



OFFICE OF SCHOOL SUPPORT SERVICES

1515 Hughes Way • Long Beach • CA 90810 • 562.997.8644 • lbschools.net

Long Beach Unified School District
Special Education Local Plan Area (SELPA)

Independent Educational Evaluation Policy and Procedures

The Long Beach Unified School District Special Education Local Plan Area ("SELPA") developed this policy and procedures which govern independent educational evaluations ("IEEs") pursuant to the Individuals with Disabilities Education Act ("IDEA"). (20 U.S.C. § 1415(b)(1); 34 C.F.R. § 300.502; Ed. Code, § 56506(c), and 56329(b), (c).) Please read this entire document carefully and contact the District's SELPA Director with any questions.

Definitions

Local educational agency (LEA) means the school district, charter school, or county office of education that is responsible for providing educational services to a child with a disability. For the purposes of this document, the LEA is the Long Beach Unified School District (District).

Independent Educational Evaluation (IEE) means an evaluation of a child with a disability conducted by a qualified examiner who is not employed by the District.

Qualified Examiner means an evaluator who is competent to perform the evaluations, as determined by LEA-established criteria and in accordance with Education Code section 56322.

Parent, as used in this document, means a parent, guardian, or educational rights holder who is authorized to make decisions concerning a child with a disability.

Public expense means that the LEA 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.

Right to Request Independent Educational Evaluation

A parent has a right to an IEE at the public expense if they disagree with an evaluation completed by the District within two years of the date that the evaluation was presented at an individualized education program ("IEP") team meeting. A parent may request only one IEE in response to each evaluation that the District completes.

How to Request Independent Educational Evaluation

To request an IEE, a parent must indicate in writing or state at an IEP team meeting that they disagree with an evaluation conducted by the District and are requesting an IEE at the public expense. The parent must identify what area of evaluation they are seeking for the IEE. If a parent makes an oral request or requires assistance in making a written request for an IEE, District staff shall offer to assist.



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Consideration of Private Independent Educational Evaluation

A parent may also obtain an IEE and request that the District reimburse them for the completed IEE. To obtain reimbursement from the District for a completed IEE, the IEE must meet the SELPA criteria, which is outlined below. The District's SELPA Director or designee will determine whether a privately-obtained IEE meets the SELPA criteria. A parent must make a request for reimbursement for a private IEE in writing to the District. If a parent requires assistance in making a written request for an IEE, District staff shall offer to assist.

Response to Request for Independent Educational Evaluation

When the District receives a request for an IEE at public expense or a request for reimbursement for a privately-obtained IEE, the District will ask for the reason why the parent disagrees with the District's evaluation. This request helps inform the District's training, compliance, and assessment practices. However, the District will not require a parent to explain the reason for their disagreement and may not unreasonably delay their response to the IEE request on that basis.

The District will use the following procedure in response to an IEE request:

1. The District will provide a prior written notice that details the District's response to the request.
2. The District will provide the parent with a copy of the District's *Parents' Rights and Procedural Safeguards*, which includes information about the parent's rights under the IDEA.
3. The District will provide the parent with a copy of the District's *SELPA IEE Policy and Procedures*, which includes information about the parent's rights related to IEEs.

In responding to a request for an IEE, the District has only two choices: 1) fund the IEE at the public expense, or 2) file a request for due process hearing with the Office of Administrative Hearings ("OAH") to obtain an order from an administrative law judge ("ALJ") finding that the District's evaluation was appropriate. The District will inform the parent of its response without unreasonable delay.

Process for Independent Educational Evaluation at Public Expense

If the District grants a parent's request for an IEE at the public expense, the District will use the following procedure:

1. Parent may select a qualified provider of their choice who meets the criteria outlined in this policy. It is recommended that the parent request a copy of any potential evaluator's resume, ask for references, and request a rate sheet that includes the itemized costs for the evaluation prior to requesting an evaluator.



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2. The District will contact the parent's preferred assessor to determine whether the assessor meets the SELPA Policy and Procedures Criteria.
 - a. *If the assessor meets the criteria*, the District will initiate a contract with the assessor for the IEE. The District will also provide the parent with a consent form to allow the District to release information about their child to the IEE assessor to allow them to complete the IEE.
 - b. *If the assessor does not meet the criteria*, the District will send you a prior written notice informing you of which criteria the assessor does not meet and requesting information about whether unique circumstances exist that may require an exception to the SELPA criteria.
3. Upon request, the District will provide names and contact information of evaluators who have previously contracted with the District for an IEE. However, this list is not intended to be exhaustive or limit the parent's options in obtaining an IEE.
4. Once the contract between the District and the assessor is in place, the parent may contact the independent assessor and complete the IEE.
5. As the IEE is independent of the District, the parent is responsible for contacting the independent assessor, scheduling the testing, and making the student available for any testing. Please note that the District is not in control of how long it takes the IEE assessor to complete the IEE.
6. The IEE assessor is required to provide the District with a copy of the assessment report following the completion of the IEE.

Reimbursement for Private Independent Educational Evaluations

If a parent requests reimbursement for an IEE that they privately obtained, the District will use the following procedure:

1. Parent must provide documentation necessary for reimbursement.
2. The District does not have an obligation to reimburse parent for a privately obtained evaluations completed prior to the date that the District's evaluation is completed and discussed at an IEP team meeting.
3. Privately obtained IEEs must meet the SELPA criteria unless unique circumstances exist to justify an exception to these requirements.
4. The District will not issue partial reimbursements for IEEs exceeding the maximum allowable rates outlined in this policy, even if the parent agrees to pay the difference.



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5. If the District files a request for due process hearing, the parent will not be reimbursed for the cost of the evaluation unless the administrative law judge orders the District to reimburse the parent as part of the due process decision.

Components of Independent Educational Evaluation

An IEE should focus on the unique needs of the child and the types of special education services and programs that will allow the child to make progress in consideration of the child's unique circumstances and disability.

The IEE assessor will be provided with an opportunity to conduct in-class observations, consistent with the observation conducted by District staff in completing its evaluation of the child. In-class observations shall be conducted in accordance with the school site's observation policy and in a manner that prevents unnecessary disruption to the class and protects the privacy interest of other students. School site observation policies may include parameters such as identifying time constraints for the observation, accompaniment by District staff during the observation, and restricting student/observer and teacher/observer interactions.

Agency Criteria

The District has identified the following criteria for an IEE obtained at public expense or requested for District reimbursement, which are consistent with the District's criteria for its own evaluations. The District adopted these criteria based on a survey of assessor qualifications and rates conducted by the Greater Los Angeles Area SELPA, with consideration of the District's geographic area. The District's criteria are also consistent with a parent's right to obtain an IEE at public expense and assurances that the IEE evaluator has proper qualifications and the IEE is not unreasonably expensive.

Location. The office of the IEE evaluator must be located within fifty (50) miles of the District's Office of School Support Services, which is located at 1515 Hughes Way, Long Beach, California 90810. If an exception to this geographic limitation is established based on unique circumstances, the District shall pay the IEE evaluator the federal business mileage reimbursement rate for required travel associated with the IEE.



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Qualifications. Evaluators must be knowledgeable of and agree to comply with the provisions of the IDEA and California Education Code governing special education, including the special education eligibility criteria and standard for the provision of a free appropriate public education ("FAPE"). In addition, evaluators must meet the qualifications specified in the Education Code, which are outlined below.

Assessment Areas	Minimum Qualifications for Evaluators
Academic Achievement	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist
Adapted Physical Education (APE)	Credentialed Adapted Physical Education Teacher Licensed Occupational Therapist Licensed Physical Therapist
Assistive Technology	Certified Assistive Technology Specialist Credentialed Special Education Teacher Credentialed or Licensed Speech Language Pathologist Licensed Occupational Therapist
Alternative/Augmentative Communication (AAC)	Credentialed or Licensed Speech Language Pathologist Credentialed Special Education Teacher Licensed Occupational Therapist
Central Auditory Processing	Credentialed or Licensed Audiologist
Deaf/Hard-of-Hearing	Licensed or Certificated Audiologist Credential Special Education Teacher with Education Specialist Instruction Credential: Deaf and Hard-of-Hearing
Educationally-Related Mental Health Services (ERMHS)	Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist Licensed Marriage and Family Therapist



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Assessment Areas	Minimum Qualifications for Evaluators
Functional Behavior Assessment (FBA)	Board Certified Behavior Analyst Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist Credentialed Special Education Teacher
Neuropsychological	Credentialed School Psychologist with Ph.D. or Psy.D. or Postgraduate Certificate/Credential in Neuropsychological Assessment Licensed Clinical Psychologist Licensed Educational Psychologist with Ph.D. or Psy.D. or Postgraduate Certificate/Credential in Neuropsychological Assessment Licensed Psychiatrist
Occupational Therapy	Licensed Occupational Therapist
Orientation and Mobility	Credentialed Teacher of the Visually Impaired Credential Teacher of the Physically Impaired Orientation and Mobility Specialist
Physical Therapy	Licensed Physical Therapist
Psychoeducation	Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist
Speech and Language	Credentialed or Licensed Speech and Language Pathologist
Transition (Career and/or Vocational)	Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist Credentialed Special Education Teacher
Visual Acuity/Visual Perception	Credentialed Teacher of the Visually Impaired Credentialed School Nurse Licensed Ophthalmologist Licensed Optometrist



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Cost. The cost of the IEE shall be comparable to the costs that the District incurs when it uses its own employees or the rate in the District's geographic area for contractors to perform a similar assessment. Costs include: record review, observation, interviews, administration and scoring of tests, report writing, and attendance at an IEP team meeting in person or virtually.

Assessment	Maximum Allowable Rate
Academic Achievement	\$3,000
Adapted Physical Education (APE)	\$2,300
Assistive Technology	\$2,500
Augmentative and Alternative Communication (AAC)	\$2,750
Central Auditory Processing	\$1,850
Deaf or Hard-of-Hearing	\$2,500
Educationally Related Mental Health Services (ERMHS)	\$4,000
Functional Behavior Assessment (FBA)	\$4,000
Neuropsychological	\$7,000
Occupational Therapy	\$2,200
Orientation and Mobility	\$2,100
Physical Therapy	\$1,750
Psychoeducation	\$6,500
Speech and Language	\$3,000
Transition (Career and/or Vocational)	\$3,000
Visual Acuity/Visual Perception	\$1,800

The District may maintain a courtesy, non-exhaustive list of IEE evaluators with whom it has contracted before. However, the District does not endorse any particular evaluator and is not responsible for any liability that may arise from use of any evaluator listed. As stated above, the District must also ensure that the potential evaluator meets the SELPA criteria and contracting requirements prior to initiating a contract with the evaluator for the IEE.



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Unique Circumstances

IEEs must meet the above SELPA criteria unless the parent or the District can demonstrate there are unique circumstances that would justify utilizing an assessor who does not meet the SELPA criteria. Unique circumstances may include, but are not limited to, qualified evaluators not being located within the established geographic limitation, the particular unique needs of a student requiring an assessor with specialized qualifications, or the unique needs or qualifications of an assessor necessitating a rate above the District's maximum allowable rate.

The parent must provide justification in writing of the unique circumstances that they believe warrant an exception to the District's SELPA criteria. The District will then determine if an exception to the SELPA criteria is warranted and provide a response in writing to the parent of its determination. If the parent has any questions about exception to the SELPA criteria for unique circumstances, please contact the SELPA Director.

Insurance

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

- A decrease in the available lifetime coverage or any other benefit under an insurance policy;
- An increase in premiums or the discontinuance of the policy; or
- 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 District reimburse them for the amount of the deductible.

Criminal Background Check

The California Education Code requires any entity who has a contract with the District and works with District students outside of the immediate supervision and control of the parent/guardian or District employee have a valid criminal background check. The District understands that your child will be under your immediate supervision and control during the IEE. The District will request your affirmation that you will maintain this immediate supervision and control of your child during the IEE testing administration on the IEE consent form.

Independent Educational Evaluation Report

An IEE assessor must provide a written report of their assessment that meets the requirements of the IDEA and California Education Code section 56327. IEE assessors are requested not to identify specific service providers to avoid possible conflict of interest situations. IEE assessors must agree to release their assessment information, testing protocols, report, and results to the District prior to receipt of payment for services.



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Due Process Proceeding

If the District chooses to file a request for due process hearing in response to the request for the IEE, the District will provide the parent with a copy of the due process hearing complaint. As part of the due process proceeding, the Parties will have an opportunity to participate in a mediation with an administrative law judge. If the District initiates a hearing and the judge determines that the District's evaluation was appropriate, the parent still has a right to an IEE, but not at public expense. An IEE may also be presented as evidence at a due process hearing regarding the child.

Withdrawal of Request for Independent Educational Evaluation

If at any time a parent wishes to withdraw a request for an IEE at public expense or through reimbursement, the parent may provide the District with this withdrawal in writing. If a parent requires assistance in making a written withdrawal of the IEE request, District staff shall offer to assist.

Consideration of Independent Educational Evaluations

The District will schedule an IEP team meeting within 30 days of receipt of an IEE report, not counting days when the District is closed for a school break of more than 5 days. This IEP team meeting will be scheduled both for reports funded or reimbursed by the District and reports obtained at parental expense. The District will invite the IEE assessor to one IEP team meeting to review their report. The IEP team will consider the IEE report at the IEP team meeting. This review and consideration however does not obligate the District to adopt the recommendations from the IEE report. Instead, the IEP team is responsible for making determinations about the student's eligibility, appropriate goals, services, and/or placement recommendations.

Additional Information

If you require additional information concerning the District's IEE Policy and Procedures, please do not hesitate to contact the District's SELPA Director, Miruna Ouatu Lascar, at (562) 997-8030.

In addition, you may obtain a copy of your *Parents' Rights and Procedural Safeguards* at <https://www.lbschools.net/departments/special-education/parents/parent-information>.

This notice of rights includes a number of individuals and entities you can contact for additional information.