

## INDEPENDENT EDUCATIONAL EVALUATIONS

### ***Introduction***

This document sets forth the Sacramento City Unified School District (District) guidelines to provide special education administration and staff with an overview of the federal and California laws surrounding Independent Educational Evaluations (IEEs) and recommended best practices when working with parents and assessors when the District has received a request for an IEE.

### ***Definitions***

“IEE” refers to an evaluation conducted by a qualified examiner who is not employed by the District. An IEE may only be conducted in areas previously evaluated by the District. Should a parent request that an IEE be conducted in an area not previously assessed by the District, the District may consider this a request for new assessment and provide the parent(s)/guardian with an assessment plan.

“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 within the section of this Procedural Guide titled “Parent Participation.”

### ***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 C.F.R. § 300.502(a)(1).)

The parent/guardian of a student with a disability has the right to an IEE when the parent/guardian disagrees with an assessment obtained by the District. A parent/guardian may request one IEE in response to each area of evaluation completed by the District within the last two years.

(34 C.F.R. § 300.502(b)(1), (d)(2)(A); Ed. Code § 56329(b).)

### ***Procedures for Sharing a “Parent-Initiated IEE”***

When a parent/guardian obtains an IEE at private expense, the results of the evaluation, if shared with the District, shall:

- Be considered by the District, 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 requested an IEE at public expense, the District must without unnecessary delay respond to the IEE request within a prior written notice (PWN) and provide the parent/guardian with a copy of their Procedural Safeguards. The PWN should outline if the District is granting or denying the IEE request as follows: *and* either provide the parent/guardian with:

- If granting the IEE, the PWN should also include the IEE Information Packet for Parents (located in the Special Education Information System (SEIS) Document Library) which provides information about where an IEE may be obtained, the agency criteria applicable for IEEs, and expense information.
- If denying the IEE, the PWN should also include why the IEE is not appropriate. The District must then initiate a due process hearing to show that the District's evaluation is appropriate.

The District may request that the parent/guardian explain why s/he objects 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.

(34 CFR 300.502.)

### ***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. The District may not impose conditions or timelines related to obtaining an IEE at public expense.

(34 C.F.R. § 300.502(e)(1)-(2).)

### ***Location***

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 (Ed. Code § 56329(c))

### ***Guidelines for Determining Qualifications***

All assessments shall be completed by persons competent to perform the assessment as determined by the District. (Ed. Code, § 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:

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

Type of Assessment	Minimum Qualifications
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
Motor	Licensed Physical Therapist Registered Occupational Therapist Adaptive Physical Education Specialist
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
Speech and Language	Certified or Licensed Speech/Language Pathologist Language, Speech and Hearing Credential
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: Career Development Authorization Pupil Personnel Services Credential
Visual Acuity/ Developmental Vision	Licensed Optometrist Licensed Ophthalmologist Education Specialist Instruction Credential: Visual Impairments
Functional Vision	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 District 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. After completing an IEE, 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:

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

The District determines a reasonable cost ceiling for each evaluation listed below. The District would recommend that the ceiling be determined by averaging the cost of the following three assessors:

- The cost of an assessment provided by a District employee;
- The cost of an assessment provided by a neighboring district; and
- The cost of an assessment provided by a private service provider, with appropriate qualifications, within a reasonable distance from the District, usually 40 miles.

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

Based on the cost limitations contained in District/SELPA and region, the suggested cost of an IEE should be limited to the following table of maximum costs, absent extraordinary circumstance:

<b>Sacramento City Unified SELPA Type of Assessment</b>	<b>Allowable Rate: Up to</b>
Academic Achievement	\$1250
Adapted Physical Education	\$1500
Adapted Behavior	\$500
Assistive Technology	\$1500
Autism/Behavior (ABA) with observation/data collection	\$1500
Behavioral - functional behavior analysis (FBA) conducted by BCBA - all costs inclusive	\$4000
Auditory Acuity or Perception	\$450
Auditory Verbal Therapy	\$500
Augmentative & Alternative Communication (AAC)	\$4000
Central Auditory Processing Disorder (CAPD)	\$1500
Deaf & Hard of Hearing (DHH)	\$2500
Educationally Related Mental Health (ERMHS)	\$1500
Functional Vision	\$350
Health	\$300
Motor	\$300
Occupational Therapy	\$1500
Orientation & Mobility	\$750
Physical Therapy	\$1250
Full Psycho-Educational	\$6000
Speech & Language/Communication	\$2000
Social/Emotional	\$700
Transition	\$1000

## *Payment of IEE Costs*

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

The District shall 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 at least 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 IEE. Regardless, if a parent/guardian obtains an IEE at private expense, the parent'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 IEE.

Once a parent/guardian has requested that a unilaterally obtained IEE be paid for 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 District 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 proceeds 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 IEE as part of a hearing, the cost of the evaluation must be at the District's 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 IEE, the District may 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 IEE, 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.

#### ***IEE District & Independent Evaluator Service Agreement***

The District will provide and enter into an IEE service agreement with the appropriate IEE providers.