

## APPENDIX F

### Independent Educational Evaluation (IEE) Policy

#### OVERVIEW

The Humboldt-Del Norte Special Education Local Plan Area ("SELPA") has developed this policy, corresponding procedures and criteria, which govern independent educational evaluations. Parents should be sure to read the entire document carefully. The Policy, Procedures and Criteria are intended to be read in conjunction with one another as one comprehensive document. Parents who need additional information about independent educational evaluations should contact the office of the SELPA Administrator at (707)441-2051.

#### NOTICE TO PARENTS

- Please read this document before obtaining or paying for an independent educational evaluation. This document may limit your right to reimbursement.
- Before obtaining an independent educational evaluation, please contact the Administrator/Designee from your district to discuss your evaluation questions and options.
- The school district will not automatically reimburse parents who unilaterally obtain independent educational evaluations. Please ensure that any independent educational evaluation conforms to SELPA requirements.

#### DEFINITIONS

"Independent educational evaluation" (IEE) means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of the child in question.

"Public expense" means that school district either pays for the full cost of the IEE or ensures that the IEE is otherwise provided at no cost to the parent.

#### PARAMETERS FOR SEEKING INDEPENDENT EDUCATIONAL EVALUATION

Parents have the right to request an IEE at public expense if they disagree with an evaluation completed by the school district, subject to the policy, procedures and criteria specified in this document and applicable laws. The school district requires that the parent first inform the school district's Administrator/Designee in writing or communicate to the school district at an IEP meeting that the parent:

1. Disagrees with the school district's evaluation; and
2. Is requesting an independent educational evaluation at public expense.

The parent may only request one publicly funded independent evaluation for each evaluation completed by the school district.

If a parent disagrees with an evaluation by the school district and seeks an IEE at public expense, the school district, without unnecessary delay, will either initiate a due process hearing to show that its evaluation is appropriate or will ensure that an IEE is provided at public expense. If the district initiates a hearing and the final decision is that the district's assessment is appropriate, the parent has a right to an IEE but not at public expense.

#### EXPLANATION OF DISAGREEMENT

If parents request an IEE at public expense, the school district may ask for a reason why they object to the school district's evaluation, the specific areas of disagreement with the school district's evaluation and a list of the desired assessment areas, issues, or questions parents want to be addressed by the IEE. However, the school district may not unreasonably delay either providing the IEE at public expense, or the initiation of due process hearing to defend its evaluation. There is no requirement that the parents specify areas of disagreement with the school district's evaluation as a prior condition to obtaining the IEE.

## RESPONSE TO REQUEST FOR AN INDEPENDENT EDUCATIONAL EVALUATION

If parents request an IEE at public expense in writing or at an IEP meeting, an attempt may be made by the district to resolve the issue within district by taking these steps:

1. The district Administrator/Designee will be notified.
2. Parents will be provided a copy of the SELPA policy, procedures and criteria for IEE, which includes information regarding where IEEs may be obtained, as well as the Notice of Procedural Safeguards.
3. The school district's evaluation will be reviewed with the parents to identify any areas of disagreement. However, parents are not obligated to explain why they disagree with the district's evaluation.
4. The district may offer the parent the option of another evaluation conducted by a district staff member from another school. If parents select this option then it must be documented in writing that parents agree to postpone their request for an IEE until the new district assessment is completed. However, if parents do not agree to postpone their request for an IEE, then the district will timely comply with step 5 below.
5. The district, in coordination with the Humboldt-Del Norte SELPA, will determine whether to initiate due process to establish the appropriateness of its evaluation or proceed with obtaining an IEE.

The above procedures must be completed in a timely manner. Without unnecessary delay, the district must decide whether to initiate a due process hearing to show that its evaluation is appropriate, or must ensure that an IEE is provided at public expense.

1. If the district determines that it will provide an IEE at public expense, the district will provide parents with a copy of this policy which includes options for an IEE at public expense (a-e below).
  - a. A staff member from another LEA in the SELPA
  - b. A SELPA staff member
  - c. A staff member from another SELPA
  - d. A public sector provider
  - e. A private sector provider

If the parents choose option (e) above, the district will provide parents with a list of evaluators. Parents are entitled to choose an evaluator not specified on the provided list if parents can demonstrate unique circumstances necessitating the chosen evaluator. If parents desire a specific IEE evaluator not on the list, parents must provide the district with the evaluator's name so that the district may:

- a. Verify the qualifications, certifications and/or license of evaluator
- b. Determine that the fee rate for the IEE is within the cost criteria specified in this document
- c. Initiate and negotiate a contract with the evaluator if the District chooses.

When enforcing the agency criteria, the district allows parents the opportunity to demonstrate that unique circumstances justify an IEE that does not fall within the agency's criteria.

2. If the district decides to deny the IEE request, the district must file for due process without unnecessary delay. Parent may initiate a due process hearing if they disagree with agency criteria. They may also opt to select a different evaluator that does comply with agency criteria. If the school district chooses to initiate a due process hearing to demonstrate that its evaluation is appropriate, it must provide the parent with "prior written notice" of its refusal to provide an IEE. If the school district initiates a hearing and the final decision is that the school district's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

In the interest of consistency for the timelines between public and private evaluations, the SELPA encourages parents to choose an option for an IEE offered by the school district within 15 days of receiving the options. The parent will communicate, in writing, their preferred option of (a) through (e) in 1. above.

3. Once the parent chooses an option, an assessment plan will be developed by the district within 15 days, which specifies those areas to be evaluated and the type of assessor (e.g., Speech and Language therapist) who will complete each assessment. The parent will be encouraged to participate in the development of the assessment plan. Once the parent's written consent to the assessment plan is received by the school district, the school district will make necessary arrangements with the examiner to ensure that an IEE is provided at public expense. Parents will be required to sign appropriate releases to exchange information between the independent educational evaluators and the school district. In addition, the school district will seek input from the parents as to desired assessment areas, issues, or questions parents want to be addressed by the IEE
4. The school district will make every effort to contract with a qualified independent educational evaluation examiner who is able to provide a written report for an IEP meeting within 60 days of receiving the signed assessment plan. However, because school districts cannot impose timelines on obtaining an IEE, the school district cannot ensure that this evaluation will be completed within 60 days of the school district's receipt of the signed assessment plan. If the selected candidate cannot meet the time line, the school district will inform the parent and ask for agreement to an extension of the 60 day time period or select another evaluator who can meet the time line.
5. The assessment/s completed must be consistent with the location limitations of the evaluator/s, the minimum qualifications of evaluator/s, and the costs of the evaluation as set forth in this policy, and consistent with criteria that the District uses when it initiates an evaluation. As part of an IEE, the examiner shall follow guidelines for school district evaluations, which include, but are not limited to, observing the student in an appropriate setting.

#### **PROCEDURES FOR OBSERVATIONS BY INDEPENDENT EDUCATIONAL EVALUATORS**

Education Code § 56329, in part, allows independent assessors the right to observe a special education student in his or her current placement or any placement proposed by the educational agency if the public agency's assessment includes, or its assessment procedures permit, such an observation.

The Humboldt-Del Norte SELPA has established the following procedures and guidelines for these observations:

- The independent evaluator will notify the District Administrator/Designee and Site Administrator of their request to schedule an observation in writing five school days prior to the date of the observation.
- The District Administrator/Designee will coordinate with the Site Administrator and independent evaluator to determine a mutually agreeable time and place for the observation. Prior to the observation, the purpose of the observation, the length of the observation and the location(s) of the observation will be agreed to. Observations will be limited to one independent evaluator per day.
- The District Administrator/Designee will assign a district staff member to meet the independent evaluator and accompany him/her during their observation.
- In order to protect the privacy of other students, there will be no videotaping or recording during observations. There will be no direct contact with students.
- If the independent evaluator wishes to discuss the observation with district staff, advance notification of this request will be necessary, so that adequate coverage of students can be arranged. Interviews or discussions with staff shall be limited to certificated staff.

#### **CONSIDERATION OF THE INDEPENDENT EDUCATIONAL EVALUATION**

Independent educational evaluations are designed to determine the educational needs of students with disabilities. The IEP team is responsible for determining educational placements and services. Therefore, the IEP team will consider recommendations obtained in IEEs as to student's unique needs, eligibility category and recommendations which are designed to assist student in making educational progress in accordance with this policy and procedure. However, IEEs do not control

the school district's determinations and may not be considered if not completed by a qualified professional, as determined by the school district.

### **PARENT INITIATED EVALUATIONS**

If the parents obtain an IEE at private expense, the results of the evaluation:

1. Shall be considered in any decision made with respect to the provisions of FAPE to the student; and
2. May be presented by either party as evidence at a due process hearing regarding that student.

### **EVALUATIONS ORDERED BY HEARING OFFICERS**

If an Administrative Law Judge (ALJ) requests an IEE as part of a due process hearing, the cost of the evaluation must be at public expense. See 56505.1 Ed Code and 34 CFR 300.502(d).

### **CIRCUMSTANCES RESULTING IN EVALUATION NOT FUNDED BY THE SELPA**

Because the parent must first disagree with the school district's evaluation in writing, the school district does not have an obligation to reimburse parents for privately obtained evaluations obtained prior to the date that the school district's evaluation is completed and discussed at an IEP team meeting. The school district is not obligated to reimburse parents for privately obtained evaluations if the parent disagrees with the school district's evaluation and independently seeks a private evaluation without first notifying the school district in writing of their disagreement with the school district assessment and requesting an IEE from the school district.

## **Independent Educational Evaluation - Criteria**

### **LOCATION LIMITATIONS FOR EVALUATORS**

Evaluators must be located within Humboldt or Del Norte Counties. Evaluators outside this area will be approved only in unique circumstances, providing the parents can demonstrate the necessity of using personnel outside the specified geographical area. Parents must obtain prior written approval from the district in order for the district to fund an IEE from an evaluator located outside the specified geographical area.

### **COST CONTAINMENT CRITERIA FOR EVALUATIONS**

Cost above the maximum allowable amounts will not be approved unless the parent can demonstrate that unique circumstances justify going above the cost criteria described below. The cost of the evaluation shall include observations, administration and scoring of tests, report writing, and attendance (in-person or telephonically) at the IEP team meeting to discuss the findings if invited by the school district.

As part of the contracted evaluation, independent evaluators must provide protocols of all the assessments, and provide a written report prior to the IEP team meeting. Examiners must agree to release their assessment information, including protocols, and results to the district/SELPA prior to receipt of payment for services. The results of the IEE will be considered in any IEP team decision made with respect to the provision of a free appropriate public education with regard to the student with disabilities as required by the IDEA and or Section 504 of the Rehabilitation Act of 1973. However, the IEP team's obligation to consider the IEE does not obligate the team to accept the evaluation and/or any or all of its recommendations.

### **MINIMUM QUALIFICATIONS FOR EVALUATORS**

All assessments must be conducted by persons competent to perform the assessment as determined by this criteria as well as any other criteria the district uses when it conducts an assessment to the extent those criteria are consistent with the parent's right to an independent educational evaluation. All assessments must be conducted in accordance with all of the requirements of state and federal law, including but not limited to observing the student in the appropriate setting and conducting evaluations in accordance with Education Code § 56320. A written report must be prepared to include all of the requirements of Education Code section 56327, which are as follows:

- a. Whether the pupil may need special education and related services;
- b. Which services and the basis for that determination;
- c. The relevant behavior noted during the observation of the pupil in an appropriate setting;
- d. The relationship of that behavior to the pupil's academic and social functioning;
- e. The educationally relevant health and development, and medical findings, if any;
- f. For pupils with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services;
- g. A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate;
- h. The need for specialized services, materials, and equipment for pupils with low incidence disabilities, consistent with the guidelines established pursuant to Education Code 56136.

Evaluators with credentials other than those listed below will not be approved unless the parent can demonstrate the appropriateness of using an evaluator meeting other qualifications.

### **GUIDELINES FOR DETERMINING QUALIFICATIONS**

Should parent select an independent evaluator, parent should request a copy of his/her resume, a reference from any school districts that have used him/her before and an itemized cost for the evaluation including the cost of writing the report. Prior to obtaining an IEE, parent should provide a copy to the district for review to ensure the evaluator has proper licensure/credentials and otherwise meets agency criteria.

## **CONFLICT OF INTEREST**

District/SELPA may, in its discretion, not fund an IEE by an evaluator who provides ongoing service(s) or is sought to provide service(s) for whom the IEE is requested.

## **CRITERIA FOR DETERMINING IF PRIVATE INSURANCE CAN BE ACCESSED**

When parent's private insurance will cover all or part of the costs of the IEE, the district may request that parents voluntarily have their insurance pay the IEE costs covered by their insurance.

A public agency may access a parent's private insurance to pay all or part of an IEE only if the parents provide informed, written consent. Parents must be informed that they could incur costs in using their private insurance to pay for the IEE. Parents should check with their private insurance provider before providing consent so that they understand the costs they might incur. The district may pay for any out of pocket costs associated with using private insurance to pay for the cost of the IEE.

Parents may refuse to use their private insurance and this refusal will not relieve the district of its responsibility to ensure the IEE, once granted, is provided at no cost to the parent.

<b>Type of Assessment</b>	<b>Limit</b>	<b>Qualifications</b>
Academic Achievement	\$700.00	Credentialed Special Education Teacher Credential School Psychologist Licensed Educational Psychologist Licensed Clinical Psychologist
Adaptive Behavior	\$400.00	Credentialed Special Education Teacher Credential School Psychologist Licensed Educational Psychologist Licensed Clinical Psychologist
Assistive Technology	\$500.00	Credentialed Special Education Teacher Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credential Assistive Technology Specialist Licensed Occupational Therapist Certificate in Assistive Technology issued by post-secondary institution
Auditory Acuity	\$280.00	Licensed or Credentialed Audiologist Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
Auditory Processing	\$300.00	Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed School Psychologist Licensed Educational Psychologist
Cognitive	\$650.00	Credentialed School Psychologist Licensed Educational Psychologist Licensed Clinical Psychologist
Health	\$250.00	Licensed Physician Credentialed School Nurse
Motor	\$700.00	Licensed Physical Therapist Licensed Occupational Therapist Credentialed Adaptive Physical Education Specialist
Visual Motor Integration	\$300.00	Credential School Psychologist Licensed Educational Psychologist Licensed Occupational Therapist
Visual Acuity/ Developmental Vision	\$300.00	Licensed Ophthalmologist Optometrist
Functional Vision	\$300.00	Credentialed Teacher of the Visually Impaired
Visual Processing	\$250.00	Credentialed School Psychologist Licensed Educational Psychologist Credentialed Special Education Teacher
Speech and Language	\$800.00	Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
Social Emotional	\$600.00	Credentialed School Psychologist Licensed Educational Psychologist Licensed Clinical Social Worker Licensed Marriage and Family Therapist Licensed Clinical Psychologist Licensed Psychiatrist
Transition/Vocational	\$2,000.00	Credentialed Special Education Teacher Credentialed School Psychologist
Behavior	\$2,000.00	Credentialed School Psychologist with BICM or BCBA Certification Licensed Educational Psychologist with BICM or BCBA Certification Education Specialist BCBA Certification

An independent multidisciplinary evaluation will be limited to a total of \$5,000, including attendance at IEP meetings and any additional costs for travel and lodging.

**Legal References:**

20 U.S.C. 1414(a)(1)(A) – Evaluations and re-evaluations  
20 U.S.C. 1415(b)– Right to independent educational evaluation  
34 CFR 300.321 – Re-evaluations  
34 CFR 300.502 – Independent Educational Evaluations  
Comments to 34 CFR 300.502 Independent educational Evaluations  
Education Code section 56327  
34 CFR 300.505 – Parent Consent – Evaluation 34  
CFR 300.537 – Re-evaluations  
Education Code 56329 – Independent educational assessments  
Education Code 56381 – Reassessments



## Humboldt - Del Norte SELPA

### Independent Educational Evaluation Assessment Plan

**Student Name** \_\_\_\_\_ **Date of Birth** \_\_\_/\_\_\_/\_\_\_\_\_ **Date** \_\_\_/\_\_\_/\_\_\_

Initial    Annual    Triennial    Transition    Interim    Other \_\_\_\_\_

To Parent/Guardian of \_\_\_\_\_ Date \_\_\_\_\_

District \_\_\_\_\_ School \_\_\_\_\_

Grade \_\_\_\_\_ Date of Birth \_\_\_/\_\_\_/\_\_\_\_\_

Native Language \_\_\_\_\_ English proficiency/CELDLT Level \_\_\_\_\_

The district proposes to assess your child to determine his/her eligibility for special education services or continued eligibility and present levels of academic performance and functional achievement. Your child will be assessed in all areas of suspected disability as needed.\* To meet your child’s individual education needs, this assessment will consist of an evaluation in only the areas checked by the local educational agency (LEA)/district. \*Tests conducted pursuant to these assessments may include, but are not limited to classroom observations, rating scales, one-on-one testing or some other types or combination of tests.

**Evaluation Area**

**Examiner Title**

<input type="checkbox"/> <b>Academic Achievement</b> These tests measure reading, spelling, arithmetic, oral and written language skills, and/or general knowledge	_____
<input type="checkbox"/> <b>Health</b> Health information and testing is gathered to determine how your child's health affects school performance	_____
<input type="checkbox"/> <b>Intellectual Development</b> These tests measure how well your child thinks, remembers, and solves problems.	_____
<input type="checkbox"/> <b>Language/Speech Communication Development</b> These tests measure your child's ability to understand and use language and speak clearly and appropriately.	_____
<input type="checkbox"/> <b>Motor Development</b> These tests measure how well your child coordinates body movements in small and large muscle activities. Perceptual skills may also be measured.	_____
<input type="checkbox"/> <b>Social/Emotional</b> These scales will indicate how your child feels about him/herself, gets along with others, takes care of personal needs at home, school and in the community.	_____
<input type="checkbox"/> <b>Adaptive/Behavior</b> These scales indicator how your child takes care of personal needs at home, school and in the community.	_____
<input type="checkbox"/> <b>Post-Secondary Transition</b> Age appropriate transition assessments related to training, education, employment and where appropriate independent living skills.	_____
<input type="checkbox"/> <b>Other</b> _____	_____
<input type="checkbox"/> <b>Alternative Means of Assessment</b> (Describe alternative methods of assessing the child, if applicable) _____	_____

I consent to the assessment. I understand that the results will be kept confidential and that I will be invited to attend the IEP team meeting to discuss the results. I also understand that no special education services will be provided to my child without my written consent.

I do not consent to the proposed assessment described above.

I would like the following assessment information to be considered by the IEP team \_\_\_\_\_

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Signature \_\_\_\_\_ / / \_\_\_\_\_

Parent     Guardian     Surrogate     Adult Student

Date \_\_\_\_\_

Address \_\_\_\_\_

Phone number \_\_\_\_\_

Comments \_\_\_\_\_

***NOTE Prior Written Notice attached if this is an initial evaluation.***

Date Received by District/LEA \_\_\_/\_\_\_/\_\_\_