

Glenn County Special Education Local Plan Area**SELPA Administrative Regulation****Independent Educational Evaluations**

Parents of a child with a disability have a right to obtain an independent educational evaluation (IEE) for their child at public expense subject to the conditions outlined in the following procedures.

Definitions

Independent Educational Evaluation means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question.

Public Expense means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

Requirements for Independent Educational Evaluations at Public Expense**Conditions Warranting an IEE**

Parents may seek an independent educational evaluation at public expense when they are in disagreement with an evaluation completed or obtained by the District. Parents may only request one independent educational evaluation at public expense each time the public agency conducts or otherwise obtains an evaluation with which the parent disagrees.

Parent Notification of Request for an IEE

Parents are required to notify the district special education representative that they are seeking an independent educational evaluation at public expense prior to obtaining an independent educational evaluation. Parents must either notify the district in writing or at an IEP meeting that they:

1. disagree with the district's evaluation, and
2. are requesting an IEE at public expense.

If necessary, the district will assist the parent in developing the written request.

District Responsibilities

The District may ask for the parent's reason(s) for disagreeing with the school 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 does not agree to another District evaluation, the District must respond to the parent's request by ensuring an IEE is provided at public expense in a timely manner or initiate a due process hearing in accordance

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with this policy. The district may not unnecessarily delay either providing the IEE at public expense or initiating a due process hearing to defend its evaluation.

Once the parent communicates his/her disagreement with the school district's evaluation and requests an IEE at public expense in writing or at an IEP meeting, the following procedures will be followed:

1. The district's administrator responsible for special education will be notified.
2. The district will provide to the parents a copy of the Glenn SELPA policy and procedures including criteria for IEEs, the option for an alternative District examiner (Option A below), and options for an IEE at public expense (Options B, C, D and E below) as follows:
 - A. A district staff member from another school
 - B. A staff member from another LEA in the SELPA
 - C. A staff member from another SELPA
 - D. A staff member from one of the State Diagnostic Schools (as appropriate)
 - E. A private sector provider
3. The parents will communicate to the district, in writing, their preferred option.
4. The district will determine whether the district will initiate due process to establish the appropriateness of its evaluation or proceed with obtaining an independent educational evaluation. If the district files for a hearing and a hearing officer determines that the district evaluation is appropriate, the parent has a right to an independent educational evaluation but not at public expense. If a hearing officer requires that the district provide an IEE, it will be at district expense.

If the district agrees to provide an IEE:

- An Assessment Planning Team (APT) will be convened to develop an assessment plan which specifies those areas to be evaluated and who will complete each assessment in accordance with Glenn SELPA policy. The parent(s) should be encouraged to participate in the Assessment Planning Team. Within 15 calendar days of the decision to obtain an IEE, the parents will be sent an assessment plan for their review and consent.
- Upon receipt of the signed written consent to assess, the district will arrange for the completion of the IEE.
- Parents will be required to sign a release and exchange of information between the IEE evaluator(s) and the school district.

Nothing in this part is intended to discourage or prevent the district from conducting additional evaluations of its own subject to consent from the parent. If the request for an IEE is received more than one year from the date of completion of the school district's evaluation, the district may, with consent of the parent(s), complete a reevaluation prior to providing parents with an IEE.

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In the interest of consistency between public and private evaluations, the parents are encouraged to choose an option for additional assessment offered by the District within 15 calendar days of receiving the options.

After the parent of the student with a disability chooses an option for additional evaluation and signs an assessment plan, the District will initiate a contract with the examiner within 15 days of receipt of parental consent.

The District will contract with a qualified independent examiner who is able to provide a written report for an IEP within 60 days of the date of contracting for an evaluation. If the selected candidate cannot meet the timeline, the District will inform the parent and ask for agreement to an extension of time or selection of another option.

Requirements for Independent Educational Evaluations at Private Expense

If parents obtain an independent educational evaluation at their expense, the evaluator(s) will be allowed to observe the student in the current setting and observe the proposed setting. Provided that the IEE complies with the criteria set forth in these procedures, the evaluation will be considered by the IEP Team in making educational decisions for the child. The results of the evaluation may be used by either party in a due process hearing.

Criteria for Independent Educational Evaluations

Independent evaluator(s) will comply with all state and federal requirements pertaining to the evaluation of students with disabilities (EC 56320-27; CFR 300:301 – 306) and the criteria set forth in these procedures.

Location Limitations for Evaluators

Evaluators must be located within the state of California and within a one hundred fifty (150) mile radius from Glenn County. Evaluators outside of this area will be approved only on an exceptional basis if the parents can demonstrate the necessity of using personnel outside the specified area. Any expenses beyond the evaluation (i.e., food, lodging, transportation, etc.) are not covered in the cost of the independent evaluation.

Minimum Qualifications for Evaluators

All assessments must be conducted by persons qualified to perform the assessment as determined by the SELPA (California Education Code Section 56322). All assessments must be conducted in accordance with the requirements of Federal and State law, including but not limited to, observing the student in the appropriate setting (California Education Code Section 56329), and

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conducting evaluations in accordance with California Education Code Section 56320. Evaluators with credentials other than those listed below will not be approved unless the parent can demonstrate the appropriateness of using an evaluator meeting other qualifications.

<u>Type of Assessment</u>	<u>Qualifications</u>
Academic Achievement	Certificated Special Education Teacher, Licensed Educational Psychologist, Licensed Clinical Psychologist, or School Psychologist (Credentialed)
Adaptive Behavior	Licensed Educational Psychologist, Certificated Special Education Teacher, Licensed Clinical Psychologist, or School Psychologist (Credentialed)
Assistive Technology	Certified or Licensed Speech/Language Pathologist, Certificated Special Education Teacher, or Licensed or Certified Occupational Therapist
Auditory Acuity	Licensed or Certificated Audiologist
Auditory Perception (Cen Aud Pro)	Licensed or Certificated Audiologist
Cognitive	Licensed Educational Psychologist, School Psychologist (Credentialed), or Licensed Clinical Psychologist
Motor	Licensed Physical Therapist, Registered Occupational Therapist, or Adaptive Physical Education Specialist
Speech and Language	Certified or Licensed Speech/Language Pathologist
Social / Emotional / Behavioral	School Psychologist (credentialed), Clinical Psychologist, Licensed Psychiatrist, Licensed Educational Psychologist, or Board Certified Behavior Analyst
<u>Type of Assessment</u>	<u>Qualifications</u>

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Functional Vision	Certificated Teacher of the Visually Impaired
Visual-Motor Integration	School Psychologist (credentialed), Licensed Educational Psychologist, or Registered Occupational Therapist
Transition	Credentialed Special Education Teacher

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 include: observations, administration and scoring of tests, report writing, and attendance in person or by phone at an IEP team meeting. In the case of reimbursement to the parent, reimbursement will be in an amount no greater than the actual cost to the parent and will be subject to proof of payment.

The cost of a psycho-educational IEE shall not exceed \$3,500.00. The cost of a speech and language, occupational therapy, and/or adaptive physical education shall not exceed \$1,500.00. The cost of other types of IEEs will be considered on a case-by-case basis. Guidelines for all IEE costs are calculated by considering time required for the assessment 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. A school district will not necessarily fund the attendance of the assessor at the IEP team meeting convened to consider the IEE.

When the parents' insurance will cover all or part of the costs of the independent evaluation, the District will request that the parents voluntarily have their insurance pay the independent evaluation 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 not reimbursed by the District, including but not limited to the following:

1. A decrease in available lifetime coverage or any other benefit under an insurance policy;
2. An increase in premiums or the discontinuance of the policy; or
3. An out-of-pocket expense such as payment of a deductible amount incurred in filing a claim.

Observations

The evaluator(s) will comply with district procedures pertaining to the observation of students. If the District observed the student in conducting the evaluation with which the parents disagree 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,

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and to observe the District's proposed setting, if any. This opportunity shall also be provided if the parents obtain an evaluation at private expense.

The District shall define the nature and scope of an independent evaluator's in-class observations consistent with the right 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. This may include, but is not limited to, identifying the time constraints of such observation, district personnel who will participate in the observation and restrictions on interactions with the student or staff.

Release of Assessment Information and Results

As part of the contracted evaluation, independent evaluators must provide protocols of all assessments and provide a written report prior to the IEP meeting.

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

The results of independent evaluations will be considered in the diagnosis, program decisions, and placement of the student with disabilities as required by the Individuals with Disabilities Education Act. The results of assessments may be used by either party in a due process hearing.

Participation in IEP Meetings

The independent evaluator will be encouraged to participate in the IEP team meeting by telephone or in person at which time the evaluation will be discussed. Reimbursement for IEP participation will be addressed in the contract as described under Cost Containment Criteria. In the event the independent assessor does not participate in the IEP meeting the district will ensure that a qualified staff person is present to review the independent assessor's report.

Conflict of Interest

In order to ensure the appropriateness of an IEE and its recommendations, the District may, in its discretion, not fund an IEE by an evaluator who provides ongoing service(s) or is sought to provide service(s) to the student for whom the IEE is requested. Likewise, the District may, in its discretion, not fund services through the evaluator whose IEE the District agrees to fund.