



Independent Evaluation Policy

Rationale

This policy sets forth the circumstances and steps under which parents of a student with a disability are entitled to an independent educational evaluation (IEE) at public expense for their child. The policy is intended to provide guidelines for parents and professionals to jointly obtain an independent educational evaluation.

Definitions

“Independent educational evaluation” means an evaluation conducted by a qualified examiner who is not employed by the District. **(34 C.F.R. § 300.502(a)(3)(i).)** “Public expense” means that the 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. **(34 C.F.R. § 300.502(a)(3)(ii).)**

Parameters for Seeking Independent Educational Evaluation

If a parent disagrees with an evaluation by the District and seeks an independent educational evaluation by written notification of the District, the District will either initiate a due process hearing to show that its evaluation is appropriate or provide the parent an opportunity to obtain an independent educational evaluation in accord with this policy by arranging for the independent education evaluation. The District requires that the parent first communicate in writing to the District or inform the District at an IEP meeting both that the parent:

1. Disagrees with the District’s evaluation; **AND**
2. Requests an Independent Education Evaluation at public expense.

Only one IEE will be provided for any district assessment with which the parent disagrees. The parent may not disagree with the results of an IEE and request another one. The District will ask for the parent’s reason why he or she objects to the District’s evaluation, but the parent need not respond. The District will not delay the implementation of this policy because of the parent’s lack of response. **(34 C.F.R. § 300.502(b)(4).)** Upon parent request for an independent educational evaluation, the District will provide general information to the parents about this policy **(34 C.F.R. § 300.502(a)(2).)** Upon parent request for an independent educational evaluation, the District will offer the parent a choice of an alternative District evaluator and

options for providing an independent educational evaluation at public expense as follows:

- 1) A staff member from another LEA in the SELPA
- 2) A staff member from another SELPA
- 3) A private sector provider

Once the parent chooses an option, the District will contract with an independent examiner or otherwise ensure that an IEE is provided at public expense. **(300.502(b)(2)(ii).)** If the District initiates a hearing and the final decision is that the District's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense. **(34 C.F.R. § 300.502(b)(3).)**

Time Line Regarding Independent Educational Evaluation

In the interest of consistency between public and private evaluations, the District encourages parent to choose an option (above) for an Independent Educational Evaluation offered by the District within 15 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 from written consent being returned to the District. The District will contract with a qualified independent examiner who can provide a written report for an IEP meeting within 60 days of the date of contracting for an evaluation. If the selected candidate cannot meet the time line, the District will inform the parent and ask for agreement to an extension or selection of another option.

Agency Criteria

The criteria under which an independent evaluation is obtained at public expense, including the location limitations for the evaluation, 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. **(34 C.F.R. § 300.502(e)(1).)** As part of an independent evaluation, the examiner shall follow guidelines for District evaluations, which include but are not limited to observing the student in an appropriate setting. **(Ed. Code §56327).** The independent examiner shall attend the IEP team meeting by phone or in person at which time the evaluation will be discussed. The District will pay the independent examiner to attend the IEP team meeting as part of the evaluation responsibilities, which also include the classroom visitation and interviews with parents and staff. Assessments or evaluations shall be conducted by persons competent to perform the assessment, as determined by the school District, county office, or special education local plan area **(Ed. Code § 56322).**

Assessments or evaluations shall be conducted under the requirements of **Ed. Code § 56320:** *Before any action is taken with respect to the initial placement of an individual with exceptional needs in special education instruction, an individual assessment of the pupil's educational needs*

shall be conducted, by qualified persons, in accordance with requirements including, but not limited to, all the following:

(a) Testing and assessment materials and procedures used for the purposes of assessment and placement of individuals with exceptional needs are selected and administered so as not to be racially, culturally, or sexually discriminatory.

(b) Tests and other assessment materials meet all the following requirements:

(1) Are provided and administered in the pupil's primary language or other mode of communication, unless the assessment plan indicates reasons why this provision and administration are not clearly feasible.

(2) Have been validated for the specific purpose for which they are used.

(3) Are administered by trained personnel in conformance with the instructions provided by the producer of the tests and other assessment materials, except that individually administered tests of intellectual or emotional functioning shall be administered by a credentialed school psychologist.

(c) Tests and other assessment materials include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single general intelligence quotient.

(d) Tests are selected and administered to best ensure that when a test administered to a pupil with impaired sensory, manual, or speaking skills produces test results that accurately reflect the pupil's aptitude, achievement level, or any other factors the test purports to measure and not the pupil's impaired sensory, manual, or speaking skills unless those skills are the factors the test purports to measure.

(e) No single procedure is used as the sole criterion for determining an appropriate educational program for an individual with exceptional needs.

(f) The pupil is assessed in all areas related to the suspected disability including, where appropriate, health and development, vision, including low vision, hearing, motor abilities, language function, general ability, academic performance, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. A developmental history is obtained, when appropriate. For pupils with residual vision, a low vision assessment shall be provided in accordance with guidelines established pursuant to Section 56136.

(g) The assessment of a pupil, including the assessment of a pupil with a suspected low incidence disability, shall be conducted by persons knowledgeable of that disability. Special attention shall be given to the unique educational needs, including, but not limited to, skills and the need for specialized services, materials, and equipment consistent with guidelines established pursuant to Section 56136.

The assessment or evaluation report provided by the independent educational evaluator shall

meet the requirements of **Ed. Code § 56327**:

The personnel who assess the pupil shall prepare a written report, or reports, as appropriate, of the results of each assessment. The report shall include, but not be limited to, all the following:

(a) Whether the pupil may need special education and related services.

(b) The basis for making the determination.

(c) The relevant behavior noted during the observation of the pupil in an appropriate setting.

(d) The relationship of that behavior to the pupil's academic and social functioning.

(e) The educationally relevant health and development, and medical findings, if any.

(f) For pupils with learning disabilities, whether there is such a discrepancy between achievement and ability that it cannot be corrected without special education and related services.

(g) A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate.

(h) The need for specialized services, materials, and equipment for pupils with low incidence disabilities, consistent with guidelines established pursuant to Section 56136.

The cost of an independent education evaluation shall be comparable to those costs the District incurs when it uses its own employees or contractors to perform similar assessment. Guidelines for contracts shall be calculated by considering time required for the assessment and the appropriate District employee hourly rate.

Circumstances Resulting in Evaluations Not Funded by the District

Because the parent must first disagree with the District's evaluation, the District does not have an obligation to reimburse parents for independent 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 independent 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 assessment and requesting an independent education evaluation from the District.

Parent Initiated Evaluations

If the parent obtains an independent educational evaluation at private expense that meets agency criteria, the results of the evaluation must be considered by the District in any decision made with respect to providing a free appropriate public education to the child; and the evaluation may be presented as evidence at a hearing. **(34 C.F.R. § 300.502(c).)**

Circumstances Resulting in Privately Obtained Evaluations Reimbursed by the District

The District will reimburse parents for a privately obtained independent evaluation that meets district criteria, even though the policy above was not followed when:

1. the District's assessment has not been provided in compliance with the law, or

2. the privately obtained evaluation offers necessary information not covered by the District's assessment. Reimbursement will be in accord with District criteria and in an amount no greater than the actual cost to the parent. In all cases no reimbursement shall be paid if District initiates a due process hearing to show that the District's evaluation is appropriate unless ordered by a Hearing Officer.

Legal Authority

IDEA: 34 C.F.R. Section 300.502 Independent education evaluation
Comments to 34 C.F.R. Section 300.502 Independent education evaluations.
20 USC Section 1415(b)(1)
Education Code sections 56329, 56345
Education Code section 56327