

SANTA BARBARA COUNTY LOCAL PLAN

SECTION 5

SPECIAL EDUCATION INSTRUCTION ASSESSMENT

Assessment Policies
6201 - 6208

(Revised 5-7-18)

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6200 ASSESSMENT

6201 Entities Responsible for Assessment

Each nondirect service district shall be responsible for the assessment of referred school-aged pupils who reside in their district. The County Education Office will be responsible for the assessment of referred students residing in direct service districts. Each nondirect service district and the County Education Office will develop assessment procedures consistent with federal and state laws and regulations and shall employ appropriate personnel to conduct such assessments.

DATE APPROVED: January 3, 1984
DATE REVISED: December 9, 2002

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6202 Responsibility for Assessment of Pupils Referred for Special Education

Pupils referred for Special Education within Santa Barbara County shall be assessed as follows:

- (1) Individuals referred within the ages of birth to 3 years are the responsibility of the County Education Office.
- (2) Assessment of individuals referred within the ages of 3 to 4.9 years shall be the responsibility of the County Education Office or the district of residence if they operate pre K programs for students with individualized education plans (IEPs) and "speech only" referrals which may be conducted by the district of residence or as agreed between the County Education Office and districts.
- (3) For those referrals where the expertise of assessment of a suspected disability exists with personnel in District operated programs, these District personnel shall be included in the assessment of the referred individual. Preschool children are to be reassessed prior to transitioning from a preschool program to kindergarten or first grade and monitored to determine a continuing need for special education.
- (4) Within the ages of 3 to 21, individuals referred who attend private schools (other than LCIs or certified non-public schools) shall be assessed by the district where the private school is located.
- (5) Individuals referred who reside in foster family homes or in group homes defined as licensed children's institutions are the responsibility of the non-direct service district in which the individual resides or the County Education Office if the individual resides in a direct service district of Santa Barbara County, except as covered in items 1, 2 and 3 above.
- (6) Assessment of referred individuals who have been placed in a Juvenile Court facility are the responsibility of the District of Residence in collaboration with the Santa Barbara County Education Office.

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6202 Responsibility for Assessment of Pupils Referred for Special Education (*Continued*)

- (7) Individuals attending public school programs while residing in LCIs become the responsibility of the District or County Education Office operating the program the individual attends.

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6203 The Assessment Plan

Following a written referral, an assessment plan shall be developed which includes the following information:

1. An explanation of the types of assessments to be conducted.
2. A description of any recent assessments conducted, including any available independent assessments and any assessment information the parent requests to be considered.
3. Information indicating the pupil's primary language and the pupil's language proficiency in the primary language.
3. A statement that no individualized education program will result from the assessment without the consent of the parent.

(EDUCATION CODE SECTION 56321 and CALIFORNIA CODE OF REGULATIONS, TITLE 5, SECTION 3022)

DATE APPROVED: January 3, 1984

DATE REVISED: March 3, 1995

DATE REVISED: December 9, 2002

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6204 Content of the Assessment Reports

In conformance with the requirements of Education Code Section 56320 and 56327, the written report(s) shall serve the following functions:

1. Provided and administered in the child's native language or other mode of communication, and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so.
2. Ensure tests administered are not racially, culturally, or sexually discriminatory.
3. Make a statement regarding the validity of the assessment, if an interpreter was used.
4. Note whether test results are valid and reliable.
5. Make a determination concerning the effects of environmental, cultural or economic disadvantage, when appropriate.
6. Note relevant behavior during observation of the pupil in an appropriate setting.
7. The relationship of that behavior to the pupil's academic and social functioning.
8. Document the educationally relevant health, developmental and medical findings, if any.
9. Whether the student's needs can be met in the regular classroom or whether the student may need special education and related services and the basis for making the determination.

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6204 Content of the Assessment Reports (*Continued*)

10. The need for specialized services, materials, and equipment for students with low incidence disabilities.
11. Consideration of independent assessments if submitted.
12. Information related to enabling the child to be involved in and progress in the general education curriculum or for preschool children to participate in appropriate activities.
13. In addition, for pupils with learning disabilities, the report must include a statement including the following: Whether the child has a specific learning disability that cannot be corrected without special education and related services and whether the determination was made using a severe discrepancy model, evidence of a pattern of strengths and weaknesses (PSW), or data from response to scientific, research-based intervention (RtI) as per approved guidelines outlined in the SBCSELPA Procedural Handbook.

(34CFR 300.543)
(EDUCATION CODE 56001(j), 56320, 56327)
(EDUCATION CODE 20 USC 14.14(b) (2) (A) (ii))

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6205 Three Year Reassessment

A reassessment of each student in a special education program shall be conducted at least every three years.

If the reassessment so indicates, a new individualized education program shall be developed.

As part of any reassessment, the IEP Team and other qualified professionals, as appropriate, shall do the following:

1. Review existing assessment data on the pupil, current classroom-based assessments and observations, and teacher and related services providers' observations.
2. On the basis of the review conducted pursuant to paragraph (1), and input from the pupil's parents, identify what additional data, if any, is needed to determine:
 - a. Whether the pupil continues to have a disability.
 - b. The present levels of performance and educational needs of the pupil.
 - b. Whether the pupil continues to need special education and related services.
 - c. Whether any additions or modifications to the special education and related services are needed to enable the pupil to meet the measurable annual goals set out in the pupil's IEP and to participate, as appropriate, in the general curriculum.

(EDUCATION CODE 56381)

DATE APPROVED: January 9, 1997
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6206 Procedures for Conducting Three-Year Reassessments

The IEP Team chairperson shall be responsible for recording the due date for each student's triennial evaluation on the SELPA IEP form.

The student's primary service provider shall be responsible for monitoring the due date for the triennial evaluation to assure timely completion of the reevaluation.

Prior to initiating any formalized assessments that the IEP team deems necessary to complete the triennial assessment process, the local education agency responsible for conducting the evaluation shall obtain written parental consent for the proposed assessment unless the local education agency prevails in a due process hearing relating to such assessment.

(EDUCATION CODE SECTIONS 56506, 56320, and 56381)

DATE APPROVED: December 9, 2002

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6207 Participation of Individuals with Disabilities in State and District-wide Assessments

Individuals with disabilities shall be included in state and district-wide assessment programs with appropriate accommodations or modifications where necessary. Individuals with disabilities who cannot participate in state and district-wide assessment programs shall participate in alternate assessments.

For each individual with disabilities, the Individualized Education Program Team shall determine what, if any, individual accommodations or modifications in the administration of state or district-wide assessments of student achievement are needed in order for the student to participate in such assessments.

If the IEP Team determines that the individual with disabilities will not participate in a particular state or district-wide assessment or part of such an assessment, the Team shall document in the IEP why that assessment is not appropriate and how the student will be assessed.

The local education agencies that comprise the Santa Barbara County SELPA shall comply with all state and federal requirements regarding the submission of data and issuance of reports pertaining to the participation of individuals with disabilities in state and district-wide assessment programs.

(EDUCATION CODE SECTION 56205(a))

DATE APPROVED: December 9, 2002

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6208 Independent Educational Evaluations

This policy sets forth the procedures under which children with disabilities are entitled to 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 parent or guardian.

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

Parent Requests for Independent Educational Evaluations

Parents have the right to an independent educational evaluation at public expense if they disagree with an evaluation “obtained” or completed by the LEA. Parents may only request one IEE in response to each evaluation completed by the LEA. Parent must make a request for an IEE within two years of the date of presentation of the assessment which they disagree consistent with the statute of limitations.

If the parents request an independent educational evaluation at public expense, the parents will be asked the reason why they object to the evaluation conducted by the LEA. The LEA may not, however, require the parents to explain their reasons and may not unreasonably delay either providing an independent educational evaluation 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, the parent/guardian still has the right to an IEE, but not at public expense.

In circumstances where a parent disagrees with the LEA’s evaluation because a child was not assessed in an area(s) of suspected disability, the parent has the right to request an IEE to assess the child in that area to determine whether the child has a disability and the nature and extent of the special education and related

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services that child needs. In this circumstance, the LEA must either provide the IEE at public expense, or initiate a hearing to defend the LEA's evaluation and the absence of an assessment in a particular area, was appropriate. If the final decision is that the LEA's evaluation was appropriate, and the student did not require additional assessment, then the parent/guardian still has the right to an IEE, but not at public expense.

Cost Limitations for Independent Assessment Requests

Parents must indicate in writing to the LEA or inform the LEA at an IEP meeting that they disagree with an evaluation conducted by the LEA and that they are requesting an independent educational evaluation at public expense. If the parent makes an oral request for an IEE, LEA staff shall offer to assist the parent in putting the request in writing and shall assist the parent if the parent so requests.

Once the parent communicates his/her disagreement with the evaluation(s) completed by the LEA and requests an IEE at public expense, the following procedures will be followed:

1. The parent will receive a copy of this IEE policy which includes the agency criteria for independent educational evaluations.
2. The LEA will determine whether to initiate due process to establish the appropriateness of its evaluation or proceed with providing an IEE.
3. If the LEA agrees to fund an IEE, the parent will be asked to provide his/her input into the development of the assessment plan and to indicate the specific portions of the LEA's evaluation(s) with which he or she disagrees.
4. The parent will be provided with a list of potential evaluators and how these evaluators may be contacted. 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 policy.
5. In the event that a parent/guardian requests to utilize an evaluator who does not meet agency criteria, the LEA shall provide the parent the opportunity to demonstrate that there are unique circumstances to justify their selection of such an evaluator. The LEA will then make a determination if the use of the requested evaluator that does not meet agency criteria is warranted, and respond to the parent with a prior written notice.

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6. The LEA will develop an assessment plan which specifies those areas to be evaluated. The completed assessment must comply with the location limitations for the evaluation, the minimum qualifications for the examiner, cost limits, and use of approved instruments.
7. The assessment plan will be sent to the parent for his/her review and consent within 15 calendar days of the parental request for an IEE.
8. Parents will be required to sign a release and exchange of information between the IEE evaluator(s) and the LEA.
9. Upon receipt of the signed consent to assess, the LEA will arrange for the completion of the IEE.
10. 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.

If the parent obtains an IEE at private expense, the results of the evaluation (if the evaluation meets the agency criteria) must be considered by the LEA in making educational decisions as required by the Individuals with Disabilities Education Act. The evaluation may also be presented as evidence at a due process hearing regarding the child.

Timeline Regarding Completion of Independent Educational Evaluations

In the interest of consistency between public and private evaluations, parents are encouraged to choose an option for additional assessments offered by the LEA within 15 calendar days of receiving the options.

After the parent signs an assessment plan for completion of an IEE, the LEA will initiate a contract with the examiner. If the selected evaluator indicates that he/she cannot complete the evaluation and provide a written report within 60 days of receipt

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of the parent's signed consent for the IEE, the LEA will inform the parent and request agreement to either extend the assessment timeline or select another assessor.

Independent Evaluations Not Funded by the LEA

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

Consideration of Independent Educational Evaluations

Independent educational evaluations 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 independent educational evaluations completed in accordance with this policy and its implementing procedures and criteria. Independent educational evaluations, however, will not control the LEA's determinations regarding eligibility for special education, appropriate goals, objectives and/or placement recommendations and may not be considered if not completed by a qualified professional.

Reimbursement for Completed Independent Educational Evaluations

A "Completed IEE" is defined as an IEE that a parent has privately obtained and then they seek reimbursement from the local education agency (LEA). If parents/guardians request reimbursement for a completed IEE, the evaluation must meet the agency criteria specified in this policy. It is the responsibility of the LEA to determine whether the completed IEE meets the agency criteria as per this policy.

Once the LEA receives a request for reimbursement, the LEA shall respond to the parent/guardian's request for reimbursement without unreasonable delay.

If the LEA determines that the completed IEE meets with agency criteria, the entire cost of the IEE shall be reimbursed. If the LEA determines that the completed IEE does not meet with agency criteria, the LEA must inform the parent in writing, the reason(s) that the completed IEE does not meet with

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agency criteria. The LEA shall give parent an opportunity to demonstrate that the student has unique circumstances (such as complex medical or other needs, foreign language, etcetera) warranting reimbursement for the cost of the IEE even though the completed IEE does not meet with agency criteria.

After parent responds to the LEA's request, the LEA shall timely determine if the student has unique circumstances warranting public payment for the entire cost of the completed IEE. If the LEA determines there are unique circumstances warranting public funding, the LEA shall inform the parent in writing and without unreasonable delay, pay the entire cost of the completed IEE.

If the LEA determines that the student does not have unique circumstances warranting public payment of the completed IEE, the LEA shall inform the parent in writing and without unreasonable delay, request a due process hearing to demonstrate that the completed IEE does not meet with agency criteria. If the LEA files for a due process hearing, parent shall not be reimbursed for any cost of the IEE unless the LEA is ordered to do so pursuant to a due process hearing decision.

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 policy. In the event that the parent believes that due to the unique needs of their particular child it is necessary to select an assessor who does not meet agency criteria, Parent will be given an opportunity to explain factors which make such a selection necessary.

Parents will be required to sign consent for the evaluation and appropriate releases to exchange information between the independent educational evaluator and the LEA as a prerequisite to the payment or provision of an IEE.

Independent evaluators must agree to release their assessment information, testing protocols, report, and results to the LEA prior to receipt of payment for services. The results of the IEE will be considered in the diagnosis, program decisions, and placement of the child with disabilities as required by the Individuals with Disabilities Education Act.

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If the LEA observed the child in conducting the evaluation with which the parents disagree or if its assessment procedures allow in-class observations, the independent 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 the parents obtain an evaluation at private expense.

The LEA shall define the nature and scope of an independent 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 in 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, district 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/district if the parents or the LEA 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. IEE Evaluators will be paid the federal business mileage reimbursement rate for required travel if assessor is located outside of Santa Barbara County associated with the assessment to the student's school of attendance or for any distance beyond 50 miles or each way within the Tri Counties region.

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Cost Limitations for Evaluations

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 include: observations, record review, administration and scoring of tests, report writing, and attendance in person or by phone at an IEP Team meeting. Reimbursement will be in an amount no greater than the actual cost to the parent and will be subject to proof of payment. The following cost limitations have been agreed upon and set forth by the governing (JPA) Board of the Santa Barbara County SELPA:

Type of Assessment	Allowable Rate or *Range (*depending on tasks performed and/or type of licensure of assessor)
Academic Achievement	\$2,272 - \$3,333.00 depending on the areas assessed and complexity
Augmentative Alternative Communication	Up to \$1,500.00
Adapted Physical Education	\$1,000.00 - \$2,000.00
Adaptive Behavior	\$1,500.00 - \$2,400.00
Assistive Technology	Up to \$1,500.00
Autism/Behavior (ABA) with observation / data collection	\$2,000.00 - \$4,000.00
Behavioral - functional behavior analysis (FBA) Conducted by BCBA-all Costs Inclusive	\$4,333.00 - \$6,666.00
Auditory Acuity or Perception	\$1,000.00 - \$2,000.00
Auditory Verbal Therapy	\$1,200.00 - \$1,500.00
CAPD (Central Auditory Processing)	\$1,500.00 - \$2,000.00
DHH (Deaf and Hard of Hearing)	Up to \$2,500.00
Neuropsychological Assessment	\$4,714.00 - \$6,500.00
Occupational Therapy (fine/gross motor skills)	\$2,333.00 - \$3,666.00
Physical Therapy	\$1,500.00 - \$2,000.00
Full Psycho-educational (rate allowed depends on components tested such as academic, adaptive behavior, cognition, social-emotional, neuropsych, etc.)	\$4,727.00 - \$6,777.00
Speech & Language	\$2,000.00 - \$3,000.00 depending on the areas assessed and complexity
Social-emotional	\$1,000.00 - \$1,500.00 depending on the areas assessed and complexity
Transition - Post Secondary Complete Evaluation	\$2,500.00 - \$4,000.00
Visual Acuity & Perception	Up to \$2,000
Visual Processing	\$1,500.00 - \$1,800.00

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When insurance will cover all or partial costs of the IEE, the LEA will request that the parent voluntarily have their insurance pay the IEE costs covered by their insurance. However, parents will not be asked to have insurance cover independent evaluation costs if such action would result in a financial cost to the parents including, but not limited to the following:

- a. A decrease in the available lifetime coverage or any other benefit under an insurance policy;
- b. An increase in premiums or the discontinuance of the policy; or
- c. An out-of-pocket expense such as payment of a deductible amount incurred in filing a claim unless the parent is willing to have the LEA reimburse them for the amount of the deductible.

As part of the contracted evaluation, independent evaluators must:

- attend relevant IEP Team meetings by phone or in person to discuss their findings
- provide protocols of the assessments, and
- provide a written report prior to the IEP Team meeting.

The written report must meet the requirements of the Individuals with Disabilities Education Act and California Education Code Section 56327.

The LEA/district shall schedule an IEP meeting within 30 days of receipt of the written report from the IEE assessor.

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Minimum Qualifications for Evaluators

Evaluators must meet qualifications specified in ed code or they will not be approved unless the parent can demonstrate the appropriateness of using an evaluator meeting other qualifications. (E.C. 56320(b)(3); E.C. 56329)

Minimum Qualifications for Evaluators

Type of Assessment	Qualifications
Academic Achievement	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Educational Psychologist
Adaptive Behavior	Credentialed Special Education Teacher Credentialed School Psychologist (must have LEP) Licensed Clinical Psychologist Licensed Educational Psychologist (LEP) Board Certified Behavior Analyst (BCBA)
Assistive Technology	Credentialed or Licensed Speech/Language Pathologist Certified Assistive Technology Specialist Credentialed Special Education Teacher Registered Occupational Therapist
Auditory Acuity	Licensed or Certificated Audiologist
Auditory Perception	Credentialed School Psychologist Licensed Educational Psychologist Licensed or Credentialed Speech/Language Pathologist
CAPD (Central Auditory Processing Disorder)	Licensed or Certificated Audiologist
Cognitive Functioning	Licensed Psychologist Licensed Educational Psychologist Credentialed School Psychologist
Motor Skills (fine)	Credentialed School Psychologist Registered Occupational Therapist Licensed Educational Psychologist
Motor Skills (gross)	Credentialed Adapted Physical Education Teacher Registered Occupational Therapist
Speech and Language	Credentialed or Licensed Speech/Language Pathologist

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Type of Assessment	Qualifications
Social/Emotional/Behavioral	Credentialed School Psychologist (must be LEP) Licensed Educational Psychologist (LEP) Licensed Psychiatrist Licensed Clinical Psychologist Board Certified Behavior Analyst BCBA (Behavioral only)
Vision (acuity and perception)	Credentialed Teacher of the Visually Impaired Credentialed School Nurse Vision Specialist
Visual Processing	Credentialed School Psychologist Registered Occupational Therapist Licensed Educational Psychologist Credentialed Teacher of the Visually Impaired

SBCSELPA will maintain a courtesy list of potential Independent Educational Evaluation (IEE) evaluators who have agreed to the agency's criteria; however, the SBCSELPA or its member LEAs/districts 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 parent/guardians request a copy of potential evaluators' resumé 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. It is recommended that parent/guardians contact the LEA/district prior to making the final selection of an IEE evaluator to ensure that the evaluator meets the agency's licensures/credentialing criteria.

(EDUCATION CODE 56329 (b) (c); 56506 (c))

(34 CFR §300.502 (b) (1))

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