

**SPECIAL EDUCATION - IDENTIFICATION
REFERRAL - ASSESSMENT**

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Independent Education Evaluation

The Tuolumne County Special Education Local Plan Area (“SELPA”) developed this policy and procedures which govern independent educational evaluations (“IEEs”) pursuant to the Individuals with Disabilities Education Act (“IDEA”). (20 U.S.C. § 1415(b)(1); 34 C.F.R. § 300.502; Ed. Code, § 56506(c), and 56329(b), (c).)

Definitions

Local educational agency (LEA) means the school district, charter school, or county office of education that is responsible for providing educational services to a child with a disability.

Independent Educational Evaluation (IEE) means an evaluation of a child with a disability conducted by a qualified examiner who is not employed by a member LEA.

Qualified Examiner means an evaluator who is competent to perform the evaluations, as determined by SELPA-established criteria and in accordance with Education Code section 56322.

Parent, as used in this document, means a parent, guardian, or educational rights holder who is authorized to make decisions concerning a child with a disability.

Public expense means that the LEA 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.

Right to Request Independent Educational Evaluation

A parent has a right to an IEE at the public expense if they disagree with an evaluation completed by the LEA within two years of the date that the evaluation was presented at an individualized education program (“IEP”) team meeting, consistent with the statute of limitations. A parent may request only one IEE in response to each evaluation that the LEA completes.

How to Request Independent Educational Evaluation

To request an IEE, a parent must indicate in writing or state at an IEP team meeting that they disagree with an evaluation conducted by the LEA and are requesting an IEE at the public expense. The parent must identify what area of evaluation they are seeking for the IEE. If a parent makes an oral request or requires assistance in making a written request for an IEE, LEA staff shall offer to assist.

Consideration of Private Independent Educational Evaluation

A parent may also obtain an IEE and request that the LEA reimburse them for the completed IEE. To obtain reimbursement from the LEA for a completed IEE, the IEE must meet the SELPA

criteria, which is outlined below. The LEA designee or SELPA Director will determine whether a privately-obtained IEE meets the SELPA criteria within five business days. A parent must make a request for reimbursement for a private IEE in writing to the LEA. If a parent requires assistance in making a written request for an IEE, LEA staff shall offer to assist.

Response to Request for Independent Educational Evaluation

When a LEA receives a request for an IEE at public expense or a request for reimbursement for a privately-obtained IEE, the LEA will ask for the reason why the parent disagrees with the LEA's evaluation. This request helps inform the LEA's training, compliance, and assessment practices. However, the LEA will not require a parent to explain the reason for their disagreement and may not unreasonably delay their response to the IEE request on that basis.

The LEA will use the following procedure in response to an IEE request:

1. The LEA will provide a prior written notice ("PWN") that details the LEA's response to the request within 30 days.
2. The LEA will provide the parent with a copy of the LEA's *Parents' Rights and Procedural Safeguards*, which includes information about the parent's rights under the IDEA.
3. The LEA will provide the parent with a copy of the LEA's *SELPA IEE Policy*, which includes information about the parent's rights related to IEEs.

In responding to a request for an IEE, the LEA has only two choices: 1) fund the IEE at the public expense, or 2) file a request for due process hearing with the Office of Administrative Hearings ("OAH") to obtain an order from an administrative law judge ("ALJ") finding that the District's evaluation was appropriate. The LEA will inform the parent of its response without unreasonable delay and within 30 days of the request for the IEE.

Process for Independent Educational Evaluation at Public Expense

If the LEA grants a parent's request for an IEE at the public expense, the LEA will use the following procedure:

1. Parent may select a qualified provider of their choice who meets the criteria outlined in this policy. It is recommended that the parent request a copy of any potential evaluator's resume, ask for references, and request a rate sheet that includes the itemized costs for the evaluation prior to requesting an evaluator.
2. The LEA or SELPA Director will contact the parent-selected assessor to determine whether the assessor meets the SELPA Policy and Procedures Criteria within five business days.
 - a. If the assessor meets the criteria, the LEA will initiate a contract with the assessor for the IEE. The District will also provide the parent with a consent form to allow the District to release information about their child to the IEE assessor to allow them to complete the IEE.
 - b. If the assessor does not meet the criteria, the LEA will send you a prior written

notice informing you of which criteria the assessor does not meet and requesting information about whether unique circumstances exist that may require an exception to the SELPA criteria without unreasonable delay and within 30 days.

3. Upon request, the LEA will provide names and contact information for evaluators who have previously contracted with the LEA or with other LEAs within the SELPA to conduct IEEs. However, this list is not intended to be exhaustive or limit the parent's options in obtaining an IEE.
4. Once the contract between the LEA and the assessor is in place, the parent may contact the independent assessor and complete the IEE.
5. As the IEE is independent of the LEA, the parent is responsible for contacting the independent assessor, scheduling the testing, and making the student available for any testing. Please note that the LEA is also not in control of how long it takes the IEE assessor to complete the IEE.
6. The IEE assessor is required to provide the LEA with a copy of the assessment report following the completion of the IEE.

Reimbursement for Private Independent Educational Evaluations

If a parent requests reimbursement for an IEE that they privately obtained, the LEA will use the following procedure:

1. Parent must provide documentation necessary for reimbursement.
2. The LEA does not have an obligation to reimburse parent for a privately obtained evaluations completed prior to the date that the LEA's evaluation is completed and discussed at an IEP team meeting.
3. Privately obtained IEEs must meet the SELPA criteria unless unique circumstances exist to justify an exception to these requirements.
4. The LEA will not issue partial reimbursements for IEEs exceeding the maximum allowable rates outlined in this policy, even if the parent agrees to pay the difference.
5. If the LEA files a request for due process hearing, the parent will not be reimbursed for the cost of the evaluation unless the administrative law judge orders the LEA to reimburse the parent as part of the due process decision.
6. If eligible for reimbursement, parent shall provide an itemized invoice with clearly detailed dates, service actually provided and received by the student, and costs incurred; and receipt by the LEA of proof of payment clearly documenting payment and method of payment by the parent for the costs for which reimbursement is sought in the form of either the front and back of a cancelled check (including copies from a bank website), credit card statement, and/or itemized bank statement (redacted of all private and extraneous information). Reimbursement shall be issued within 45 days after all required documentation has been submitted.

Components of Independent Educational Evaluation

An IEE should focus on the unique needs of the child and the types of special education services and programs that will allow the child to make progress in consideration of the child's unique circumstances and disability.

The IEE assessor will be provided with an opportunity to conduct in-class observations, consistent with the observation conducted by LEA staff in completing its evaluation of the child. In-class observations shall be conducted in accordance with the school site's observation policy and in a manner that prevents unnecessary disruption to the class and protects the privacy interest of other students. School site observation policies may include parameters such as identifying time constraints for the observation, accompaniment by LEA staff during the observation, and restricting student/observer and teacher/observer interactions.

Agency Criteria

The SELPA has established the following criteria for an IEE obtained at public expense or requested for LEA reimbursement. These criteria are consistent with those used by the SELPA when conducting its own evaluations. Due to the rural nature of Tuolumne County and the limited availability of certain specialists within the county, evaluators from neighboring or surrounding counties may be considered as within reasonable distance and eligible for selection under this policy. The LEA's criteria are also consistent with a parent's right to obtain an IEE at public expense and assurances that the IEE evaluator has proper qualifications and the IEE is not unreasonably expensive.

Location. The IEE evaluator must be located within one hundred and eighty (180) miles of the LEA of Residence. If an exception to this geographic limitation is established based on unique circumstances, the LEA shall pay the IEE evaluator the federal business mileage reimbursement rate for required travel associated with the IEE.

Qualifications. Evaluators must be knowledgeable of and agree to comply with the provisions of the IDEA and California Education Code governing special education, including the special education eligibility criteria and standard for the provision of a free appropriate public education ("FAPE"). In addition, evaluators must meet the qualifications specified in the Education Code, which are outlined below.

Assessment Areas	Minimum Qualifications for Evaluators
Academic Achievement	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist
Adapted Physical Education (APE)	Credentialed Adapted Physical Education Teacher Licensed Occupational Therapist Licensed Physical Therapist

Assessment Areas	Minimum Qualifications for Evaluators
Assistive Technology	Certified Assistive Technology Specialist Credentialed Special Education Teacher Credentialed or Licensed Speech Language Pathologist Licensed Occupational Therapist
Alternative/Augmentative Communication (AAC)	Credentialed or Licensed Speech Language Pathologist Credentialed Special Education Teacher Licensed Occupational Therapist
Central Auditory Processing	Credentialed or Licensed Audiologist
Deaf/Hard-of-Hearing	Licensed or Certificated Audiologist Credential Special Education Teacher with Education Specialist Instruction Credential: Deaf and Hard-of-Hearing
Educationally-Related Mental Health Services (ERMHS)	Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist Licensed Marriage and Family Therapist
Functional Behavior Assessment (FBA)	Board Certified Behavior Analyst Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist Credentialed Special Education Teacher
Neuropsychological	Credentialed School Psychologist with Ph.D. or Psy.D. or Postgraduate Certificate/Credential in Neuropsychological Assessment Licensed Clinical Psychologist Licensed Educational Psychologist with Ph.D. or Psy.D. or Postgraduate Certificate/Credential in Neuropsychological Assessment Licensed Psychiatrist
Occupational Therapy	Licensed Occupational Therapist

Assessment Areas	Minimum Qualifications for Evaluators
Orientation and Mobility	Credentialed Teacher of the Visually Impaired Credential Teacher of the Physically Impaired Orientation and Mobility Specialist
Physical Therapy	Licensed Physical Therapist
Psychoeducation	Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist
Speech and Language	Credentialed or Licensed Speech and Language Pathologist
Transition (Career and/or Vocational)	Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist Credentialed Special Education Teacher
Visual Acuity/Visual Perception	Credentialed Teacher of the Visually Impaired Credentialed School Nurse Licensed Ophthalmologist Licensed Optometrist

Cost. The cost of the IEE shall be comparable to the costs that the LEA incurs when it uses its own employees or the rate in the LEA's geographic area for contractors to perform a similar assessment. Costs include: record review, observation, interviews, administration and scoring of tests, report writing, and attendance at an IEP team meeting in person or virtually.

Assessment	Maximum Allowable Rate Per Evaluation
Academic Achievement	\$2,000
Adapted Physical Education (APE)	\$2,300
Assistive Technology	\$2,500
Augmentative and Alternative Communication (AAC)	\$2,750
Central Auditory Processing	\$1,850
Deaf or Hard-of-Hearing	\$2,250

Assessment	Maximum Allowable Rate Per Evaluation
Educationally Related Mental Health Services (ERMHS)	\$3,000
Functional Behavior Assessment (FBA)	\$3,000
Neuropsychological	\$6,000
Occupational Therapy	\$2,200
Orientation and Mobility	\$2,100
Physical Therapy	\$1,750
Psychoeducation	\$5,500
Speech and Language	\$2,500
Transition (Career and/or Vocational)	\$2,500
Visual Acuity/Visual Perception	\$1,800

The SELPA may maintain a courtesy, non-exhaustive list of IEE evaluators with whom it has contracted before. However, the SELPA and LEA does not endorse any particular evaluator and is not responsible for any liability that may arise from use of any evaluator listed. As stated above, the LEA must also ensure that the potential evaluator meets the SELPA criteria and contracting requirements prior to initiating a contract with the evaluator for the IEE.

Unique Circumstances

IEEs must meet the above SELPA criteria unless the parent or the LEA can demonstrate there are unique circumstances that would justify utilizing an assessor who does not meet the SELPA criteria. Unique circumstances may include, but are not limited to, qualified evaluators not being located within the established geographic limitation, the particular unique needs of a student requiring an assessor with specialized qualifications, or the unique needs or qualifications of an assessor necessitating a rate above the LEA's maximum allowable rate.

The parent must provide justification in writing of the unique circumstances that they believe warrant an exception to the SELPA's criteria. The LEA will then determine if an exception to the SELPA criteria is warranted and provide a response in writing to the parent of its determination. If the parent has any questions about exception to the SELPA criteria for unique circumstances, please contact the SELPA Director.

Insurance

When insurance will cover all or partial costs of the IEE, the LEA will request that the parent voluntarily have their insurance pay those coverable costs. However, a parent will not be asked to have the insurance cover IEE costs if such action would result in a financial cost to the parent, 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 LEA reimburse them for the amount of the deductible.

Criminal Background Check

The California Education Code requires any entity who has a contract with an LEA and works with LEA students outside of the immediate supervision and control of the parent/guardian or LEA employee to have a valid criminal background check. During an IEE, the student remains under the immediate supervision and control of the parent/guardian.

Independent Educational Evaluation Report

An IEE assessor must provide a written report of their assessment that meets the requirements of the IDEA and California Education Code section 56327. IEE assessors are requested not to identify specific service providers to avoid possible conflict of interest situations. IEE assessors must agree to release their assessment information, testing protocols, report, and results to the LEA prior to receipt of payment for services.

Due Process Proceeding

If the LEA chooses to file a request for due process hearing in response to the request for the IEE, the LEA will provide the parent with a copy of the due process hearing complaint. As part of the due process proceeding, the Parties will have an opportunity to participate in a mediation with an administrative law judge. If the LEA initiates a hearing and the judge determines that the LEA's evaluation was appropriate, the parent still has a right to an IEE, but not at public expense. An IEE may also be presented as evidence at a due process hearing regarding the child.

Withdrawal of Request for Independent Educational Evaluation

If at any time a parent wishes to withdraw a request for an IEE at public expense or through reimbursement, the parent may provide the LEA with this withdrawal in writing. If a parent requires assistance in making a written withdrawal of the IEE request, LEA staff shall offer to assist.

Consideration of Independent Educational Evaluations

The LEA will schedule an IEP team meeting within 30 days of receipt of an IEE report, not counting days when the LEA is closed for a school break of more than 5 days. This IEP team meeting will be scheduled both for reports funded or reimbursed by the LEA and reports obtained at parental expense. The LEA will invite the IEE assessor to one IEP team meeting to review their report. The IEP team will consider the IEE report at the IEP team meeting. This review and consideration however does not obligate the LEA to adopt the recommendations from the IEE report. Instead, the IEP team is responsible for making determinations about the student's eligibility, appropriate goals, services, and/or placement recommendations.

Additional Information

If you require additional information concerning the SELPA's IEE Policy and Procedures, please do not hesitate to contact the Tuolumne County's SELPA Director at (209) 536-2054.