

assisted by a parent advocate. The advocate, on behalf of Student

psychology, an M.A. in psychological counseling and a Ph.D. in counseling psychology. He is a licensed clinical psychologist through the Texas State Board of Examiners of Psychologists. (P. MSJ, Dr. *** Vitae - April 2010; (R. MSJ Ex. E).

8. Dr. *** has an extensive resume and a wide range of experience and expertise. His current clinical responsibilities include conducting neuropsychological assessments of infants and children from ages 18 months up to 18 years old two days per week. He also coordinates staff, supervises clinicians, sees patients, and oversees the entire scope of s evaluation of infants going into foster care. He has some experience and conduct***

again made inquiries of some of the persons on the April 2nd list. Of the two she was able to contact one only performed IQ and achievement testing and the other was semi-

select another evaluator who meets school district criteria or proceed with the selected evaluator and then seek reimbursement of the cost of the IEE through the hearing process. *See, Evans v. Dist. No. 17 of Douglas Cnty., 841 F. 2d 824, 830(8th Cir. 1988)(parent entitled to reimbursement for IEE where school district failed to initiate request for due process hearing to show its own evaluation was appropriate). See also, D.H. v. Manheim Twnshp., 2005 U.S. Dist. LEXIS 39756 -evaluation resulted in denial of claim for reimbursement of IEE).*

Purpose and Rationale for Evaluation

The cornerstone of the IDEA is the Individual Educational Plan (IEP) and the collaborative, cooperative educational planning and decision making of its design by both parents and school personnel. *20 U.S.C. §1412 (a)(4); 34 C.F.R. §§ 300.112, 300.320-300.322; Bd. of Educ. of Hendrick Hudson Cent. Sch. Dist. v. Rowley, 458 U.S. 176, 206 (1982).* In Texas this educational planning is the responsibility of the Admission, Review & Dismissal Committee (ARD). *19 Tex. Admin. Code § 89.1050 (a).* The foundation for the design of the IEP is evaluation and assessment data. Valid and comprehensive evaluation results are required unique educational needs and thus guide the ARD in the design of the IEP and provision of special education and related services. *34 C.F.R. § 300.324 (a).*

Evaluation data also

of criteria were considered subjective and although not prohibited by IDEA OSEP suggested that same criteria must also be applied to school district evaluations. By requiring an IEE examiner to hold specific licensure or certifications the school district has adopted objective rather than subjective criteria capable of uniformity and consistency in its application to both school district evaluations and publicly funded IEEs. *See, R. MSJ Ex. F.*

However, a school district may not require all evaluators to be licensed if only those individuals employed by the school district are capable of obtaining the required license. *Comment,*

Conclusion

ORDERS

Based upon the foregoing findings of fact and conclusions of law it is therefore **ORDERED** that

Motion for Summary Judgment (6) EMD 10555129(01871)01310(1) 6090110(08)6410(n)

**BEFORE A SPECIAL EDUCATION HEARING OFFICER
STATE OF TEXAS**

**STUDENT, bnf
PARENT,
 Petitioner,**

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§
§
§
§
§
§

v.

DOCKET NO. 193-SE-0410

**HUMBLE INDEPENDENT
SCHOOL DISTRICT,
 Respondent.**

SYNOPSIS

ISSUE:

Whether parent entitled to select licensed clinical psychologist as evaluator for an independent educational evaluation at school district expense to