



Independent Educational Evaluation

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The Superintendent's Council of the Antelope Valley Special Education Local Plan Area (AVSELPA) has adopted policy that governs independent educational evaluations at public expense in accordance with Federal and State laws.

Independent educational evaluation (IEE) refers to an evaluation conducted by a qualified examiner who is not employed by the school district of residence. *Public expense* means that the school district pays for the cost of the evaluation up to the limits established by the AVSELPA or ensures that the evaluation is otherwise provided at no cost to the parent.

Parents have the right to an IEE at public expense, if they disagree with an evaluation completed by the school district, subject to the following:

1. If the parent disagrees with an evaluation completed by the District and seeks an IEE at public expense, the District will without unnecessary delay either:
 - a. File a due process complaint to request a hearing to show that its evaluation is appropriate; or
 - b. Ensure that an IEE is provided at public expense in accord with this policy, unless the District demonstrates in a due process hearing that the evaluation parents obtained did not meet the District's criteria.
2. If the District requests a due process hearing and the final decision is that the District's assessment is appropriate, the parent still has the right to an IEE, but not at public expense.

Parents may request an IEE in response to each evaluation completed by the District. The request must be made in writing. The parent must request the IEE within two calendar years of the date that the results of the school evaluation were shared with the parents, as documented on the student's Individualized Education Program (IEP). The District may ask for the parent's reason(s) for disagreeing with the District's evaluation, but the parent is not required to provide those reasons. The District may offer to conduct another evaluation of its own with parent consent. If the parent agrees to another District evaluation, this would not be considered an IEE and the District and the SELPA should work with the parent to appropriately document the agreement of the parent to both the new District evaluation and to the withdrawal of the parent IEE request pending the completion of the new District assessment. The District should ask parent 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 a new District assessment.

Upon parental request for an IEE, the District will provide to the parents a copy of this policy.

Once the parent communicates a disagreement with the school district's evaluation and requests an IEE in writing, the District's Program Council representative shall be notified. Following review of the request for an IEE, the Program Council representative shall determine whether to initiate due process to establish the appropriateness of its evaluation or proceed with obtaining the requested IEE.

If the District agrees to provide an IEE:

- The Program Council representative in collaboration with appropriate staff will develop an assessment plan which specifies those areas to be evaluated and who will complete each assessment.
- Upon receipt of the signed written consent to assess, the District will arrange for the completion of the IEE(s). The minimum qualifications for evaluators and cost limitations for evaluations have been established by the SELPA's Program Council and are equivalent to those used by when the district initiates an evaluation.
- Parents will be required to sign a release and exchange of information between the IEE evaluator(s) and the District.
- It is the procedure of the SELPA and the member districts that IEEs be focused on student needs and avoid any possible conflict of interest. Therefore, any private practitioner who provides an IEE shall not be used as a provider for any services required in the resultant IEP. It is further acknowledged that a student may have a need for which no other qualified provider may be available. Under this circumstance, District's Program Council representative with consultation from the SELPA Administrator when needed shall certify that no other qualified provider can be identified, and shall authorize any exception to this provision.

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

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

- Must be considered by the District, if it meets District criteria, in any decision made with respect to the provision of FAPE to the student; and
- May be presented as evidence at a due process hearing regarding that student.

If a hearing officer requests an IEE as part of a hearing, the cost of the evaluation must be at the school district's expense.

Legal Reference

34 C.F.R. 300.502(3)(I)

34 C.F.R. 300.502 (3)(ii)

34 C.F.R. 300.502 (a)(1) and (b)(2)

34 C.F.R. 300.502 (a)(2)

34 C.F.R. 300.502 (d)

34 C.F.R. 300.502 (e)

Federal Register, Vol 64, No. 48, March 12, 1999, Rule and Regulations, § 300.502

Education Code 56329(b)

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After a qualified independent evaluator has been identified and the parent signs permission for the assessment to be completed, the District will initiate a contract with the independent educational evaluation examiner within 15 days from receipt of parental consent.

The District shall contract with a qualified independent examiner who can provide a written report for an IEP meeting within a reasonable amount of time after contracting for an evaluation. If the selected examiner is unable to complete the evaluation or an unreasonable delay would result, then the District and the parent will consult to determine next steps, which may include the identification of an alternate evaluator.

Agency Criteria

The criteria under which an independent educational evaluation is obtained at public expense, including the location limitations for the evaluation, minimum qualifications of the examiner, cost limits, and use of approved instruments must be the same as the criteria that the District uses when it initiates an evaluation. (34 C.F.R. § 300.502(e)(1).)

If the District observed the student in conducting the evaluation with which the parent disagrees, 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 District's proposed setting, if any. This opportunity shall also be provided if the parent obtains an evaluation at private expense.

The District shall define the nature and scope of an independent examiner's in-class observations consistent with the rights 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.

As part of an independent educational evaluation, the examiner shall follow guidelines for District evaluations, which include but are not limited to, observing the student in an appropriate setting. (Ed. Code § 56327.) The independent examiner shall provide a written report of the assessment results to the parent/guardian and the District prior to the IEP team meeting convened to review the results of the independent examiner's assessment.

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The District will pay the independent examiner for evaluation responsibilities, any classroom visitations that are part of the assessment process, and interviews with parents and staff that are part of the assessment process. All independent assessments or evaluations shall be conducted in alignment with legal requirements as delineated in Education Code section 56320 as follows:

- a) Testing and assessment materials and procedures used for the purposes of non-biased assessment and placement of individuals with exceptional needs are selected and administered so as not to be racially, linguistically, culturally or sexually discriminatory.
- b) Tests and other assessment materials meet all the following requirements:
 - 1) Are provided and administered in the pupil's primary language or other mode of communication, unless the assessment plan indicates reasons why this provision and administration are not clearly feasible.
 - 2) Have been validated for the specific purpose for which they are used.
 - 3) Are administered by trained personnel in conformance with the instructions provided by the producer of the tests and other assessment materials except that individually administered tests of intellectual or emotional functioning shall be administered by a credentialed school psychologist. All assessments will be administered in accordance with Larry P. v. Riles ruling.
- c) Tests and other assessment materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
- d) Tests are selected and administered to best ensure that when a test administered to a pupil with impaired sensory, manual or speaking skills produces test results that accurately reflect the pupil's aptitude, achievement level or any other factors the test purports to measure and not the pupil's impaired sensory, manual or speaking skills unless those skills are the factors the test purports to measure.
- e) Pursuant to subsection (f) of Section 300.532 of Title 34 of the Code of Federal Regulations, no single procedure is used as the sole criterion for determining an appropriate educational program for an individual with exceptional needs and for determining an appropriate educational program for the pupil.
- f) The pupil is assessed in all areas related to the suspected disability including, where appropriate, health and development, vision, including low vision, hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. A developmental

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history is obtained, when appropriate. For pupils with residual vision, a low vision assessment shall be provided in accordance with guidelines established pursuant to Section 56136. In assessing each pupil under this article, the assessment shall be conducted in accordance with subsection (h) of Section 300.532 of Title 34 of the Code of Federal Regulations.

- g) The assessment of a pupil, including the assessment of a pupil with a suspected low incidence disability, shall be conducted by persons knowledgeable of that disability. Special attention shall be given to the unique educational needs, including, but not limited to, skills and the need for specialized services, materials and equipment consistent with guidelines established pursuant to Section 56136.

Furthermore, all assessment or evaluation reports issued by the independent educational evaluator should conform with the requirements of Education Code § 56327, with the inclusion of the following information:

- a) Whether the pupil may need special education and related services.
- b) The basis for making the determination.
- c) The relevant behavior noted during the observation of the pupil in an appropriate setting.
- d) The relationship of that behavior to the pupil's academic and social functioning.
- e) The educationally relevant health and development, and medical findings, if any.
- f) For pupils with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services.
- g) A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate.
- h) The need for specialized services, materials, and equipment for pupils with low incidence disabilities, consistent with guidelines established pursuant to Section 56136.

* All school districts within the SELPA utilize the pattern of strengths and weaknesses (PSW) model when assessing a student for eligibility under the specific learning disability (SLD) category. If applicable to the independent assessment, the SELPA requests that the independent assessor utilize the PSW model if the assessor has been appropriately trained in its utilization.

Geographical Limitations for Evaluators

Evaluators must be located within the geographical boundaries of Los Angeles County. 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.

Cost Containment Criteria for Evaluations

The cost of an IEE shall be comparable to those costs that the District incurs when it uses its own employees or contractors to perform a similar assessment. Costs may include observations, administration and scoring of tests, report writing, and attendance in person or by phone at an IEP team meeting; costs will be delineated on independent evaluator's contract with the District. Reimbursement will be in an amount no greater than the actual costs to the parent or the maximum cost identified above by the District (whichever is more), and will be subject to proof of payment.

Maximum costs for all IEEs are calculated by considering time required for the assessment and the appropriate District employee hourly rate. The SELPA Program Council will make a yearly determination no later than December 31st of each calendar year regarding the appropriate market value for each assessment, which will be distributed to each SELPA Program Council representative as a resource regarding maximum costs. 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 District 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:

- 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 District reimburse them for the amount of the deductible.

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 District's determinations and may not be considered if not completed by a qualified professional, as determined by the District and SELPA Program Council.

Qualifications and Acceptable Cost Ranges for Independent Assessments

Type of Assessment	Minimum Qualifications	Range of Acceptable Costs
Academic Achievement	Credentialed Special Education Teacher School Psychologist Licensed Educational Psychologist	Determined by Market Value
Adaptive Behavior	Credentialed Special Education Teacher School Psychologist Licensed Educational Psychologist	Determined by Market Value
Assistive Technology	Credentialed or Licensed Speech/Language Pathologist Credentialed Assistive Technology Specialist Credentialed Special Education Teacher	Determined by Market Value
Auditory Acuity	Licensed Educational Audiologist Licensed or Credentialed Speech/Language Pathologist	Determined by Market Value
Auditory Perception (Central Auditory Processing)	Licensed or Credentialed Audiologist	Determined by Market Value
Behavioral	Credentialed Special Education Teacher School Psychologist Licensed Educational Psychologist	Determined by Market Value
Cognitive	Licensed Educational Psychologist School Psychologist	Determined by Market Value
Health (including neurological)	Licensed Physician Nurse	Determined by Market Value
Motor	Licensed Physical Therapist Registered Occupational Therapist Credentialed Teacher of the Physically Impaired Adaptive Physical Education Teacher	Determined by Market Value
Occupational Therapy	Licensed Occupational Therapist	Determined by Market Value
Speech and Language	Credentialed or Licensed Speech/Language Pathologist	Determined by Market Value
Social/Emotional	School Psychologist Licensed Educational Psychologist	Determined by Market Value
Visual Acuity/Developmental Vision	Licensed Ophthalmologist Optometrist	Determined by Market Value
Functional Vision	Credentialed Teacher of the Visually Impaired	Determined by Market Value
Vision Perception	Credentialed Special Education Teacher School Psychologist	Determined by Market Value
Transition	Credentialed Special Education Teacher	Determined by Market Value

Legal Reference:

20 U.S.C. 1414(a) – (c) -Evaluations and re-evaluations;
20 U.S.C. 1415(b) (1)-Right to independent educational evaluations;
34 C.F.R. 300.301 – 300.306-Re-evaluations,
34 C.F.R. 300.502-Independent Educational Evaluations;
Comments to 34 C.F.R. 300.502 Independent education evaluations;
Education Code 6327;
34 C.F.R. 300.300 Parent Consent - Evaluation;
34 C.F.R. 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