

GUIDELINES & RESOURCES



Independent Educational Evaluations (IEE)

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Guidelines for Independent Educational Evaluations

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WHAT IS AN INDEPENDENT EDUCATIONAL EVALUATION?

When a parent of a child with a disability disagrees with the Local Educational Agency's (LEA) or district's evaluation for special education services, the parent has the right to request an Independent Educational Evaluation (IEE). An IEE is defined as an evaluation conducted by a qualified examiner who is not employed by the LEA/district. If the LEA/district grants the parent's request for an IEE, the LEA/District either pays the full cost of the evaluation or ensures the evaluation is otherwise provided at no cost to the parent (*34 Code of Federal Regulations (CFR) 300.502*). This IEE guideline and resource document outlines considerations and provides templates of related materials for LEA/districts and families to appropriately complete the process of an IEE.

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. <i>34 CFR 300.30(b)(1) or (2)</i>• 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. <i>Government Code 7579.5 or 7579.6; 34 CFR 300.519; United States Code 20 1439(a)(5)</i>

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, or with an IEP, 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 (CA. Ed. Code) 56329(b), and Office of Administrative Hearings (OAH) Case No. 2012051153*

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

INDIVIDUAL EDUCATIONAL EVALUATION POLICIES

The LEA/district has the right, and is encouraged by the El Dorado SELPAs, to develop local policy determining IEE process and establishing local criteria regarding evaluator qualifications and reasonable maximum costs. LEAs/districts cannot establish stricter rules than those it applies to its own evaluators, nor can the LEA/district prohibit association with private schools or evaluators with no experience in public schools. The LEA/district may set licensing rules above the minimum qualifications listed in these guidelines, provided the same licensure is required for their own LEA/district evaluators (*Letter to Petska (OSEP 2001) 35 IDELR191*). A sample policy is available in the resources section of this document.

GUIDELINES FOR DETERMINING REASONABLE MAXIMUM AMOUNT COSTS

The cost determination included within an IEE policy shall be comparable to the costs the LEA/district incurs 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 when the IEE is presented.

LEA/districts may use the following reasonable cost guidelines when creating a cost policy:

Reasonable Maximum Cost Per Region				
Type of Assessment	Sacramento	San Diego	Los Angeles	Bay Area
Assistive Technology	\$1,200	\$1,500	\$1,500	\$1,500
Auditory Perception/ Auditory Processing	\$1,000	\$1,000	\$1,000	\$1,000
Functional Behavioral Assessment	\$2,500	\$3,000	\$4,000	\$5,000
Cognitive/ Full Psycho-Educational (Rate allowed depends on components tested, such as academic, adaptive behavior, cognition, social- emotional)	\$4,000	\$6,000	\$5,000	\$6,000
Occupational Therapy	\$1,000	\$1,100	\$1,700	\$1,500
Physical Therapy	\$1,000	\$1,100	\$1,500	\$2,000
Speech and Language	\$1,500	\$1,600	\$1,500	\$1,500
Functional Vision	\$400	\$1,000	\$1,000	\$1,000

The above reasonable maximum cost guidelines for IEEs were developed considering reasonable maximum costs from neighboring school LEA/districts and counties, as well as costs supplied from independent evaluators in the local region. The costs that were given were compared, and outliers removed, to develop a maximum cost for each area of assessment. The data points are reflected as valid resources to consider when developing cost criteria.

As the LEA/district develops an IEE policy that includes reasonable maximum costs, it must be considered that parents may request to utilize an evaluator which exceeds developed cost criteria. In such a situation, the LEA/district will give the parent the opportunity to demonstrate unique circumstances of the student that justify the selection of an evaluator with higher fees. The LEA/district will then consider whether to fund the entire cost of the IEE and respond without unreasonable delay. If unique circumstances do not exist, the LEA/district must file for hearing and demonstrate that the evaluation obtained by the parent did not meet the public agency criteria for IEEs OR pay the entire cost of the IEE.

GUIDELINES FOR DETERMINING QUALIFICATIONS

The qualifications requirements for an IEE policy shall be comparable to the requirements the LEA/district has for its own employees or contractors to complete a similar assessment. Recommendations for requirements within IEE policies include:

- All assessments shall be completed by persons competent to perform the assessments as determined by the LEA/districts. *CA Ed. Code 56322*
- Independent evaluators shall hold appropriate minimum credentials issued by the appropriate agency or board within the State of California. This list may be found below.

A parent shall have the opportunity to demonstrate that unique circumstances justify a waiver of any of the provider criteria listed as defined by the LEA/district. A parent may also request a list of suggested IEE evaluators who meet the LEA/district criteria, but the parent is not required to select from the list provided.

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	Adaptive Physical Education Specialist
Assistive Technology	Certified Assistive Technology Specialist
Auditory Acuity	Licensed Educational Audiologist Clinical or Rehabilitative Services Credential Language, Speech and Hearing and Audiology Credential
Auditory Perception/Auditory Processing	Language, Speech, and Hearing and Audiology: 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	Orientation and Mobility: Clinical or Rehabilitative Services Credential Education Specialist Instruction Credential: Physical and Health Impairment
Physical Therapy	Licensed Physical Therapist

Social/Emotional	Licensed Educational Psychologist Licensed Clinical Social Worker Licensed Marriage and Family Therapist Pupil Personnel Services Credential
Speech and Language	Credentialed or Licensed Speech and Language Pathologist
Visual Acuity/Transition/Vocational	Credentialed Special Education Teacher Adult Education Credential with a Career Development Authorization Pupil Personnel Services Credential
Developmental Vision	Licensed Optometrist Licensed Ophthalmologist Education Specialist Instruction Credential: Visual Impairments
Functional Vision	Education Specialist Instruction Credential: Visual Impairments

LOCATION

It is recommended to locate an evaluator within the LEA/district's county or neighboring counties. Evaluators outside of this area should be accepted only on an exceptional basis by the LEA/district if either party 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.

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

RESPONDING TO AN INDEPENDENT EDUCATIONAL EVALUATION REQUEST

Once a parent has requested an IEE at public expense, the LEA/district must provide the parent with a copy of the Procedural Safeguards, Prior Written Notice (PWN) accepting or denying request, and either:

- Provide the parent with the Guidelines for Independent Educational Evaluations for Parents packet (located on page 15 of this document) and local IEE policy which provides information about where an IEE may be obtained, the agency criteria applicable for IEEs, and expense information; *34 CFR 300.502(a)(2)*

OR

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

The LEA/district may request that the parent explain why s/he objects to the LEA/district's evaluation or specific areas of the 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.

INDEPENDENT EDUCATIONAL EVALUATION REQUEST WITH NO POLICY IN PLACE

If an LEA/district receives an IEE request and has no policy in place, they do not have the authority to limit the qualifications or the cost of the evaluation. If the LEA/district chooses not to grant the assessment for any reason, they must initiate a due process to show that their evaluation is appropriate.

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)*

CONFLICT OF INTEREST

The LEA/district should ensure there is no conflict of interest between the evaluator and the service provider, or the evaluator and the family. It is not recommended that the LEA/district contract with the IEE evaluator or the agency that employs the evaluator to provide services after the IEE is completed. This practice negates neutrality of the assessment.

INDEPENDENT EDUCATIONAL EVALUATION SERVICE AGREEMENT

The El Dorado SELPAs recommend that the LEA/district complete an IEE service agreement (located on page 14 of this document) with the independent evaluator to ensure clarification regarding terms of the agreement. A sample agreement is available in the resources section of this document.

STEPS IN RESPONSE TO AN IEE REQUEST

The following are recommended steps in the IEE process. These steps are duplicated on the next page in a convenient format to print as a separate document.

1. The parent requests an IEE. This may be during an IEP, through written communication (including email), in person, or via a phone call.
2. The LEA/district either:
 - Agrees to the IEE and completes the following steps.

OR

- Refuses the IEE with a prior written notice (PWN) form. The LEA/district then initiates due process to show its assessment is adequate, within 15 days or without unreasonable delay. If the LEA/district prevails, then there is no IEE. If the parent prevails, then the LEA/district must conduct an IEE.
3. When the IEE is granted, within 15 days or without unreasonable delay, the LEA/district provides the parent with:
 - A cover letter (sample cover letter found in the resource center)
 - A prior written notice (sample prior written notice found in the resource center)
 - Guidelines for Independent Educational Evaluations for Parents packet (page 15 in this document)
 - A list of qualified evaluators
 - Copy of the Procedural Safeguards
 - A copy of the LEA/district Board Approved IEE Policy (if applicable)
 4. Once the LEA/district has received the signed Exchange of Information form (located in SEIS), an LEA/district representative contacts the chosen evaluator to discuss availability, location of the IEE assessment, mandatory attendance at the IEP to discuss completed assessments and report, release of the report and protocols to the LEA/district, and total fee for the assessment.
 5. Once the Independent Educational Evaluation Service Agreement is completed, and the Exchange of Information has been signed, and returned to the LEA/district, the assessment may begin.
 6. During the assessment, an LEA/district representative should remain in contact with the evaluator, ensuring the assessment is completed without unreasonable delay.
 7. Once the assessment is complete, the evaluator shall provide a draft report to the LEA/district and the parent prior to the IEP meeting. The evaluator shall not meet privately with the LEA/district or parent to discuss the report before the IEP team meeting is held. The LEA/district will work with the evaluator and parent to schedule an IEP meeting to consider the IEE report.

PARENT REQUESTS IEE IN PERSON OR VIA WRITTEN COMMUNICATIONS OR PHONE CALL

LEA/District Agrees to IEE

LEA/District Refuses IEE

Refuse the IEE with a prior written notice (PWN) form. The LEA/district then initiates due process to show its assessment is adequate, within 15 days or without unreasonable delay. If the LEA/district prevails, then there is no IEE. If the parent prevails, then the LEA/district must conduct an IEE.

Within 15 days or without reasonable delay, the LEA/district provides parent with the IEE Guidelines & Resources for Parents, as well as:

- Cover Letter (Sample in Resources)
- IEE Guidelines for Parents (pg 15 of this document)
- Copy of Procedural Safeguards
- Prior Written Notice (Sample in Resources)
- List of Qualified Evaluators
- Copy of the LEA/District Board Approved IEE Policy

When parent and the LEA/district agree upon their choice of assessor, the LEA/district sends the Exchange of Information form to the parent, in order to allow the LEA/district to share information about the student with a third-party assessor. This form can be found in the SEIS document library.

The LEA/district contacts chosen assessor to discuss:

- Availability
- Location of the IEE
- Required IEP attendance
- School requirement for release of the report and protocols
- Total fee

The LEA/district then completes Independent Educational Evaluation Service Agreement, prior to initiating the evaluation.

Once the Independent Educational Evaluation Service Agreement has been completed, the Exchange of Information has been signed and returned, and any other required documents have been received the assessment process shall begin.

During the assessment process the LEA/district shall maintain communication with the assessor, ensuring the assessment is completed without unreasonable delay. Although the LEA/district cannot control the timeline for completion of the IEE, the best practice recommendation is that the assessment be completed within 60 days.

Once the assessment is completed, the IEE assessor IEE shall provide a draft report to both the LEA/district and the parent and will have no private meetings with either party before the IEP is held.

The LEA/district shall work with the parent and the assessor to schedule and hold an IEP team meeting to consider the IEE report.

PAYMENT OF AN IEE REQUEST

1. 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'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 LEA/district and the parent five days prior to the IEP meeting;
- The original assessment protocols utilized to conduct the IEE shall be provided to the LEA/district; and
- Detailed invoice(s), including dates of assessment, observation(s), and hourly rates.

2. Unilaterally Obtained IEE at Private Expense:

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 completed IEE report.

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

- Initiate a due process hearing to demonstrate that the LEA/district's evaluation is appropriate, within 15 days or without unnecessary delay;

OR

- Provide the parent with the Guidelines for Independent Educational Evaluations for Parents and proceed with consideration of the LEA/district's obligation to pay for the IEE.

If the LEA/district proceeds with consideration to pay for the unilaterally obtained IEE, the LEA/district shall:

- Ensure the request was made within a reasonable time after receiving the evaluation report; 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 LEA/district's expense, unless otherwise specified.

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 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 them, 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 RESPONSE

The IEP team will consider the results of the IEE, whether obtained at public or private expense, 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. IEE results must be considered by the IEP team and documented as part of the discussion on the notes page

of the IEP document during the IEP meeting.

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.

PROCEDURES FOR SHARING A UNILATERALLY OBTAINED IEE AT PRIVATE EXPENSE

When a parent obtains an IEE at private expense, the results of the evaluation, if shared with the LEA/district:

- Shall be considered by the LEA/district in any decision made with respect to the provision of FAPE to the student; and
- May be presented as evidence at a due process hearing regarding the child.

INDEPENDENT EDUCATIONAL EVALUATIONS FREQUENTLY ASKED QUESTIONS

1. What is meant by the term “independent educational evaluations”?

Federal regulations define independent educational evaluations (IEEs) as “an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question.” 34 CFR § 300.502(a)(3)(i)

2. Who pays for an IEE?

The LEA/district pays for IEEs. 34 CFR § 300.502(a)(3)(ii)

3. What initiates a parent’s right to obtain an IEE for the child at the LEA’s expense?

A parent’s right to obtain an IEE at the LEA’s expense is triggered if the parent disagrees with an evaluation initiated by the LEA. *Letter to Parker, 41 IDELR 155 (OSERS 2004); 34 CFR §300.502(b)(1)*

4. Who chooses the evaluator for an IEE?

IDEA permits the LEA/district to publish a list of names and addresses of qualified evaluators that meet the LEA/district’s criteria in choosing an evaluator. *Letter to Rambo, 16 IDELR 1078 (OSEP 1990)*

5. Can the LEA/district require parents to choose an evaluator from its list of qualified evaluators?

IDEA permits the LEA/district to require parents to select an evaluator from its list for the IEE to be funded by the LEA/district if (1) “a child’s needs can be appropriately evaluated” by an evaluator on the list and (2) all qualified examiners in the geographic location are included on the list. However, if the LEA/district’s list does not exhaust evaluators who are: minimally qualified to evaluate the unique needs of every child in the district,” the parent can choose an evaluator who is not on the LEA/district’s list, so long as he/she meets the LEA/district criteria. *Letter to Anonymous, 56 IDELR 175 (OSEP 2010); Letter to Thorne, 16 IDELR 606 (OSEP 1990); Letter to Rambo, 16 IDELR 1078 (OSEP 1990)*

6. What if the parent selects an evaluator who is not on the LEA/district list and who does not meet the LEA/district criteria?

If a parent selects an evaluator who is not on the LEA/district list and does not meet the LEA/district criteria, the LEA/district must allow the parent the opportunity to demonstrate that unique circumstances justify the selection of this evaluator. *Letter to Anonymous, 56 IDELR 175 (OSEP 2010)*

7. What if the LEA/district does not believe that there are unique circumstances to justify the selection of an evaluator who is not on the LEA/district list and who does not meet the LEA/district criteria?

If the LEA/district does not believe that unique circumstances justify the selection of an evaluator, the LEA/district may file for due process to deny the parent request. *Letter to Parker, 41 IDELR 155 (OSERS 2004)*

8. What if a parent does not agree with the LEA/district’s decision that an evaluator is not qualified?

If a parent chooses an evaluator who is not on the LEA/district list, and the LEA/district decides that the evaluator is not qualified to do the evaluation, the parent may challenge the LEA/district decision by filing for due process. *Letter to Rambo, 16 IDELR 1078 (OSEP 1990)*

9. How many IEEs at LEA/district expense may a parent seek?

If a parent disagrees with the LEA/district’s evaluation, the parent is entitled to only one IEE at the LEA/district expense. Note that an IEE may contain more than one domain. 34 CFR 300.502(b)(5)

10. What happens if the total cost for an IEE exceeds the LEA/district’s reasonable cost criteria?

The LEA/district may establish maximum allowable charges that it allows for an IEE to ensure that the cost of an IEE is reasonable. The maximum fee “cannot simply be an average of the fees customarily charged in the area,” but rather, “must be established so that it allows parents to choose from among the qualified professionals in the area and only eliminates unreasonably excessive fees.” If an evaluator selected by the parent exceeds the LEA/district maximum allowable charges, the LEA/district must give the parent an opportunity to demonstrate that unique circumstances justify going above the LEA/district fee criteria. If the parent does demonstrate unique circumstances, the LEA/district must fund the IEE. If “there is no justification for the excess cost, the cost of the IEE must be” funded by the LEA/district “to the extent of the LEA/district maximum allowable charge.” Additionally, if the requested IEE exceeds the LEA/district’s maximum allowable costs, and the LEA/district does not support the justification for the excess cost, “the LEA/district must, without unnecessary delay, initiate a [due process] hearing to demonstrate that the evaluation obtained by the parent did not meet

the agency's cost criteria." *Letter to Petska, 35 IDELR 191 (OSERS 2001)*; *Letter to Anonymous, 11 IDELR 673 (OSEP 1995)*; *Letter to Thorne, 16 IDELR 606 (OSEP 1990)*

11. What if the LEA/district does not adopt reasonable cost criteria?

If the LEA/district does not adopt reasonable cost criteria, the "parents are free to obtain the services of any qualified evaluator." If the LEA/district "believes the fees charged [for the IEE] were unreasonable, it has two options: (1) pay the fees charged to the parents, or (2) file for a due process hearing in which the LEA/district would challenge the right of parents to be reimbursed for the particular fee and would have to show that the fee was 'unreasonably expensive.'" *Letter to Thorne, 16 IDELR 606 (OSEP 1990)*

12. Does the parent have to notify the LEA/district of his/her disagreement with the LEA/district evaluation before obtaining an IEE at LEA/district expense?

There is no federal requirement that a parent must notify the LEA/district of his/her disagreement with the LEA/district's evaluation before the parent obtains an IEE at public expense. However, it is reasonable for the LEA/district to require a parent to notify the LEA/district of his/her disagreement with the LEA/district evaluation prior to the parent obtaining an IEE at public expense. If a parent does not notify the LEA/district that they are obtaining an IEE due to disagreement with the LEA/district's evaluation, the LEA/district still must consider funding the IEE. *Letter to Thorne, 16 IDELR 606 (OSEP 1990)*

13. Does an LEA/district have to pay for travel costs or other related costs incurred by the parents in connection with their arrangement of or their attendance at an IEE?

If a child needs to be evaluated out-of-district for an IEE, the LEA/district "may be required to pay for the expenses incurred by the parent for travel or other related costs." If the LEA/district believes that these expenses are unreasonable, the LEA/district can file for due process. *Letter to Petska, 35 IDELR 191 (OSERS 2001)* *Frequently Asked Questions – Independent Educational Evaluations; OSEP: McDonald, P., 2013*

INDEPENDENT EDUCATIONAL EVALUATIONS RESOURCES

Independent Educational Evaluation Service Agreement between LEA/district and IEE Provider

Sample Prior Written Notice

Sample Cover Letter to Parents

Sample LEA/district IEE Policy

Editable versions of the documents within the Appendix are available to download at:

https://padlet.com/selpapd/IEE_Editable_Resources

GUIDELINES & RESOURCES FOR PARENTS



INDEPENDENT EDUCATIONAL EVALUATIONS (IEE)

INDEPENDENT EDUCATIONAL EVALUATIONS

INTRODUCTION

The El Dorado Special Education Local Plan Areas (SELPAs) have 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 their LEA/district's Special Education Director and/or the El Dorado SELPAs office at (530) 295-2462.

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. <i>34 CFR 300.30(b)(1) or (2)</i>• 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. <i>Government Code 7579.5 or 7579.6; 34 CFR 300.519; United States Code 20 1439(a)(5)</i>

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 EL Dorado 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.

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.

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 El Dorado 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.

QUESTIONS?

Contact your LEA/district or El Dorado SELPAs Program Specialist at (530) 295-2462.



THE
ELDORADO SELPAs
Special Education Local Plan Areas



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