

# GUIDELINES & RESOURCES FOR PARENTS



INDEPENDENT EDUCATION EVALUATIONS

## **INTRODUCTION**

The Natomas Unified Special Education Local Plan Area (SELPA) has developed the following guidelines to provide parents/guardians of students with disabilities with an overview of the federal and state laws surrounding Independent Educational Evaluations (IEEs).

It is recommended that parents/guardians review this entire document carefully. The policies, procedures and criteria are intended to be read as one comprehensive document.

Parents/guardians who would like additional information about IEEs should contact their District special education director at 916-567-5434.

## **DEFINITIONS**

- “Independent educational evaluation” means an evaluation conducted by a qualified examiner who is not employed by the responsible Local Education Agency (LEA) or District.
- An IEE can be conducted in areas previously evaluated, or not, by the District.
- “Public expense” means that the District either pays for the full cost of the evaluation or ensures that the evaluation or evaluation components are otherwise provided at no cost to the parent.
- A “parent” is defined as the following:
  - A biological or adoptive parent of a child
  - A foster parent if the authority of the biological or adoptive parents to make educational decisions on the child’s behalf specifically has been limited by court order. (34 C.F.R. 300.30(b)(1) or (2)).
  - A guardian generally authorized to act as the child’s parent, or authorized to make educational decisions for the child, including a responsible adult appointed for the child. (Welfare and Institutions Code sections 361 and 726 )
  - An individual acting in the place of a biological or adoptive parent, including a grandparent, stepparent, or other relative, with whom the child lives, or an individual who is legally responsible for the child’s welfare
  - A surrogate parent who has been appointed. (Government Code section 7579.5 or 7579.6, 34 CFR 300.519 , and 20 USC 1439(a) (5) )

## **WHEN MAY A PARENT/GUARDIAN REQUEST AN IEE?**

A parent/guardian has the right to obtain an IEE for their child at their own expense at any time. (34 CFR 300.502(a)(1))

The parent/guardian of a student with a disability has the right to obtain an IEE at public expense, subject to the provisions of federal and state law, when the parent disagrees with an assessment

obtained by the District within the last two years. (34 CFR 300.502(b)(1) and (d)(2)(A), CA Education Code section 56329(b), and OAH Case No. 2012051153)

To initiate an IEE request, the parent/guardian shall communicate to District personnel that they disagree with an District evaluation and would like to request an independent education evaluation be completed at public expense. The request shall be made in writing, discussed during an IEP meeting, or in some other manner to the District administration and/or special education staff.

A parent/guardian may request one independent educational evaluation in response to each area of evaluation completed by the District within the last two years.

### **PROCEDURES FOR SHARING A “PARENT-INITIATED IEE”**

When a parent/guardian obtains an independent educational evaluation (IEE) at private (own) expense, the results of the evaluation shall:

- Be considered by the individual education plan (IEP) team, if it meets agency criteria, in any decision made with respect to the provision of a free, appropriate, public education (FAPE) to the student; and
- May be presented as evidence at a due process hearing regarding the child.

### **RESPONDING TO A REQUEST FOR AN IEE AT PUBLIC EXPENSE**

Once a parent/guardian has communicated their request for an IEE at public expense, the District shall provide the parent/guardian with a copy of their Procedural Safeguards and either:

1. Initiate a due process hearing to show that the evaluation, completed by the District, is appropriate; or
2. Provide the parent/guardian with the Natomas Unified SELPA IEE Information Packet, which provides information about where an IEE may be obtained and the agency criteria applicable for IEEs, and ensure that an IEE is provided at public expense. (34 CFR 300.502(a)(2))

The District may request that the parent/guardian provide reasoning as to why they object to the District’s evaluation or specific areas of evaluation. However, the District may not require the parent/guardian to provide an explanation and may not unreasonably delay providing the IEE at public expense.

### **AGENCY CRITERIA FOR CONDUCTING AN IEE**

According to federal regulations, the criteria under which the IEE is obtained at public expense, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the District uses when it initiates an evaluation. (34 CFR 300.502(e)(1))

The District may not impose conditions or timelines related to obtaining an IEE at public expense. (34 CFR 300.502(e)(2))

## **LOCATION**

It is recommended to locate an evaluator within your county or neighboring counties. Evaluators outside of this area will be approved only on an exceptional basis by the District if the parents or the District 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 Internal Revenue Service business mileage reimbursement rate for required travel if the assessor is located outside of Sacramento County associated with the assessment to the student’s school of attendance.

The IEE shall be administered by an evaluator in the same type of educational setting as that used by the District in providing similar evaluations including, but not limited to, classroom observations. (CA Education Code section 56329(c))

## **GUIDELINES FOR DETERMINING QUALIFICATIONS**

All assessments shall be completed by persons competent to perform the assessment as determined by the District. (CA Education Code section 56322)

The IEE shall be administered by an evaluator who holds equivalent certifications, licenses, or other qualifications that would be required of the District staff to provide similar evaluations.

Independent evaluators shall have the following minimum credentials issued by the appropriate agency or board with the State of California:

<b>Type of Assessment</b>	<b>Minimum Qualifications</b>
Academic Achievement	Credentialed Special Education Teacher Licensed Educational Psychologist (LEP) Pupil Personnel Services Credential
Adaptive Behavior	Licensed Educational Psychologist Pupil Personnel Services Credential
Adaptive Physical Education	Credentialed Adapted Physical Education Specialist
Assistive Technology	Certified Assistive Technology Specialist
Auditory Acuity	Licensed Educational Audiologist Clinical or Rehabilitative Services Credential Language, Speech and Hearing and Audiology Credential

Auditory Perception/Auditory Processing	Language, Speech and Hearing and Audiology Credential Clinical or Rehabilitative Services Credential Education Specialist Instruction Credential: Deaf and Hard-of-Hearing Licensed Educational Psychologist Pupil Personnel Services Credential
Functional Behavioral Assessment	Credentialed Special Education Teacher Pupil Personnel Services Credential Licensed Marriage and Family Therapist Licensed Clinical Social Worker Licensed Educational Psychologist Board Certified Behavior Analyst
Cognitive	Licensed Educational Psychologist Pupil Personnel Services Credential
Health	Licensed Physician Registered Nurse School Nurse Services Credential
Occupational Therapy	Licensed Occupational Therapist
Orientation and Mobility	Clinical or Rehabilitative Services Credential Education Specialist Instruction Credential: Physical and Health Impairment
Physical Therapy	Licensed Physical Therapist
Social/Emotional	Licensed Educational Psychologist Licensed Clinical Social Worker (LCSW) Licensed Marriage and Family Therapist Pupil Personnel Services Credential
Transition/Vocational	Credentialed Special Education Teacher Adult Education Credential with a Career Development Authorization Pupil Personnel Services Credential
Vision	Licensed Optometrist Licensed Ophthalmologist Education Specialist Instruction Credential: Visual Impairments

A parent/guardian shall have the opportunity to demonstrate that unique circumstances justify a waiver of any of the criteria listed above as defined by the District.

A parent/guardian may also request a list of suggested IEE evaluators who meet the District agency criteria, but the parent/ guardian is not required to select from the list provided.

## CONFLICT OF INTEREST

The District should ensure there is no conflict of interest between the evaluator and service provider, or the evaluator and the family. After completing an independent educational evaluation, it is not recommended that the independent evaluator or their agency provide the service(s) recommended to the IEP team.

## IEE COST DETERMINATION

The cost determination for an IEE shall be comparable to the costs incurred by the District when it uses its own employees or contractors to complete a similar assessment. Such costs shall include:

1. Observations;
2. Administration and scoring of assessments;
3. Report writing; and
4. Attendance in person, or by phone, at the IEP meeting in which the IEE is presented.

The following are Reasonable Maximum Amounts:

<b>Type of Assessment</b>	<b>Reasonable Maximum Amount</b>
Assistive Technology	\$3000
Auditory Perception/Auditory Processing	\$1000
Functional Behavioral Assessment	\$3000
Cognitive/ Full Psycho-Educational (Rate allowed depends on components tested such as academic, adaptive behavior, cognition, social-emotional, etc.)	\$6000
Occupational Therapy	\$2500
Physical Therapy	\$2500
Speech and Language	\$3000
Functional Vision	\$1000

## **PAYMENT OF IEE COSTS**

### **1. IEE Obtained at Public Expense:**

The District will issue payment to the independent evaluator for the cost of conducting the IEE following the District's receipt of the following:

- A written IEE assessment report prepared by the independent evaluator containing all necessary assessment and eligibility sections. The report shall be received by the District and the parent five days prior to the IEP meeting;
- The original assessment protocols utilized to conduct the IEE shall be provided to the District; and
- Detailed invoice(s), including dates of assessment, observation(s), and hourly rates.

### **2. Unilaterally Obtained IEE at Private Expense:**

A parent/guardian is requested, but is not required, to notify the District prior to obtaining a unilateral independent educational evaluation. Regardless, if a parent/guardian obtains an independent educational evaluation at private expense, the parent's/guardian's request for payment and/or reimbursement shall be received by the District within a reasonable time after receipt of the results of the completed independent educational evaluation.

Once a parent/guardian has requested that a unilaterally obtained IEE be paid and/or reimbursed by the District, the District must provide the parent/guardian with a copy of their Procedural Safeguards and either:

- Initiate a due process hearing to show that the District's evaluation is appropriate;
- OR
- Provide the parent/guardian with the Natomas Unified SELPA IEE Information Packet, which provides information about where an IEE may be obtained, the agency criteria applicable for IEEs, and proceed with consideration of the District's obligation to pay for the independent evaluation.

If the District proceed with consideration to pay for the unilaterally obtained IEE, the District shall:

- Review and consider the parent/guardian's request for payment;
- Ensure the request was made within a reasonable time after receipt of the results of the evaluation; and
- Ensure all criteria discussed in this policy are met and the required documents (assessment report, original assessment protocols and invoice(s)) have been received.

### **3. Evaluations Ordered by Hearing Officer**

If a hearing officer orders an independent educational evaluation as part of a hearing, the cost of the evaluation must be at the District expense, unless otherwise specified by the hearing officer.

## **CRITERIA FOR ACCESSING PRIVATE INSURANCE**

When private insurance will cover all, or a portion of, the costs of the independent educational evaluation, the District will request that the parent/guardian voluntarily have their insurance pay the costs of the IEE covered by their insurance. However, parents will not be asked to have private insurance cover the costs of an IEE if the process would result in a financial cost to the parent/guardian including but not limited to:

- A decrease in 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.

## **IEE ASSESSMENT RESULTS**

The results of the independent educational evaluation, whether obtained at public or private expense, will be considered by the IEP team when making a determination regarding the student's eligibility for special education and related services, educational placement, and other components of the student's educational program as required by federal and California special education laws and regulations.

However, the results of an IEE will not control the IEP team's determinations and may not be considered if not completed by a qualified professional, as determined by the District.

QUESTIONS? Contact your District at (916) 567-5434

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