in planning student interventions. This process is used as a vehicle to explore additional ways for teachers to meet the diverse learning and behavioral needs of children who may be at-risk for failure, prior to submitting a referral for a full and individual evaluation.

Sources of Referral

School Personnel as Referral Source

The building Principal or designee assists individuals with knowledge about a child in understanding and completing the referral process when appropriate. A teacher or other staff member who seeks to refer a child is supported in the development of appropriate instructional and/or behavior supports for the child.

Parent or other Non-school as Referral Source

If a parent or other person not employed by Owen County School District seeks assistance for a child whom he or she believes to have a disability, the building principal or designee provides assistance to make sure the written referral:

1. includes the required information, and
2. is submitted to the ARC.

Referral Information

The written referral and student performance information includes the following:

1. personally identifiable data including name and date of birth of child, social security number if available, parent name, address, and phone number;
2. an educational history which may include: school(s) attended; patterns of attendance (e.g., excessive absences, excessive tardiness, discipline reports, suspension(s); current level or grade placement; years in school; performance on

district-wide and state mandated assessments; results of systematic screenings; a summary of achievement data (e.g., rating scales, work samples, grades, teacher records); family and student programs (provided through the school or other agencies) in which the child has received services; and other relevant information;

3. a written description of the current status of the child in relation to the Program of Studies and similar age peers, in the following areas: communication; academic performance or developmental skills; health, hearing, vision and motor abilities; social and emotional interaction; and general intelligence; and
4. for each area of concern, documentation or written summary of the results of appropriate instruction, support services, and interventions (e.g., adjustments in teaching strategies to accommodate learning style or learning preferences) that have been provided to address the concern and improve the educational performance and/or behavior of the child.

Upon receipt and review of a referral, the ARC Chairperson selects and notifies members of the ARC according to procedures for **NOTICE OF ARC MEETING** in **PROCEDURAL SAFEGUARDS**.

ARC REVIEW OF STUDENT PERFORMANCE INFORMATION

The ARC Chairperson or another ARC member asks the parent if they received a copy of the Procedural Safeguards (parent rights), and reviews the rights.

The ARC decision making process may include the following steps:

1. review the student performance and referral information;
2. determine if the student significantly differs from peers;
3. determine if the interventions implemented were appropriate;
4. decide whether the information is sufficient and supports that the child may have an educational disability;
5. specify the suspected disability or disabilities, if any;
6. identify the areas of assessment for the suspected disability or disabilities; and
7. obtain parental consent for evaluation before initiating any individual evaluation procedure.

ARC Review of Data

Assessment tools and strategies shall be used that provide relevant information that directly assist and are used in the determination of the educational needs of the child. As part of an initial evaluation, if appropriate, or as part of any reevaluation, the ARC and other qualified professionals, if necessary, shall review existing evaluation data on the child including:

- (a) evaluations and information provided by the parents;
- (b) current classroom-based assessments and observations; and
- (c) observations by teachers and related services providers.

707 KAR 1:300 Section 3 (12)
34 CFR 300.533 (a)

Prior to initiating a full and individual evaluation, the ARC makes sure that:

1. results of vision, hearing and other screenings required for all children are available and used in the decision making process;
2. in the event that screening information (e.g., vision, hearing, health, etc.) required by Owen County School District for all children is not available, such screenings are conducted prior to additional assessments being administered; and
3. issues identified by failed screenings are addressed prior to collection of other evaluation data.

Step 1: The ARC reviews the referral and student performance information and any additional information. Additional information may consist of evaluations and information provided by the parents, current informal classroom-based assessments and observations.

Step 2: Using the referral and student performance information, and any additional information, the ARC reviews the student's abilities in each area and decides if the student significantly differs from peers in any area(s) to the extent that the information supports the presence of a suspected disability.

Review of Appropriate Interventions

A child shall not be determined to be eligible if the determinant factor for that eligibility determination is a lack of instruction in reading or math, or limited English proficiency; and the child does not otherwise meet eligibility criteria.

707 KAR 1:310 Section 1 (2)
34 CFR 300.534 (b)

Step 3: The ARC reviews the interventions implemented for the area(s) of concern to verify that appropriate instruction and support have been provided to address factors possibly contributing to deficits in educational performance. The ARC analyzes the information and decides if the interventions were:

- a. Designed and implemented for each area of concern.
- b. Implemented by using different methods, strategies, materials, or environmental changes.
- c. Designed to promote the attainment of the desired behavior.
- d. Compatible with the student's instructional level and curriculum.
- e. Implemented consistently over a period of time.

Determination of Sufficient Information

Step 4: The ARC decides if sufficient information is available to determine the need for initiating a full and individual evaluation of the child. If sufficient information is **not** available, the ARC determines what information needs to be collected, and chooses a date to reconvene the meeting for review of that data.

Determination of a Suspected Disability

The child shall be assessed in all areas related to the suspected disability, including, if appropriate,

health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

707 KAR 1:300 Section 3 (9)
34 CFR 300.532 (g)

Step 5: If the referral and student performance information indicates the possibility of a disability, the ARC specifies the suspected disability and the need to initiate a full and individual evaluation. The ARC members eliminate the disability areas where there is no match or alignment with the concerns identified through the referral process. The ARC may consider more than one disability area.

Identifying the Areas for Assessment

The evaluation shall be sufficiently comprehensive to identify all the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

707 KAR 1:300 Section 3 (10)
34 CFR 300.532 (h)

Step 6: The ARC identifies the general areas needed for assessment of the suspected disability to ensure a comprehensive evaluation is completed. The ARC Chairperson documents the general areas for evaluation on the Consent for Evaluation form.

Qualified evaluators in each area related to the suspected disability conduct a full and complete individual evaluation. Assignment or acquisition of individual evaluators is an administrative responsibility.

Requesting Consent for Evaluation Services

A LEA shall obtain informed parental consent before conducting an initial evaluation or reevaluation and before the initial provision of specially designed instruction and related services.

707 KAR 1:340 Section 4 (1)
34 CFR 300.505 (a) (1)

Step 7: The ARC Chairperson gives the parents a copy of the Conference Summary of the notice of proposed action to evaluate and a copy of the Consent for Evaluation form.

The ARC Chairperson obtains written parental consent before any individual evaluation procedures or instruments are administered to a child to determine if the child has a disability and needs special education and related services.

If the parent does not give written consent, the ARC Chairperson and the DoSE follow procedures for **Denial or Revocation of Parental Consent in PROCEDURAL SAFEGUARDS**.

A LEA shall ensure that a full and individual evaluation is conducted for each child considered for

specially designed instruction and related services prior to the provision of the services. The results of the evaluation shall be used by the ARC in meeting the requirements on developing an IEP as provided in 707 KAR 1:320.

707 KAR 1:300 Section 3 (1)
34 CFR 300.531

The ARC ensures that neither special education nor related services are provided to a child before a full and individual evaluation is completed and eligibility for a disability is determined.

Referral and Student Performance Information does not Support a Suspected Disability

If the ARC determines that the referral does not support the possibility of the presence of a disability, and decides not to conduct an evaluation, the recorder documents the decisions in the Conference Summary. The ARC may discuss specific instructional and curriculum modifications that might be implemented in the regular classroom including support services (e.g., Title I, counseling, peer tutoring, ESS services) to be offered through the Owen County School District. This refers to the modifications and interventions that are available to children who are not disabled and are enrolled in a similar program.

The ARC Chairperson gives the parent a copy of the Conference Summary informing them of the ARC's refusal to initiate an evaluation of the child.

EVALUATION INSTRUMENTS AND PROCESS

A variety of assessment tools and strategies shall be used to gather relevant functional and developmental information about the child, including information provided by the parent, and information related to enabling the child to be involved in and progress in the general curriculum described in the Kentucky Program of Studies, 704 KAR 3:303.

707 KAR 1:300 Section 3 (4)
34 CFR 300.532 (b)

Assessment tools and strategies shall be used that provide relevant information that directly assist and are used in the determination of the educational needs of the child. As part of an initial evaluation, if appropriate, or as part of any reevaluation, the ARC and other qualified professionals, if necessary, shall review existing evaluation data on the child including:

- (a) evaluations and information provided by the parents;
- (b) current classroom-based assessments and observations; and
- (c) observations by teachers and related services providers.

707 KAR 1:300 Section 3 (12)
34 CFR 300.532 (j)
34 CFR 300.533 (a)

Owen County School District evaluation personnel make the appropriate selection of evaluation instruments, strategies, tools, and/or procedures (see **DEFINITIONS**) for each area identified by the ARC, which may include:

1. general education interventions or early childhood screenings
2. record review

3. interviews
4. observations
5. tests (standardized, performance based, curriculum based, etc.)
6. information provided by the parent
7. information provided by the teachers and service providers

Evaluation Criteria and Procedures

Evaluation personnel use the following criteria and procedures in the administration of assessments.

A standardized test given to a child shall:

- (a) have been validated for the specific purpose for which they are used;
- (b) be administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests; and
- (c) be conducted under standard conditions unless a description of the extent to which it varied from standard conditions is documented in the evaluation report.

707 KAR 1:300 Section 3 (5)
34 CFR 300.532 (c) (1)

Tests and other evaluation materials shall include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

707 KAR 1:300 Section 3 (6)
34 CFR 300.532 (d)

A single procedure shall not be used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.

707 KAR 1:300 Section 3 (8)
34 CFR 300.532 (f)

Assessments tools used shall be technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

707 KAR 1:300 Section 3 (11)
34 CFR 300.532 (i)

Assessment tools and strategies shall be used that provide relevant information that directly assist and are used in the determination of the educational needs of the child.

707 KAR 1:300 Section 3 (12)
34 CFR 300.532 (j)

Observations for Children Suspected of Having a Specific Learning Disability

At least one team member other than the child's regular education teacher shall observe the child's academic performance in the regular classroom setting. If the child is less than school age or is out of school, the observation shall take place in an environment appropriate for the child.

707 KAR 1:310 Section 2 (4)
34 CFR 300.542

Documentation of behavior observation(s) includes a description of the activity and behaviors observed, such as:

1. the specific behavior(s) related to areas of concern;
2. the setting(s) in which observations occurred;
3. times and lengths of observations, dates, and observers;
4. criteria against which the targeted behavior(s) is judged (e.g., behavior(s) of comparison group, expected appropriate behavior); and
5. data collected over time demonstrating the frequency, duration, latency, or intensity of targeted behavior(s).

The child is observed in the environment(s) in which the targeted behavior occurs. When a child is less than school age, or out of school, observation(s) are conducted in age appropriate environments (e.g., preschool programs, vocational programs, day care, community, home).

At least one (1) team member other than the child's regular education teacher observes the child's academic performance in the regular classroom setting. If the child is less than school age or is out of school, the observation takes place in an environment appropriate for the child.

Observation(s) are conducted by someone, other than the regular classroom teacher of the child, who is specifically trained in observation techniques and methods (e.g., teacher, psychologist, guidance counselor).

Tests Administered in the Native Language or Other Communication Mode

Tests and other evaluation materials used to assess a child shall be:

- (a) selected and administered so as not to be discriminatory on a racial or cultural basis; and
- (b) provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so.

707 KAR 1:300 Section 3 (2)
34 CFR 300.532 (a) (1)

Owen County School District determines "it clearly is not feasible" to administer an evaluation instrument in the native language or to conduct an assessment in the mode of communication when, after consultation with the Kentucky Department of Education (KDE) and each surrounding state supported institution of higher education within the State, no translator or interpreter can be found.

Materials and procedures used to assess a child with limited English proficiency shall be selected and administered to ensure that they measure the extent to which the child has a disability and needs specially designed instruction and related services, rather than measuring the child's English language skills.

707 KAR 1:300 Section 3 (3)
34 CFR 300.532 (a) (2)

Owen County School District follows the state guidelines on testing students with limited English proficiency. (Inclusion of Special Populations in the State-Required Assessment and Accountability Programs 703 KAR 5:070.)

Tests shall be selected and administered so as best to ensure that if a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

707 KAR 1:300 Section 3 (7)
34 CFR 300.532 (e)

Responsibilities of Evaluation Personnel

Owen County School District evaluation personnel select and administer current editions of assessment instruments.

The DoSE makes sure that each person administering and interpreting evaluation procedures and instruments meets the training specifications stated in the test administration manual. Owen County School District evaluation personnel are trained in:

1. specific areas of evaluation of children and youth with disabilities;
2. the specific evaluation procedures used with children and youth with disabilities;
3. use of the procedures for the purpose intended by the developer and with individuals for whom their reliability and validity are empirically supported; and
4. selection and administration of evaluation procedures so that impaired motor, emotional, communication, and sensory skills or cultural differences do not interfere with the evaluation of other skills and abilities.

Owen County School District evaluation personnel make sure that:

1. evaluation procedures appropriate for the age and ability level of the child are used; and
2. procedures selected are normed on a population which includes children and youth the same age.

Each evaluator:

1. selects tests and other procedures they have been trained to administer;
2. administers, scores, and interprets the tests and procedures selected according to the instructions specified in the test manuals or through training for each test or procedure;
3. makes sure that tests are not administered to children or youth whose age, disability, linguistic or cultural background is outside the range of his or her training or experience; and
4. describes any modification of standard test administration procedures or scoring with cautions regarding the possible effects of such modifications on validity.

Contractual Arrangements with Evaluators

When cognitive or intellectual evaluation is obtained by a contract with an outside provider, the DoSE makes sure that the evaluation is conducted by persons certified or licensed to conduct such assessments by the State Board of Psychology or Kentucky

Board of Medical Licensure. Copies of the contracts and certificates or licenses of the outside providers are obtained and maintained by the DoSE prior to the initiation of the contract.

Written Evaluation Report

A LEA shall provide a copy of the evaluation report and the documentation of determination of eligibility to the parents.

707 KAR 1:310 Section 1 (1)
34 CFR 300.534 (a) (2)

The evaluation data obtained, interpreted and used by the ARC to determine eligibility and plan an appropriate program is documented in the form of a written report.

The report summarizes the results of each procedure and instrument used in the individual assessment. The ARC uses the results summarized in the report to:

1. validate the specific disability;
2. determine the need for special education and related services; and
3. plan instruction.

The written report of the evaluation data used and interpreted by the ARC for determining eligibility and planning an appropriate program may include:

1. child identification information (i.e., name, parents, phone, date of birth, grade, school);
2. a comparison and interpretation of the performance of the child to similar age peers in areas;
3. the full name of all instruments and procedures used, the date each was administered and by whom; any departures from standard test administration procedures and the reasons for that departure;
4. data and sources from standardized, norm-referenced measures which:
 - a. include standard scores and not solely percentiles, grade, or age equivalents;
 - b. are reported with confidence intervals; and
 - c. are in a form that allows for inter-test comparisons (e.g., converted to age-based scores);
5. data from all informal measures, including:
 - a. results of interventions tried before referral;
 - b. a summary of behaviors noted during the observation(s) of the child;
6. a discussion of any discrepancies among evaluation results, e.g., between formal test results and the customary behaviors and daily activities of the child;
7. statements about the unique or individual differences of the child related to the education environment and success in general education curriculum;
8. statements about specific classroom tasks or contexts which are unique to the child (e.g., error pattern analysis, learning style or learning preferences, incentive or motivational style, communication and interpersonal skills);
9. statements about other factors that impact the educational performance of the child (e.g., medical, environmental, cultural, or linguistic factors);

10. descriptions of the types of activities which might effectively meet the unique educational needs of the child (e.g., instructional techniques, modifications or adaptations, behavior management strategies, lighting, study carrels); and
11. a list of the names and professional roles of all evaluators.

When computer-assisted reports are used, the program:

1. allows for input of individually relevant data beyond demographic data;
2. responds to the specific concerns of the ARC;
3. analyzes the data including the provision of recommendations that relate to individualized instructional planning specific to the individual child; and
4. allows for the application of Kentucky-specific eligibility criteria (i.e., Kentucky developed guidelines).

The evaluator gives a copy of the written report to the ARC Chairperson. The ARC Chairperson schedules an ARC meeting for the purpose of reviewing the evaluation results and making a determination of eligibility.

REEVALUATION

A LEA shall ensure a reevaluation, which may consist of the review described in 707 KAR 1:300 Section 3 (12), is conducted at least every three (3) years to determine:

- (a) the present levels of performance and educational needs of the child;
- (b) whether the child continues to need special education and related services; and
- (c) whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP and to participate, as appropriate, in the general curriculum.

707 KAR 1:300 Section 3 (16)
34 CFR 300.533 (a) (2) (ii-iv)
34 CFR 300.536 (b)

A LEA shall evaluate a child with a disability in accordance with this administrative regulation before determining that the child is no longer a child with a disability.

707 KAR 1:300 Section 3 (17)
34 CFR 300.534 (c) (1)

An evaluation shall not be required before the termination of a child's eligibility due to graduation with a regular high school diploma or exceeding the age eligibility for FAPE.

707 KAR 1:310 Section 1 (3)
34 CFR 300.534 (c) (2)

The ARC conducts a reevaluation by the third anniversary of the date of the meeting when the ARC last determined that the child was eligible for special education and related services for children who have:

1. current IEP;
2. current Service Plan; and
3. eligible children in Private Schools who are not currently receiving services (see **CHILD FIND SYSTEM** in procedures for **CHILD IDENTIFICATION**).

The ARC conducts a reevaluation according to **ARC REVIEW OF STUDENT**

PERFORMANCE INFORMATION in procedures for **EVALUATION** prior to:

1. continuing eligibility for special education and related services;
2. releasing a student from special education and related services; and
3. exiting a student with a certificate of completion (not a regular high school diploma) prior to reaching his/her twenty-first (21st) birthday.

The ARC does not conduct a reevaluation when a student:

1. graduates with a regular high school diploma; and
2. turns twenty-one before completing a program (aging out of school).

Review of Existing Data for the Reevaluation Process

Assessment tools and strategies shall be used that provide relevant information that directly assist and are used in the determination of the educational needs of the child. As part of an initial evaluation, if appropriate, or as part of any reevaluation, the ARC and other qualified professionals, if necessary, shall review existing evaluation data on the child including:

- (a) evaluations and information provided by the parents;
- (b) current classroom-based assessments and observations; and
- (c) observations by teachers and related services providers.

707 KAR 1:300 Section 3 (12)
34 CFR 300.532 (j)
34 CFR 300.533 (a)

The group (as described in 34 CFR 300.344, and other qualified professionals) may conduct its review without a meeting.

34 CFR 300.533 (b)

Prior to the ARC meeting to discuss the need for a reevaluation, teachers, related services providers, and the school psychologist or diagnostician may meet to gather and review existing data collected about the child and make recommendations to the ARC for the reevaluation process.

ARC Meeting to Discuss the Need for Reevaluation

The ARC Chairperson schedules an ARC meeting for the purpose of discussing the reevaluation needs of the child.

On the basis of the review, and input from the parents, the ARC shall identify what additional data, if any, are needed to determine:

- (a) whether the child has a particular category of disability, or in the case of a reevaluation of the child, whether the child continues to have a disability;
- (b) the present levels of performance and educational needs of the child;
- (c) whether the child needs special education and related services, or in the case of a reevaluation, whether the child continues to need specially designed instruction and related services; and
- (d) whether any additions or modification to the special education and related services are needed to enable the child to meet the measurable goals set out in the IEP and to participate, as appropriate, in the general curriculum.

The LEA shall administer tests and other evaluation materials as needed to produce the data identified by the ARC.

707 KAR 1:300 Section 3 (13-14)
34 CFR 300.533 (a) (2)

The ARC meets to review existing data to determine if further assessment is needed for a reevaluation. The meeting may include a review of the educational record, information provided by the parents, current classroom based assessments and observations, teacher and related service provider observations, progress data, work samples, standardized assessment, state and district assessment, diagnostic tests, and discipline referrals. Based on the review, the ARC makes the following determinations:

1. whether the child continues to have a disability;
2. the present levels of performance and educational needs of the child;
3. whether the child continues to need special education and related services; and
4. whether any additions or modifications to the special education and related services are needed for the child to meet the goals in the IEP and participate in the general curriculum.

ARC Determines Existing Data is Sufficient

The LEA shall not be required to conduct a reevaluation, if after review of the existing data, the ARC determines no reevaluation is necessary to determine whether the child continues to be a child with a disability, unless the parent requests the reevaluation.

707 KAR 1:300 Section 3 (15)
34 CFR 300.533 (d) (2)

If, after the review of existing data, the ARC determines there is sufficient data to make decisions for continued eligibility and IEP planning, the ARC summarizes the data review and completes the Reevaluation Report. The completed Reevaluation Report becomes the Written Report and Eligibility Report for the reevaluation process.

If, for purposes of a reevaluation, the ARC determines that no additional data are needed to determine whether the child continues to be a child with a disability, the LEA shall notify the child's parents:

- (a) of that determination and reasons for it; and
- (b) of the right of the parents to request an assessment to determine whether, for purposes of services, the child continues to be a child with a disability.

707 KAR 1:300 Section 3 (14)
34 CFR 300.533 (d) (1)

The ARC Chairperson gives the parents a copy of the Reevaluation Report and the Conference Summary of the decision not to conduct further assessment for reevaluation.

Parent Request for Reevaluation

Owen County School District is not required to conduct an assessment of a child to determine if the child continues to be a child with a disability unless requested to do so by the parents. If the parents request an assessment of their child, Owen County School District may refuse to conduct the assessment, but provides the parents with a copy of the Conference Summary stating the refusal to conduct the assessment and the reasons for the refusal. The parents may request mediation or due process if they want the assessment conducted.

ARC Determines Some Existing Data is Sufficient

The ARC may determine that additional information is needed when the child demonstrates significant progress or lack of progress in academic, behavioral, or social areas that may indicate a need for a change of program, services, or placement. If, after the review of existing data, the ARC determines there is sufficient data to make decisions in some areas, the ARC members:

1. summarize the data review;
2. identify any areas needing further assessment;
3. complete the Reevaluation Report; and
4. request consent for evaluation.

The Reevaluation Report becomes an addendum to the Written Evaluation Report and Eligibility Report.

ARC Determines Existing Data is Insufficient (Full and Individual Assessment)

If, after the review of existing data, the ARC determines there is **not** sufficient data to make decisions for continued eligibility or IEP planning, and/or the ARC is proposing to assess the child in another area of suspected disability, the ARC follows **ARC REVIEW OF STUDENT PERFORMANCE INFORMATION** in procedures for **EVALUATION**.

Re-administration of Cognitive Assessments

The ARC, including the school psychologist, applies the following criteria to determine if re-administration of an individual intelligence test is necessary for a reevaluation:

1. the child has a minimum of two IQ scores with one being at or above age 9; and
2. the child's IQ scores have a confidence interval of no less than 90%.

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| In making a determination under the category of mental disability, the ARC may apply a standard error of measure, if appropriate. |
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707 KAR 1:310 Section 1 (6)

All evaluations are conducted according to **EVALUATION INSTRUMENTS AND PROCESS** in procedures for **EVALUATION**.

INDEPENDENT EDUCATIONAL EVALUATION

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| A parent of a child with a disability shall have a right to obtain an independent educational evaluation of the child. |
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707 KAR 1:340 Section 2 (1)
34 CFR 300.502 (a) (1)

If a parent requests an independent educational evaluation, the ARC Chairperson documents the request, notifies the DoSE, and schedules an ARC meeting to review

the request. The ARC Chairperson notifies the committee members according to **NOTICE OF ARC MEETINGS** in procedures for **PROCEDURAL SAFEGUARDS**.

The parent's request for an independent educational evaluation shall be subject to the following:

- (a) the LEA shall be given the opportunity to conduct a complete evaluation on the child prior to the request;
- (b) upon receiving the request the LEA shall, without unnecessary delay:
 - 1. initiate a due process hearing to show that its evaluation is appropriate; or
 - 2. ensure that an independent educational evaluation is provided at public expense unless the LEA demonstrates in a due process hearing that the evaluation obtained by the parent did not meet LEA criteria;
- (c) the LEA may ask for the parent's reasons why he objects to the LEA's evaluation; however, the parent shall not be required to respond and the LEA shall not delay its action under subsection (b) while waiting for a response from a parent; and
- (d) if an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria the LEA uses when it initiates an evaluation. Aside from these criteria, the LEA shall not impose any other conditions or timelines relating to obtaining an independent educational evaluation at public expense.

707 KAR 1:340 Section 2 (3)
34 CFR 300.502 (b) (2), (4)
34 CFR 300.502 (e) (1-2)

At the ARC meeting to discuss the request for an independent educational evaluation, the DoSE (or psychologist) reviews the last evaluation conducted by the district.

A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency.

34 CFR 300.502 (b) (1)

The DoSE may ask the parents why they disagree with the district's evaluation. The parents do not have to give their areas of disagreement or reasons for requesting an independent educational evaluation.

The DoSE may attempt to negotiate areas of evaluation for Owen County School District to conduct with the child to try to resolve the issue(s).

If the date of the disputed evaluation is close to the date of the child's next reevaluation, the DoSE may recommend that another full and complete evaluation be conducted by the district.

Criteria for IEE

Upon receiving the request, the LEA shall provide information to the parent about where an independent educational evaluation may be obtained and the LEA's applicable criteria for independent educational evaluations.

707 KAR 1:340 Section 2 (2)
34 CFR 300.502 (a) (2)

If the parent obtains an independent educational evaluation at private expense and it meets the agency criteria, results of the evaluation shall be considered by the LEA in any decision made with respect to the

provision of a free appropriate public education (FAPE) to the child.

707 KAR 1:340 Section 2 (5)
34 CFR 300.502 (c) (1)

The DoSE gives the parents a list of independent evaluators who meet the minimum qualifications, and the criteria used by Owen County School District for evaluations.

Cost of IEE

If the LEA initiates a due process hearing after receiving a request for an independent educational evaluation, and the final decision is that the LEA's evaluation is appropriate, the parent still shall have the right to an independent evaluation, but not at public expense.

707 KAR 1:340 Section 2 (4)
34 CFR 300.502 (b) (3)

If a due process hearing officer, as a part of a hearing, requests an independent educational evaluation, the cost of the evaluation shall be at public expense.

707 KAR 1:340 Section 2 (6)
34 CFR 300.502 (d)