

POLICY 11

INDEPENDENT EDUCATIONAL EVALUATIONS (IEE) CRITERIA

Adopted by Superintendents' Council 12/4/95

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SONOMA COUNTY SELPA**INDEPENDENT EDUCATIONAL EVALUATIONS (IEE) CRITERIA**

Parents of a student with a disability have the right to obtain an independent educational evaluation subject to the provisions of this policy. Parents have the right to an independent educational evaluation at public expense if they disagree with an evaluation completed by the school district. Parents may request one independent educational evaluation in response to each evaluation completed by the district. If the request for an independent evaluation comes one year or more from the date of completion of the district's evaluation, the district may seek to complete a reevaluation prior to purchase of an independent educational evaluation.

Independent educational evaluation means an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of the student in question.

Public expense means that the school district either pays for the full cost of the evaluation or evaluation components or ensures that the evaluation or evaluation components are otherwise provided at no cost to the parent.

If parents request an independent educational evaluation at the expense of the school district, the parent will be asked for a reason why he or she objects to the district's evaluation. However, the explanation by the parent may not be required and the district may not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend its evaluation. There is no requirement that the parents specify areas of disagreement with the district's evaluation as a prior condition to obtaining the independent educational evaluation. Unless the school district chooses to initiate a due process hearing in accordance with this policy, the district must respond to the parents' request by ensuring an independent educational evaluation is provided at public expense in a timely manner.

If parents request an independent educational evaluation at public expense, the school district will, without unnecessary delay:

- Provide information to parents about where an independent educational evaluation may be obtained and the district criteria applicable for independent educational evaluation, and
- Either initiate a hearing to show that its evaluation is appropriate, or
- Ensure an independent educational evaluation is provided at public expense.

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

The school district shall provide to parents, on request, information about the location of the evaluation, qualifications of the evaluators, where an independent educational evaluation may be obtained, and the costs of the evaluations including allowable maximum charges for specific tests or types of evaluations unless there are unique circumstances to justify exceeding the allowable costs criteria.

PARENT INITIATED EVALUATIONS

If the parents obtain an independent educational evaluation at private expense, the results of the evaluation:

- Must be considered by the school district in any decision made with respect to the provision of free appropriate public education (FAPE) to the student, and
- May be presented as evidence at a due process hearing regarding that student.

If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation will be at the hearing office's expense.

AGENCY CRITERIA

- If an independent education evaluation is at the school district's expense, the criteria under which the evaluation is obtained, including the location of the evaluation, the qualifications of the examiner, and cost limits must be the same as the criteria that the school district uses when it initiates an evaluation.
- Except for the criteria described in this policy, the school district shall impose no other conditions related to obtaining an independent educational evaluation at district expense.

Legal Authority: IDEA: Section 300.502 Independent Educational Evaluation.
(20 U.S.C. 1415(b)(1))
Education Code Section 56329 (b)

PROCEDURES

The following procedures will apply to all requests for independent educational evaluations:

1. Parents of students receiving special education services, as provided by the Individuals with Disabilities Education Act or suspected of having a disability requiring special education services may request that the school district complete an evaluation or reevaluation of their child at any time. The district will respond to such requests by initiating the special education evaluation process to review screening and performance information to determine if an evaluation or reevaluation is needed. If needed, an evaluation will be completed. If not needed, parents will receive written notice of refusal to evaluate and be informed of the procedural safeguards available to parents and students.

2. Parents may seek an independent educational evaluation only when they are in disagreement with an evaluation completed by the school district.

3. Triennial reevaluations:

If, as a result of a review of existing evaluation data on a child,

- a. Including evaluations and information provided by the parents of the child,
- b. Current classroom-based assessments and observations, and
- c. Observations by teachers and related services providers,

it is determined that no additional testing is required in order to determine:

- a. Whether the child has a particular category of disability or whether the child continues to have such a disability,
- b. The present levels of performance and educational needs of the child,
- c. Whether the child needs special education and related services, or, in the case of a reevaluation of a child, whether the child continues to need special education and related services, and/or
- d. Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general curriculum, parents have the right to request the school district to complete an assessment to determine whether the child continues to be a child with a disability. The school district is not required to conduct the assessment unless

requested to do so by the child's parents. If the parents request additional assessment, the district will either complete the requested assessment or initiate due process to demonstrate why additional assessment is not required. If parents do not request additional assessment, they may not seek an independent educational evaluation until the school district has an opportunity to complete an assessment requested by the parents.

4. Parents are not required to notify the school district that they are obtaining an independent educational evaluation. However, if parents obtain an independent educational evaluation and the school district demonstrates through a due process hearing that the evaluation completed by the school district was appropriate or that the parents' evaluation did not meet district criteria, the parents will not be reimbursed the cost of the evaluation.
5. When parents request payment for an independent educational evaluation that has already been completed, the director of special education will be notified. Parents will be provided a copy of the SELPA policy and procedures including criteria for independent educational evaluations. A determination will be made as to whether the district will initiate formal due process to establish the appropriateness of its evaluation or proceed with consideration of the district's obligation for payment for the independent evaluation. The district's evaluation and the independent educational evaluation will be reviewed with the parents to identify the areas of disagreement. The parents must request payment for the independent educational evaluation within three (3) calendar years of the date the results of the school district evaluation were shared with the parents as documented on the diagnostic summary. Again, parents may request a reevaluation by the district at any time.
6. If the school district proceeds with consideration of the independent educational evaluation for payment, the district criteria for the locations of the evaluator(s), the minimum qualifications of evaluator(s), the costs of the evaluation, and use of approved assessment instruments must be met.
7. If parents request an independent evaluation, the director of special education services will be notified. Parents will be provided a copy of the district policy and procedures including criteria for independent educational evaluations. A determination will be made as to whether the district will initiate due process to establish the appropriateness of its evaluation or proceed with procuring an independent evaluation. The district evaluation will be reviewed with the parents to identify those areas of disagreement. Parents may request only one publicly funded independent evaluation for each evaluation completed by the school district. The parents must request the independent evaluation within one (1) calendar year of the date the results of the school evaluation were shared with the parents as documented on the diagnostic summary.

8. If the district agrees to purchase an independent evaluation, an evaluation plan will be developed which specifies those areas to be evaluated and who will complete each assessment. The assessment(s) completed will comply with the locations of the evaluator(s), the minimum qualifications of evaluator(s), the costs of the evaluation, and the use of approved assessment instruments. Notice of intent to evaluate will be provided and the district will arrange for the completion of the independent evaluation. Parents will be required to sign consent to reevaluate and appropriate releases to exchange information between the independent educational evaluator(s) and the school district.
9. As part of the contracted evaluation, independent evaluators must agree to release their assessment information and results directly to the school district prior to the receipt of payment for services. The results of the independent evaluation will be considered in making educational decisions as required by the Individuals with Disabilities Education Act and/or Section 504 of the Rehabilitation Act of 1973.
10. All independent educational evaluations must conform to the requirements of Education Code 56320 et. seq.

REIMBURSEMENT CRITERIA

The following criteria must be met in order for reimbursement to be provided for an IEE.

1. Location: The offices of the independent educational evaluator must be located as defined in the Appendix.
2. Qualifications of evaluator are outlined in the Appendix. A list of evaluators who meet the minimum qualifications for Psycho-Educational Evaluations is available from the Sonoma County SELPA Office. In all cases the IEP team must determine that results of the assessment demonstrate the following:
 - a. Impairment adversely affects the pupil's educational performance, and
 - b. Degree of impairment requires special education and related services which cannot be provided with modification of the regular school program.

Specific details are delineated in the Eligibility Criteria section of the Local Plan.
3. Cost Limitations: An independent multidisciplinary or single disciplinary evaluation arranged by the district shall reflect reasonable and customary rates for services in Sonoma County, as determined by the Special Education Steering Committee. See Appendix. Unreasonable costs for travel, lodging, etc., will not be reimbursed.

4. Approved assessment instruments: All instruments must be administered by a qualified examiner, be age appropriate to the child, and be administered and scored in conformance with the publisher's instructions. The tests shall be subject to and conform to Education Code 56320. The evaluation instruments are to be chosen on the basis of their relevancy to the educational questions to be addressed by the evaluation. This means that the instruments should be those which are commonly known to, and used by, public school professionals.
5. Test interpretations and conclusions stated in the written report must be directly and clearly supported by the data. Recommendations made as a result of the evaluation must be educationally relevant and realistic within an educational setting.
6. The proposed evaluation must be free of any conflict of interest, and the independent assessment must not be of benefit to any particular public, non-public, or private school, agency or institution.

Independent Educational Evaluations (IEE) Appendix

Location Limitation for Evaluators

The offices of the independent educational evaluator must be within the same geographic area that the district would use for its independent evaluation, should it request one. The evaluation itself must include observations in a natural setting (e.g., local classroom, or home/daycare for a preschool child) and consultation with school staff. Location requirements may be waived or modified in special circumstances when unique diagnostic expertise is warranted, providing the parents can demonstrate the necessity of using an evaluator outside the specified geographic area.

Minimum Qualifications for Evaluators

<u>Type of Assessment</u>	<u>Qualifications</u>
Academic Achievement	Certificated Special Education Teacher or Licensed Educational Psychologist
Adaptive Behavior	Licensed Educational Psychologist or Certificated Special Education Teacher
Auditory Processing	Certificated or Licensed Speech/Language Pathologist, Licensed Educational Psychologist, or Audiologist
Behavioral	Licensed Educational Psychologist, Behavior Analyst or Certificated Special Education Teacher
Cognitive	Licensed Educational Psychologist
Health or Medical Disability	Licensed Physician
Hearing Acuity	Audiologist or Certificated or Licensed Speech/Language Pathologist
Motor	Adaptive Physical Education Specialist or Registered Occupational Therapist or Licensed Physical Therapist

<u>Type of Assessment</u>	<u>Qualifications</u>
Neurological/ Neuropsychological	Licensed Psychiatrist/Neurologist Licensed Clinical Psychologist with American Board of Clinical Neuro- psychology or comparable Board Certification
Social/Emotional	Licensed Educational Psychologist or Clinical Psychologist or Psychiatrist
Speech and Language	Certificated or Licensed Speech/ Language Pathologist
Visual Processing/Perception	Certificated Special Education Teacher or Licensed Educational Psychologist
Visual Acuity	Ophthalmologist or Optometrist

Cost Limitations for Evaluations

Cost limitation guidelines will be set by a subcommittee of the Special Education Steering Committee. The following schedule of evaluation rates will apply, and will be reviewed as needed. Total evaluation costs may be determined by adding one or more assessments together.

Guideline Rates for 2010-2011

Psycho-Educational Evaluation (higher amount reflects complexity)	\$600-\$1800
<u>Other Assessments</u>	
Academic Achievement	\$150-\$300
Adaptive Behavior	\$100-\$200
Auditory Processing (higher amount reflects complexity)	\$150-\$500
Behavioral (higher amount reflects complexity)	\$400-\$1400
Cognitive	\$300-\$400

Health	\$75-\$150
Hearing Acuity	\$150-\$300
Motor	\$100-\$150
Neurological/Neuropsychological	\$500-\$1000
Occupational Therapy	\$450-\$650
Social/Emotional	\$200-\$400
Speech and Language	\$150-\$400
Visual Processing/Perception	\$200-\$300
Visual Acuity	\$100-\$150
Transition	\$150-\$300

Costs above these amounts will be approved only if the parent can demonstrate that the costs reflect a reasonable and customary rate for such evaluative services or if the parents can demonstrate that there are other factors that make the extraordinary costs necessary.