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Long Beach Unified School District
Special Education Local Plan Area (SELPA)

Independent Educational Evaluation Procedures:

The Long Beach Unified School District Special Education Local Plan Area (hereafter known as the “District”) has developed this policy and procedure and accompanying criteria which govern Independent Educational Evaluations (IEE). (20 USC 115: EC 56506 (c), and 56329(b) (c); 34 CFR 300.502). Those who need additional information concerning IEEs should contact the Director of Special Education, or the California Department of Education as outlined in the Notice of Procedural Safeguards. To obtain a electronic copy of the Notice of Procedural Safeguards please log on to: www.lbschools.net, “Special Education.”

This policy sets forth the procedures under which children with disabilities are entitled to an IEE at public expense.

Definitions:

Local educational agency (LEA) means the school district or county education office that is responsible for providing educational services to a child with a disability. For the purposes of this document, the LEA is the Long Beach Unified School District.

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

Qualified Examiner means an evaluator who is competent to perform the evaluations through criteria established by the LEA in accordance with Education Code Section 56322.

Public expense means that the local educational agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent or guardian.

Parent Requests for Independent Educational Evaluations

Parents have the right to an independent educational evaluation at public expense if they disagree with an evaluation completed by the District. Parents may only request one IEE in response to each evaluation completed by the District. Parent must make a request for an IEE within two years of the date of presentation of the assessment which they disagree consistent with the statute of limitations.

If the parents request an independent educational evaluation at public expense, the parents will be asked the reason why they object to the evaluation conducted by the District. The LEA may not, however, require the parents to explain their reasons and may not unreasonably delay either providing an independent educational evaluation at public expense or initiating a due process hearing to defend its evaluation. If the district initiates a hearing and the final decision is that the evaluation conducted by

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the district was appropriate, the parent/guardian still has the right to an IEE, but not at public expense.

Parents must indicate in writing to the District or inform the District at an IEP meeting that they disagree with an evaluation conducted by the District and that they are requesting an independent educational evaluation at public expense. If the parent makes an oral request for an IEE, District staff shall offer to assist the parent in putting the request in writing and shall assist the parent if the parent so requests.

Once the parent communicates his/her disagreement with the evaluation(s) completed by the District and requests an IEE at public expense, the following procedures will be followed:

1. The parent will receive a copy of this IEE policy which includes the agency criteria for independent educational evaluations.
2. The District will determine whether to initiate due process to establish the appropriateness of its evaluation or proceed with providing an IEE.
3. If the District agrees to fund an IEE, the parent will be asked to provide his/her input into the development of the assessment plan and to indicate the specific portions of the District's evaluation(s) with which he or she disagrees.
4. The parent will be provided with a list of potential evaluators and how these evaluators may be contacted. The list is not intended to be exhaustive and is not intended to limit a parent's options in obtaining an IEE from other qualified professionals who meet the agency criteria outlined in this policy.
5. In the event that a parent/guardian requests to utilize an evaluator who does not meet agency criteria, the District shall provide the parent the opportunity to demonstrate that there are unique circumstances to justify their selection of such an evaluator. The District will then make a determination if the use of the requested evaluator that does not meet agency criteria is warranted, and respond to the parent with a prior written notice.
6. The District will develop an assessment plan which specifies those areas to be evaluated. The completed assessment must comply with the location limitations for the evaluation, the minimum qualifications for the examiner, cost limits, and use of approved instrument.
7. The assessment plan will be sent to the parent for his/her review and consent within 15 calendar days of the parental request for an IEE.
8. Parents will be required to sign a release and exchange of information between the IEE evaluator(s) and the District.
9. Upon receipt of the signed consent to assess, the District will arrange for the completion of the IEE.
10. Independent education evaluators will be requested to write reports focusing on the "unique needs" of the child and if appropriate the types of special education programs and services recommended to address the "unique needs." Independent education evaluators will be requested not to identify specific providers of special education programs and services as to avoid any possible "conflict of

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interest" situations. Evaluators must be knowledgeable of and agree to comply with all provisions of the Federal Code of Regulations (IDEA) and California Education Codes governing special education, to include the criteria required to make recommendations for eligibility.

If the parent obtains an IEE at private expense, the results of the evaluation (if the evaluation meets the agency criteria) must be considered by the District in making educational decisions as required by the Individuals with Disabilities Education Act. The evaluation may also be presented as evidence at a due process hearing regarding the child.

Timeline Regarding Completion of Independent Educational Evaluations

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

After the parent signs an assessment plan for completion of an IEE, the District will initiate a contract with the examiner. If the selected evaluator indicates that he/she cannot complete the evaluation and provide a written report within 60 days of receipt of the parent's signed consent for the IEE, the District will inform the parent and request agreement to either extend the assessment timeline or select another assessor.

Independent Evaluations Not Funded by the District

The District does not have an obligation to reimburse parents/guardians for privately obtained evaluations completed prior to the date that the District's evaluation is completed and discussed at an IEP Team meeting.

Consideration of Independent Educational Evaluations

Independent educational evaluations are designed to determine the educational needs of students with disabilities. The District is responsible for offering appropriate placements and services. Therefore, the District will consider recommendations contained in independent educational evaluations completed in accordance with this policy and its implementing procedures and criteria. Independent educational evaluations, however, will not control the District's determinations regarding eligibility for special education, appropriate goals, objectives and/or placement recommendations and may not be considered if not completed by a qualified professional.

Reimbursement for Completed Independent Educational Evaluations

If parents/guardians request reimbursement for a completed IEE, the evaluation must meet the agency criteria included in this policy. It is the responsibility of the Director of Special Education to determine whether the completed IEE meets the agency criteria. Once the District receives a request for reimbursement, the special education administrator shall respond to the parent/guardian in a timely manner.

The parents will be promptly reimbursed for the costs of the previously obtained IEE if it meets the agency criteria as determined by the special education administrator for the District and the District does not elect to request a due process hearing. Reimbursement for IEE assessments shall be limited to the cost limitations set forth in this policy. If the District files for a due process hearing, the parents will not be reimbursed for the cost of the evaluation unless the District is ordered to reimburse the parents pursuant to a due process hearing decision.

Agency Criteria

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The criteria under which an IEE 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 consistent with the criteria set forth in this policy. In the event that the parent believes that due to the unique needs of their particular child it is necessary to select an assessor who does not meet agency criteria, Parent will be given an opportunity to explain factors which make such a selection necessary.

Parents will be required to sign consent for the evaluation and appropriate releases to exchange information between the independent educational evaluator and the District as a prerequisite to the payment or provision of an IEE.

Independent evaluators must agree to release their assessment information, testing protocols, report, and results to the District prior to receipt of payment for services. The results of the IEE will be considered in the diagnosis, program decisions, and placement of the child with disabilities as required by the Individuals with Disabilities Education Act.

If the District observed the child 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 child in the current educational setting 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 examiner'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. These parameters may include, but are not limited to, identifying the time constraints of such observation, district personnel who will participate in the observation and restrictions on student/teacher interactions.

Location Limitations for Evaluators

IEE Evaluators must be located within the boundaries of Los Angeles, Orange or San Bernardino Counties. Evaluators outside of this area will be approved only on an exceptional basis by the district if the parents or the 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 paid the federal business mileage reimbursement rate for required travel if assessor is located outside of Los Angeles County associated with the assessment to the student's school of attendance.

Cost Limitations for Evaluations

The cost of an IEE shall be comparable to those costs that the District incurs when it uses its own employees or the going rate in the area for contractors to perform a similar assessment. Costs include: observations, record review, administration and scoring of tests, report writing, and attendance in person or by phone at an IEP Team meeting. Reimbursement will be in an amount no greater than the actual cost to the parent and will be subject to proof of payment. The following cost limitations have been agreed upon and set forth by the Long Beach Unified School District:

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<u>Type of Assessment</u>	<u>Allowable Rate or *Range</u> (*depending on tasks performed and/or type of licensure of assessor)
Academic Achievement	Determined by Market Value
Adapted Physical Education	Determined by Market Value
Adaptive Behavior	Determined by Market Value
Assistive Technology (AT) / Augmentative and Alternative Communication (AAC)	Determined by Market Value
Auditory Acuity or Perception	Determined by Market Value
Auditory Verbal Therapy	Determined by Market Value
Behavioral - functional behavior analysis (FBA) Conducted by BCBA-all Costs Inclusive	Determined by Market Value
Central Auditory Processing (CAPD)	Determined by Market Value
Deaf or Hard of Hearing (D/HH)	Determined by Market Value
Educationally Related Mental Health Services (ERMHS)	Determined by Market Value
Neuropsychological Assessment (including all aspects of Psychoeducational Evaluation)	Determined by Market Value
Occupational Therapy (fine/gross motor skills)	Determined by Market Value
Physical Therapy	Determined by Market Value
Psycho-educational (rate allowed depends on components tested such as academic, adaptive behavior, cognition, social- emotional, neuro-psych, etc.)	Determined by Market Value
Speech & Language	Determined by Market Value
Vision Therapy	Determined by Market Value
Visual Acuity & Perception	Determined by Market Value
Visual Processing	Determined by Market Value
Transition (Career and/or Vocational)	Determined by Market Value

When insurance will cover all or partial costs of the IEE, the 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 decrease in the 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 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:

- ❖ Attend relevant IEP Team meetings by phone or in person to discuss their findings
- ❖ Provide protocols of the assessments, and
- ❖ Provide a written report prior to the IEP Team meeting

The written report must meet the requirements of the Individuals with Disabilities Education Act and

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California Education Code Section 56327.

Minimum Qualifications for Evaluators

Evaluators must meet qualifications specified in ed code or they will not be approved unless the parent can demonstrate the appropriateness of using an evaluator meeting other qualifications. (E.C. 56320(b)(3); E.C. 56329)

Minimum Qualifications for Evaluators

Types of Assessment	Qualifications
Academic Achievement	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Educational Psychologist
Adaptive Behavior	Credentialed Special Education Teacher Credentialed School Psychologist (must have LEP) Licensed Clinical Psychologist (LEP or PPSC) Licensed Educational Psychologist (LEP) Board Certified Behavior Analyst (BCBA)
Assistive Technology	Credentialed or Licensed Speech/Language Pathologist Certified Assistive Technology Specialist Credentialed Special Education Teacher Registered Occupational Therapist Licensed or Certificated Audiologist
Auditory Acuity	Licensed or Certificated Audiologist
Auditory Perception	Credentialed School Psychologist Licensed Educational Psychologist Licensed or Credentialed SLP
Central Auditory Processing Disorder (CAPD)	Licensed or Credentialed SLP Licensed or Certificated Audiologist
Cognitive Functioning	Licensed Psychologist (must be a LEP or PPSC) Licensed Educational Psychologist Credentialed School Psychologist
Motor Skills (fine)	Credentialed School Psychologist Registered Occupational Therapist Licensed Educational Psychologist
Motor Skills (gross)	Credentialed Adapted Physical Education Teacher Registered Occupational Therapist Licensed Physical Therapist
Neuropsychological Assessment/Evaluation	Licensed Psychiatrist (must be LEP) Licensed Clinical Psychologist (must be LEP)
Social/Emotional/ERMHS	Credentialed School Psychologist (must be LEP) Licensed Educational Psychologist (LEP) Licensed Psychiatrist Licensed Clinical Psychologist Board Certified Behavior Analyst BCBA
Speech & Language	Credentialed or Licensed Speech & Language Pathologist
Vision (acuity and perception)	Credentialed Teacher of the Visually Impaired Credentialed School Nurse Vision Specialist

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Visual Processing	Credentialed School Psychologist Registered Occupational Therapist Licensed Educational Psychologist Credentialed Teacher of the Visually Impaired
Vocational/Career	Credentialed School Counselor/Psychologist

The Long Beach Unified School District will maintain a courtesy list of potential Independent Educational Evaluation (IEE) evaluators who have agreed to the agency's criteria; however, the district does not endorse the evaluators listed and are not responsible for any liability that may arise from use of any evaluator listed. It is recommended that parent/guardians request a copy of potential evaluators' resume or vitae, ask for references, and request a written proposal that includes the itemized costs for the evaluation including writing the report and attending the IEP meeting, prior to making a final selection. It is recommended that parent/guardians contact the District/district prior to making the final selection of an IEE evaluator to ensure that the evaluator meets the agency's Licensures/credentialing criteria.

(EDUCATION CODE 56329; 56506) (CALIFORNIA CODE OF REGULATIONS 3022)
(GOVERNMENT CODE 7572)

DATE APPROVED: July 1, 2014
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