

INDEPENDENT EDUCATIONAL EVALUATIONS

The Solano County Special Education Local Plan Area (“SELPA”) has developed this policy, corresponding procedures and criteria that govern Independent Educational Evaluations (IEE). (20 USC 1415; EC 56506[c] and 56329[b]; 34 CFR 300.502) For purposes of this policy, the term “SELPA” also includes the school district, county office of education and/or administrative unit responsible for your child’s education. Parents should be sure to read the entire document carefully. The policy, procedures, and criteria are to be read in conjunction with one another as one comprehensive document. Parents who need additional information about IEEs should contact the Assistant Superintendent of the Solano County SELPA or contact the California Department of Education as outlined in their Notice of Procedural Safeguards.

Notice to Parents

1. Please read this document before obtaining or paying for an IEE. This policy delineates your right to, and limitations regarding, reimbursement.
2. Before obtaining an IEE, please contact the special education administrator to discuss your child’s assessment and related questions and options.
3. The district will not automatically reimburse parents who unilaterally obtain IEEs.
4. Parents may only request one publicly funded IEE for each evaluation completed by the district. A request for an IEE must be made within two years of the date of the district’s evaluation report.
5. IEEs resulting from assessments conducted by Solano County Office of Education personnel are the responsibility of the district of residence/special education accountability.

Definitions

“Independent Educational Evaluation (IEE)” means an evaluation conducted by a qualified examiner who is not employed by the responsible local educational agency.

“Public expense” means that the district ensures the IEE is provided at no cost to the parent.

Parameters for Seeking IEE

The SELPA requires that the parent first inform the district, either in writing or during an IEP meeting, that the parent:

1. Disagrees with a district’s evaluation conducted within the past two years and
2. Is requesting an IEE at public expense.

Explanation of Disagreement

If parents request an IEE at the expense of the district, the parents may be asked for a reason why they object to the district’s evaluation. There is no requirement that the parents specify areas of disagreement with district’s evaluation as a prior condition to obtaining the IEE.

Solano County SELPA’s Response to a Request for an IEE

Upon request for an IEE at public expense, the district will respond without unnecessary delay. The district may either initiate a due process hearing to show that its evaluation is appropriate or will provide the parent an opportunity to obtain an IEE.

If the district agrees to provide an IEE, the parent may select a qualified examiner, and/or the district may propose a qualified examiner. The district may provide a nonexclusive list of public agencies and private individuals who the district/SELPA has determined are qualified in their respective areas of evaluation.

If the Parent requests an examiner who is not qualified in accordance with the criteria set forth in this policy, the district will attempt to confer with the parent to determine the unique circumstances justifying the use of an examiner who is not qualified.

If the district initiates a hearing and the final decision is that the district's evaluation and/or criteria are appropriate, the parent still has the right to an IEE, but not at public expense.

Time Line Regarding IEEs

The only timeline imposed upon a district related to provision of an IEE is that the district must respond to the parent's request for an IEE without unnecessary delay.

Once the district and parent have agreed upon an assessor, the district will arrange for, or initiate, a contract with the examiner.

Districts have little to no control related to the behavior of independent assessors, including but not limited to the time taken to respond to a request for information, execution of a contract or completion of an IEE.

Information Provided to Parents

Upon parent request for an IEE, the district will provide the parents with a copy of this policy for IEEs and the parent's procedural safeguards.

Parent Initiated Evaluations

If the parents obtain an IEE at private expense or obtains an evaluation by an individual who does not meet the criteria set forth in this policy, the results of the evaluation:

1. Must be considered by the District; and
2. May be presented as evidence at a due process hearing regarding that student.

Evaluations Ordered by Hearing Officers

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

Solano County SELPA's Criteria

1. If an IEE is at the district's expense, the criteria under which the evaluation is obtained, including the location limitations for the evaluation, the 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.
2. Except for the criteria described in the SELPA policy and procedures and criteria, the SELPA imposes no other conditions related to obtaining an IEE at the district's expense.

Circumstances Resulting in Evaluations not Funded by the District

Because the parent must first disagree with the district's evaluation in writing, the district does not have an obligation to reimburse parents for privately obtained evaluations obtained prior to the date that the district's evaluation is completed and discussed at an IEP team meeting. The district is not obligated to reimburse parents for privately obtained evaluations if the parent disagrees with the district's evaluation and independently seeks a private evaluation without first notifying the district in writing of their disagreement with the district's evaluation and requesting an IEE from the district except as provided below.

Circumstances Resulting in a Privately Obtained Evaluation Reimbursed by the Solano County SELPA

The district may reimburse parents for a privately obtained IEE even though the policy above was not followed in any one of the following three circumstances:

1. All the following conditions have been met:
 - a) The parent disagreed with the district's evaluation;
 - b) The parentally obtained evaluation meets the SELPA criteria;
 - c) The parent upon request provides the district with timely, written consent to exchange information with the examiner;
 - d) The parent provides a copy of the written evaluation report and all other documents / tests related to the report;
 - e) The examiner attends the relevant IEP team meeting by phone or in person to discuss his or her findings and provides protocols of all evaluations to the district.
2. The district's evaluation has not been provided in compliance with the law.
3. The privately obtained evaluation assessed the student in an area of suspected disability that was not previously assessed by the district.

Reimbursement will be in accordance with the Solano SELPA policy, procedures, and criteria and in an amount no greater than the actual cost to the parents.

In all cases, if the district initiates a due process hearing to show that the district's evaluation is appropriate, no reimbursement shall be made unless ordered by a Hearing Officer.

CRITERIA

Minimum Qualifications for Evaluators

All evaluations must be conducted by persons competent to perform the evaluation as determined by the District/SELPA (E.C. 56322).

Evaluators with credentials other than those listed below will not be approved unless the parent and District agree that the student's unique circumstances warrant utilizing an assessment by an individual who does not meet the criteria.

Type of Evaluation	Qualifications
Academic Achievement	Credentialed Special Education Teacher Licensed Educational Psychologist Credentialed School Psychologist
Adaptive Behavior	Licensed Educational Psychologist

	Credentialed Special Education Teacher Credentialed School Psychologist
Assistive Technology	Credentialed Special Education Teacher
Augmentative and Alternative Communication (AAC)	Credentialed or Licensed Speech/Language Pathologist
Auditory Acuity / Perception	Licensed or Credentialed Audiologist
Cognitive or Psycho-Educational	Licensed Educational Psychologist Credentialed School Psychologist
Functional Behavioral Assessment	Credentialed School Psychologist Licensed Educational Psychologist Board Certified Behavior Analyst Bachelor's Degree in Behavioral Sciences Credentialed Special Education Teacher
Functional Vision	Credentialed Teacher of the Visually Impaired
Health	Credentialed School Nurse Physician
Motor	Licensed Physical Therapist Registered Occupational Therapist Adaptive Physical Education Specialist
Orientation and Mobility	Credentialed Orientation and Mobility Specialist
Sensory Integration	Registered Occupational Therapist
Speech and Language	Credentialed or Licensed Speech/Language Pathologist
Social / Emotional	Credentialed School Psychologist Licensed Educational Psychologist
Transition (for students turning 16 years of age)	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Educational Psychologist
Visual-Motor Integration	Credentialed School Psychologist Licensed Educational Psychologist Registered Occupational Therapist

Independent evaluators must agree to release their evaluation information and results to the District prior to receipt of payment for services.

Cost Containment

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 evaluation. Costs include: observations, administration and scoring of tests, report writing, and attendance in person or by phone at the IEP team meeting where the IEE is presented. 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 evaluation and the appropriate District 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.

When insurance will cover all or partial costs of the IEE, the school 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.

As part of the contracted evaluation, independent evaluators must:

- A. provide original protocols of all the evaluations, and
- B. provide a written report prior to the IEP team meeting

Independent evaluators must agree to release their evaluation information and results to the school district 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.

Fingerprinting and TB Clearance

All Independent Educational Evaluators shall be fingerprinted and have a current TB clearance, consistent with all requirements for public school assessors, on file prior to the administration of any evaluation.