SAN MATEO COUNTY SELPA

SPECIAL EDUCATION LOCAL PLAN AREA
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INDEPENDENT EDUCATIONAL EVALUATIONS

POLICY AND PROCEDURES

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INDEPENDENT EDUCATIONAL EVALUATIONS

POLICY

Legal Authority:

Individuals with Disabilities Education Act: Section 300.502 Independent Educational Evaluation. (20 U.S.C. 1415 (b)(I) and (d)(2)(A); California Education Code Section 56329. This policy sets forth the procedures under which students with disabilities are entitled to an Independent Educational Evaluation (IEE) at public expense.

Notice to Parents:

1. Please read this document before obtaining or paying for an IEE. This policy delineates your right to, and limitations regarding, reimbursement.
2. Before obtaining an IEE, please contact the Local Education Agency (LEA) special education administrator to discuss your child's assessment and related questions and options.
3. The district will not automatically reimburse parents who unilaterally obtain IEEs.
4. Parents may only request one publicly funded IEE for each evaluation completed by the LEA. A request for an IEE must be made within two years of the date of the district's evaluation report.
5. The right for an IEE is not triggered until there is an evaluation by the District with which Parents disagree. (*Student v. Lake Elsinore Unified School District*, OAH Case No. 2016040427)

Definitions

- *Local Education Agency (LEA)* is a local entity involved in education including but not limited to school districts, county offices of education, direct-funded charter schools, and Special Education Local Plan Areas (SELPAs).
- *Independent educational evaluation* means an evaluation conducted by a qualified evaluator who is not employed by the LEA of residence.
- *Public expense* means that the LEA pays for the full cost of the evaluation (in accordance with cost recommendations described herein) or ensures that the evaluation is otherwise provided at no cost to the parent.

Parameters for Seeking IEE:

Parents must indicate in writing to the LEA or inform the LEA at an Individualized Education Program (IEP) meeting that they:

1. Disagree with the LEA's evaluation and
2. That they are requesting an IEE at public expense.

The LEA may ask for the parent's reason(s) for disagreeing with the LEA's evaluation, but the parent is not required to provide those reasons. The LEA may offer to conduct another evaluation of its own with parent consent. If the parent agrees to another LEA evaluation, this would not be considered an IEE, and the LEA should work with the parent to appropriately document the agreement of the parent to both the new LEA evaluation and to the withdrawal of the parent IEE request pending the completion of the new LEA assessment. The LEA should ask the parent(s) to revoke their request for an IEE in writing or ask them to sign that they agreed to the withdrawal of the request and to the new LEA assessment.

If the parent(s) does not agree to another LEA evaluation, the LEA must respond to the parent's request by ensuring an IEE is provided at public expense in a timely manner or promptly submit a request for a due process hearing in accordance with this policy. The LEA may not unnecessarily delay either providing the IEE at public expense or initiating a due process hearing to defend the appropriateness of its evaluation. In addition, a copy of the Procedural Safeguards and Parent Rights should be provided anytime a parent requests an IEE. Parents may only request one publicly funded independent evaluation for each evaluation completed by the LEA.

Responding to an IEE Request

Once the parent communicates his/her disagreement with the LEA's evaluation and requests an IEE at public expense in writing or at an IEP meeting, the following procedures will be followed:

1. The LEA's administrator responsible for special education will be notified.
2. The LEA will provide to the parents a copy of the San Mateo County SELPA policy and procedures including criteria for IEEs and a copy of procedural safeguards and parental rights, and options for an IEE at public expense (Options a, b, c, or d) as follows:

    a. A staff member from another LEA in the SELPA
    b. A staff member from another SELPA
    c. A nonpublic agency provider
    d. A provider on the SELPA IEE list

3. The parents will communicate to the LEA, in writing, their preferred option; OR
4. The LEA will determine whether the LEA will initiate due process to establish the appropriateness of its evaluation or proceed with obtaining an IEE.

If the LEA determines that it will initiate a due process hearing to establish the appropriateness of its evaluation, the LEA will notify the parent of such decision in writing prior to filing a due process hearing complaint. This written notice shall include all of the elements of prior written notice as required by section 300.503(b) of Title 34 of the Code of Federal Regulations.

If the LEA agrees to provide an IEE at public expense, the LEA will work collaboratively with the parent, at parent request, to identify potential IEE evaluator(s). Alternatively, the parent may

provide, in writing, his or her preferred evaluator(s). The LEA and parent may utilize the Agreement for Independent Educational Evaluation form and/or parent will be required to sign a release and exchange of information authorizing the LEA to communicate directly with the parent's chosen independent evaluator.

Timeline regarding IEE's

An LEA Assessment Plan is NOT completed because the LEA is not conducting the assessment and is not responsible for the timelines and/or results of the IEE assessments.

Once the district and parent have agreed upon an assessor, the district will arrange for, or initiate, a contract with the examiner.

Once assessments are completed and provided to the district, the district should, without unnecessary delay, schedule an IEP meeting to review.

Payment/Reimbursement options for IEEs

- The LEA may directly contract with and directly provide the payment to the independent evaluator for the IEE. Alternatively, the LEA may issue payment to the independent evaluator for the costs of the IEE following its receipt of the items listed below.
- Or, the LEA may reimburse the parent for the costs of a procured IEE in a timely manner in accordance with the LEA's policies and procedures and in the amount no greater than the actual cost to the parent.

Circumstances Resulting in Evaluations not funded by the district

If the LEA initiates a due process hearing and the hearing officer issues a final decision finding that the LEA's evaluation is appropriate, the parent will still have the right to obtain an IEE, but not at the LEA's expense. If a hearing officer orders an IEE as part of a due process hearing decision, the costs of the IEE must be at LEA's expense.

If the parent obtains an IEE at private expense or through an agency other than the LEA and shares the IEE with the LEA, the results of the IEE:

1. Must be considered by the LEA, if the evaluation meets the agency criteria set forth below, in any decision made with respect to the provision of a Free Appropriate Public Education ("FAPE") to the student; and
2. May be presented as evidence at a due process hearing or other proceeding regarding the student.

The district is not obligated to reimburse parents for privately obtained evaluations if the parent disagrees with the district's evaluation and independently seeks a private evaluation without first notifying the district in writing of their disagreement with the district's evaluation and requesting

an IEE from the district except as provided below.

Circumstances resulting in a privately obtained evaluation reimbursed
The district may reimburse parents for a privately obtained IEE even though the policy above was not followed in any one of the following three circumstances:

1. All the following conditions have been met:
    a. The parent disagreed with the district's evaluation,
    b. The parentally obtained evaluation meets the SELPA criteria,
    c. The parent upon request provides the district with timely, written consent to exchange information with the examiner,
    d. The parent provides a copy of the written evaluation report and all other documents / tests related to the report, and
    e. The examiner attends the relevant IEP team meeting by phone or in person to discuss his or her findings and provides protocols of all evaluations to the district.
2. The district's evaluation has not been provided in compliance with the law.
3. The privately obtained evaluation assessed the student in an area of suspected disability that was not previously assessed by the district.

Reimbursement will be in accordance with the San Mateo County SELPA policy, procedures, and criteria and in an amount no greater than the actual cost to the parents.

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.

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

Student Observation:
If the LEA observed the student in conducting the evaluation with which the parents disagree or if its assessment procedures allow in-class observations, the independent evaluator will be provided with an equivalent opportunity to observe the student 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 evaluator'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 protect the privacy interests of

other students. This may include, but is not limited to, identifying the time constraints of such observation, LEA personnel who will participate in the observation and restrictions on student/teacher interactions. Please refer to SELPA Observation Policy.

Geographical Limitations for Evaluators
Evaluators will be located within the greater Bay Area including: San Mateo, Marin, Sonoma, Napa, San Francisco, Contra Costa, Alameda, and Santa Clara Counties.

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 in order to obtain an appropriate evaluation. Any expenses beyond that directly related to preparation of the evaluation (i.e., food, lodging, transportation, etc.) are not covered in the cost of the independent evaluation.

Conflict of Interest: The LEA should ensure there is no conflict of interest between the evaluator and service provider, or the evaluator and the family. After completing an IEE, it is not recommended that the independent evaluator or their agency provides the service(s) recommended to the IEP team

Minimum Qualifications for Evaluators
Evaluators with credentials other than those listed below will not be approved unless the parent can demonstrate the appropriateness, under the specific facts of a given case, of using an evaluator meeting other qualifications. (Ed. Code 56320 (b)(3))

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 Licensed Educational Psychologist
Assistive Technology	Credentialed or Licensed Speech/Language Pathologist Credentialed Assistive Technology Specialist Credentialed Special Education Teacher with appropriate training

Auditory Acuity / Audiology	Licensed Educational Audiologist Licensed or Credentialed Speech/Language Pathologist
Behavioral	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Educational Psychologist Board Certified Behavior Analyst
Cognitive / Intellectual Development	Credentialed School Psychologist Licensed Educational Psychologist
Health	Registered School Nurse
Motor	Licensed Physical Therapist Registered Occupational Therapist Credentialed Adaptive Physical Education Specialist
Occupational Therapy	Licensed Occupational Therapist
Speech and Language	Credentialed or Licensed Speech/Language Pathologist
Social/Emotional/ Behavioral	Credentialed School Psychologist Licensed Educational Psychologist
Functional Vision	Credentialed Teacher of the Visually Impaired
Vision-Motor Perception	Credentialed School Psychologist Licensed Occupational Therapist
Transition	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Educational Psychologist

Cost Containment Criteria for Evaluations

The cost of an IEE shall be comparable to those costs that the LEA incurs when it uses its own employees or contractors to perform a similar assessment.

- Costs include: observations, administration and scoring of tests, report writing, and attendance in person or by phone at an IEP team meeting.

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. Reimbursement will be in an amount no greater than the actual cost to the parent and will be subject to proof of payment.

Based on the cost limitations contained in the San Mateo County SELPA LEAs and region, the suggested cost of an IEE should be limited to the following table of maximum costs, absent extraordinary circumstances:

The following table provides cost limitations based upon the types of assessment being conducted for the 2024-25 school year. Rates are reviewed and adjusted, as appropriate, annually.

Type of Assessment	Maximum Allowable Rate
Augmentative & Alternative Communication (AAC)	$4,000
Academic Achievement	$3,000
Assistive Technology (AT)	$4,000
Adapted Physical Education (APE)	*
Audiological Services	*
Functional Behavioral Assessment (FBA)	$4,000
Health and Nursing	*
Educationally Related Mental Health Services (ERMHS)	$5,000
Music Therapy (MT)	*
Orientation and Mobility (OM)	$3,000
Occupational Therapy (OT)	$3,000
Physical Therapy (PT)	$3,000
Psycho-Educational (Psychological Assessment with Academic Achievement)	$7,500
Speech & Language	$4,000
Transition	$3,000

Guidelines for all IEE costs are calculated by considering the time required for the assessment and the appropriate compatible LEA 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. An LEA will not necessarily be required to fund the attendance of the assessor at the IEP meeting convened to consider the IEE.

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:

1. A decrease in available lifetime coverage or any other benefit under an insurance policy
2. A increase in premiums or the discontinuance of the policy OR
3. 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.

Independent Evaluators must:

- Provide original protocols of all the evaluations, and
- Provide a written report prior to the IEP team meeting

Independent evaluators **must** agree to release their assessment information, provide prior to the IEP meeting a written IEE assessment report, submit copies of any and all assessment protocols utilized to conduct the IEE, and provide the detailed invoices including dates of assessment, observations and hourly rates, if applicable, to the LEA prior to receipt of payment for services. All independent educational evaluators must utilize testing and assessment materials and procedures which are selected and administered so as not to be racially, culturally, or sexually discriminatory. Tests and other assessment materials must be provided and administered in the student's primary language or other mode of communication unless there are stated reasons why this provision and administration are not clearly feasible. All assessment instruments utilized must have been validated for the specific purpose for which they are used, and be administered by trained personnel in conformity with the instructions provided by the publisher. All written reports must meet the requirements of the Individuals with Disabilities Education Act (IDEA) and the California Education Code Section 56327.

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 (IDEA). However, the results of an IEE will not control the LEA's determinations and may not be considered if not completed by a qualified professional, as determined by the LEA. However, the results of an IEE will not control the LEA's determinations and may not be considered if not completed by a qualified professional, as determined by the LEA. LEAs should consider that contracting with a Non-Public Agency (NPA) for both assessment and services could compromise the reliability of the assessment performed. Please refer to the Master Contract for language related to use of the

same contractor for assessment and direct services.

Reference:
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.
Education Code 56329 Notice to parents or guardians; independent educational assessments; hearings; proposals for publicly financed nonpublic placements
Education Code 56506(c) Due process rights of pupil and parent

Approved SELPA Governing Board November 3, 2009
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INDEPENDENT EDUCATIONAL EVALUATIONS

Frequently Asked Questions (FAQs) for Parent(s)/Guardian(s)

Legal Basis:
IDEA: Section 300.502 Independent Educational Evaluation. 20 U.S.C. 1415 (b)(I) and (d)(2)(A); California Education Code Section 56329.

What is an IEE?

Independent educational evaluation (IEE) means an evaluation conducted by a qualified evaluator who is not employed by the LEA of residence.

What does "public expense" mean?

Public expense means that the LEA pays for the full cost of the evaluation (in accordance with cost recommendations described herein) or ensures that the evaluation is otherwise provided at no cost to the parent.

When can I request an IEE?

When you disagree with the LEA's evaluation of your child

How do I request an IEE?

You must indicate in writing to the LEA, or inform the LEA at an IEP meeting that you:

1. Disagree with the evaluation and
2. Are requesting an IEE at public expense

Do I have to state my reasons for disagreement?

No, you are not required to state the reason(s) for your disagreement. However, the LEA may ask you for the reasons related to your disagreement.

Are there any limitations to the number of IEEs that can be requested?

Yes, Parents may only request one publicly funded IEE for each evaluation completed by the district.

Are there time limits to requesting an IEE?

Yes, A request for an IEE must be made within two years of the date of the district's evaluation report.

What are the options for the IEE Assessor?

Your options for an IEE include:

- A staff member from another LEA in the SELPA
- A staff member from another SELPA
- A Non Public Agency (NPA) provider
- A provider on the SELPA IEE list

Is the LEA required to approve my IEE Request?

No, the LEA has the right to EITHER proceed with the IEE Request OR Initiate a due process hearing to establish the appropriateness of their assessment

Does the parent get to choose the IEE Assessor?

If the District Agrees to provide an IEE, the LEA will work collaboratively with the parent to identify an IEE evaluator.

Are there any limitations in choosing an evaluator?

Yes, there are limits related to required minimum qualifications of the assessor, geographical limitations and cost caps. Please refer to the Policy/Procedure document for full details.

Who pays for the IEE?

Varies depending on LEA and parent agreement. In some cases, the LEA may contract directly with the IEE assessor. In other cases the LEA and parent may agree to a reimbursement in the amount no greater than the cost of the assessment.

Are there timelines for this assessment?

No, the 60-day assessment timeline does not apply to the IEE assessor. Districts have little to no control related to the behavior of independent assessors, including but not limited to the time taken to respond to a request for information, execution of a contract or completion of an IEE.

Why is a Release of Information required?

This authorizes the LEA to communicate directly with the chosen independent evaluator. Because the IEE is a part of the students educational record, funded at public expense, the IEE assessor is required to share all information related to the assessment with the IEP team.

Will the assessor observe my child?

If the LEA observes the student in conducting the evaluation with which the parents disagree or if its assessment procedures allow in-class observations, the independent evaluator will be provided with an equivalent opportunity to observe the student 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. Please refer to SELPA Observation Policy.

What happens if I obtain a Private Assessment before I request an IEE?

This LEA must consider the evaluation in any decision made with respect to the provision of FAPE for the student, and this assessment may be presented as evidence at a due process hearing or other proceeding regarding the student

When is an LEA not required to pay for the IEE?

There are a few conditions that would result in nonpayment by the LEA:

1. Hearing officer (as a result of due process hearing) finds that the LEAs evaluation is appropriate
2. Parents obtained a private evaluation without first notifying the district in writing, of their disagreement

Are there ever circumstances where a parent can be reimbursed for obtaining a private evaluation without having first requested an IEE in writing?

Yes, in any one of the 3 circumstances:

1. All the following conditions have been met:
    a. The parent disagreed with the district's evaluation,
    b. The parentally obtained evaluation meets the SELPA criteria,
    c. The parent upon request provides the district with timely, written consent to exchange information with the examiner,
    d. The parent provides a copy of the written evaluation report and all other documents / tests related to the report, and
    e. The examiner attends the relevant IEP team meeting by phone or in person to discuss his or her findings and provides protocols of all evaluations to the district.
2. The district's evaluation has not been provided in compliance with the law
3. The privately obtained evaluation assessed the student in an area of suspected disability that was not previously assessed by the district.

[end of FAQ Document]

INDEPENDENT EDUCATIONAL EVALUATIONS

Procedures for Parents/Guardians

Objective: The purpose of this document is to provide an overview of the IEE Request process for parents/guardians. Please refer to the San Mateo County SELPA IEE Policy for full text.

Legal Basis: IDEA: Section 300.502 Independent Educational Evaluation. 20 U.S.C. 1415 (b)(I) and (d)(2)(A); California Education Code Section 56329.

Part 1: BEFORE you request or obtain an IEE

- Contact the Local Education Agency (LEA) special education administrator to discuss your questions and/or concerns with your child's assessment and related options.
- Review this policy / procedure prior to obtaining and/or paying for an IEE

Other important things to know:

- Parents may only request one publicly funded IEE for each evaluation completed by the district.
- A request for an IEE must be made within two years of the date of the district's evaluation report.

Part 2: After you've requested the IEE in writing and/or at an IEP meeting:

First, the LEA will provide you with a copy of the San Mateo County SELPA policy and procedures, including criteria for IEEs and a copy of procedural safeguards and parental rights. Your options for an IEE include:

- A staff member from another LEA in the SELPA
- A staff member from another SELPA
- A nonpublic agency provider
- A provider on the SELPA IEE list

Second, you will communicate to the LEA, in writing, your preferred option.

(Note: at this step, the LEA has the right to EITHER proceed with the IEE Request OR Initiate a due process hearing to establish the appropriateness).

***If the District Agrees to provide an IEE**:* The LEA will work collaboratively with the parent to identify an IEE evaluator.

If the LEA initiates a due process hearing: You will be notified in writing prior to the filing of a due process hearing complaint. This written notice shall include all of the elements of prior written notice as required by section 300.503(b) of Title 34 of the Code of Federal Regulations.

Part 3: After the IEE assessor has been identified

Once the IEE assessor has been identified and agreed upon, parents and district will continue working on logistical aspects of the assessment. The district will present a Release of Information (ROI) form to the parent, which is required in order for the assessment to be completed.

Payment: In some cases, the LEA may contract directly with the IEE assessor. In other cases the LEA and parent may agree to a reimbursement in the amount no greater than the cost of the assessment. Please discuss payment with your district prior to scheduling the testing appointments for your student.

Testing Appointment Scheduling: Parent will directly schedule with the assessor.

Meeting Scheduling: Assessor should notify the district and parent when their assessment is complete and the report is available. The IEP meeting should be scheduled without undue delay.

[end of IEE Process Document]

INDEPENDENT EDUCATIONAL EVALUATIONS
Frequently Asked Questions (FAQ) for IEE Providers

Is there a cost maximum for IEEs?

Yes, San Mateo County SELPA identifies a cost limitation, based upon the comparable costs that an LEA incurs when it uses its own employees or contractors to perform a similar assessment.

What do the costs of an IEE Include?

The total fee must be inclusive of: observations, administration and scoring of tests, report writing, and attendance in person or by phone at an IEP team meeting.

Are there exceptions to the cost limitation?

It depends. If the assessor anticipates that unique circumstances may result in an evaluation cost over the established limits, the assessor should communicate these unique circumstances to the parent and LEA.

Am I required to share information with the LEA?

Yes, because this evaluation is being funded by the LEA, using public funds in support of development of the Student's Individual Education Plan, all information obtained through the evaluation must be shared with the LEA.

What am I required to share with the LEA?

Original protocols and a written copy of the report must be provided to the LEA.

What is required prior to payment?

Evaluators must agree to release all evaluation information to the LEA prior to payment for services. Detailed invoices included: dates of assessments/observations, hourly rate (or other fee structure) are required.

How is the IEE report utilized?

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 Individuals with Disabilities Education Act. However, the results of an IEE will not control the LEA's determinations.

IEE Provider List: School Year 2024-2025

2024-2025 IEE Provider List				
Name	**License/Credential**	**Contact Information**	**Assessment Type(s)**	**Language(s)**
Marcello Forte	SLP	mforteslp@gmail.com	Speech and Language	English, Spanish
Joselyn Badra	LEP, PPS-School Psych	jbadra.lep@gmail.com	Academic, Psychoeducational, Social-Emotional	English, Spanish
Korah La Serna Guilar	LEP, PPS-School Psych, NCSP	LEPsych@kgeminii.com	Psychoeducational	English, Spanish
Dr. Christa Cusimano	LEP	drchristacusimano@gmail.com	Academic, Behavior / FBA, Psychoeducational, Social-Emotional	English only
Julie Flynn	LEP, PPS-School Psych	learningbio.org@gmail.com	Psychoeducational	English only
Erin Eastwood	BCBA	eebehaviorconsulting@gmail.com	Behavior / FBA	English only
Dr. Michael Slone	LEP, ABSNP, NCSP, BCBA	drmichaelslone@gmail.com	Academic, Behavior / FBA, Psychoeducational, Social-Emotional, Transition	English only
Mind by Design	Various employees: LEP, SLP, Special Education Teaching Credential	jana@themindbydesign.com	Academic, Behavior / FBA, Psychoeducational, Social-Emotional, Speech and Language, Transition	English, Polish
Samira Rastegar	LEP, PPS-School Psych	srastegar711@gmail.com	Psychoeducational, Social-Emotional	English only
Narges Izadi	LEP, PPS-School Psych	nargesizadilep@gmail.com	Academic, Psychoeducational, Social-Emotional	English, Farsi