MARIN COUNTY SELPA

SELPA Policy C-10

Policies and Procedures Independent Education Evaluation

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This policy sets forth the procedures under which students with disabilities are entitled to an Independent Education Evaluation (IEE) at public expense.

Definitions

Independent educational evaluation (IEE) means an evaluation conducted by a qualified examiner who is not employed by the Local Educational Agency (LEA) which is the District of Special Education Accountability (DSEA).

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

Policy and Procedures

Parents have the right to an IEE at public expense if they disagree with an evaluation completed by the LEA.

Parents must indicate in writing to the LEA or inform the LEA at an IEP meeting that they:

1. Disagree with the LEA's evaluation, and
2. 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 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 initiate 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 its evaluation.

Parents may only request one publicly funded independent evaluation for each evaluation completed by the LEA. The parents must request the IEE within two calendar years of the date that the results of the LEA's evaluation were shared with the parents. The right for an IEE is not triggered until there is an evaluation by the LEA with which the Parents disagree (*Student v Lake Elsinore Unified School LEA*, OAH Case No. 2016040427)

Once the parent communicates their 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 the parents with a copy of the Marin SELPA Policies and Procedures: Independent Education Evaluation, the option for an alternative LEA
examiner (Option A below), and options for an IEE at public expense (Options B, C, and D below) as follows:

A. An LEA staff member from another school.

B. A staff member from another LEA in the SELPA.

C. A staff member from another SELPA.

D. A private sector provider.

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.

The above procedure must be completed in a timely manner. Without unnecessary delay, the LEA must decide whether to initiate a due process hearing to show that the LEA's evaluation is appropriate or must ensure that an IEE is provided at public expense. If the LEA agrees to provide an IEE:

1. A LEA Assessment Plan is NOT completed because the LEA is not conducting the assessment nor is responsible for timelines and/or results of the IEE assessments.
2. Once the LEA and parent have agreed upon an assessor, the LEA will arrange for or initiate a contract with the examiner for the completion of the IEE. The contracted assessor will be required to meet district contractor requirements.
3. Parents will be required to sign a release and exchange of information between the IEE evaluator(s) and the LEA.

Once assessments are completed and provided to the LEA, the LEA should schedule an IEP meeting to review the IEE.

Payment/Reimbursement options for IEEs:

1. 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.

2. 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.

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 the elements of prior written notice as required by section 300.503(b) of Title 34 of the Code of Federal Regulations.

If the parent obtains an independent educational evaluation at private expense, the results of the evaluation:

1. Must be considered by the LEA, if it meets LEA criteria, in any decision made with respect to the provision of FAPE to the student; and

2. May be presented as evidence at a due process hearing regarding that student.

If the LEA initiates a hearing and the final decision is that the LEA's evaluation is appropriate, the parents still have the right to an IEE, but not at public expense.

LEA Criteria

The criteria under which an IEE is obtained at public expense, including the location limitations for the evaluation, minimum qualifications of the examiner, 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.

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 examiner 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 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 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.

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.

Geographic Limitations for Evaluators

Evaluators will be located within the greater Bay Area including Marin, Sonoma, Napa, San Francisco, Contra Costa, Alameda, San Mateo, 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. Any expenses beyond the evaluation (i.e., food, lodging, transportation, etc.) are not covered in the cost of the independent evaluation.

Minimum Qualifications for Evaluators

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))

Type of Assessment	Qualifications
Academic Achievement	Credentialed Special Education Teacher School Psychologist Licensed Educational Psychologist
Adaptive Behavior	School Psychologist Licensed Educational Psychologist
Assistive Technology	Credentialed or Licensed Speech/Language Pathologist Credentialed Assistive Technology Specialist Credentialed Special Education Teacher
Auditory Acuity	Licensed Educational Audiologist Licensed or Credentialed Speech/Language Pathologist
Auditory Perception (Central Auditory Processing)	Licensed Educational Audiologist Licensed or Credentialed Speech/Language Pathologist

Behavioral	School Psychologist Licensed Educational Psychologist
Cognitive	School Psychologist Licensed Educational Psychologist
Health (including neurological)	Licensed Physician Nurse
Motor	Licensed Physical Therapist Registered Occupational Therapist Credentialed Teacher of the Physically Impaired Adaptive Physical Education Teacher
Occupational Therapy	Licensed Occupational Therapist
Speech and Language	Credentialed or Licensed Speech/Language Pathologist
Social/Emotional	School Psychologist Licensed Educational Psychologist
Visual Acuity/Developmental Vision	Licensed Ophthalmologist Optometrist
Functional Vision	Credentialed Teacher of the Visually Impaired
Vision Perception	Credentialed Special Education Teacher School Psychologist
Transition	Credentialed Special Education Teacher 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. 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 assessment 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. A school LEA will not necessarily fund the attendance of the assessor at the IEP team meeting convened to consider the IEE.

When insurance covers 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 an action would result in a financial cost to the parents including, but not limited to the following:

A. A decrease in available lifetime coverage or any other benefit under an insurance policy.

B. An increase in premiums or the discontinuance of the policy; or C. 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.

As part of the contracted evaluation, independent evaluators must:

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

Independent evaluators must agree to release their assessment information and results to the school LEA 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 Individuals with Disabilities Education Act.

Marin County SELPA maintains a list of assessors who satisfy the criteria for conducting individual evaluations. This list is not exhaustive and does not include all the assessors in the area who meet the SELPA's criteria for performing assessments.

EDUCATION CODE

56329 *Notice to parents or guardians; independent educational assessments; hearings; proposals for publicly financed nonpublic placements*

56506(c) *Due process rights of pupil and parent*

CALIFORNIA CODE OF REGULATIONS, TITLE 5 3022 *Assessment Plan*

UNITED STATES CODE, TITLE 20 *1415(b)(I) CODE OF FEDERAL REGULATIONS, TITLE 34 300.502 Independent Educational Evaluation*

2026 - 2027 Cost Containment for Independent Educational Evaluations

The cost of an IEE will be limited to the table below absence of extraordinary circumstances. The table provides cost limitations based upon the types of assessment being conducted. Rates are reviewed and adjusted, as appropriate, annually.

Type of Assessment	Maximum Allowable Rate
Augmentative & Alternative Communication (AAC)	$4000
Academic Achievement	$3000
Bilingual Academic Achievement	*
Assistive Technology (AT)	$4000
Adapted Physical Education (APE)	$2000
Audiological Services	*
Functional Behavioral Assessment (FBA)	$4400
Health and Nursing	*
Social Emotional	$4800
Orientation and Mobility (OM)	$3800
Occupational Therapy (OT)	$2700
Physical Therapy (PT)	$3000
Psycho-Educational (Psychological Assessment with Academic Achievement)	$6400
Bilingual Psycho-Educational (Psychological Assessment with Academic Achievement)	*
Speech & Language	$3500
Bilingual Speech & Language	*
Transition	$3200