

TULARE COUNTY SPECIAL EDUCATION LOCAL PLAN AREA GUIDELINES FOR INDEPENDENT EDUCATIONAL EVALUATIONS

These guidelines set forth the specific procedures the SELPA follows in the event that a parent requests an independent educational evaluation (“IEE”), at public expense.

Parents have the right to obtain an IEE at public expense, subject to the requirements of the Individuals with Disabilities in Education Act (IDEA) and the California Education Code. Upon receipt of a request for an IEE, the LEA will provide the parents with information about where an IEE may be obtained, and the LEA criteria that applies to IEEs.

I. Definitions

Independent Educational Evaluation (IEE) means an evaluation conducted by a qualified examiner who is not employed by the responsible local educational agency. An IEE is only conducted after (1) a District assessment has been conducted, and (2) a parent has requested an IEE based on disagreement with a District assessment.

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

Local educational agency (LEA), as referenced here, means Tulare County Office of Education (TCOE) special education local plan area (SELPA; otherwise referred to as "TC SELPA"), or a school District of the SELPA.

II. Parent Requests for Independent Educational Evaluations

Parents have the right to an IEE at public expense, if they disagree with an evaluation completed by the LEA. Parents are entitled to only one IEE at public expense for each evaluation conducted by the LEA with which Parents disagree. Consistent with the statute of limitations, parents must make a request for an IEE within two years of the date of presentation of the evaluation with which they disagree at an IEP team meeting.

Parents must indicate in writing to the LEA or inform the LEA at an IEP meeting that they disagree with an evaluation conducted by the LEA and that they are requesting an IEE at public expense. If the parents make an oral request for an IEE, LEA staff shall inform the parents that they must provide the request in writing and offer to assist the parents in putting the request in writing and shall assist the parents if requested.

If the parents request an IEE, the LEA must, without unnecessary delay, either –

- 1) File a due process complaint to request a hearing to show that its evaluation is appropriate; or
- 2) Ensure that an IEE is provided at public expense, unless the agency demonstrates in a hearing pursuant to the requirements of the IDEA that the evaluation obtained by the parents did not meet agency criteria.

If the parents request an IEE at public expense, the LEA may ask parents the reason why they object to

the evaluation conducted by the LEA. However, the LEA may not require the parents to explain their reasons and may not unreasonably delay either providing an IEE at public expense or initiating a due process hearing to defend its evaluation. If the LEA initiates a hearing and the final decision is that the evaluation conducted by the LEA was appropriate, the parents/guardians still have the right to an IEE, but not at public expense.

III. Procedure following the Parents Request for an Independent Educational Evaluation

Once the parents communicate their disagreement with the evaluation(s) completed by the LEA and request an IEE at public expense, the following procedures will be followed:

1. The parents will receive a copy of this IEE policy which includes the agency criteria for independent educational evaluations.
2. The LEA will determine whether to initiate due process to establish the appropriateness of its evaluation or proceed with providing an IEE. The analysis required to determine whether the LEA will file a request for due process must not result in an unreasonable delay to the parents and should not exceed **six (6)** weeks, unless exceptional circumstances exist.
3. The parents will be provided with a list of potential examiners with information as to how these examiners may be contacted. The list is not intended to be exhaustive and is not intended to limit the parents options in obtaining an IEE from other qualified professionals who meet the agency criteria outlined in this policy.
4. In the event that parents/guardians request to utilize an examiner who does not meet this SELPA criteria, the LEA shall provide the parents the opportunity to demonstrate that there are unique circumstances to justify their selection of such an examiner. The LEA will then make a determination if the use of the requested examiner that does not meet agency criteria is warranted and respond to the parents with a prior written notice.
5. Parents will be required to sign a release and exchange of information between the IEE examiner(s) and the LEA.
6. Upon receipt of the signed release and exchange of information between the IEE examiner(s) and the LEA, the IEE examiner will arrange for the completion of the IEE through setting up a service contract, with the IEE examiner.
7. IEE examiners will be expected to conduct an appropriate evaluation and write reports documenting the findings of the evaluation.
8. Following the LEA's receipt of the IEE report, the LEA will work with the parents to schedule an IEP team meeting to review the results of the IEE. The IEE examiner will be invited to the meeting to review the results of his/her report.
9. Student's IEP team, including the parents, will consider the results of any IEE, at an IEP team meeting.
10. If the parents obtains an independent evaluation at private expense and provides a copy of the evaluation to the District, the results of the evaluation will be considered by the LEA in making educational decisions.

III. Independent Evaluations Not Funded by the LEA

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

IV. Requirements of Independent Education Examiners

1. 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 LEA policy with regard to its own evaluations and these guidelines.
 - a. Except as referred to here in Sections IV (1) and (5), the LEA will not impose conditions or timelines related to the time required to conduct an IEE at public expense.
2. Independent examiners must agree to release their assessment information, testing protocols, report, and results to the LEA prior to receipt of payment for services. The results of the IEE will be considered by the student's IEP team.
3. Prior to conducting the IEE, independent examiner[s] will enter into a services contract with the LEA, which contains terms related to the service to be provided, the expectation of the LEA, and the amount of payment to be provided for the service.
4. If the LEA 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 LEA's proposed setting, if any.
5. The LEA 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, health and safety 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 limitations on student/teacher interactions.
6. As part of the contracted IEE, independent examiners must: (1) attend relevant IEP Team meetings by phone or in person to discuss their findings, (2) provide protocols of the assessments, and (3) provide a written report prior to the IEP Team meeting. The written report must meet the requirements of the Individuals with Disabilities Education Act (IDEA) and California Education Code Section 56327.

V. Location Limitations for Examiners

IEE Examiners must be located within the boundaries of Tulare, Kings, Fresno, Madera & Merced Counties. Examiners outside of this area will be approved only on an exceptional basis by the LEA if the parents can demonstrate there is a unique need for a specialized evaluation and that there are no qualified examiners within the specified area who can appropriately assess their child's educational needs.

VI. Minimum Qualifications for Examiners

Examiners must meet qualifications specified in California Education code or they will not be approved unless the parents can demonstrate the appropriateness of using an examiner meeting other qualifications.

Type of Assessment	Qualifications
Academic Achievement	<ul style="list-style-type: none"> • Credentialed Special Education Teacher • Credentialed School Psychologist • Licensed Educational Psychologist
Adaptive Behavior	<ul style="list-style-type: none"> • Credentialed Special Education Teacher • Credentialed School Psychologist • Licensed Clinical Psychologist • Licensed Educational Psychologist • Board Certified Behavior Analyst
Assistive Technology/Augmentative Alternative Communication	<ul style="list-style-type: none"> • Credentialed or Licensed Speech/Language Pathologist • Certified Assistive Technology Specialist • Credentialed Special Education Teacher • Registered/licensed Occupational Therapist
Auditory Acuity	<ul style="list-style-type: none"> • Licensed or Certificated Audiologist
Auditory Perception/ Auditory Processing	<ul style="list-style-type: none"> • Credentialed School Psychologist • Licensed Educational Psychologist • Licensed or Credentialed Speech/Language Pathologist • Licensed or Certificated Audiologist (Central Auditory Processing Deficit)
Cognitive Functioning	<ul style="list-style-type: none"> • Licensed Psychologist • Licensed Educational Psychologist • Credentialed School Psychologist
Functional Behavior Assessment	<ul style="list-style-type: none"> • Credentialed Special Education Teacher • Credentialed School Psychologist • Licensed Clinical Psychologist • Licensed Educational Psychologist • Board Certified Behavior Analyst (BCBA)
Health	<ul style="list-style-type: none"> • Licensed Physician; or • School or Registered Nurse
Motor	<ul style="list-style-type: none"> • Credentialed School Psychologist • Registered Occupational Therapist • Licensed Educational Psychologist • Credentialed Adapted Physical Education Teacher • Registered/licensed Physical Therapist
Speech and Language/ Communication	<ul style="list-style-type: none"> • Credentialed or Licensed Speech/Language Pathologist
Social/Emotional Behavioral	<ul style="list-style-type: none"> • Credentialed School Psychologist • Licensed Educational Psychologist • Licensed Psychiatrist • Licensed Clinical Psychologist • Licensed children's social worker (LCSW) • Board Certified Behavior Analyst BCBA (Behavioral)
Vision Acuity/Developmental Vision	<ul style="list-style-type: none"> • Credentialed Teacher of the Visually Impaired • Credentialed School Nurse • Vision Specialist • Licensed Ophthalmologist or Optometrist
Vision (Functional)	<ul style="list-style-type: none"> • Credentialed Teacher of the Visually Impaired
Visual Perception/Visual Processing/ Visual Motor Integration	<ul style="list-style-type: none"> • Credentialed School Psychologist • Licensed Occupational Therapist • Licensed Educational Psychologist

VII. Cost Limitations for Evaluations

The cost of an IEE shall be comparable to those costs that the LEA incurs when it uses its own employees or the going rate in the Central Valley area. 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 parents and will be subject to proof of payment. The cost limitations are as follows:

Type of Assessment	Cost Limitation
Academic Achievement	\$1,100.00
Adaptive Behavior	\$1,100.00
Assistive Technology	\$3750.00
Auditory Acuity	\$650.00
Auditory Perception/Auditory Processing	\$650.00
Educationally Related Mental Health Assessment	\$3,500.00
Functional Behavioral Assessment	\$3,500.00
Health	\$350.00
Neurological/neuropsychological	\$4,500.00
Motor	\$5,500.00
Speech & Language w/AAC	\$4,000.00
Social-Emotional/ Behavioral	\$1,500.00
Vision Acuity & Developmental Vision	\$750.00
Visual Perception / Visual Processing / Visual Motor Integration	\$750.00
Full Psycho-educational (Rate allowed depends on components tested such as academic, adaptive behavior, cognition, social-emotional, etc.)	\$6,000.00

VIII. Suggested List of Independent Education Examiners

Academic Achievement:	<ul style="list-style-type: none"> Diagnostic Center of Central California (559) 243-4047 Dr. Paul Lebby, Valley Children's (559) 298-3400 x315 Karen Pivrotto, LEP, (209) 761-7896 (virtual only)
Adaptive Behavior	<ul style="list-style-type: none"> Diagnostic Center of Central California (559) 243-4047 Howard Glidden, Ph.D., (559) 431-8741 Empower Speech Therapy & Life Skills Center, (559) 801-2626 or www.empowercv.com
Assistive Technology (AT)	<ul style="list-style-type: none"> Diagnostic Center of Central California (559) 243-4047 Londa Nerland, (831) 524-4200, Lnerland2@gmail.com
Auditory Acuity	<ul style="list-style-type: none"> Fresno State Speech and Hearing Clinic (559) 668-0370 Valley Children's Hospital (559) 353-3000 Central California Ear, Nose, Throat (559) 432-3303
Auditory Perception/ Auditory Process	<ul style="list-style-type: none"> Community Regional Medical Center (559) 456-6000 Valley Children's Hospital (559) 353-3000
Cognitive	<ul style="list-style-type: none"> Diagnostic Center of Central California (559) 243-4047 Howard Glidden, Ph.D., (559) 431-8500 Dr. Joseph Rubio (562) 250-5127 JRubioEdS@gmail.com
Educationally Related Mental Health Assessment	<ul style="list-style-type: none"> Dr. Joseph Rubio (562) 250-5127 JRubioEdS@gmail.com
Functional Behavior Analysis (FBA)	<ul style="list-style-type: none"> BICC Central California/Jason Marshall (559) 515-6485
Health (including Neurological)	<ul style="list-style-type: none"> Community Regional Medical Center (559) 456-6000 Valley Children's Hospital (559) 353-3000
Motor	<ul style="list-style-type: none"> Diagnostic Center of Central California (559) 243-4047 Valley Children's Hospital (559) 353-3000
Occupational Therapy (OT)	<ul style="list-style-type: none"> Erin Dolin, MOT, OTR/L (925) 570-1339 Goodfellow OT, (559) 228-9100 x2
Speech & Language / Communication	<ul style="list-style-type: none"> Diagnostic Center of Central California (559) 243-4047 Aspire Speech & Language Center, Kathryn Wage, (559) 228-9100 x 1 Empower Speech Therapy & Life Skills Center (559) 801-2626 or www.empowercv.com The Talk-Team, (559) 970-8277, admin@thetalkteam.com
Social-Emotional / Behavioral	<ul style="list-style-type: none"> Diagnostic Center of Central California (559) 243-4047 Howard Glidden, Ph.D. (559) 431-8500 Mark Adams, Ph. D., (559) 313-3309 Dr. Joseph Rubio (562) 250-5127 JRubioEdS@gmail.com
Visual Acuity/Development Vision	<ul style="list-style-type: none"> Susan Mencarini, 559-299-3179
Visual Perception/Visual Processing/Visual Motor Integration	<ul style="list-style-type: none"> Diagnostic Center of Central California (559) 243-4047 Howard Glidden, Ph.D., (559) 431-8500