

SPECIAL EDUCATION - INSTRUCTION

ASSESSMENT

Independent Educational Evaluation

This administrative regulation sets forth the procedures under which children with disabilities in the Santa Barbara County Special Education Local Plan Area (SELPA) are entitled to an independent educational evaluation (IEE) at public expense. For purposes of legal compliance, this administrative regulation shall be known as the SELPA's IEE policy.

NOTICE TO PARENTS:

- **Please read this procedure before obtaining or paying for an IEE. This procedure may limit your right to reimbursement.**
- Before obtaining an IEE, please contact your LEA's special education administrator to discuss your evaluation questions and options. If your questions are not resolved by the LEA, you may contact the SELPA for assistance in communicating with the LEA.
- The LEA will not automatically reimburse parents who unilaterally obtain an IEE. Please review this document for further information about a parent's right to obtain an IEE at public expense.

Definitions

Independent Educational Evaluation (IEE) means an evaluation conducted by a qualified examiner who is not employed by the responsible local educational agency.

Public expense means that the local educational agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parents.

Local educational agency (LEA) means the school district, independent charter school, or county education office that is responsible for providing educational services to your child with a disability.

Parent Request for Independent Educational Evaluation

Parents have the right to an independent educational evaluation at public expense if they disagree with an evaluation completed by the LEA. Parents may only request one publicly funded IEE in response to each evaluation completed by the LEA. Parents must make a request for an IEE. The request must be received **within less than two years** from the date of the LEA's evaluation. If the request for an IEE is received one year or more from the date of completion of the LEA's evaluation, or if conditions warrant, the LEA may ask to complete a reevaluation in addition to responding to parents' request for an IEE.

If parents request an IEE at public expense, parents will be asked the reason why they object to the evaluation

conducted by the LEA. The LEA may not, however, require parents to explain their reasons and may not unreasonably delay either providing an IEE at public expense or initiating a due process hearing to defend its evaluation. If the LEA initiates a hearing and the final decision is that the evaluation conducted by the LEA was appropriate, parents still have the right to an IEE, but not at public expense.

Parents may request the IEE in writing or orally. If parents make an oral request for an IEE, LEA staff shall offer to assist parents in putting the request in writing and shall assist if parents so request.

Once parents communicate disagreement with the evaluation(s) completed by the LEA and request an IEE at public expense, the following procedures will be followed:

1. The LEA will respond to parents in writing, including a copy of this IEE procedure.
2. The LEA will determine whether to initiate due process to establish the appropriateness of its evaluation or proceed with providing an IEE at public expense.
3. If the LEA agrees to fund an IEE, parents will be asked to provide the name of the assessor with which they wish to proceed. The assessor must meet the agency criteria contained in this procedure. Parents shall have the opportunity to demonstrate that unique circumstances related to the student justify a waiver of the agency criteria.
4. If requested, parents will be provided with a list of potential evaluators that includes their contact information. The list is not intended to be exhaustive and is not intended to limit a parent's options in obtaining an IEE from other qualified professionals who meet the agency criteria outlined in this procedure.

SBCSELPA will maintain a courtesy list of potential IEE evaluators who have agreed to the agency's criteria; however, the SBCSELPA and its member LEAs do not endorse the evaluators listed and are not responsible for any liability that may arise from use of any evaluator listed.

It is recommended that parents request a copy of any potential evaluator's resume or vitae, ask for references, and request a written proposal that includes the itemized costs for the evaluation including writing the report and attending the IEP meeting, prior to making a final selection. Parents must contact the LEA prior to making the final selection of an IEE evaluator to ensure that the evaluator meets the agency's licensures/credentialing criteria.

5. Parents will be required to sign a release and exchange of information between the IEE evaluator and the LEA.
6. Upon agreement on the IEE evaluator, the LEA will arrange for the completion of the IEE. An LEA may choose, but is not required, to use a contract with the IEE evaluator to memorialize the terms contained in this procedure related to the IEE. Such contract may require Board approval prior to the IEE evaluator beginning their evaluation. The contract may not require terms in excess of those the LEA requires of its own employees.
7. Upon completion of the IEE (including the LEA's receipt of the completed assessment report and assessment protocols), the LEA will convene an IEP team meeting to consider the results of the IEE within thirty (30) days, not including breaks in the school year of five schooldays or more.

However, the results of an IEE will not control the IEP team meeting, including, but not limited to, the LEA's determinations regarding eligibility for special education and the LEA's offer of a free appropriate public education (FAPE).

Independent education evaluators will be requested to write reports focusing on the "unique needs" of the child and if appropriate the types of special education programs and services recommended to address the "unique needs." Independent education evaluators will be requested not to identify specific providers of special education programs and services as to avoid any possible "conflict of interest" situations. Evaluators must be knowledgeable of and agree to comply with all provisions of the Federal Code of Regulations (IDEA) and California Education Codes governing special education, to include the criteria required to make recommendations for eligibility.

Independent Evaluation Not Funded by the LEA

The LEA does not have an obligation to reimburse parents for privately obtained evaluations completed prior to the date that the LEA's evaluation is completed and discussed at an IEP Team meeting.

If parents obtain an IEE at private expense, the results of the evaluation must be considered by the LEA as parent input in making educational decisions in the LEA's assessment and/or IEP team meeting process. The evaluation may also be presented as evidence at a due process hearing regarding the child.

Consideration of Independent Educational Evaluation

IEEs are designed to determine the educational needs of students with disabilities. The LEA is responsible for offering appropriate placements and services. Therefore, the LEA will consider recommendations contained in IEEs. IEEs, however, will not control the LEA's determinations regarding eligibility for special education, appropriate goals, objectives and/or placement recommendations.

Reimbursement for Completed Independent Educational Evaluation

A "Completed IEE" is defined as an IEE that parents have privately obtained and then they seek reimbursement from the LEA. If parents request reimbursement for a completed IEE, the evaluation must meet the agency criteria specified in this procedure. It is the responsibility of the LEA to determine whether the completed IEE meets the agency criteria as per this procedure, including, but not limited to, that parents disagree with an LEA assessment in a timely manner.

Once the LEA receives a request for reimbursement, the LEA shall respond to parents' request for reimbursement without unreasonable delay in the same manner it would if parents had requested the IEE prior to obtaining it. This includes determining if parents disagree with an LEA evaluation, if the IEE meets agency criteria (or parents demonstrate unique circumstances to go outside of criteria), etc.

Agency Criteria

The criteria under which an IEE is obtained at public expense, including the location limitations for the evaluation, minimum qualifications of the examiner, cost limits, and use of approved instruments, must be consistent with the criteria set forth in this procedure. In the event that parents believe that due to the unique needs of their child it is necessary to select an assessor who does not meet agency criteria,

parents will be given an opportunity to explain factors which make such a selection necessary.

Independent evaluators must agree to release their assessment information, testing protocols, report, and results to the LEA prior to receipt of payment for services.

If the LEA observed the child in conducting the evaluation with which parents disagree or if its assessment procedures allow in-class observations, the IEE examiner will be provided with an equivalent opportunity to observe the child in the current educational setting and to observe the LEA's proposed setting, if any. This opportunity shall also be provided if parents obtain an evaluation at private expense, regardless of whether they are asking the LEA for reimbursement.

The LEA shall define the nature and scope of an IEE examiner's in-class observations consistent with the right to an equivalent opportunity to observe, but also consistent with its obligations to prevent unnecessary disruption to the class and to protect the privacy interests of other students. These parameters may include, but are not limited to, identifying the time constraints of such observation, LEA personnel who will participate in the observation, and restrictions on student/teacher interactions.

Location Limitations for Evaluators

IEE Evaluators must be located within the boundaries of Santa Barbara, Ventura or San Luis Obispo Counties. Evaluators outside of this area will be approved only on an exceptional basis by the LEA if parents can demonstrate there is a unique need for a specialized evaluation and that there are no qualified evaluators within the specified area who can appropriately assess their child's educational needs.

Cost Limitations for Evaluation

The cost of an IEE shall be comparable to those costs that the LEA incurs when it uses its own employees or the going rate in the area for contractors to perform a similar assessment. Costs must include the following IEE requirements: observations, record review, administration and scoring of tests, report writing, attendance in person or by phone/virtual platform at an IEP team meeting following the completion of the IEE, and, if applicable, mileage to attend the IEP team meeting; there shall be no additional expenses beyond the cost limitation/maximum provided below. Prior to receiving payment, the IEE assessor must provide the assessment report, protocols, and attend the IEP team meeting as well as complying with any other provisions in the contract with the LEA if the LEA chose to use a contract.

Type of Assessment	Cost Limitation/Maximum
Academic Achievement	\$2,900
Assistive Technology/Augmentative Alternative Communication	\$3000
Audiology/Deaf or Hard of Hearing	\$2,500
Educationally-Related Mental Health	\$2,500
Functional Behavior Assessment	\$3,100
Functional Vision/Visually Impaired	\$800
Occupational Therapy	\$2,000
Physical Therapy	\$2,000
Psychoeducational	\$5,000
Speech and Language	\$2,200
Transition/Vocational Assessment	\$2,500

Minimum Qualifications for Evaluators

Evaluators must meet qualifications.

Type of Assessment	Qualifications of Assessor
Academic Achievement	<ul style="list-style-type: none">• Credentialed Special Education Teacher• Credentialed School Psychologist; or• Licensed Educational Psychologist
Assistive Technology/Augmentative Communication	<ul style="list-style-type: none">• Credentialed or Licensed Speech or Language Pathologist;• Credentialed Assistive Technology Specialist; or• Credentialed Special Education Teacher
Audiology/Deaf or Hard of Hearing	<ul style="list-style-type: none">• Licensed Educational Audiologist; or• Credentialed Deaf/Hard of Hearing Teacher
Educationally-Related Mental Health	<ul style="list-style-type: none">• Credentialed School Psychologist;• Licensed Educational Psychologist;• Licensed Marriage Family Therapist; or• Licensed Clinical Social Worker
Functional Behavior Assessment	<ul style="list-style-type: none">• Credentialed Special Education Teacher;• Credentialed School Psychologist;• Licensed Educational Psychologist; or• Board Certified Behavior Analyst (BCBA)
Functional Vision/Visually Impaired	<ul style="list-style-type: none">• Credentialed Teacher of the Visually Impaired
Occupational Therapy	<ul style="list-style-type: none">• Licensed Occupational Therapist
Physical Therapy	<ul style="list-style-type: none">• Licensed Physical Therapist
Psychoeducational	<ul style="list-style-type: none">• Credentialed School Psychologist; or• Licensed Educational Psychologist
Speech and Language	<ul style="list-style-type: none">• Credentialed or Licensed Speech or Language Pathologist
Transition/Vocational Assessment	<ul style="list-style-type: none">• Credentialed Special Education Teacher;• Credentialed School Psychologist; or• Licensed Educational Psychologist

Conflict of Interest

No employee of a SELPA LEA will be allowed to conduct an IEE for any LEA in the SELPA. The LEA may also, at its discretion, refuse to fund an IEE by an IEE evaluator who provides service(s), or is sought to provide service(s) to the student for whom the IEE is requested. Likewise, the LEA may, at its discretion, refuse to fund services through an individual or agency who has conducted an IEE for a particular student. No IEE assessor may recommend their own services as part of the IEE.

This does not prevent the LEA from working with the parents to agree to a second opinion assessment by another LEA employee or another one of the LEA's employees if the parents withdraw their request for an IEE to proceed with a second opinion assessment.

(20 U.S.C. § 1415)
(34 CFR §300.502 (b) (1); 300.503(b))
(EDUCATION CODE § 56329 (b), (c); 56506 (c))
(GOVERNMENT CODE § 7572 (c)(1), (2), (3))

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