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Ventura County Special Education Local Plan Area (SELPA)

GUIDELINES FOR INDEPENDENT EDUCATIONAL EVALUATION (IEE) ASSESSMENT



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INDEPENDENT EDUCATIONAL EVALUATION (ASSESSMENT)

Legal Authority:

Individuals with Disabilities Education Act: Section 300.502 Independent Educational Evaluation. (20 U.S.C. 1415 (b)(I) and (d)(2)(A); California Education Code Section 56329.

Parents of a student with a disability have the right to obtain an independent educational evaluation subject to the provisions of federal and state law. Parents have the right to an independent evaluation at public expense if they disagree with an evaluation completed by the District (“the District”). Parents may request one independent educational evaluation in response to each evaluation completed by the District within the last two years. The term “Evaluation” includes any individual assessment of a child that results in a report that is used by the IEP team to determine eligibility and services.

“Independent Educational Evaluation” (IEE) means an evaluation conducted by a qualified examiner who is not employed by the District.

“Public expense” means that the District either pays for the cost (in accordance with cost limits described herein) of the evaluation or evaluation components or ensures that the evaluation or evaluation components are otherwise provided at no cost to the parent.

If a parent requests an IEE at the District’s expense, the District will request that the parent provide a statement in writing:

- Which assessment they disagree with
- Reasons for the disagreement

The District may offer to conduct another evaluation of its own with parent consent (see “Option 1”). If the parent does not agree to another District evaluation, the District must respond to the parent’s request by ensuring an IEE is provided at public expense in a timely manner or initiate a due process hearing in accordance with this policy.

1. Initiate a hearing to show that the District’s evaluation is appropriate, (See “Option 2”),
or
2. Arrange an IEE to be provided at public expense (See “Option 3”).

The district must not unreasonably delay taking action to the parent request, and must give a copy of the Parent/Adult Student Rights (full version) to parents as soon as possible.

If the District initiates a hearing and the final decision is that the District’s evaluation is appropriate, the parents still have the right to an IEE, but not at public expense.

If a Hearing Officer requests an IEE as part of a hearing, the cost of the evaluation will be at the District’s expense. (Go to “Option 3”)



Option 1	<p>Another assessor within your district. Ideas may include someone who:</p> <ul style="list-style-type: none">• Has equal (or better) credentialing/licensure• Has equal (or more) experience assessing students with this disability/area of concern• Is at another school in the district (to remove the emotional factor which may be at the current site)• Has special training which makes them qualified to conduct this assessment. <p>If district and parent agree to this option, the parents must put in writing that they agree to postpone their request for an IEE until the new district assessment is completed.</p>
Option 2	<p>Initiate a Hearing to show the District's Evaluation is Appropriate. Things to consider in deciding whether or not to defend the assessment conducted by your district:</p> <ul style="list-style-type: none">• Was the assessment <i>valid</i>? Was the instrument used appropriate for the disability/area of concern? Did the norming sample include children with the same disabilities/area of concern as the child being assessed? Was the test administered according to the directions in the testing manual?• Was the assessment <i>reliable</i>? Were there no variables that impacted the ability of the assessor to get a true picture of the student? (i.e., student was not ill, tired, hungry, there were no major absences or gaps in the assessment, the testing location was adequate). Do others who know the student (i.e., teacher, paraeducators, other specialists), feel that the results are typical of/commensurate with the child's skills?• Was the assessor <i>qualified</i>? Did the assessor have the appropriate credentials/licensure, training and experience to administer the assessment?• Did the assessment address the concerns articulated by the parents in their disagreement? <p>If you decide that your assessment is adequate, complete a "Prior Written Notice to Parent of Action" form indicating that you are refusing to pay for an IEE, the reasons why and factors you considered. Next, file a "Notice of Due Process Complaint" with the Office of Administrative Hearings.</p>
Option 3	<p>Arranging for an IEE at Public Expense</p> <ol style="list-style-type: none">1) Administrator provides parent with a copy of the IEE informational packet (Appendix "A" of these Guidelines)2) District offers parent a list of possible assessors. One source of possible assessors is the list of Nonpublic Agencies with whom the SELPA has a Master Contract, with fees already negotiated and set. (See SELPA website – "Special Education Services").



- 3) Parent and Administrator arrange for an outside assessor who meets the requirements for location, qualifications, maximum cost and assessment instruments listed in Appendix A. Costs above the maximum allowable amounts will not be approved unless the parent can demonstrate that unique circumstances justify going above the cost described in this packet.
- 4) Administrator develops an Individual Service Agreement for the assessment to be done by the Assessor, describing the requirements and limitations of the assessment and report and that the written report must be given to the district prior to the IEP meeting. If you would like the Assessor to attend the IEP meeting (in person or telephonically) to share the report, include it in the Service Agreement. Assessor must agree to release their assessment information and results (including protocols) directly to the district before receiving payment from the district.
- 5) Assessment Plan is developed for the new assessment.
- 6) Parent signs the Assessment Plan.
- 7) Parent signs Release of Information to the Assessor
- 8) Assessment is conducted. If assessment will include observation, give copy of “Guidelines for Observations by Independent Education Assessors” (Appendix C) to the Assessor. Copy of report is forwarded to district and parent.
- 9) IEP Team reconvenes to discuss the new Report. Outside Assessor may attend to review the report and to address questions.

(See flowchart Appendix B)



Appendix A

Information Packet for Parents Requesting an Independent Education Evaluation (IEE) at Public Expense

From “Guidelines for Independent Educational Evaluation (IEE) Assessment,”

Ventura County SELPA

www.venturacountyselpa.com



As the parent of a child with an Individualized Education Program (IEP), or being assessed for eligibility for an IEP, you have the right to request an Independent Educational Evaluation (IEE) at public expense if you disagree with an evaluation conducted by the school district (“District”). An evaluation is defined as any individual assessment of a child that results in a report that is used by the IEP team to determine eligibility and services. You may request one IEE in response to each evaluation conducted by the District.

To request an IEE, you must put your request in writing. The request must note:

- 1) The assessment with which you are in disagreement
- 2) The reason for the disagreement.

If the district agrees to pay for an IEE, you and the district Administrator will arrange for the Assessor to be used. The Assessor to be used must meet the criteria for location, minimum qualifications, maximum cost and assessment instruments described in this packet.

Once you and the district determine the outside Assessor to be used, the district will develop a contract with the Assessor for services. You will be asked to sign a new Assessment Plan and Release of Information. The Assessor will conduct the assessment and complete an Assessment Report which will be forwarded directly to the district and you, prior to the meeting. The Report will also be reviewed at an IEP meeting. The IEP meeting should be held within 60 calendar days of receipt of the signed Assessment Plan, unless you and the district agree otherwise.

If the assessment will include observation of your son or daughter in an educational setting, the Assessor must comply with Ventura County SELPA “Guidelines for Observations by Independent Educational Assessors.”

You are not required to notify the District if you will be obtaining an IEE *not* at public expense. In this case, once the IEE is completed, you should notify the IEP team that you have a new assessment report and provide copies of the report to members of the IEP team. This report should be considered as another source of information in making educational decisions about your child. Results of an IEE obtained at parent expense may be presented as evidence at a Due Process Hearing regarding this student.



A. Location Limitations for Evaluators

Evaluators will be located within Ventura, Los Angeles, Santa Barbara, and Orange Counties. Evaluators outside of these areas will be approved only on an exception basis, providing the parents can demonstrate the necessity of using personnel outside the specified area. Any arrangements beyond the evaluation (i.e., food, lodging, transportation, etc.) are not covered in the cost of the independent evaluation.



B. Minimum Qualifications for Assessment and Maximum Costs

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.

The assessment of a pupil, including the assessment of a pupil with a suspected low incidence disability, shall be conducted by persons knowledge of that disability. [EC 56320 (g)]

Any psychological assessment shall be conducted by a Credentialed School Psychologist who is trained and prepared to assess cultural and ethnic factors appropriate to the pupil being assessed. [EC 56324 (a)] NOTE: A Credentialed School Psychologist may not conduct assessments outside of their school district contract, unless they are a Licensed Educational Psychologist.

Any health assessment shall be conducted by a credentialed school nurse or physician who is trained and prepared to assess cultural and ethnic factors appropriate to the pupil being assessed. [EC 56324 (b)]

<u>Type of Assessment</u>	<u>Qualifications</u>	<u>Maximum Cost</u>
Academic Achievement	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Clinical or Educational Psychologist with a minimum of two years experience in a school setting	\$650
Adaptive Behavior	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Clinical or Educational Psychologist with a minimum of two years experience in a school setting	\$400
Assistive Technology	Credentialed or Licensed Speech/Language Pathologist Credentialed Special Education Teacher Registered Occupational Therapist Certification in Assistive Technology by an Accredited Institute of Higher Education	\$500
Auditory Acuity	Licensed or Credentialed Audiologist	\$300
Auditory Perception/Auditory Processing	Licensed or Credentialed Audiologist; Credentialed or Licensed Speech/Language Pathologist Licensed Clinical or Educational Psychologist with a minimum of two years school experience Credentialed School Psychologist	\$300
Behavior Analysis	Board Certified Behavior Analyst Certified Behavior Intervention Case Manager	\$2,000
Cognitive	Credentialed School Psychologist	\$650
Functional Vision	Credentialed Teacher of the Visually Impaired	\$250



<u>Type of Assessment</u>	<u>Qualifications</u>	<u>Maximum Cost</u>
	Licensed Ophthalmologist or Optometrist Fellow of the College of Optometrists in Vision Development School Nurse trained in screening process for functional vision	
Health	Credentialed School Nurse Physician	\$250
Motor	Licensed Physical Therapist Licensed Occupational Therapist Credentialed Teacher of Pupils with Physical and Health Disabilities Adapted Physical Educational Specialist	\$700
Neurological/ Neuropsychological	Licensed Physician Licensed Clinical or Educational Psychologist or School Psychologist with specialized training in Neuro-Psychological assessment	\$700
Speech and Language	Credentialed or Licensed Speech/Language Pathologist	\$800
Social/Emotional	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Psychiatrist, or Licensed Clinical or Educational Psychologist (with two years of school experience) Licensed Clinical Social Worker Licensed Marriage/Family Therapist	\$600
Transition/Vocational	Credentialed Special Education Teacher Credentialed Vocational Education Teacher or Credentialed School Psychologist	\$1,000
Visual Acuity	Licensed Ophthalmologist Optometrist	\$350
Visual Motor Integration	Credentialed School Psychologist Licensed Educational Psychologist Licensed Occupational Therapist	\$300
Visual Perception	Credentialed Special Education Teacher of the Visually Impaired School Psychologist Credentialed Licensed Clinical or Educational Psychologist (with two years school experience) Registered Occupational Therapist	\$250



C. Approved Assessment Instruments for Independent Educational Evaluations

The test instruments listed in this document are used to assess student skills in the areas identified. This list is not intended to be exhaustive, but representative. Other test instruments as identified through the Assessment Plan can be used.

Testing and assessment materials must be selected and administered so as not to be racially, culturally, or sexually discriminatory.

Tests and other assessment materials must meet all the following requirements:

1. Are provided and administered in the pupil's primary language or other mode of communication, unless the Assessment Plan indicates reasons why this provision and administration are not clearly feasible.
2. Have been validated for the specific purpose for which they are used.
3. Are administered by trained personnel in conformance with the instructions provided by the producer of the tests and other assessment materials, except that individually administered tests of intellectual or emotional functioning shall be administered by a Credentialed School Psychologist.

Tests must be selected to ensure that when administered to a pupil with impaired sensory, manual, or speaking skills, the results will accurately reflect the pupil's aptitude, achievement level, or other factors the test purports to measure. The test should not reflect the pupil's impaired sensory, manual, or speaking skills unless those skills are the factors the test purports to measure.

No single procedure shall be used as the sole criterion for determining an appropriate educational program for an individual with exceptional needs.



<u>Assessment Area</u>	<u>Approved Instruments</u>
Academic Achievement	Diagnostic Achievement Battery Diagnostic Reading Scales (Spache) Diagnostic Test of Arithmetic Strategies Kaufman Test of Educational Achievement (K-TEA) Key Math Diagnostic Arithmetic Test Peabody Individual Achievement Test Silvaroli-Classroom Reading Inventory Test of Early Math Ability Test of Early Reading Ability Test of Early Written Language (TEWL) Test of Mathematical Abilities Test of Reading Comprehension Test of Written English Test of Written Language - 2 Test of Written Spelling Wechsler Individual Achievement Test (WIAT) Woodcock-Johnson Psychoeducational Battery Woodcock-Johnson Test of Achievement - III Woodcock Reading Mastery Tests
Adaptive Behavior	AAMD Adaptive Behavior Scale Adaptive Behavior Evaluation Scale Devereaux Behavior Rating Scale Vineland Adaptive Behavior Scales
Auditory Perception/	Test of Auditory Perception Skills
Auditory Processing	Visual Aural Digit Span Wepman Auditory Discrimination
Cognitive	Bayley Scales of Infant Development Cattell Infant Intelligence Scale Kaufman Assessment Battery for Children (K-ABC) Leiter International Performance Scale - Revised Perkins Binet Stanford Binet Intelligence Scale - Fourth Edition Test of Nonverbal Intelligence - 2 nd Edition Wechsler Intelligence Scales (WPPSI-R, WISC-III, WAIS-R) Woodcock Johnson III Tests of Cognitive Abilities The Ordinal Scales



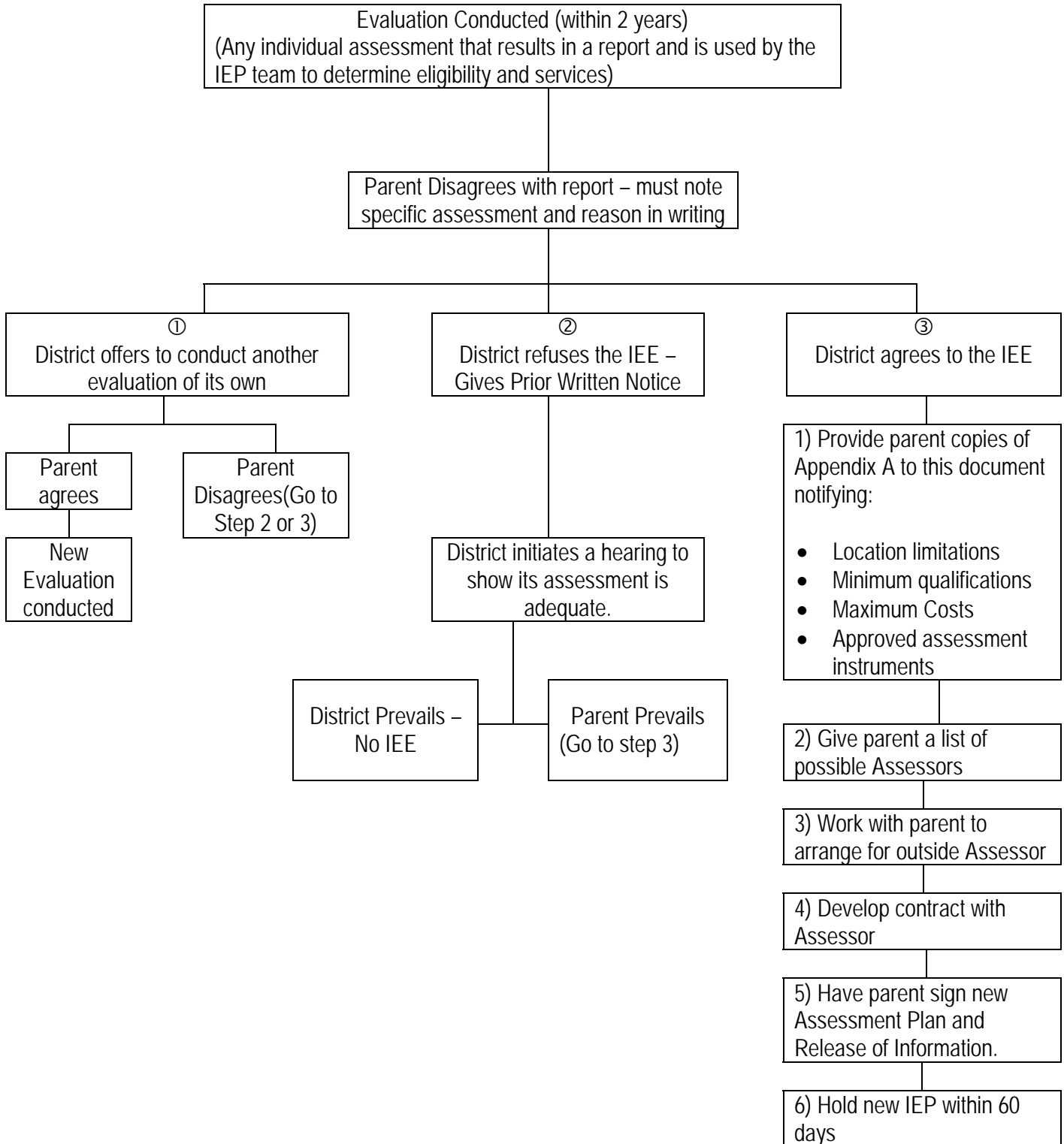
<u>Assessment Area</u>	<u>Approved Instruments</u>
Motor	Peabody Development Motor Scales
Speech and Language	Boehm Test of Basic Concepts Revised Bracken Basic Concepts Scale Carrow Elicited Language Inventory Clinical Evaluation of Language Fundamentals (CELF-R) Expressive One Word Picture Vocabulary Test Fisher Logeman Articulation Test Peabody Picture Vocabulary Test-Revised Preschool Language Scale (Zirnerman) Receptive-Expressive Emergent Language Scale Structured Photographic Expressive Language Tests II Test of Auditory Comprehension of Language-Revised Test of Early Language Development Test of Language Development-2 (TOLD-2 and TOLD-2 Primary) Test of Adolescent Language Word Test Revised
Social/Emotional/Behavioral	Achenbach Child Behavior Checklist Acters-ADD-H Comprehensive Teacher's Rating Scale Attention Deficit Disorder Evaluation Scale Behavior Disorders Evaluation Scale Behavior Evaluation Scale Burks' Behavior Rating Scale-2 Connors Parent & Teacher Rating Scale - Revised Emotional and Behavior Problem Scale Kinetic Drawing System Pier-Harris Children's Self Concept Scale Roberts Apperception Test for Children Rorschach Thematic Apperception Test Devereux School Form Devereux Scale of Mental Disorders Personality Inventory for Youth Revised Children's Manifest Anxiety Scale Beck Depression Inventory – III
Visual Perception	Bender Visual Motor Gestalt Design Developmental Test of Visual Motor Integration (Beery) Motor Free Visual Perception Test Test of Visual Perceptual Skills



<u>Assessment Area</u>	<u>Approved Instruments</u>
Vocational	Career Decision Making (CDM) COPS CAPS Discover Foster Assessment Meyers Briggs Eureka System McCarron Dial VARs Holland Self-Directed Search Career Survey Becker Reading-Free Interest Survey Worker Characteristic Profile Job Box Work Interest Inventory Occupational Clusters Personal Interest Questionnaires Manifest Needs Questionnaires The Discover Program JOB-O Voc-Tech E-WOK Janis Career Interest Survey
Others	Autism Screen Instrument for Educational Planning Childhood Autism Rating Scale Development Tasks for Kindergarten Readiness Draw A Person Goodenough-Harris Drawing Test Jordan Left/Right Reversal Test Kaufmann Brief Intelligence Test McCarthy Scales Raven Progressive Matrices Wechsler Abbreviated Scale of Intelligence Modified Checklist for Autism in Toddlers (M-CHAT)

Appendix B

INDEPENDENT EDUCATIONAL EVALUATION IEE FLOWCHART





Appendix C

GUIDELINES FOR OBSERVATIONS BY INDEPENDENT EDUCATIONAL ASSESSORS

Outside evaluators have the right to observe a special education student in his or her current placement or any placement proposed by the educational agency if the public agency's assessment includes, or its assessment procedures permit, such an observation.

- The independent educational assessor will notify the District Special Education Administrator and Site Administrator of their request to schedule an observation in writing five school days prior to the date of the observation.
- The District Special Education Administrator will coordinate with the Site Administrator and independent educational assessor to determine a mutually agreeable time and place for the observation. Prior to the observation, the purpose of the observation, the length of the observation and the location(s) of the observation will be agreed to consistent with district policies regarding observations and any observation by the examiner will be equivalent to what the district's assessors did or would be allowed to do. Observations will be limited to one independent evaluator per day.
- The District Special Education Administrator will assign a district staff member to meet the independent assessor and accompany him/her during the observation.
- In order to protect the privacy of other students, there will be no videotaping or recording during observations. There will be no direct contact with students.
- If the independent assessor wishes to discuss the observation with district staff, advance notification of this request will be necessary, so that adequate coverage of students can be arranged.