



Sacramento City Unified School District

SELPA

SPECIAL EDUCATION LOCAL PLAN AREA

Independent Education Evaluation (IEE) Information Packet for Families

INDEPENDENT EDUCATIONAL EVALUATIONS

INTRODUCTION

The Sacramento City Unified Special Education Local Plan Area (SELPA) has developed the following guidelines to provide parents of students with disabilities an overview of the federal and state laws surrounding Independent Educational Evaluations (IEEs).

It is recommended that parents review this entire document carefully. The policies, procedures and criteria are intended to be read as one comprehensive document.

Parents who would like additional information about IEEs should contact the SELPAs office at (916) 643-9163.

DEFINITION OF TERMS

The following definitions apply for the purposes of this document:

Independent Educational Evaluation	An evaluation conducted by a qualified examiner who is not employed by the responsible local educational agency (LEA) or district.
Public Expense	The LEA/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.
Parent	<ul style="list-style-type: none">•A child’s biological or adoptive parent•A child’s foster parent, if the authority of the biological or adoptive parents to make educational decisions specifically has been limited by court order. 34 CFR 300.30(b)(1) or (2)•A guardian generally authorized to act as the child’s parent, or authorized to make educational decisions for the child, including a responsible adult appointed for the child (Welfare and Institutions Code 361 and 726).•An individual acting in the place of a biological or adoptive parent, including a grandparent, step parent, or other relative with whom the child lives, or an individual who is legally responsible for the child’s welfare.•A surrogate parent who has been appointed. Government Code 7579.5 or 7579.6; 34 CFR 300.519; United States Code 20 1439(a) (5)

WHEN MAY A PARENT REQUEST AN IEE?

A parent has the right to obtain an IEE for their child at their own expense at any time (34 CFR 300.502(a)(1)).

The parent of a student with a disability has the right to obtain an IEE at public expense, subject to the provisions of federal and state law, when the parent disagrees with an assessment obtained by the LEA/district within the last two years. 34 CFR 300.502(b)(1) and (d)(2)(A), California Education Code Sec 56329(b), and (OAH Case No. 2012051153)

To initiate an IEE request, the parent shall communicate to the LEA/district personnel that s/he disagrees with an LEA/ district evaluation and would like to request an IEE be completed at public expense. The request shall be made in writing, discussed during an IEP meeting, or conveyed in some other manner to the LEA/district administration and/or special education staff.

A parent may request one IEE in response to each area of evaluation completed by the LEA/district within the last two years.

PROCEDURES FOR SHARING A UNILATERALLY OBTAINED IEE AT PRIVATE EXPENSE

When a parent obtains an IEE at private (own) expense, the results of the evaluation:

1. Shall be considered by the individual education plan (IEP) team in any decision made with respect to the provision of a free appropriate public education (FAPE) to the student; and
2. 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 has communicated his/her request for an IEE at public expense, the LEA/district shall provide the parent with a copy of the parent Procedural Safeguards, a Prior Written Notice (PWN) approving or denying the request, and either:

- Provide the parent with the SELPAs Guidelines for Independent Educational for Parents, a Prior Written Notice granting the request, and ensure that an IEE is provided at public expense. 34 CFR 300.502(a)(2)

OR

- Initiate a due process hearing to show that the evaluation, completed by the LEA/district, is appropriate;

The LEA/district may request that the parent explains why s/he objects to the LEA/district evaluation or specific areas of evaluation. However, the LEA/district may not require the parent to provide an explanation and may not unreasonably delay providing the IEE at public expense.

TIMELINES FOR CONDUCTING AN IEE

The LEA/district may not impose conditions or timelines related to obtaining an IEE at public expense. 34 CFR 300.502(e) (2)

LOCATION

It is recommended to locate an evaluator within the LEA/district's county or neighboring counties. Evaluators outside of this area will be approved only on an exceptional basis by the LEA/district if the parents or the LEA/district can demonstrate there is a unique need for a specialized evaluation and that there are no qualified evaluators within the specified area who can appropriately assess their child's educational needs. IEE evaluators will be reimbursed the federal business mileage reimbursement rate for required travel if the evaluator is located outside of the LEA/district's county.

An evaluator shall administer the IEE in the same type of educational setting as that used by the LEA/district in providing similar evaluations including, but not limited to, classroom observations. California Education Code Section 56329(c)

QUALIFICATIONS OF IEE EVALUATORS

The LEA/district shall provide the LEA/district policy for determining qualifications for IEE evaluators. A parent shall have the opportunity to demonstrate that unique circumstances justify a waiver of any of the criteria as defined by the LEA/ district.

A parent may also request a list of suggested IEE evaluators who meet the LEA/district agency criteria, but the parent is not required to select from the list provided unless the list is exhaustive of evaluators within the location.

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
Auditory Perception/Processing	Language, Speech and Hearing and Audiology Credential Clinical or Rehabilitative Services Credential Education Specialist Instruction Credential: <ul style="list-style-type: none"> 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

CONFLICT OF INTEREST

The LEA/district should ensure there is no conflict of interest between the evaluator and service provider, or the evaluator and the family. After completing an independent educational evaluation, it is not recommended that the independent evaluator or their agency provide the service(s) recommended to the IEP team.

PAYMENT OF IEE COSTS

The LEA/district shall provide the LEA/district policy for limiting the cost of an IEE. A parent shall have the opportunity to demonstrate that unique circumstances justify a waiver of any of the criteria as defined by the LEA/district.

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 circumstances.

Sacramento City Unified SELPA Type of Assessment	Allowable Rate: Up to
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

IEE OBTAINED AT PUBLIC EXPENSE

The LEA/district will issue payment to the independent evaluator for the cost of conducting the IEE after the LEA/district receives the following:

- A written IEE assessment report prepared by the independent evaluator containing all necessary assessment and eligibility sections, which the LEA/district and the parent receive five days prior to the IEP meeting;
- The original assessment protocols used to conduct the IEE; and
- Detailed invoice(s), including dates of assessment, observation(s), and hourly rates.

UNILATERALLY OBTAINED IEE

A parent is requested, but is not required, to notify the LEA/district prior to obtaining a unilateral IEE. Regardless, if a parent obtains an IEE at private expense, the parent's request for payment and/or reimbursement shall be received by the LEA/district within a reasonable time after receiving the results of the completed IEE.

Once a parent has requested that the LEA/district reimburse a unilaterally obtained IEE, the LEA/district must provide the parent with a copy of their Procedural Safeguards, a PWN approving or denying the request, and either:

- Provide the parent with the Sacramento City Unified SELPAs Guidelines for Independent Educational for Parents, the LEA/district IEE policy which provides information about where an IEE may be obtained and the agency criteria applicable for IEEs (if applicable), and then proceed with consideration of the LEA/district's obligation to pay for the independent evaluation.

OR

- Initiate a due process hearing to show that the LEA/district's evaluation is appropriate;

If the LEA/district proceeds with consideration to pay for the unilaterally obtained IEE, the LEA/district shall ensure all criteria discussed in the LEA/district IEE policy is met and the required documents (assessment report, original assessment protocols and invoice(s)) have been received.

EVALUATIONS ORDERED BY A HEARING OFFICER

If a hearing officer orders an IEE as part of a hearing, the cost of the evaluation must be at the LEA/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 LEA/district will request that the parent voluntarily have private insurance pay any covered costs related to the IEE. 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 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 IEP team will consider the results of the IEE, whether obtained at public or private expense, when making a recommendation 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 are for consideration and may not change the offer of FAPE. Additionally, the IEE may not be considered if not completed by a qualified professional, as determined by the LEA/district. Should the IEP team continue to disagree on the offer of FAPE, the LEA/district and parent must continue to take appropriate steps to reach resolution.

Appendix: SCUSD Independent Educational Evaluation (IEE) Flowchart

