

SONOMA COUNTY CHARTER SELPA**INDEPENDENT EDUCATIONAL EVALUATIONS (IEE) CRITERIA****An Overview**

The Sonoma County Charter Special Education Local Plan Area (“SELPA”) has developed this policy, corresponding procedures and criteria that govern independent educational evaluations. (20USC1415;EC56506[c] and 56329[b]; 34CFR300.502) For purposes of this policy, the term “SELPA” also includes the appropriate school Charter School and/or administrative unit responsible for your child’s education. Parents should be sure to read the entire document carefully. The policy, procedures, and criteria are to be read in conjunction with one another as one comprehensive document. Parents who need additional information about independent educational evaluations should contact their Charter School Superintendent, the Sonoma County Charter SELPA or the California Department of Education as outlined in their Notice of Procedural Safeguards.

Notice to Parents

1. Please read this document before obtaining or paying for an independent educational assessment. This document may limit your right to reimbursement.
2. Before obtaining an independent educational assessment, please contact the special education administrator to discuss your assessment questions and options.
3. The Charter School will not automatically reimburse parents who unilaterally obtain independent educational evaluations. Please review this document for further information about a parent’s right to obtain independent assessments at public expense.

Definitions

“Independent educational evaluation” means an evaluation conducted by a qualified examiner who is not employed by the responsible local educational agency.

“Public expense” means that the Charter School 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.

Parameters for Seeking Independent Educational Evaluation

If a parent disagrees with an evaluation by the Charter School and seeks an independent educational evaluation, the Charter School will either initiate a due process hearing to show that its evaluation is appropriate or will provide the parent an opportunity to obtain an independent educational evaluation.

The SELPA requires that the parent first inform the Charter School in writing or communicate to the Charter School at an IEP meeting that the parent:

1. Disagrees with Charter School’s evaluation and
2. Is requesting an independent educational evaluation at public expense.

Explanation of Disagreement

If parents request an independent educational evaluation at the expense of the Charter School, the parents will be asked for a reason why they object to the Charter School's evaluation. The explanation by the parent is not required. In addition, the Charter School may not unreasonably delay completion of a new assessment, completion of the independent educational evaluation at public expense, or the initiation of due process hearing to defend its evaluation. There is no requirement that the parents specify areas of disagreement with Charter School's evaluation as a prior condition to obtaining the independent educational evaluation.

Sonoma County Charter SELPA's Response to a Request for an Independent Evaluation

If parents request an independent educational evaluation at public expense, the Charter School will, without unnecessary delay, provide an option for an independent educational evaluation at public expense as follows:

1. A staff member from another charter in the SELPA;
2. A staff member from another SELPA;
3. A private sector provider.

Once the parent chooses an option, the Charter School will arrange for the alternative evaluator, contract with an independent examiner, or otherwise ensure that an independent educational evaluation is provided at public expense.

If the Charter School initiates a hearing and the final decision is that the Charter School's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

Time Line Regarding Independent Educational Evaluations

It is the intent of the SELPA to implement independent educational evaluations without undue delay. The SELPA also recognizes that LEAs have limited control over the comporment and content of resulting assessments, given the assessments are not performed by district employees.

After the parent of the student with a disability chooses an option for an additional evaluation and signs an assessment plan, the Charter School will arrange for or initiate contract with the examiner within 15 days of the date that the parent's written consent to the evaluation is received by the Charter School.

Information Provided to Parents

Upon parent request for an independent educational evaluation, the SELPA will provide the parents with a copy of its policy, procedures, and criteria for independent educational evaluations.

Consideration of the Independent Educational Evaluation

Independent educational evaluations are designed to determine the educational needs of students with disabilities. The Charter School is responsible for determining placement and services. Therefore, the Charter School will consider recommendations obtained in independent

educational evaluations completed in accordance with this policy and its implementing procedures and criteria. However, independent educational evaluations will not control the Charter School's determinations and may not be considered if not completed by a qualified professional, as determined by the Charter School and administered in accordance with adopted standards, state, and federal law.

Parent Initiated Evaluations

If the parents obtain an independent educational evaluation at private expense, the results of the evaluation:

1. Must be considered in any decision made with respect to the provisions of FAPE to the student; and
2. May be presented as evidence at a due process hearing regarding that student.

Evaluations Ordered by Hearing Officers

If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at the Charter School's expense.

Sonoma County Charter SELPA's Criteria

1. If an independent educational evaluation is at the Charter School's expense, the criteria under which the evaluation is obtained, including the location limitations for the evaluation, the minimum qualifications of the examiner, cost limits, and use of approved instruments must be the same as the criteria that the Charter School uses when it initiates an evaluation.
2. As part of an independent educational evaluation at Charter School's expense, the examiner shall follow guidelines for SELPA's evaluations that include, but are not limited to, observing the student in an appropriate educational setting and interviewing staff and parents.
3. Except for the criteria described in the SELPA Policy and Procedures and Criteria, the SELPA imposes no other conditions related to obtaining an independent educational evaluation at the Charter School's expense.

Circumstances Resulting in Evaluations not Funded by the Charter School

Because the parent must first disagree with the Charter School's evaluation in writing, the Charter School does not have an obligation to reimburse parents for privately obtained evaluations obtained prior to the date that the Charter School's evaluation is completed and discussed at an IEP team meeting. The Charter School is not obligated to reimburse parents for privately obtained evaluations if the parent disagrees with the Charter School's evaluation and independently seeks a private evaluation without first notifying the Charter School in writing of their disagreement with the Charter School's assessment and requesting an independent educational evaluation from the Charter School except as provided below.

Circumstances Resulting in a Privately Obtained Evaluation Reimbursed by the Sonoma County Charter SELPA

The Charter School may reimburse parents for a privately obtained independent educational evaluation even though the policy above was not followed in any one of the following three circumstances:

1. All the following conditions have been met:

- a) The parent disagreed with the Charter School’s evaluation;
 - b) The parentally obtained evaluation meets the SELPA criteria;
 - c) The parent upon request provides the Charter School with timely, written consent to exchange information with the examiner;
 - d) The parent provides a copy of the written evaluation report and all other documents/tests related to the report;
 - e) The examiner attends the relevant IEP team meeting by phone or in person to discuss his or her findings and provides protocols of all assessments to the Charter School.
2. The Charter School’s assessment has not been provided in compliance with the law.
 3. The privately obtained evaluation assessed the student in an area of suspected disability that was not previously assessed by the Charter School.

Reimbursement will be in accordance with the Sonoma County Charter SELPA policy, procedures, and criteria and in an amount no greater than the actual cost to the parents.

It is the policy of the SELPA that independent educational evaluations be focused on student need to avoid any possible conflict of interest. Therefore, any private practitioner who provides an independent educational evaluation shall not be used as a provider for any services required in the resultant IEP. It is further acknowledged that a student may have a need for which no other qualified provider may be available. Under this circumstance, the SELPA Director shall certify that no other qualified provider can be identified, and shall authorize any exception to this provision.

In all cases, if the Charter School initiates a due process hearing to show that the Charter School’s evaluation is appropriate, no reimbursement shall be made unless ordered by a Hearing Officer.

- Legal Authority*
- *20 U.S.C. 1414(a)(1)(A) - Evaluations and re-evaluations
 - *20 U.S.C. 1415(b)(1) - Right to independent educational evaluations
 - *34 CFR 300.321 - Re-evaluations
 - *34 CFR 300.502 - Independent educational evaluations
 - *Comments to 34 CFR 300.502 Independent educational evaluations
 - *20 U.S.C. Section 1415(b)(1)
 - *Education Code section 56327
 - *34 CFR 300.505 - Parent Consent - Evaluation
 - *34 CFR 300.530-536 - Procedures for evaluation and determination of eligibility
 - *34 CFR 300.537 - Re-evaluations
 - *Education Code 56329 - Independent educational assessments
 - *Education Code 56381 - Reassessments

PROCEDURES

The following procedures will apply to all requests for independent educational evaluations:

1. Request for an Evaluation

Parents of students receiving special education services, or suspected of having a disability requiring special education services, may request that the Charter School complete an evaluation or reevaluation of their child at any time. The Charter School will respond to such requests by initiating the special education evaluation process or if an assessment evaluation is not needed, parents will receive written notice or refusal to evaluate and be informed of the procedural safeguards available to parents and students. All requests for an independent educational evaluation will be handled in accordance with the Charter School/SELPA's independent educational evaluation policy, procedures and criteria.

2. Parent Disagreement

Parents may only seek an independent educational evaluation at public expense after they state their disagreement with an evaluation completed by the Charter School in accordance with Charter School/SELPA's Independent Educational Evaluation Policy. Parents may only request one publicly funded independent educational evaluation for each evaluation completed by the Charter School.

3. Three-Year Reevaluations

- A. The Charter School will decide whether or not to complete a three-year reevaluation based on, but not limited to:
 - a) Assessments and information provided by the parents of a child; Current classroom-based assessments and observations; and
 - b) Observations by teachers and related service providers.
- B. Charter School may conclude that no additional testing is required in order to determine, among other things:
 - a) Whether the child has a particular category of disability or whether the child continues to have such a disability;
 - b) The present levels of performance and educational needs of the child;
 - c) Whether the child needs special education and related services, or in case of reevaluation of a child, whether the child continues to need special education and related services; and/or
 - d) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general curriculum.
- C. Parents may request that the Charter School complete an assessment to determine whether the student continues to be a child with a disability. The Charter School is not required to conduct the assessment unless requested to do so by the child's parents. If the parents request additional assessments, the Charter School will complete either the

requested assessment or initiate due process to demonstrate why additional assessment is not required.

- D. If parents do not request additional assessment, they may not seek an independent educational evaluation until the Charter School has an opportunity to complete an assessment requested by the parents.

4. Parent Notification of Intent

Parents are requested but are not required to notify the special education department prior to obtaining a parent initiated independent educational evaluation. However, if parents obtain an independent educational evaluation and the Charter School demonstrates through a due process hearing that the evaluation completed by the Charter School was appropriate or that the parents' evaluation did not meet Charter School/SELPA criteria, the parents will not be reimbursed the cost of the evaluation. If the independent evaluation obtained by the parent's meet the Charter School/SELPA criteria, it will be considered in making educational decisions about the child. However, independent educational assessments will not control the Charter School's decisions and may not even be considered if not completed pursuant to Charter School/SELPA criteria.

5. Parent Request for Payment of Completed Independent Educational Evaluation

When parents are requesting payment for an independent educational evaluation that has already been completed, the Charter School Special Education Administrator must be notified. Parents will be provided a copy of the Charter School/SELPA policy, procedures, including criteria for independent educational evaluations. A determination will be made as to whether the Charter School will initiate due process to establish the appropriateness of its evaluation or proceed with consideration of the Charter School's obligation for payment of the independent evaluation. The Charter School's evaluation and independent educational evaluation will be reviewed with the parents to identify those areas of disagreement.

6. Charter School/SELPA Criteria Obligation

If the Charter School proceeds with consideration of the independent educational evaluation for payment, the Charter School/SELPA criteria for the locations of the evaluator(s), and use of approved assessment instruments must be met.

7. Notification to the Appropriate Special Education Director and SELPA Administrator

If parents request an independent educational evaluation at public expense, the appropriate Charter School Special Education Administrator must be notified. The Charter School's evaluation will be reviewed with the parents to identify any areas of disagreement. Parents will be provided a copy of the policy, and procedures and including criteria for independent educational evaluations. Following discussion with the parents, the Charter School may elect to complete an additional or supplemental evaluation.

8. Necessary Documentation

The Charter School will provide a notice of intent to evaluate and will arrange for the completion of the independent educational evaluation. Parents will be required to sign an

appropriate release to exchange information between the independent educational evaluator(s) and the Charter School as a condition of the Charter School’s agreement to pay the provider for an independent evaluation.

9. Release of Assessment Information and Results

As part of the contracted evaluation, independent evaluators must agree to release their assessment information and results directly to the Charter School prior to the receipt of payment for services. The results of the independent evaluations will be considered in making educational decisions as required by the Individual with Disabilities Education Act and/or Section 504 of the Rehabilitation Act of 1973.

CRITERIA

Location Limitations for Evaluators

Evaluators must be located within the Marin, Solano, San Francisco, Alameda, Santa Clara, Monterey, or Sonoma Counties. 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. This location limitation is consistent with the requirement that assessments be educationally relevant, and for the purpose of assessing the need for special education and related services for the student to benefit from his/her education.

Minimum Qualifications for Evaluators

All assessments must be conducted by persons competent to perform the assessment as determined by the Charter School/SELPA (E.C. 56322; 5 CCR 3051 et seq.). 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 educational setting (Education Code 56327) and conducting evaluations in accordance with 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.

Type of Assessment

Qualifications

Academic Achievement

Credentialed Special Education Teacher (Master’s Degree)
Licensed Educational Psychologist
School Psychologist (Credentialed)
Licensed Clinical Psychologist

Adaptive Behavior

Licensed Educational Psychologist
Credentialed Special Education Teacher (Master’s Degree)
School Psychologist (Credentialed)
Licensed Clinical Psychologist

Assistive Technology
5 CCR 3051.19

Credentialed or Licensed Speech/Language Pathologist
Credentialed Special Education Teacher (Master’s Degree)
License in Physical Therapy
License in Occupational Therapy

Certification from the Rehabilitation Engineering and Assistive Technology Society of North America and Assistive Technology Provider (RESNA/ATP)
 Certificate in Assistive Technology Applications issued by a regionally accredited post-secondary institution
 Credential that authorizes special education of Orthopedically Impaired

Auditory Acuity
 5 CCR 3051.2

Licensed or Credentialed Audiologist

Cognitive

Licensed Educational Psychologist
 School Psychologist (Credentialed)
 Licensed Clinical Psychologist

Motor

Licensed Physical Therapist
 Licensed Occupational Therapist
 Adaptive Physical Education Specialist (Master’s Degree)

Speech and Language
 5 CCR 3051.1

Credentialed or Licensed Speech/Language Pathologist

Social/Emotional/Behavioral

School Psychologist (Credentialed)
 Licensed Educational Psychologist
 Licensed Clinical Psychologist

Visual Acuity
 5 CCR 3051.7

Credentialed Teacher of the Visually Impaired (Master’s Degree)
 Licensed Optometrist, Ophthalmologist, Physician

Visual Processing/
 Motor Integration

School Psychologist (Credentialed)
 Licensed Educational Psychologist
 Licensed Clinical Psychologist

Independent evaluators must agree to release their assessment information and results to the Charter School prior to receipt of payment for services. The result of the independent evaluation will be considered in the diagnoses, program decisions, and placement of the student with disabilities as required by the Individuals with Disabilities Education Act and/or Section 504 of the Rehabilitation Act of 1973.

Sources of Independent Evaluation by Area of Assessment

Charter School/SELPA will provide a nonexclusive list of public agencies and private individuals who the Charter School/SELPA has determined are qualified in their respective areas of assessment. The Charter School/SELPA does not specifically endorse any listed agencies or individuals. Other agencies and individuals will be considered if they meet

Charter School/SELPA criteria. The Charter School may use these or other providers to obtain an independent educational evaluation at public expense.

Cost Containment

The cost of an independent educational evaluation shall be comparable to those costs that the Charter School 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 the IEP team meeting where the independent educational evaluation is presented. Reimbursement will be in an amount no greater than the actual cost to the parent and will be subject to proof of payment.

Guidelines for all independent educational evaluation costs are calculated by considering time required for the assessment and the appropriate Charter School 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.

When insurance will cover all or partial costs of the independent educational evaluation, the school Charter School will request that the parent voluntarily have their insurance pay the independent educational 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 including, but not limited to the following:

- A. A decrease in available lifetime coverage or any other benefit under an insurance policy;
- B. An increase in premiums or the discontinuance of the policy; or
- C. 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 Charter School reimburse them for the amount of the deductible.

As part of the contracted evaluation, independent evaluators must:

- A. Provide original protocols of all the assessments, and
- B. Provide a written report prior to the IEP team meeting.

Independent evaluators must agree to release their assessment information and results to the school Charter School prior to receipt of payment for services. The results of the independent educational evaluation will be considered in the determination of eligibility, program decisions, and placement of the student with disabilities as required by the Individuals with Disabilities Education Act.

EDUCATION CODE

56329 Notice to parents or guardians; independent educational assessments; hearings; proposals for publicly financed nonpublic placements 56506(c) Due process rights of pupil and parent

CALIFORNIA CODE OF REGULATIONS, TITLE 5 3022 *Assessment Plan*

UNITED STATES CODE, TITLE 20 *1415(b)(1)*

CODE OF FEDERAL REGULATIONS, TITLE 34 *300.502 Independent Educational Evaluation*

Fingerprinting and TB Clearance

All Independent Educational Evaluators shall be fingerprinted and have a current TB clearance, consistent with all requirements for public school assessors, on file prior to the administration of any assessment.

EDUCATION CODE 44332.6, 44830.1, 44836, 45125, 45125.1, 44830.2, 45125.01