

Independent Educational Evaluation

Introduction

The following sections provide guidelines and/or procedures to special education staff and administrators when working with families after the LEA receives a request for an independent educational evaluation (IEE). The format of the guidebook is intentionally designed to provide an overview of the laws surrounding independent evaluations and suggestions of best practices when working with the families and the assessors. The goal of this guidebook is to assist special education staff and administrators in maintaining procedural compliance with state and federal laws.

Policy

Definitions:

Independent Educational Evaluation ("IEE") 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. 34 CFR §300.502.

Public Expense means the local educational agency (LEA) pays for the cost of the evaluation or ensures the evaluation is otherwise provided at no cost to the parent.

Local Educational Agency (LEA), as referenced herein, incorporates school districts, county office of education, and charter schools operating as a LEA.

When does a parent/guardian have the right to obtain an IEE?

The parent/guardian has the right to obtain an IEE at public expense when the parent disagrees with the assessment obtained by the LEA. 34 CFR §300.502(b). However, the LEA may initiate a due process hearing to show that its evaluation is appropriate 34. CFR §300.502 (b)(2)(i). If the LEA initiates a hearing and the final decision is that the LEA's assessment is appropriate, the parent has the right to an IEE, but not at public expense. 34 CFR § 300.502 (b)(3).

If the District's assessment is deemed appropriate, the LEA is not responsible for providing or reimbursing an IEE when parent/guardian merely feel the need for additional information about their child, and which is not based on a disagreement with LEA assessment results or individualized education program (IEP) team findings.

The LEA is not required to reimburse the cost of more than one IEE in any one area assessed when the parent/guardian disagrees with an assessment previously conducted by the LEA.

In addition, an LEA is not legally obligated to fund the IEE or file for a due process hearing to defend its assessment if the parents waited more than two years after the LEA's assessment to request an IEE. [*Placentia-Yorba Linda Unified School District v. Student (OAH Case No. 2012051153)*]

Who conducts IEEs?

Upon request for an IEE, the LEA will provide information to parent/guardian regarding where an appropriate IEE may be obtained. CFR 34 § 300.502 (a)(2). The IEE examiner must meet LEA qualifications to be at public expense. 34 CFR § 300.502(e).

What is required for an IEE at public expense?

Federal regulations require that whenever an IEE is to be provided at LEA expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the LEA uses or would use when performing a similar evaluation. 34 CFR §300.502(e). The following criteria apply to both IEEs and assessments prepared by the LEA.

- The assessment must be completed in a public school or other appropriate setting.
- The assessment must be completed by a qualified examiner certificated and/or licensed by the state of California in the area assessed in the evaluation.
- The assessment must be selected and administered in the child's primary language or other mode of communication unless the assessment plan indicates why it is not clearly feasible to do so.
- Tests and other assessment materials shall have been validated for the specific purpose for which they are used; must be administered by trained personnel; and must be tailored to assess specific areas of educational need.
- A written report of the IEE assessment results shall be provided to the parent/guardian and LEA prior to the IEP team meeting.
- The IEE assessment results must be considered by the IEP team at the child's IEP team meeting. (Note: The LEA will consider the results of any private assessment provided by the parents in planning the educational program of the student. Consideration of such information however, does not make the LEA liable for IEE reimbursement, nor is it an indication that the LEA agrees with the result of that assessment.)

* Although nothing in IDEA mandates that an IEE requires an assessment plan to be completed, if one is provided, it is a good rule of thumb to indicate on an assessment plan that it is for an IEE and to ensure consent by the family. This does not mean that the assessment must be completed in within 60 days, but is for identifying all assessments and for consent purposes.

Procedures

Steps to be Followed by parent/guardian Requesting an IEE at Public Expense

1. A parent/guardian of a child with an identified or disputed disability is requesting assistance with regard to an IEE. please advise the parent/guardian to provide this request in writing. The inclusion of the following will assist in providing an appropriate assessment:
 - a) Specific areas of disagreement or disputed in LEA evaluation¹; and
 - b) A list of desired assessment areas, issues or questions the parent/guardian would like addressed by the IEE.

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2. Upon receipt of the request, the LEA will provide parent/guardian with a copy of these *Independent Educational Evaluation (IEE) Guidelines: A Brochure for Parents* and a list of evaluators. If a specific IEE evaluator who is not on the provided list is desired, request the name and contact information of the preferred evaluator so that the LEA may:
 - a) Verify the qualifications, certifications and/or license of the evaluator;
 - b) Determine that the fee rate for the IEE is within the limits specified in this document; and
 - c) Initiate and negotiate a contract with the evaluator.

NOTE: The LEA may negotiate a rate above or below those listed herein.

3. The LEA Director will provide Prior Written Notice stating whether the LEA is providing or denying the IEE Assessment. This notice shall be provided to parent/guardian within 15 days of receipt of the request. If they are denying the assessment, the LEA shall notify the parent/guardian of its decision in writing and file for Due Process to defend its own report.

Criteria for Obtaining an IEE at Public Expense

1. The IEE must be administered by the evaluator in the same type of location and/or setting as that used by the LEA in providing similar evaluations. 34 C.F.R §300.502(e).
 - a) If the LEA evaluation included classroom observations, the IEE evaluator must also be given access to the classroom.
2. The IEE must be provided by an evaluator who holds equivalent certifications, licenses, or other qualifications that would be required of the LEA staff providing similar evaluations. 34 C.F.R §300.502(e)
3. The IEE evaluator must be located within a 180 mile radius of the LEA, unless prior written approval is obtained by the LEA.
4. IEE evaluators must comply with all state and federal requirements. 34 C.F.R §300.502(e).
5. The IEE provider must provide the LEA with a copy of their report at least five (5) days prior to the IEP team meeting. The report must contain all necessary assessment and eligibility sections. The report must include the evaluator's name, title, license and/or certification number, and an original signature of the evaluator that completed the IEE. Please note that ONLY the LEA will provide the family with a copy of the report.
 - a) The original assessment protocols should be attached to the IEE report².
 - b) The results of the IEE will be considered in the identification, program decisions, and educational services to be provided to the student with disabilities as required by the Individuals with Disabilities Education Act and/or Section 504 of the Rehabilitation Act of 1973.
 - c) The IEE will not control the decisions in the LEA's recommendations. All decisions related to the child's IEP shall be made by the IEP team based upon the specific needs of the child.

Criteria for Determination of IEE Fee

1. The LEA will pay a fee that is routine and reasonable for the IEE, similar to those performed by qualified professionals in the local area or comparable to those costs that the LEA incurs when it uses its own employees or contractors to perform a similar assessment. Routine and reasonable fee is based on an average of a random sampling of fees charged by professionals providing the service in the LEA's area.
 2. An excessive fee is defined as one that is more than 25% higher than the routine and reasonable rate for an IEE within a 180 mile radius of the student's LEA of residence, unless the LEA provides prior written approval.
 - a) Parents will be allowed the opportunity to demonstrate to the LEA that unique circumstances justify IEE reimbursement that does not fall within the above criteria.
 - b) When an IEE evaluator has a sliding scale fee based on parent income, the LEA will reimburse only an amount not to exceed what the parents were charged.
 3. When travel is negotiated as part of the contract, any travel costs for evaluators or parents may not exceed the LEA's established rates for travel.
 4. Any expenses beyond that directly related to preparation of the evaluation and participation of the evaluator at the IEP team meeting to review the report (i.e., food, lodging, transportation,
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etc.) are not covered in the cost of the independent evaluation, unless otherwise negotiated in writing.

Steps for Parents Seeking Reimbursement For Unilaterally Obtained IEEs

1. The LEA will not consider a parent request for payment for a unilateral parent-initiated IEE unless the LEA receives a request within a reasonable time after receipt of the results of the evaluation.
2. Once approved, the parent/guardian must submit an original billing form to the LEA for reimbursement.
 - a) Before any reimbursement is made, all criteria discussed in this policy must be met and the written evaluation report received.
 - (1) The LEA will deny payment of an IEE conducted by an evaluator who does not meet the minimum qualifications as defined elsewhere in this policy.
 - (2) The LEA will deny payment for an IEE that does not meet the minimum state and federal criteria for educational identification of a disability discussed in the IEE.
3. Upon request for LEA reimbursement for a unilaterally parent-initiated IEE, the LEA may request a due process hearing to prove its own evaluation is appropriate.

Criteria for Determining if Private Insurance can be Accessed

When insurance will cover all or part of the costs of the IEE, the LEA will request that the parents voluntarily have their insurance pay the IEE costs covered by their insurance. However, parents will not be asked to have insurance cover IEE costs if such action would result in a financial cost to the parents not reimbursed by the LEA, 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.

Negotiating Fees for an IEE

When the LEA is negotiating the fee for an IEE to be conducted at public expense, the following should be included in the fees:

- Cost to conduct Assessment
- Mileage
- Developing a written report
- Providing copies of the report to the parent and school
- Attending the IEP meeting

Criteria for Independent Educational Evaluators

Local Limitations for Evaluators

Evaluators must be located within 180-mile radius of the LEA of Residence. Evaluators outside of this area will be approved only on an exceptional basis if the parent/guardian can demonstrate the necessity of using personnel outside the specified area. Parent/guardian must receive prior written notice from the LEA for IEE conducted outside of the approved area. Unless an out of the area evaluation is required for the student to receive an IEE, costs beyond the evaluation (i.e. food, lodging, transportation, etc.) are not covered.

Minimum Qualifications for Evaluators

All assessments must be conducted in accordance with all requirements of Federal and State law including, but not limited to, observing the student in the appropriate setting (EC §56327) and conducting evaluations in accordance with EC §56320.

Evaluators must meet the following credentialing criteria. All assessments, including all tests and subtests, must be conducted by persons competent to perform the assessment as determined by the LEA (EC §56322).

Guidelines for Determining Qualifications

Disclaimer: the SELPA is not endorsing the providers or responsible for any liability. It is recommended when selecting an individual educational evaluator, you request a copy of their résumé, two references by LEAs and itemized cost for the evaluation including writing the report and attending the IEP team meeting. Prior to making the final selection of an IEE, the LEA should review the résumé to ensure proper licensure and/or credential and contact the references provided. Additionally, an LEA may require that any examiner meet the LEA requirements for any school employee who works with children (i.e. TB testing, fingerprinting, background search, insurance), as well as any other contract requirements enforced by the LEA.

MINIMUM QUALIFICATIONS FOR EVALUATORS

Type of Assessment	Minimum Qualifications
Academic Achievement	Certified Special Education Teacher, or Licensed Educational Psychologist, or School Psychologist (Credentialed)
Adaptive Behavior	Licensed Educational Psychologist, or Certified Special Education Teacher, or School Psychologist (Credentialed)
Assistive Technology	Certified or Licensed Speech/Language Pathologist, or Certified Special Education Teacher, or Certified Assistive Technology Specialist or Occupational Therapist
Auditory Acuity	Licensed or Certificated Audiologist
Auditory Perception (CAP)	Licensed or Certificated Audiologist
Auditory Processing	School Psychologist, or Certified or Licensed Speech/Language Specialist
Cognitive	Licensed Educational Psychologist, or School Psychologist (Credentialed)
Behavioral Assessment	Licensed Educational Psychologist, or Certified Special Education Teacher, or School Psychologist (Credentialed), or Board Certified Behavior Analyst (BCBA)
Health	Licensed Physician, or Certified School Nurse
Motor	Licensed Physical Therapist, or Registered Occupational Therapist, or Adaptive Physical Education Specialist

Neuro-psychological
Educational

Neuropsychologist **and** Licensed

Psychologist **or** School Psychologist
(Credentialed)

+ education training and
experience in administration
and interpretation of neuro-
psychological assessment
instruments

Occupational Therapy

Registered Occupational Therapist

Physical Therapy

Licensed Physical Therapist

Speech and Language

Certified **or** Licensed Speech/Language
Pathologist

Social/Emotional

School Psychologist
(Credentialed), **or** Social Worker
(LCSW), **or** Licensed Psychiatrist,
or Licensed Psychologist, **or**
Licensed Educational
Psychologist, **or** Clinical
Psychologist

Transition/Vocational
Certified

Licensed Educational Psychologist, **or**

Special Education Teacher, **or**
School Psychologist (Credentialed)

Vision (Functional)

Certified Teacher of the Visually Impaired

Visual Perception

Resource Specialist (Credentialed), **or**

Licensed

Educational Psychologist, **or** School
Psychologist (Credentialed), **or**
Ophthalmologist, **or** Optometrist

Conflict of Interest

The LEA should ensure there is no conflict of interest between the evaluator and service provider. After completing an IEE, it is not recommended the independent evaluator or their agency provides the services recommended by the IEP Team.

COST OF ASSESSMENT BY TYPE

Costs above these amounts may be approved if the parent/guardian is able to demonstrate that unique circumstances justify going outside the LEA's fee parameters and parent/guardian obtain prior written approval from the LEA. These guidelines and costs are to assist you with negotiating with the assessors, on a case-by-case basis, based on the student's individual needs. LEAs are encouraged to negotiate rates for partial assessments, if a complete assessment is not required.

The total costs of an independent multidisciplinary are guided by the following rate limits:

	Rate Limits
Full Psychological Evaluation (includes cognitive, academic achievement, adaptive behavioral, social emotional)	\$4500
Assistive Technology/Augmentative and Alternative Communication	\$1200
Central Auditory Processing (CAPD)	\$1000
Neuro-psychological (Includes cognitive and academic)	\$5000
Occupational Therapy (Includes sensory and motor)	\$1500
Physical Therapy	\$1500
Speech and Language	\$2250
Transitional/Vocational	\$1500
Behavioral Assessment (FBA-BCBA)	\$2500
Vision (Includes acuity and processing)	\$1750

The results of an independent evaluation obtained by the parent, whether at public or private expense, shall be considered by the district, if it meets district criteria, in any decision made with respect to FAPE and may be presented [by any party](#) as evidence at a hearing on a due process complaint [regarding the child](#).

Reference:

[EC 56320](#)

[EC 56327](#)

[EC 56322](#)

Title 34 C.F.R. 300.152,

[Title 34 C.F.R. 300.153](#)