Independent Educational Evaluation

The Yuba County Special Education Local Plan Area ("SELPA") has developed this policy, corresponding procedures and criteria that govern Independent Education Evaluations (IEE). (20 USC §1415; EC §56506[c] and §56329[b]; 34 CFR §300.502) For purposes of this policy, the term "*SELPA*" also includes the school district and/or administrative unit responsible for your child's education. Parents should be sure to read the entire document carefully. The policy, procedures, and criteria are to be read in conjunction with one another as one comprehensive document. Parents who need additional information about IEEs should contact the SELPA Director for Yuba County contact the California Department of Education as outlined in their Notice of Procedural Safeguards.

Parents have the right to request an IEE at public expense if they disagree with an evaluation completed by the local educational agency (LEA). Parents may request one IEE in response to each evaluation completed by the LEA, which must be funded unless the LEA files for an administrative hearing to challenge the request. If an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the LEA uses when it initiates an evaluation, to the extent to those criteria are consistent with the parent's right to an IEE (34 CFR §300.502 (e)(1)). Local Education Agencies may not impose other conditions or timelines that are inconsistent with the LEA's criteria used to initiate its own evaluations and/or would deny the student's and parent's right to obtain an 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 public agency payment or reimbursement for the IEE.
2. Before obtaining an IEE, please contact the special education administrator to discuss your child's assessment and related questions and options.
3. The local education agency (LEA); better known as the district or county office of education, 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 LEA's evaluation report.

Definitions

"*Independent Educational Evaluation*" means an evaluation conducted by a qualified examiner who is not employed by the responsible local educational agency (LEA).

"*Parent*" means the holder of educational rights of a student and includes a parent, guardian, or surrogate parent.

"*Public Expense*" means that the LEA ensures the IEE is provided at no cost to the parent.

"*Qualified Examiner*" means an evaluator who is competent to perform evaluations through criteria established by the SELPA in accordance with California Education Code §56322.

Parameters for Seeking IEE

The SELPA requires that the parent first inform the LEA, either in writing or during an IEP meeting, that the parent:

1. Disagrees with a LEA's evaluation and
2. Is requesting an IEE at public expense.

Explanation of Disagreement

If parents request an IEE at the expense of the LEA, the parents may be asked for a reason why they object to the LEA's evaluation. There is no requirement that the parents specify areas of disagreement with LEA's evaluation as a prior condition to obtaining the IEE.

LEA's Response to a Request for an IEE

Upon request for an IEE at public expense, the LEA will respond *without unnecessary delay*. The LEA may either initiate a due process hearing to show that its evaluation is appropriate or will provide the parent an opportunity to obtain an IEE.

If the LEA initiates a hearing and the final decision is that the LEA's evaluation and/or criteria appropriate the parent still has the right to an IEE, but not at public expense.

If the LEA agrees to fund an IEE, the parent may select a qualified examiner, and/or the LEA may propose a qualified examiner. The LEA will provide a nonexclusive list of public agencies and private individuals who the LEA/SELPA has determined are qualified in their respective areas of evaluation.

If the parent requests an examiner who is not qualified in accordance with the criteria set form in this policy, the LEA will attempt to confer with the parent to determine the unique circumstances justifying the use of an examiner who is not qualified.

1. If the LEA agrees that the unique circumstances justify utilizing and examiner who does not meet the criteria set form in this policy, then the district and parent may proceed with obtaining the IEE from that examiner.

2. If the LEA does not agree that unique circumstances justify the use of an examiner who does not meet the criteria set form in this policy, and the parent does not agree to use an examiner meeting those criteria, the LEA shall initiate a due process request to resolve the dispute.

Timelines Regarding IEEs

The only timeline imposed upon a LEA related to provision of an IEE is that the LEA must respond to the parent's request for an IEE *without unnecessary delay*. In the interest of consistency between public and private evaluations, parents are encouraged to choose an option for additional assessment offered by the district *without unnecessary delay* of receiving the options.

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

LEAs have little to no control related to the behavior of independent assessors, including but not limited the time taken to respond to a request for information, execution of a contract or completion of an IEE.

Information Provided to Parents

Upon request of an IEE, the LEA will provide the parents with a copy of this policy for IEEs and the parent's procedural safeguards.

Parent Initiated Evaluations

If the parents obtain an IEE at private expense or obtains an evaluation by an individual who does not meet the criteria set forth in this policy, the results of the evaluation:

1. Must be considered by the LEA; and
2. May be presented as evidence at a due process hearing regarding that student

Evaluations Ordered by Hearing Officers

If a hearing officer orders an IEE as part of a hearing, the cost of the evaluation must be at the LEA's expense. (See "Option 3")

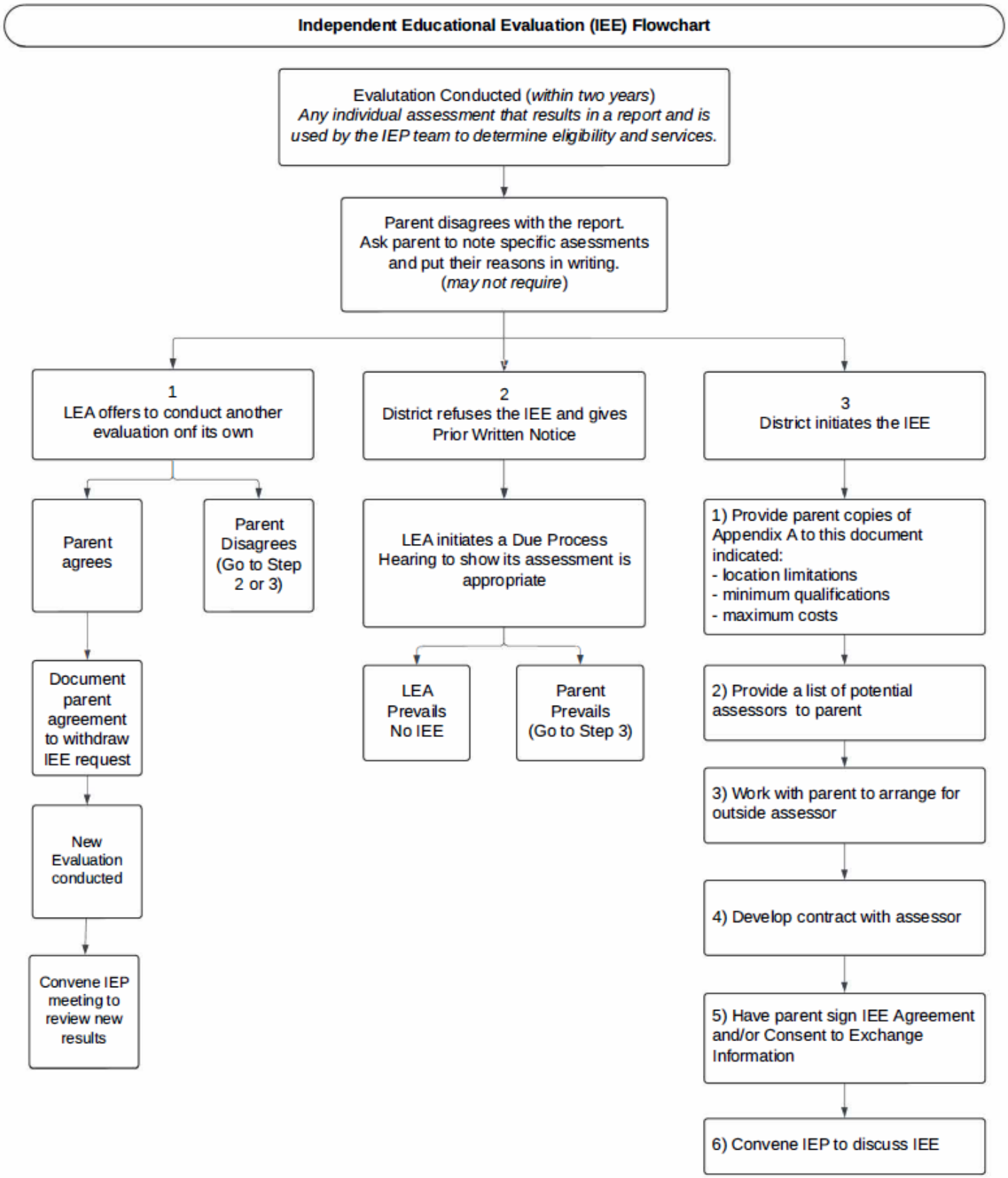
See flowchart Appendix A.

Option 1	Another assessor within the LEA or from SELPA staff. Ideas may include someone who: • Has equal (or better) credentialing/licensure • Has equal (or more) experience assessing students with the suspected area of disability/area of concern • Is at another school in the district (to remove the emotional factor which may be at the current site)

	• Has special training which makes them qualified to conduct this assessment. If LEA and parent agree to this option, the parents must put in writing that they agree to revoke their request for an IEE. However, parents retain the right to dispute the prior assessment and seek an IEE later.
Option 2	Initiate a hearing to show the LEA's evaluation is appropriate. Things to consider in deciding whether to defend the assessment conducted by the LEA: • Was the assessment ***valid***? Was the instrument used appropriate for the disability/area of concern? Did the norming sample include children with the same disabilities/area of concern as the student being assessed? Was the test administered according to the directions in the testing manual? • Are the assessment results ***reliable***? Were there no variables that impacted the ability of the assessor to get a true picture of the student? (i.e., student was not ill, tired, hungry, there were no major absences or gaps in the assessment, the testing location was adequate). Do others who know the student (i.e., teacher, paraeducators, other specialists), feel that the results are typical of/commensurate with the student's skills? • Was the assessor ***qualified***? Did the assessor have the appropriate credentials/licensure, training, and experience to administer the assessment? • Did the assessment address the concerns articulated by the parents in their disagreement? If you decide that your assessment is adequate, complete a "Prior Written Notice to Parent of Action" form indicating that you are refusing to pay for an IEE, the reasons why and factors you considered. Next, file a "Notice of Due Process Complaint" with the Office of Administrative Hearings.
Option 3	Arranging for an IEE at Public Expense 1. Administrator provides parent with a copy of the IEE policy. 2. LEA offers parent a list of assessors. One source of assessors is the list of Nonpublic Agencies with whom the SELPA has a Master Contract. SELPA personnel may not be considered Independent Educational Evaluators if the SELPA provides that service to the district. 3. Parent and Administrator arrange for an outside assessor who meets the requirements for location, qualifications, and maximum cost listed in the SELPA policy. Costs above the maximum allowable amounts will not

	be approved unless the parent can demonstrate that unique circumstances justify going above the cost described. 4. Parent/district may utilize Agreement for IEE form with consent for exchange of information (Appendix B) and/or parent will be required to sign a release of information authorizing communication with the IEE provider. District may refuse to pay for an IEE if parent refuses to sign consent to exchange information. 5. Administrator may develop an Agreement for IEE (Appendix C) for the assessment to be done by the Assessor. Assessor must agree to release their assessment information and results (including protocols) directly to the district before receiving payment from the district. 6. Standard Assessment Plan should not be used. (It would imply a 60-day timeline, which is not applicable). 7. Assessment is conducted. If assessment will include observation, give copy of “Guidelines for Observations by Independent Education Assessors” (Appendix D) to the Assessor. Copy of report is forwarded to district and parent. 8. IEP Team reconvenes to discuss the new Assessment Report. IEE Assessor may attend IEP meeting to review the report and to address any questions from IEP team members.

APPENDIX A


Independent Educational Evaluation (IEE) Flowchart
Evalutation Conducted (within two years)
Any individual assessment that results in a report and is used by the IEP team to determine eligibility and services.
Parent disagrees with the report.
Ask parent to note specific asessments and put their reasons in writing.
(may not require)
1
LEA offers to conduct another evaluation onf its own
2
District refuses the IEE and gives Prior Written Notice
3
District initiates the IEE
Parent agrees
Parent Disagrees (Go to Step 2 or 3)
Document parent agreement to withdraw IEE request
New Evaluation conducted
Convene IEP meeting to review new results
LEA initiates a Due Process Hearing to show its assessment is appropriate
LEA Prevails No IEE
Parent Prevails (Go to Step 3)
1) Provide parent copies of Appendix A to this document indicated:
- location limitations
- minimum qualifications
- maximum costs
2) Provide a list of potential assessors to parent
3) Work with parent to arrange for outside assessor
4) Develop contract with assessor
5) Have parent sign IEE Agreement and/or Consent to Exchange Information
6) Convene IEP to discuss IEE

Yuba County SELPA's Criteria

1. If an IEE is at the LEA's expense, the criteria under which the evaluation is obtains, including the location limitations for the evaluation, the minimum qualifications of the examiner, cost limits, and use of approved instruments must be the same as the criteria that the LEA uses when it initiates an evaluation.
2. Except for the criteria described in the SELPA policy and procedures and criteria, the SELPA imposes no other conditions related to obtaining an IEE at the LEA's expense.

Circumstances Resulting in Evaluations not Funded by the LEA

Because the parent must first disagree with the LEA's evaluation in writing, the LEA does not have an obligation to reimburse parents for privately obtained evaluations obtained prior to the date that the LEA's evaluation is completed and discussed at an IEP team meeting. The LEA is not obligated to reimburse parents for privately obtained evaluations if the parent disagrees with the LEA's evaluation and independently seeks a private evaluation without first notifying the LEA in writing of their disagreement with the LEA's evaluation and requesting an IEE for the LEA except as provided below.

Circumstances Resulting in a Privately Obtained Evaluation Reimbursed by the Yuba County SELPA

The LEA may, but is not required to, 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 LEA's evaluation,
    b) The parentally obtained evaluations meets the SELPA criteria,
    c) The parent upon request provides the LEA 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, an
    e) The examiner attends the relevant IEP team meeting by phone, virtual platform or in person to discuss his or her findings and provides protocols of all evaluations to the LEA.
2. The LEA'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 LEA.

Reimbursement will be in accordance with the Yuba County SELPA policy, procedures, and criteria and in an amount no greater that the actual cost to the parents. In all cases, if the LEA initiates a due process hearing to show that the LEA's evaluation is appropriate, no reimbursement shall be made unless ordered by a Hearing Officer.

Evaluator Criteria

Minimum Qualifications for Evaluators

All evaluators must be conducted by persons competent to perform the evaluation as determined by the LEA/SELPA (E.C. 56322).

Evaluators with credentials other than those listed will not be approved unless the parent and LEA agree that the student's unique circumstances warrant utilizing an assessment by an individual who does not meet the criteria.

Type of Evaluation	**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
Adaptive Physical Education (APE)	Credentialed Adaptive PE Teacher
Assistive Technology (AT)	Credentialed or Licensed Speech Language Pathologist Credentialed Special Education Teacher
Auditory Acuity	Licensed or Credentialed Audiologist
Auditory Perception/Auditory Processing	Licensed or Credentialed Speech Language Pathologist Credentialed School Psychologist Licensed Educational Psychologist
Augmentative & Alternative Communication (AAC)	Licensed or Credentialed Speech Language Pathologist
Cognitive or Psycho-Educational	Credentialed School Psychologist Licensed Educational Psychologist
Educationally Related Mental Health Services (ERMHS)	Credentialed School Psychologist Licensed Educational Psychologist Licensed Clinical Social Worker Licensed Marriage and Family Therapist
Functional Behavior Assessment	Credentialed School Psychologist Licensed Educational Psychologist Board Certified Behavior Analyst

Health	Licensed Physician School or Registered Nurse
Motor	Licensed Occupational Therapist Licensed Physical Therapist Credentialed Adapted PE Teacher Credentialed Teacher of Students with Orthopedic Impairments
Music Therapy	Board Certified Music Therapist
Occupational Therapy	Licensed Occupational Therapist
Physical Therapy	Licensed Physical Therapist
Speech and Language	Credentialed or Licensed Speech/Language Pathologist
Visual Acuity / Developmental Vision	Licensed Ophthalmologist Optometrist Credentialed Teacher of the Students with Visual Impairments
Functional Vision	Credentialed Teacher of the Visually Impaired
Vision Perception/ Visual Processing / Visual Motor Integration	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Educational Psychologist
Orientation and Mobility	Credentialed Teacher of Students with Visual Impairments
Transition to Adult Life	Credentialed Special Education Teacher

Independent evaluators must agree to release their evaluation information and results to the LEA prior to the receipt of payment for services.

Cost Containment

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 evaluation. Costs include observations, administration and score of tests, report writing and attendance in person (including transportation), via virtual platform or by phone at the IEP team meeting where the IEE is presented. Reimbursement will be in an amount no greater than the actual cost to the parent and will be subject to proof of payment.

Guidelines for all IEE costs are calculated by considering time required for the evaluation and the appropriate 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.

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. An increase in premiums or the discontinuance of the policy, or
3. An out-of-pocket expense such as payment of the 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:

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

Independent evaluators must agree to release their evaluation information and results to the LEA prior to receipt 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 Individuals with Disabilities Act (IDEA).

Location

Absent demonstrated extraordinary circumstances pre-approved by the LEA, IEE's paid for by the LEA shall be conducted by evaluators located within Butte, Colusa, Sutter, and Yuba Counties.

Fingerprinting and TB Clearance

All independent Educational Evaluators shall be fingerprinted and have a current TB clearance, consistent with all requirements for public school assessors, on file prior to the administration of any evaluation.

2024-25 Cost Containment for Independent Educational Evaluations (IEE)

As stated in the Yuba County SELPA IEE Policy:

- 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 evaluation. Costs include observations, administration and scoring of tests, report writing, and attendance in person (including transportation), via virtual platform or by phone at the IEP team meeting where the IEE is presented. Reimbursement will be in an amount no greater than the actual cost to the parent and will be subject to proof of payment.
- 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.

The following table provides cost limitations based upon the types of assessment being conducted. Rates are monitored and adjusted accordingly.

Type of Assessment	**Maximum Allowable Rate**
Academic Achievement	$ 4,000
Adaptive Behavior	$ 750
Adaptive Physical Education (APE)	$ 2,250
Assistive Technology (AT)	$ 4,500
Audiological Services	$ 3,000
Augmentative & Alternative Communication (AAC)	$ 4,500
Central Auditory Processing Disorder (CAPD)	$ 1,250
Cognitive	$ 2,500
Educationally Related Mental Health Services (ERMHS)	$ 4,500
Functional Behavioral Assessment (FBA)	$ 4,500
Health Assessment	$ 4,000
Music Therapy	$ 2,000
Occupational Therapy (Fine and Gross Motor)	$ 2,500
Orientation and Mobility	$ 2,250
Physical Therapy	$ 2,500

Psycho-Educational (including cognitive, social emotional, behavior and adaptive behavior)	$ 6,000
Speech and Language	$ 4,000
Visual Acuity / Developmental Vision	$ 1,000
Functional Vision	$ 1,000
Vision Perception/ Visual Processing / Visual Motor Integration	$ 1,000
Transition	$ 2,250

The cost criteria were developed by the Yuba County SELPA through an ongoing process in which evaluators specializing in different disciplines within the region, specifically Yuba County, including the Sacramento region, were contacted. An inquiry was made of each assessor type regarding fees for evaluations, and opinions were solicited as to what constituted a reasonable fee for a particular assessment. Based upon this information received from the assessors and surrounding SELPAs, the SELPA established a reasonable rate for each assessment which became the LEA rate, or cost criteria, for conducting independent evaluations. The cost criteria were not an average of the rates from the assessors contacted, the 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.

YUBA COUNTY SELPA
935 14th Street
Marysville, CA 95901
Phone: 530.749.4873
Fax: 530.741.6235
www.yubacoe.org/SELPA

Yuba County
Special Education Local Plan Area

Yuba County SELPA
Parent/LEA Agreement for Independent Educational Evaluation (IEE)

This will serve as evidence of agreement between _____, parent(s), guardian, or surrogate of _____ and the Local Education Agency (LEA), _____ for an Independent Educational Evaluation, paid for by the LEA, _____, as follows:

*Area(s) of Assessment: _____
Assessor Name: _____
Assessor Qualifications: _____

Assessor will be present at the IEP by telephone, virtual platform, or in person to share findings: ☐ Yes ☐ No

It is agreed that the area(s) of assessment are limited to those specified above. The Assessor meets minimum qualifications as specified in Yuba County SELPA guidelines, unless parent/LEA have agreed to an exception(s). Note exceptions here: _____

Assessment to be administered in _____ language.

The LEA agrees to pay all costs for the above assessments.

Parent/Guardian/Surrogate signature below indicates agreement for LEA to exchange with Assessor reports and other information from the student's educational file necessary to conduct the evaluation.

All parties agree that any services, materials, and/or equipment that may be recommended based on review of this IEE by the IEP team shall not be provided by the assessor and/or his/her agents.

Signatures:

_____ _____ _____
LEA Representative Title Date

_____ _____
Parent/Guardian/Surrogate Date

**Note: Complete one agreement per assessor.*

YUBA COUNTY SELPA
935 14th Street
Marysville, CA 95901
Phone: 530.749.4873
Fax: 530.741.6235
www.yubacoe.org/SELPA

Yuba County
Special Education Local Plan Area

Yuba County SELPA
AGREEMENT FOR INDEPENDENT EDUCATIONAL EVALUATION (IEE)

Local Education Agency (LEA): _____
Street Address: _____
City: _____ State: _____ Zip: _____
LEA Case Manager: _____
Phone: _____ E-mail: _____

Student Name: _____
Grade: _____ D.O.B.: _____ Sex: ☐ Male ☐ Female ☐ Non-Binary

Parent/Guardian/Surrogate Name: _____
Street Address: _____
City: _____ State: _____ Zip: _____
Home Phone: _____ Work Phone: Phone: _____ E-mail: _____

Assessor: _____
Street Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Fax: _____ E-mail: _____

ESTIMATED MAXIMUM COST: $ _____

Other Provisions/Attachments: _____

IEE Assessor	**Local Education Agency**
_____	_____
Name of Assessor	Name of Local Education Agency
_____	_____
Signature Date	Signature Date
_____	_____
Name and Title	Superintendent or Authorized Designee

GUIDELINES FOR OBSERVATIONS BY INDEPENDENT EDUCATIONAL ASSESSORS

Outside evaluators have the right to observe a student receiving special education services in his or her current placement or any placement proposed by the local education agency (LEA) *if* the public agency's assessment includes, or its assessment procedures permit, such an observation.

- The length of the observation and the location(s) of the observation will be agreed to consistent with LEA policies regarding observations and any observation by the assessor will be equivalent to what the LEA's assessors did or would be allowed to do.

- The independent educational assessors will notify the LEA Special Education Administrator of their request to schedule an observation in writing prior to the date of the observation.

- The LEA Special Education Administrator may coordinate with the school site administrator and independent educational assessors to determine a mutually agreeable time and place for the observation. Observations will be limited to one independent evaluator per day.

- The LEA Special Education Administrator may assign a district staff member to meet the independent assessor and accompany him/her during the 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 assessor 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.

Legal Authority

Federal Code and Regulations
20 U.S.C. §1415 (b)(1)
34 C.F.R. §300.502
34 C.F.R. §300.503
34 C.F.R. §300.502(b)(4)

California Education Code
§56320
§56327
§56326
§56345
§56506

Case Law and Other Guidance
Student v. Fullerton School District, OAH Case No. 2011061318
Student v. Bellflower Unified School District, OAH Case No. 2015020485
Student v. Goleta Unified School District, OAH Case No. 2014100277
Letter to Anonymous 56 IDELR 175 (OSEP 2010)
Letter to Parker 41 IDELR 155 (OSEP 2004)