



Fontana Unified School District

Independent Education Evaluation Policy Handbook



Revised May 2022

The Fontana Unified School District Special Education Local Plan Area (hereafter known as the “District”) has developed these procedures and criteria which govern independent educational evaluations (IEE) (20 USC1415; EC 56506(c), and 56329(b) (c); 34 CFR 300.502). Parents should be sure to read this carefully. These procedures are intended to be read in conjunction with one another as one comprehensive document. Parents who need additional information about IEEs should contact the SELPA/Special Services Department, or the California Department of Education as outlined in their Notice of Procedural Safeguards.

Definitions

Independent Educational Evaluation (IEE) means an evaluation conducted by a qualified examiner who is not employed by the Local Educational Agency (LEA or District).

Qualified Examiner is an evaluator who is competent to perform the evaluations through criteria established by the LEA in accordance with Education Code, Section 56322

Public Expense means the District either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

Parent Initiated Evaluation is an educational evaluation obtained by the parent at private expense.

* This document is a result of a collaborative effort involving SELPA directors and members of the California Department of Education, with minor modifications by FUSD SELPA.

PARAMETERS FOR SEEKING IEEs

The parent of a child with a disability has the right to obtain an independent educational evaluation of the child if the parent disagrees with an evaluation obtained by the District, subject to the following:

1. If the parent disagrees with an evaluation completed by the District and seeks an IEE at public expense, the District will without unnecessary delay either:
 - a. File a due process complaint to request a hearing to show that its evaluation is appropriate; or
 - b. Ensure that an IEE is provided at public expense in accord with this policy, unless the District demonstrates in a due process hearing that the evaluation parents obtained did not meet the District's criteria.
2. If the District requests a due process hearing and the final decision is that the District's assessment is appropriate, the parent still has the right to an IEE, but not at public expense.

EXPLANATION OF DISAGREEMENT

If parents request an IEE at the expense of the District, the parents will be asked for the reasons they object to the District's evaluation. An explanation by the parent is not required. In addition, the District may not unreasonably delay completion of a new assessment, completion of the IEE at public expense, or the initiation of a due process hearing to defend its evaluation.

DISTRICT'S RESPONSE TO A REQUEST FOR AN IEE

If the parents request an IEE at public expense, and the District agrees to provide the assessment, the District will provide an IEE without unnecessary delay.

Provide options for an IEE at public expense (option 1, or 2 below) as follows:

1. A staff member from another SELPA
2. A private sector provider

As clarified in the Federal Regulations released in October 2006:

(1) a parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

Once the parent chooses an option, the District will arrange for the independent examiner, contract with an independent examiner, or otherwise ensure that an IEE is provided at public expense.

If the District disagrees with the request for an IEE and initiates a due process hearing and the final decision is that the District's evaluation is appropriate, the parent still has the right to an IEE, but not at public expense.

INFORMATION PROVIDED TO PARENTS

Upon parent request for an IEE, the District will provide the parents with a copy of its Policy and Criteria for IEEs.

PARENT INITIATED EVALUATIONS

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

1. Will be considered by the District, if the assessor and the evaluation meet the District's criteria, in any decision made with respect to the provisions of FAPE to the student; and
2. May be presented as evidence at a due process hearing regarding that student. 34 CFR §300.502 (c) (1) (2).

The District shall not retroactively fund a parent initiated IEE when a prior written notice is not provided to the school district and an agreement is not in place prior to the evaluation.

EVALUATIONS ORDERED BY HEARING OFFICERS

If a hearing officer requests an IEE as part of a hearing, the cost of the evaluation must be at the District's expense.

DISTRICT'S CRITERIA

If an IEE is at the District's expense, the criteria under which the evaluation is obtained, including the location limitations for the evaluation, the minimum qualifications of the examiner, costs containment criteria, payment criteria, and must be the same as the criteria that the District uses when it initiates an evaluation. The contents of the evaluation must meet the criteria set forth in 34 CFR §300.301 through §300.311 and, as applicable, 34 CFR §300.502 (c)(1).

If the District observed the student in conducting the evaluation with which the parent disagrees or if its assessment procedures allow in-class observations, the independent examiner will be provided with an equivalent opportunity to observe the student in the current educational setting, and/or in the District's proposed setting, if applicable.

The District will 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 obligation to prevent unnecessary disruption in the class and to protect the privacy interests of other students. This may include, but is not limited to, identifying the time constraints of such observation, District personnel who will participate in the observation and restrictions on student/teacher interactions.

PARAMETERS OF PROVIDERS

It is the procedure of the District that IEEs be focused on student needs and avoids any possible conflict of interest. Therefore, any private practitioner who provides an IEE shall not be used as a provider for any services required in the resultant IEP. It is further acknowledged that a student may have a need for which no other qualified provider may be available. Under this circumstance, the SELPA/Special Services Director shall certify that no other qualified provider can be identified, and shall authorize any exception to this provision.

Conflict of Interest

District/SELPA may, in its discretion, refuse to fund an independent educational evaluation by an independent evaluator who provides service(s) or is sought to provide service(s) to the student for whom the independent educational evaluation is requested. Likewise, the District/SELPA may, in its discretion, refuse to fund services from an individual or agency who has conducted an independent educational evaluation for a particular student.

In all cases, if the District initiates a due process hearing to show that the District's evaluation is appropriate, no reimbursement shall be made unless ordered by a Hearing Officer.

EVALUATOR AND EVALUATION CRITERIA

The criteria under which an IEE is obtained at public expense, including the location limitations for the evaluation, minimum qualifications of the evaluator, and costs containment criteria, must be consistent with the criteria set forth in this procedure, and consistent with the criteria that the District uses when it initiates an evaluation.

The contents of the evaluation must meet the criteria as set forth in 34 CFR 300.301-311, and as applicable to 300.502 (c)(1). The District will 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. This will include, but is not limited to, identifying the time constraints of such observation, district personnel who will participate in the observation, and restrictions on student/teacher interactions. This opportunity will also be provided if the parents obtain an evaluation at private expense.

LOCATION LIMITATIONS FOR EVALUATORS

Evaluators will be located within the San Bernardino and Riverside Counties and within 60 miles of the Fontana Unified School District. Evaluators outside of this area will be approved only on an exceptional basis, providing parents can demonstrate the necessity of using personnel outside the specified area. Any expenses beyond the evaluation (i.e. food, lodging, transportation, mileage, etc.) are not covered in the cost of the independent educational evaluation.

MINIMUM QUALIFICATIONS FOR EVALUATORS

All assessments must be conducted in accordance with all requirements of Federal and State law including, but not limited to, observing the student in the appropriate setting (EC §56327) and conducting evaluations in accordance with EC §56320. All assessments, including all tests and subtests, must be conducted by persons competent to perform the assessment as determined by the LEA (EC §56322).

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. Ed. Code 56320(b)(3)

Additionally, evaluators must meet the criteria for any school employee who works with children, i.e. TB testing and fingerprinting, as well as any other contract requirements enforced by the District.

COST CONTAINMENT CRITERIA FOR EVALUATIONS

The cost of an IEE shall be comparable to those costs that the District incurs when it uses its own employees or contractors to perform a similar assessment, as identified above. Costs may include observations, administration and scoring of tests, report writing, and attendance in person or by phone at an IEP team meeting; costs will be delineated on independent evaluator's contract with the District. Reimbursement will be in an amount no greater than the actual costs to the parent or the maximum cost identified above (whichever is more), and will be subject to proof of payment.

Maximum costs for all IEEs are calculated by considering time required for the assessment and the appropriate School District employee hourly rate. Costs above these amounts will not be approved unless the parent can demonstrate that such costs reflect unique circumstances justifying the selection of an evaluator whose fees fall outside these criteria.

As part of the contracted evaluation, independent evaluators must:

1. Provide protocols of all the assessments to the District.
2. Provide a written report to the District prior to the IEP team meeting.
3. Participate in IEP meetings in person, virtual or by phone.

Independent evaluators must agree to release their written evaluation and results (as listed above) to the District prior to receipt of payment for services. The results of the IEE will be considered in the determination of eligibility, program decisions, and placement of the student with disabilities as required by the Individual with Disabilities Education Act.

Based on the cost limitations contained in this chart, the cost limitation for a psycho-educational IEE is \$5,500.00. Costs include assessment, report writing and IEP participation.

The cost criteria were developed by the Fontana SELPA through an ongoing process in which evaluators specializing in different disciplines within the region, specifically San Bernardino, Riverside and Los Angeles counties, were contacted. An inquiry was made of each of the assessors contacted regarding their fees for evaluations, and their opinions were solicited as to what constituted a reasonable fee for particular assessments.

Based upon this information received from the assessors, the SELPA established a reasonable rate for each assessment which became the district rate, or cost criteria, for conducting independent evaluations. The cost criteria were not an average of the rates from the assessors contacted, and rates that were too low or too high were disregarded in the determination of the district's independent evaluation cost criteria. The assessors who did not agree to work within the district's cost criteria were not on the SELPA's list of assessors.

Type of Assessment	Minimum Qualifications
Academic Achievement	Credentialed Special Education Teacher, or Licensed Educational Psychologist, or Credentialed School Psychologist
Adaptive Behavior	Licensed Educational Psychologist, or Credentialed Special Education Teacher, or Credentialed School Psychologist or Licensed Clinical Psychologist (LEP), Board Certified Behavior Analyst (BCBA)
Assistive Technology	Credentialed or Licensed Speech/Language Pathologist, or Credentialed Special Education Teacher, or Certified Assistive Technology Specialist or Registered Occupational Therapist or Licensed or Certificated Audiologist
Auditory Acuity	Licensed or Certificated Audiologist or Credentialed Speech/Language Pathologist
Auditory Perception (CAP)	Licensed or Certificated Audiologist Licensed or Credentialed SLP
Auditory Processing	School Psychologist, or Credentialed or Licensed Speech/Language Specialist
Cognitive	Licensed Educational Psychologist, or Credentialed School Psychologist
Behavioral Assessment	Licensed Educational Psychologist, or Credentialed Special Education Teacher, or Credentialed School Psychologist, or Board Certified Behavior Analyst (BCBA)
Health	Licensed Physician, or Credentialed School Nurse
Motor	Licensed Physical Therapist, or Licensed Occupational Therapist, or Credentialed Adaptive Physical Education Specialist or Adaptive Physical Education Teacher
Occupational Therapy	Licensed Occupational Therapist
Speech and Language	Credentialed or Licensed Speech/Language Pathologist
Social/Emotional	Credentialed School Psychologist, or Licensed Educational Psychologist
Transition/Vocational	Licensed Educational Psychologist, or Credentialed Special Education Teacher, or Credentialed School Psychologist
Vision (Functional)	Credentialed Teacher of the Students with Visual Impairments, Credentialed Special Education Teacher or School Psychologist
Visual Perception	Credentialed Special Education Teacher, or Credentialed School Psychologist, or Ophthalmologist, or Optometrist

Type of Assessment	Acceptable Cost
Academic Achievement	\$950
Adaptive Behavior	\$800
Adapted Physical Education	\$1200
Assistive Technology	\$2,000
Auditory Acuity	\$1,700
Auditory Perception (Central Auditory Processing)	\$1,375
Cognitive	\$1,500
Functional Behavior Assessment	\$4,000 \$120/hr
Functional Vision	TBD
Motor	\$1,500
Occupational Therapy	\$2,300
Orientation and Mobility	TBD
Physical Therapy	\$1,350
Psycho-Educational Assessment	\$5,500
Speech and Language	\$2,600
Social-Emotional	\$800
Vision Perception/Visual Processing/ Visual-Motor Integration	\$400
Visual Acuity/Developmental Vision	\$420
Transition	\$1,500

IN-CLASS OBSERVATIONS

"If a public education agency observed the pupil in conducting its assessment, or if it's assessment procedures make it permissible to have in-class observation of a pupil, an equivalent opportunity shall apply to an independent educational assessment of the pupil in the pupil's current educational placement and setting, and observation of an educational placement and setting, if any, proposed by the public education agency, regardless of whether the independent educational assessment is initiated before or after the filing of a due process hearing proceeding" (EC §56329(b)).

The District will make arrangements for a new evaluation, or contract with a qualified independent examiner who is able to provide a written report for an IEP meeting within a reasonable time period after the date of the contract for the IEE. If the selected examiner cannot complete the IEE report within a reasonable period of time, the District will inform the parent and ask for agreement to an extension of the time or select another option.

Procedures for Observations by Independent Educational Evaluators

Education Code § 56329 allows independent evaluators 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 Fontana School District SELPA has established the following procedures and guidelines for these observations:

- The independent evaluator will notify the District Special Services office and Site Administrator of their request to schedule an observation in writing five days prior to the date of the requested observation.
- The District Special Services Administrator 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 date and location(s) of the observation will be agreed to. Observations will be limited to one independent evaluator per school day.

- The District Special Education Administrator may 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.
- Independent evaluators are required to follow any and all FUSD adhered to policies and/or regulations related to the observation of students.

REFERENCES:

Legal Authority: 20 U.S.C 1414(a) – (c) – Evaluations and re-evaluations; 20 U.S.C. 1415 (b)(1) – Right to independent educational evaluations; 34 CFR 300.301 – 300.306- Re-evaluations;; 34 CFR 300.502 – Independent Educational Evaluations; Comments to 34 CFR 300.502 Independent education evaluations; Education Code section 56327; 34 CFR 300.300 – Parent Consent – Evaluation; 34 CFR 300.304-306 Procedures for evaluations and Determination of Eligibility; Education Code 56329 – Independent educational assessments; Education Code 56381 – Reassessments.