INDEPENDENT EDUCATIONAL EVALUATION POLICY

OVERVIEW

The Shasta County Special Education Local Plan Area ("SELPA") has developed this policy, corresponding procedures, and criteria, which govern independent educational evaluations. Parents should carefully read the entire document. 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 (530) 225-0100.

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 Special Education Administrator/Designee from your Local Educational Agency (hereafter referred to as “LEA”) to discuss your evaluation questions and options.
- The LEA 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 LEA responsible for the education of the child in question.

"Public expense" means that the LEA 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 LEA, subject to the policy, procedures, and criteria specified in this document and applicable laws. The LEA requires that the parent first inform the LEA’s Special Education Administrator/Designee in writing or communicate to the LEA at an IEP meeting that the parent:

1. Disagrees with the LEA'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 LEA.

If a parent disagrees with an evaluation by the LEA and seeks an IEE at public expense, the LEA, 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 LEA initiates a hearing and the final decision is that the LEA'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 LEA may ask for a reason why they object to the LEA's evaluation, the specific areas of disagreement with the LEA's evaluation, and a list of the desired assessment areas, issues, or questions parents want to be addressed by the IEE. However, the LEA may not unreasonably delay either providing the IEE at public expense or the initiation of a due process hearing to defend its evaluation. There is no requirement that the parents specify areas of disagreement with the LEA'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 LEA to resolve the issue within the LEA by taking these steps:

1. The LEA Special Education 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 LEA'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 LEA's evaluation.
4. The LEA may offer the parent the option of another evaluation conducted by a LEA 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 LEA assessment is completed. However, if parents do not agree to postpone their request for an IEE, then the LEA will timely comply with step 5 below.
5. The LEA, in coordination with the Shasta County 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 LEA 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 LEA determines that it will provide an IEE at public expense, the LEA 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 LEA will provide parents with a list of evaluators. Parents are entitled to choose an evaluator not specified on the provided list if the evaluator meets the requirements in this Policy. If parents desire a specific IEE evaluator not on the list, parents must provide the LEA with the evaluator's name so that the LEA may:

(a) Verify the qualifications, certifications, and/or license of the 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 LEA chooses.

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

2. If the LEA decides to deny the IEE request, the LEA must file for due process without unnecessary delay. Parents may initiate a due process hearing if they disagree with agency criteria. They may also opt to select a different evaluator who does comply with agency criteria. If the LEA 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 LEA initiates a hearing and the final decision is that the LEA's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

In the interest of expediency of private evaluations, the SELPA encourages parents to choose an option for an IEE offered by the LEA within 15 days of receiving the options from a Shasta SELPA annually approved NPA list, including rates. The parent will communicate, in writing, their preferred option of (a) through (e) in 1 above.

3. Once the parent chooses an assessor, the LEA 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 LEA. In addition, the LEA will seek input from the parents as to desired assessment areas, issues, or questions parents want to be addressed by the IEE.

4. The LEA 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. .

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 the criteria that the LEA uses when it initiates an evaluation. As part of an IEE, the examiner shall follow guidelines for LEA 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 Shasta County SELPA has established the following procedures and guidelines for these observations:

- The independent evaluator will notify the LEA Special Education 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 LEA Special Education 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 upon. Observations will be limited to one independent evaluator per day.
- The LEA Special Education Administrator/Designee will assign an LEA 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 LEA 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 LEA's determinations and may not be considered if not completed by a qualified professional, as determined by the LEA.

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 LEA

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

The LEA has no obligation to fund an IEE or file for due process if the assessment for which the IEE is requested is more than two years old.

INDEPENDENT EDUCATIONAL EVALUATION - CRITERIA

LOCATION LIMITATIONS FOR EVALUATORS

Evaluators must be located within Shasta County or within 90 miles of the Shasta County SELPA office. 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 LEA in order for the LEA 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 LEA.

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 LEA/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 these criteria as well as any other criteria the LEA 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 the parent select an independent evaluator, the parent should request a copy of his/her resume, a reference from any LEAs 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 LEA for review to ensure the evaluator has proper licensure/credentials and otherwise meets agency criteria.

CONFLICT OF INTEREST

LEA/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. Likewise, the LEA/SELPA may, in its discretion, not fund services through an evaluator whose IEE the LEA/SELPA agrees to fund.

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 LEA 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 LEA 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 LEA of its responsibility to ensure the IEE, once granted, is provided at no cost to the parent.

Evaluation Area	Type of Assessment	Limit	Qualifications
Academic Achievement	Reading, Math, Written Language	$1,750	Credentialed Special Education Teacher Credential School Psychologist Licensed Educational Psychologist
Health	General screening/appt.	$300	Licensed Physician Credentialed School Nurse
	Vision	$350	Credentialed Teacher of the Visually Impaired Credentialed School Nurse Vision Specialist Licensed Ophthalmologist Optometrist
	Hearing	$350	Licensed or Credentialed Audiologist Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
Cognitive / Processing	Intellectual Assessment	$800	Credentialed School Psychologist Licensed Educational Psychologist

	Auditory Processing	$450	Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed School Psychologist Licensed Educational Psychologist
	Visual Processing	$350	Credentialed School Psychologist Licensed Educational Psychologist
	Attention	$300	Credentialed School Psychologist Licensed Educational Psychologist
	Executive Functioning	$300	Credentialed School Psychologist Licensed Educational Psychologist
Language/Speech Communication	General (Articulation, Expressive, Receptive Language, Pragmatics)	$2,250	Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
	Central Auditory Processing	$1,500	Licensed or Certified Audiologist Licensed or Credentialed Speech Pathologist Credentialed School Psychologist Licensed Educational Psychologist
Motor Development	General/Overall Motor Development	$800	Licensed Physical Therapist Licensed Occupational Therapist Registered (OTR) Credentialed Adaptive Physical Education Specialist Credentialed Teacher of Pupils with Physical & Health

	Fine: Visual Motor Integration Gross: Adaptive Physical Education	$800 $2,000	Disabilities Credential School Psychologist Licensed Educational Psychologist Licensed Occupational Therapist Registered (OTR) Credentialed or Licensed Special Education Provider with Appropriate Certification
Social Emotional/ Behavioral	Social Emotional Behavioral (Consult/Development of BIP/FBA)	$3,000 $4,750	Credentialed School Psychologist Licensed Educational Psychologist Licensed Clinical Social Worker Licensed Marriage and Family Therapist Credentialed School Psychologist Licensed Psychologist Board Certified Behavioral Analyst Credentialed Special Education Teacher
Adaptive Behavior		$1,000	Credentialed Special Education Teacher Credential School Psychologist Licensed Educational Psychologist
Transition/Vocational		$1,500	Credentialed Special Education Teacher Credentialed School Psychologist
Other	Assistive Technology	$2,000	Credentialed Special Education Teacher (including VI and DHH) Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Registered Occupational Therapist ***(Should have Certificate in Assistive Technology issued***

			by a Post-Secondary Institution or Related Experience)

An *independent multidisciplinary evaluation will be limited to a total of $6,500.00,* 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