



DESERT / MOUNTAIN
CHARTER SELPA

Chapter 14: Independent Educational Evaluation (IEE)

SECTION A: INTRODUCTION/CONSIDERATION OF INDEPENDENT EDUCATIONAL EVALUATIONS (IEES)

SECTION B: PROCEDURES FOR PARENTS REQUESTING AN IEE AT PUBLIC EXPENSE

SECTION C: CRITERIA FOR OBTAINING AN IEE AT PUBLIC EXPENSE

SECTION D: CRITERIA FOR DETERMINATION OF IEE FEES

SECTION E: CIRCUMSTANCES RESULTING IN EVALUATION NOT FUNDED AT CHARTER LEA EXPENSE

APPENDIX A: NOTICE OT PARENTS REGARDING IEES

APPENDIX B: NON-EXCLUSIVE LIST OF QUALIFIED EXAMINERS

APPENDIX C: SUGGESTED COST GUIDELINES FOR ASSESSMENT

APPENDIX D: TEST PROTOCOLS (OSEP POLICY LETTER)

APPENDIX E: SELPA FORM D/M 83 – REIMBURSEMENT REQUEST

APPENDIX F: SAMPLE IEE LETTERS TO PARENTS

Introduction

An Independent Educational Evaluation (IEE) is an evaluation conducted by a qualified examiner who is not employed by the Charter Local Education Agency (LEA) or public agency responsible for the education of a child with a disability (*Title 34 of the Code of Federal Regulations § 300.502*). Since a child's educational program and placement are determined by the results of assessments, a parent who disagrees with a Charter LEA's evaluation has the right to obtain an IEE at public expense to identify the child's disabilities and resulting educational needs. A parent is entitled to only one IEE at public expense each time the Charter LEA conducts an evaluation with which the parent disagrees (*Title 34 of the Code of Federal Regulations § 300.502*).

Each participating Charter LEA within the Desert/Mountain Charter Special Education Local Plan Area (SELPA) is provided with a yearly stipend to help offset expenses for Assistive Technology Assessments (ATAs) and IEEs. This process enables Charter LEAs to request such assessments independent of the Charter SELPA. No prior approval is required by the Charter SELPA. To be reimbursed for the cost of an ATA or IEE, the Charter LEA must complete the Charter SELPA reimbursement form (D/M 83) and supporting documentation and submit the reimbursement form to the Charter SELPA before the end of each fiscal year. A disagreement of the Charter LEA's evaluation must be on an evaluation conducted within the last two years.

DEFINITIONS

Independent Educational Evaluation (IEE): An evaluation conducted by a qualified examiner who is not employed by the Charter LEA responsible for the education of the child in question (*Title 34 of the Code of Federal Regulations § 300.502*).

Qualified Examiner: An examiner who is competent to perform the evaluations through criteria established within the Charter SELPA Policy and Procedure Manual and in accordance with Education Code § 56322.

Unilateral Parent Initiated Evaluation: An evaluation obtained by the parent at private expense without prior approval of the Charter LEA.

Public Expense: The Charter LEA pays for the cost of the evaluation or ensures the evaluation is otherwise provided at no cost to the parent.

PARENTS' RIGHTS

A parent has the right to obtain, at public expense, an IEE of their child from qualified specialists, as defined by regulations of the State Board of Education, if the parent disagrees with an assessment obtained by the public education agency. If a public education agency observed the child in conducting its assessment, or if its assessment procedures make it permissible to have in-class observation of a child, an equivalent opportunity shall apply to an independent educational assessment of the child in the child's current educational placement and setting, and observation of an educational placement and setting, if any, proposed by the public education agency, regardless of whether the independent educational assessment is initiated before or after the filing of a due process hearing proceeding.

The public education agency may initiate a due process hearing to show that its assessment is appropriate. If the final decision resulting from the due process hearing is that the assessment is appropriate, the parent still has the right to obtain an independent educational assessment, but not at public expense.

If the parent obtains an independent educational assessment at private expense, the results of the assessment shall be considered by the public education agency with respect to the provision of a free appropriate public education (FAPE) to the child and may be presented as evidence at a due process hearing. If a public education agency observed the child in conducting its assessment, or if its assessment procedures make it permissible to have in-class observation of a child, an equivalent opportunity shall apply to an independent educational assessment of the child in the

child's current educational placement and setting, and observation of an educational placement and setting, if any, proposed by the public education agency, regardless of whether the independent educational assessment is initiated before or after the filing of a due process hearing proceeding.

If a parent proposes a publicly financed placement of the child in a nonpublic school, the public education agency shall have an opportunity to observe the proposed placement and the child in the proposed placement, if the child has already been unilaterally placed in the nonpublic school by the parent. Any observation conducted pursuant to this subdivision shall only be of the child who is the subject of the observation and may not include the observation or assessment of any other child in the proposed placement. The observation or assessment by a public education agency of a child other than the child who is the subject of the observation pursuant to this subdivision may be conducted, if at all, only with the consent of the parent. The results of any observation or assessment of any other child in violation of this subdivision shall be inadmissible in any due process or judicial proceeding regarding the free appropriate public education of that other child.

The right of parents to obtain, at public expense, an independent educational assessment if they disagree with the assessment conducted by the Charter LEA, is included in the Procedural Safeguards Notice, which is distributed pursuant to Education Code § 56301(d)(2).

Section A – Introduction/Consideration of IEEs

An IEE is designed to assist in determining the educational needs of a child with a disability including eligibility, program decisions, and educational services. The Individualized Education Program (IEP) team is responsible for determining placements and services; therefore, the IEP team will consider recommendations designed to assist the child in making educational progress in accordance with this policy. IEEs will be considered in any decisions with respect to providing FAPE to the child.

A private educational evaluation that is initiated by the parent shall be considered in any decision made with respect to the provisions of FAPE to the child. A private evaluation obtained by the parent is different from an IEE. An IEE may be presented as evidence at a due process hearing regarding the child. All requirements outlined in the criteria for IEEs must be followed.

Federal regulations require that whenever an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the evaluator, must be the same as the criteria that the public agency uses when performing a similar evaluation (*Title 34 of the Code of Federal Regulations § 300.502(e)*).

Section B – Procedures for Parents Requesting an IEE at Public Expense

A parent has the right to obtain an IEE at public expense when the parent disagrees with the assessment obtained by the Charter LEA (*Title 34 of the Code of Federal Regulations § 300.502(b)*). The Charter LEA may initiate a due process hearing to show that its evaluation is appropriate (*Title 34 of the Code of Federal Regulations § 300.502(b)(2)(i)*). If the Charter LEA

initiates a hearing and the final decision is that the Charter LEA's assessment is appropriate, the parent has the right to an IEE, but not at public expense (*Title 34 of the Code of Federal Regulations § 300.502(b)(3)*).

The Charter LEA is not responsible for providing or reimbursing an evaluation when parents merely feel the need for additional information about their child, and which is not based on a disagreement with Charter LEA assessment results or IEP team findings. Further, when multiple reports are obtained by the parents in the same assessment areas, the Charter LEA will not reimburse the cost of more than one (1) IEE in any one area assessed when the parent disagrees with an assessment previously conducted by the Charter LEA (*Title 34 of the Code of Federal Regulations § 300.502*).

Upon request for an IEE, the Charter LEA will provide information to the parents regarding where an appropriate IEE may be obtained (*Title 34 of the Code of Federal Regulations § 300.502(a)(2)*).

The independent examiner must meet Charter LEA/SELPA qualifications to be funded at public expense (*Title 34 of the Code of Federal Regulations § 300.502(e)*).

Steps to be followed by Parents Requesting an IEE at Public Expense:

- Contact the Charter LEA's Director of Special Education for assistance in requesting an IEE. The parents may be asked the reasons why they object to the Charter LEA's evaluation, however, there is no requirement that the parents specify areas of disagreement with the Charter LEA's evaluation as a prior condition for obtaining an IEE.
- The Charter LEA's Director of Special Education will provide a Prior Written Notice (PWN) letter to the parent stating whether the Charter LEA is accepting or denying the IEE. If the IEE is denied, the Charter LEA will file for due process to determine the appropriateness of its assessment.
- If the IEE request is accepted, the Charter LEA will provide the parents with a copy of the Notice to Parents Regarding Independent Educational Evaluation (Appendix A) and a non-exclusive list of qualified examiners (Appendix B). If a specific independent examiner is desired by the parents, the name and resume of the examiner must be provided so that the Charter LEA may:
 - a. Verify the qualifications, certifications, and/or license of the examiner;
 - b. Apply the location criteria; and
 - c. Initiate and negotiate a contract with the examiner.

Section C – Criteria for Obtaining an IEE at Public Expense

The IEE must be administered by the independent examiner in the same type of location and/or setting as that used by the Charter LEA in providing similar evaluations (*Title 34 of the Code of Federal Regulations § 300.502(e)*). If the Charter LEA’s evaluation included classroom observations, the independent examiner will be given access to the classroom (*Education Code § 56327*).

Clinical psychologists selected to perform independent evaluations must base the assessment on the required eligibility criteria (*Title 34 of the Code of Federal Regulations § 300.8* and *Title 5 of the California Code of Regulations § 3030*) that school psychologists utilize to determine eligibility for special education and related services. While it is understood that psychological evaluations performed by clinical psychologists, who typically work outside of the school setting or in private practice, can include many of the same formal assessments as psychoeducational and neuropsychological evaluations in order to examine an individual’s psychological, emotional, and behavioral functioning, these findings are typically intended to guide diagnosis and treatment from a medical perspective, not from an educational perspective. Therefore, independent examiners conducting psychological assessments under an IEE should align their assessment with the eligibility requirements in federal and state law that school psychologists rely on to determine eligibility for special education and related services. The examiner’s assessment should assist in determining specific areas of need, services, or supplemental aides that will support children with disabilities in educational settings. The assessment must be sufficiently comprehensive to identify all of the child’s special education and related service needs, whether or not commonly linked to the disability category being considered for the child, and should seek to understand the child’s learning style, and then guide the development of classroom accommodations and supports from an educational perspective.

The IEE must be provided by an examiner who holds equivalent certifications, licenses, or other qualifications that would be required of Charter LEA staff providing similar evaluations (*Title 34 of the Code of Federal Regulations § 300.502(e)* and *Education Code § 56322*). All assessments must be conducted in accordance with all requirements of federal and state laws including, but not limited to, observing the child in the appropriate setting (*Education Code § 56327*) and conducting evaluations in accordance with *Education Code § 56320*. Independent examiners must meet the credentialing criteria listed below. All assessments, including all tests and subtests must be conducted by persons competent to perform the assessment as determined by the Charter LEA (*Education Code § 56322*).

Type of Assessment	Proposed Estimate	Qualifications
Adaptive Behavior	\$500 - \$1,000	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist

Type of Assessment	Proposed Estimate	Qualifications
Adapted Physical Education	\$1,000	Credential issued by the California Commission on Teacher Credentialing that authorizes service in adapted physical education
Assistive Technology	\$1,500 - \$2000	Credentialed Special Education Teacher Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed Assistive Technology Specialist
Augmentative/Alternative Communication (AAC)	\$1,500 - \$2,000	Credentialed Special Education Teacher Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed Assistive Technology Specialist
Central Auditory Processing (Auditory acuity and perception)	\$1,500 - \$2,000	Licensed or Credentialed Audiologist Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
Educationally Related Mental Health	\$2,500	Marriage Family Therapist (MFT) Licensed Clinical Social Worker (LCSW) Professional Clinical Counselor (PCC) PsyD – Doctorate in Clinical Psychology Ph.D. – Doctorate in Psychology Clinical Psychologist
Functional Behavior (Social/Emotional/Behavior/Behavior Intervention)	\$2,500	Board Certified Behavior Analyst (BCBA) Credentialed School Psychologist School Counselor with Pupil Personnel Services (PPS) Credential Credentialed Special Education Teacher Licensed Clinical Psychologist Licensed Educational Psychologist (LEP) Licensed Clinical Social Worker (LCSW) Licensed Marriage and Family Therapist (LMFT) Professional Clinical Counselor (PCC)
Functional Vision (Acuity/Developmental Vision/Motor Integration/Perception)	\$1,750	Credentialed Teacher of the Visually Impaired Credentialed School Psychologist Licensed Educational Psychologist (LEP) Licensed Ophthalmologist Optometrist

Type of Assessment	Proposed Estimate	Qualifications
Health	\$500	Licensed Physician Credentialed School Nurse - trained and prepared to access cultural and ethnic factors appropriate to the student
Independent Multi-Disciplinary Evaluation	\$4,500	See individual evaluator qualifications
Neuro-Psychological Evaluation	\$4,500 - \$5,500	See individual evaluator qualifications
Occupational Therapy (Fine or Gross Motor)	\$1,000 - \$1,500	Licensed Occupational Therapist
Orientation and Mobility for the Blind	\$1,000	Credential that authorizes services in orientation and mobility instruction in the State of California
Physical Therapy	\$1,500	Licensed Physical Therapist
Psycho-Educational (may include academic, adaptive functioning, cognition, psychological processing (auditory, visual, phonological processing), social/emotional functioning)	\$4,500	Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist (LEP)
Speech and Language	\$1,750	Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
Transition/Vocational	\$1,500 - \$2,000	Credentialed Teacher with a career development authorization Special Education Teacher Credentialed School Counselor with a Pupil Personnel Services (PPS) Credential

It is recommended that when selecting an independent examiner not on the non-exclusive list of qualified examiners (Appendix B), the Charter LEA request a copy of the examiner's resume, two references by LEAs, a sample evaluation report, and itemized costs for the evaluation including writing the report and attending the IEP meeting. Prior to making the final selection of an examiner, the Charter LEA should review the resume to ensure proper licensure/credential certification, and contact the references provided.

The independent examiner must be located within an 85-mile radius of the Charter SELPA office or a 40-mile radius of the Charter LEA responsible for the IEE. Examiners outside of this area may be approved by the Charter LEA if the parents can demonstrate the necessity of using an examiner outside of the geographical determined location. Unless an out-of-area evaluation is required for the child to receive an IEE, costs beyond the evaluation (i.e., transportation, lodging, food, etc.) are not covered in the contract or reimbursement to the parent.

Independent examiners must comply with all state and federal requirements (*Title 34 of the Code of Federal Regulations § 300.502(e)*).

The independent examiner must provide the Charter LEA and parent with a copy of the report five days prior to the IEP team meeting. The report should include:

- Examiner's name, title, license, certification number;
- Original signature of the examiner; and
- Original assessment protocols (attached to the report) - see Appendix D for information on protocols.

A public agency may not impose conditions or timelines related to obtaining an IEE at public expense (*Title 34 of the Code of Federal Regulations § 300.502(e)*).

Section D – Criteria for Determination of IEE Fee

The Charter LEA will pay a fee that is routine and reasonable for the IEE, similar to those performed by qualified professionals in the local geographical area. Routine and reasonable fee is based on an average of a random sampling of fees charged by professionals providing service in the Charter LEA/SELPA's area. The Charter LEA shall make arrangements for the independent examiner to ensure that the IEE is completed in a timely manner at Charter LEA expense.

An excessive fee is defined as one that is more than 25% higher than the routine and reasonable rate as defined in the cost guidelines in Appendix C. Parents will be allowed the opportunity to demonstrate to the Charter LEA that unique circumstances justify IEE fees that do not fall within the criteria described in Appendix C.

Cost Guidelines:

When the Charter LEA is negotiating the fee for an independent evaluation to be conducted at public expense, the following should be included in the fees:

- Cost to conduct the assessment;
- Mileage (for student observation and to IEP location);
- Developing a written report and providing copies to the parent and Charter LEA; and
- Attending the IEP team meeting.

The independent examiner must agree to release their written report, test protocols (see OSEP Policy Letter - Appendix D), assessment information, and results to the Charter LEA prior to the receipt of payment for services and at least five days prior to the IEP meeting. The results from the IEE will be considered in the eligibility, program decisions, and educational services to the child with disabilities as required by IDEA. IEEs will be considered in any decisions made with respect to offers of FAPE made by the IEP team.

Section E – Circumstances Resulting in Evaluation Not Funded at LEA Expense

The Charter LEA does not have an obligation to reimburse parents for private evaluations obtained prior to the date that the Charter LEA's evaluation is completed and discussed in an IEP meeting.

Parent request for reimbursement for private evaluation may be allowable if:

1. The Charter LEA's evaluation has not been provided in compliance with federal and state laws.
2. The privately obtained evaluation appropriately assessed the child in an area(s) of suspected disability, which was not assessed appropriately by the Charter LEA.

Any reimbursement will be in accordance with Charter LEA procedures, cost guidelines outlined in Appendix C, and in an amount no greater than the actual cost to the parent. Reimbursement does not include observations/consultation with outside consultants.

If an IEE is requested as a result of a settlement agreement in a due process hearing, the Charter SELPA will cover the costs incurred for the IEE as outlined in the settlement agreement.

If the Charter LEA initiates a hearing and the final decision is that the evaluation is appropriate, the parent still has the right to obtain an IEE at their own expense. If the Charter LEA initiates a due process hearing and the final decision is that the Charter LEA's evaluation is appropriate, no reimbursement shall be made unless ordered by a Hearing Officer (*Title 34 of the Code of Federal Regulations § 300.502(b)(3)*).

APPENDIX A: Notice to Parents Regarding IEEs

Notice to Parents Regarding Independent Educational Evaluations (IEEs)

Please read the information below before obtaining an Independent Educational Evaluation (IEE). Before obtaining an IEE, contact the Director of Special Education within your Charter Local Education Agency (LEA) to discuss your assessment questions. An IEE obtained on a unilateral basis will not automatically be reimbursed. All requests for an IEE will be processed in accordance with the policy, procedures, and criteria set forth herein.

DEFINITIONS

Independent Educational Evaluation (IEE): An evaluation conducted by a qualified examiner who is not employed by the Charter Local Education Agency (LEA) responsible for the education of the child in question (Title 34 of the Code of Federal Regulations § 300.502).

Qualified Examiner: An examiner who is competent to perform the evaluations through criteria established within the Desert/Mountain Charter SELPA Policy and Procedure Manual and in accordance with Education Code § 56322.

Unilateral Parent Initiated Evaluation: An evaluation obtained by the parent at private expense without prior approval of the Charter LEA.

Public Expense: The Charter LEA pays for the cost of the evaluation or ensures the evaluation is otherwise provided at no cost to the parent.

CONSIDERATION OF INDEPENDENT EDUCATIONAL EVALUATIONS

An IEE is designed to assist in determining the educational needs of a child with a disability including eligibility, program decisions, and educational services. The IEP team is responsible for determining placements and services; therefore, the IEP team will consider recommendations designed to assist the child in making educational progress in accordance with this policy. IEEs will be considered in any decision made with respect to providing a Free Appropriate Public Education (FAPE) for the child.

A private educational evaluation that is initiated by the parent shall be considered in any decision made with respect to the provisions of FAPE to the child. A private evaluation obtained by the parent is different from an IEE. An IEE may be presented as evidence at a due process hearing regarding the child. All requirements outlined in the criteria for IEEs must be followed.

Federal regulations require that whenever an IEE is granted at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when performing a similar evaluation (*Title 34 of the Code of Federal Regulations § 300.502(a)*).

PROCEDURES FOR PARENTS REQUESTING AN INDEPENDENT EDUCATIONAL EVALUATION AT PUBLIC EXPENSE

If a parent disagrees with an evaluation completed by the Charter LEA and seeks an IEE, the Charter LEA shall either initiate a due process hearing to obtain a determination that its evaluation is appropriate or will provide the parent with an opportunity to obtain an IEE within this policy (*Title 34 of the Code of Federal Regulations §§ 300.502(b) and 300.502(b)(2)(i)*).

The parent should contact the Charter LEA's Director of Special Education for assistance in seeking an IEE.

The parent may be asked the reason that they object to the Charter LEA's evaluation; however, there is no requirement that the parent specify areas of disagreement with the Charter LEA's evaluation as a prior condition for obtaining the IEE.

If the IEE requested is accepted, the Charter LEA shall provide the parents with the policy, procedures, and criteria for an IEE (Appendix A) (*Title 34 of the Code of Federal Regulations § 300.502(a)(2)*). The Charter LEA shall offer the parent a non-exclusive list of public agencies and private individuals whom the Charter LEA has determined are "qualified" in their respective areas of assessment (see Appendix B). The Charter LEA does not specifically endorse any listed agency or individual. Other agencies and individuals may be considered if they meet the IEE qualified provider criteria. Cost guidelines are available for consideration (Appendix C). If a specific independent examiner is desired by the parents, the name and resume of the examiner must be provided so that the Charter LEA may:

- Verify the qualifications, certifications and/or licensure of the examiner;
- Apply the location criteria; and
- Initiate and negotiate a contract with the examiner.

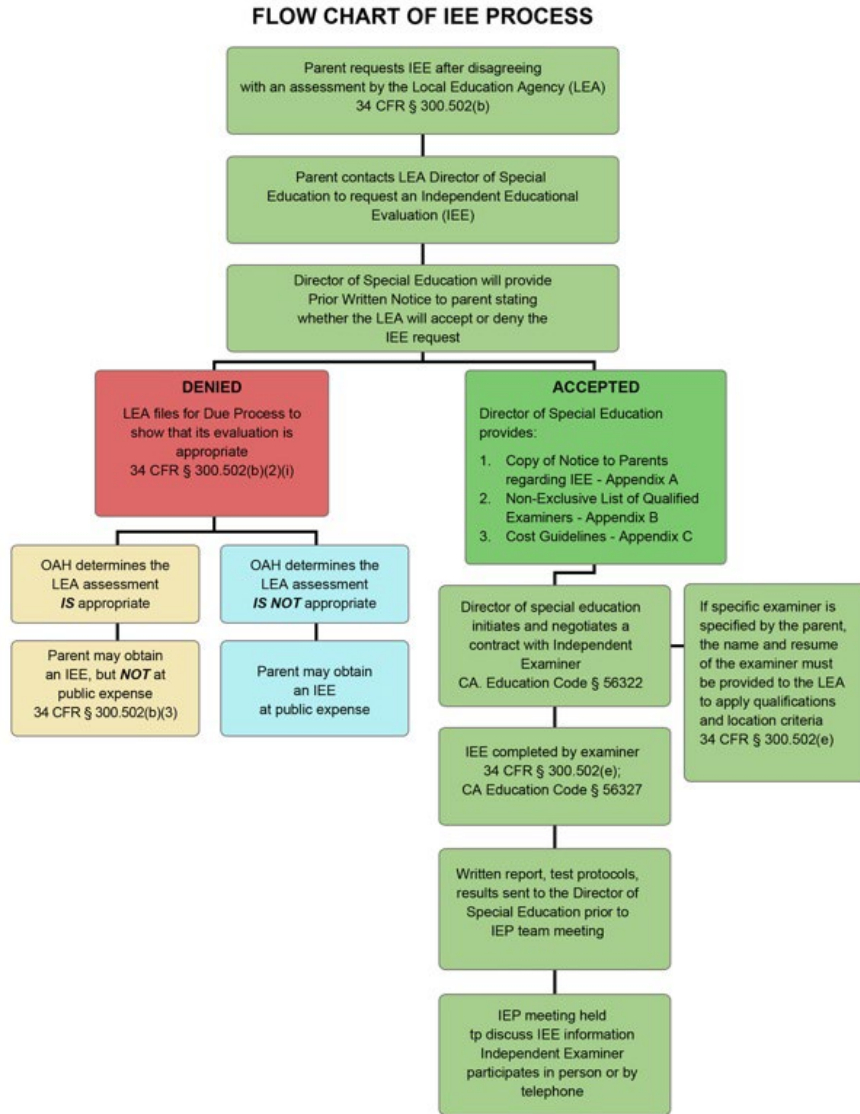
The Charter LEA's Director of Special Education will provide Prior Written Notice (PWN) to the parent stating whether the Charter LEA is accepting or denying the IEE. If the IEE is denied, the Charter LEA will file for due process to determine the appropriateness of its assessment.

The Charter LEA shall make arrangements for the independent examiner to ensure that the IEE is completed in a timely manner at Charter LEA expense.

If the Charter LEA initiates a hearing and the final decision is that the evaluation is appropriate, the parent still has the right to retain another individual to conduct an evaluation, but not at Charter LEA expense (*Title 34 of the Code of Federal Regulations § 300.502(b)(3)*). If the Charter LEA initiates a due process hearing and the final decision is that the Charter LEA's evaluation is appropriate, no reimbursement shall be made unless ordered by a Hearing Officer.

All independent examiners are required to provide a written report and copies of the test protocols (Appendix D) to the Charter LEA five days prior to the IEP meeting to review the IEE. The results of the IEE will be considered in making educational decisions required by IDEA 2004. The independent examiner will be required to participate in the IEP meeting by telephone or in person,

at which time the IEE is being discussed. The cost of the independent examiner’s participation in the IEP meeting will be included as part of the cost of conducting the IEE.



CRITERIA FOR OBTAINING AN IEE AT PUBLIC EXPENSE

1. Local Limitations for Independent Examiners

The independent examiner must be located within an 85-mile radius of the Desert/Mountain Charter SELPA office or within a 40-mile radius of the LEA responsible for the LEA.

2. Minimum Qualifications for Independent Examiners

All assessments must be conducted in accordance with all requirements of federal and state laws including, but not limited to, observing the child in the appropriate setting (*Education*

Code § 56327) and conducting evaluations in accordance with *Education Code § 56320*. Examiners must meet the credentialing/licensing criteria listed below. All assessments must be conducted by individuals certified as competent as determined by the LEA (*Education Code § 56322*).

Clinical psychologists selected to perform independent evaluations must base the assessment on the required eligibility criteria (*Title 34 of the Code of Federal Regulations § 300.8; Title 5 of the California Code of Regulations § 3030*) that school psychologists utilize to determine eligibility for special education services and related services. While it is understood that psychological evaluations performed by clinical psychologists, who typically work outside of the school setting or in private practice, can include many of the same formal assessments as psychoeducational and neuropsychological evaluations in order to examine an individual’s psychological, emotional, and behavioral functioning, these findings are typically intended to guide diagnosis and treatment from a medical perspective, not from an educational perspective. Therefore, independent examiners conducting psychological assessments under an IEE should align assessment with the eligibility requirements in federal and state law that school psychologists rely on to determine eligibility for special education and related services. The examiner’s assessment should assist in determining specific areas of need, services, or supplemental aides that will support children with disabilities in educational settings. The assessment must be sufficiently comprehensive to identify all of the child’s special education and related service needs, whether or not commonly linked to the disability category being considered for the child and should help seek to understand the child’s learning style, and then guide the development of classroom accommodations and supports from an educational perspective.

The IEE must be administered by the examiner in the same type of location and/or setting as that used by the Charter LEA in providing similar *evaluations (Title 34 of the Code of Federal Regulations § 300.502(e))*. If the LEA evaluation included classroom observations, the independent examiner will be given access to the classroom (*Education Code § 56327*).

Type of Assessment	Proposed Estimate	Qualifications
Adaptive Behavior	\$500 - \$1,000	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist
Adapted Physical Education	\$1,000	Credential issued by the California Commission on Teacher Credentialing that authorizes service in adapted physical education
Assistive Technology	\$1,500 - \$2000	Credentialed Special Education Teacher Credentialed Speech and Language

Type of Assessment	Proposed Estimate	Qualifications
		Pathologist Licensed Speech and Language Pathologist Credentialed Assistive Technology Specialist
Augmentative/Alternative Communication (AAC)	\$1,500 - \$2,000	Credentialed Special Education Teacher Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed Assistive Technology Specialist
Central Auditory Processing (Auditory acuity and perception)	\$1,500 - \$2,000	Licensed or Credentialed Audiologist Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
Educationally Related Mental Health	\$2,500	Marriage Family Therapist (MFT) Licensed Clinical Social Worker (LCSW) Professional Clinical Counselor (PCC) PsyD – Doctorate in Clinical Psychology Ph.D. – Doctorate in Psychology Clinical Psychologist
Functional Behavior (Social/Emotional/Behavior/ Behavior Intervention)	\$2,500	Board Certified Behavior Analyst (BCBA) Credentialed School Psychologist School Counselor with Pupil Personnel Services (PPS) Credential Credentialed Special Education Teacher Licensed Clinical Psychologist Licensed Educational Psychologist (LEP) Licensed Clinical Social Worker (LCSW) Licensed Marriage and Family Therapist (LMFT) Professional Clinical Counselor (PCC)
Functional Vision (Acuity/Developmental Vision/Motor Integration/ Perception)	\$1,750	Credentialed Teacher of the Visually Impaired Credentialed School Psychologist Licensed Educational Psychologist (LEP) Licensed Ophthalmologist Optometrist
Health	\$500	Licensed Physician Credentialed School Nurse - trained and prepared to access cultural and ethnic factors appropriate to the student
Independent Multi-Disciplinary Evaluation	\$4,500	See individual evaluator qualifications

Type of Assessment	Proposed Estimate	Qualifications
Neuro-Psychological Evaluation	\$4,500 - \$5,500	See individual evaluator qualifications
Occupational Therapy (Fine or Gross Motor)	\$1,000 - \$1,500	Licensed Occupational Therapist
Orientation and Mobility for the Blind	\$1,000	Credential that authorizes services in orientation and mobility instruction in the State of California
Physical Therapy	\$1,500	Licensed Physical Therapist
Psycho-Educational (may include academic, adaptive functioning, cognition, psychological processing (auditory, visual, phonological processing), social/emotional functioning)	\$4,500	Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist (LEP)
Speech and Language	\$1,750	Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
Transition/Vocational	\$1,500 - \$2,000	Credentialed Teacher with a career development authorization Special Education Teacher Credentialed School Counselor with a Pupil Personnel Services (PPS) Credential

For a neuro-psychological evaluation, the specialist must possess an educational psychologist license or credential and appropriate education, training and experience in the administration and interpretation of neuro-psychological assessment tools.

3. Independent examiners must comply with all state and federal *requirements* (Title 34 of the Code of Federal Regulations § 300.502(e)).

4. Provision and/or Release of Independent Examiner’s Written Report

Independent educational examiners must agree to release their written report, test protocols (Appendix D), assessment information and results to the Charter LEA prior to receipt of payment for services. The report should include:

- Examiner’s name, title, license, certification number;
- Original signature of the examiner; and

- Original assessment protocols (attached to the report) – see Appendix D for information on test protocols.

All independent educational examiners are required to provide a written report and copies of the test protocols five days prior to the IEP team meeting. The results from the IEE will be considered in the eligibility, program decisions, and educational services to the child with disabilities as required by IDEA 2004 and Section 504 of the Rehabilitation Act of 1973.

5. A public agency may not impose conditions or timelines related to obtaining an IEE at public expense (*Title 34 of the Code of Federal Regulations § 300.502(e)*).

CRITERIA FOR DETERMINATION OF IEE FEES

The Charter LEA will pay a fee that is routine and reasonable for the IEE, similar to those performed by qualified professionals in the local geographical area. Routine and reasonable fee is based on an average of a random sampling of fees charged by professionals providing services in the LEA/SELPA's area. The Charter LEA shall make arrangements for the independent examiner to ensure that the IEE is completed in a timely manner at LEA expense.

An excessive fee is defined as one that is more than 25% higher than the routine and reasonable rate as defined in the cost guidelines in Appendix C. Parents will be allowed the opportunity to demonstrate to the Charter LEA that unique circumstances justify IEE fees that do not fall within the criteria described in Appendix C.

Cost Guidelines:

When the Charter LEA is negotiating the fee for an independent evaluation to be conducted at public expense, the following should be included in the fees:

- cost to conduct the assessment;
- mileage (for student observation and to IEP location);
- developing a written report and providing copies to the parent and LEA; and
- attending the IEP team meeting.

The independent educational examiner must agree to release their written report, test protocols (see OSEP Policy Letter – Appendix D), assessment information, and results to the Charter LEA prior to the receipt of payment for services and at least five days prior to the IEP meeting. The results from the IEE will be considered in the eligibility, program decisions, and educational services to the child with disabilities as required by IDEA 2004. IEEs will be considered in any decisions made with respect to offers of FAPE made by the IEP team.

CIRCUMSTANCES RESULTING IN EVALUATIONS NOT FUNDED AT LEA EXPENSE

The Charter LEA does not have an obligation to reimburse parents for private evaluations obtained prior to the date that the Charter LEA's evaluation is completed and discussed in an IEP meeting.

Parent request for reimbursement for private evaluation may be allowable if:

- (f) The Charter LEA's evaluation has not been provided in compliance with federal and state laws.
- (g) The privately obtained evaluation appropriately assessed the child in an area(s) of suspected disability, which was not assessed appropriately by the Charter LEA.

Reimbursement will be in accordance with Charter LEA procedures, cost guidelines outlined in Appendix C, and in an amount no greater than the actual cost to the parent. Reimbursement does not include observations/consultations with outside consultants.

If an IEE is requested as the result of a settlement agreement in a due process hearing, the Desert/Mountain Charter SELPA will cover the costs incurred for the IEE as outlined in the settlement agreement.

If the Charter LEA initiates a hearing and the final decision is that the evaluation is appropriate, the parent still has the right to obtain an IEE at their own expense. If the Charter LEA initiates a due process hearing and the final decision is that the Charter LEA's evaluation is appropriate, no reimbursement shall be made unless ordered by a Hearing Officer (*Title 34 of the Code of Federal Regulations § 300.502(b)(3)*).

APPENDIX B: Charter SELPA Non-Exclusive List of Qualified Examiners

Sources of Independent Evaluation by the Area of Assessment (updated 10/2021)

The following is a non-exclusive list of public agencies and private individuals whom the Charter LEA has determined are qualified in their respective areas of assessment. The Charter LEA does not specifically endorse any listed agencies or individuals. Other agencies and individuals will be considered if they meet Charter LEA criteria. All private individuals who qualify under criteria established by the Charter LEA are encouraged to apply. The fee schedule will be used periodically to ensure parents the opportunity to choose from qualified assessors in the area.

Type of Assessor	Name and Contact Information
Assistive Technology	Augmentative Communication Therapies Cindy Cottier 3850 Startouch Dr. • Pasadena, CA 91106 (626) 351-5402 Email: cacottier@cacottier.com
Assistive Technology	Elizabeth Gallardo, M.A., Ed, M.A., CCC-SLP, BCBA, QBA P.O. Box 980 • La Habra, CA 90633 (562) 565-5107 Email: egallardoslpcbca@gmail.com
Assistive Technology	Hillside Therapy Inc. Larry Silcock, OTR/L, Assistive Technology Specialist Alta Loma, CA 91737 (909) 208-8784
Assistive Technology	Kouba Tech Solutions Barbara J. Kouba P.O. Box 1106 • Helendale, CA 92342 (760) 784-5059 Email: bjkouba@gmail.com
Assistive Technology	Orange County Goodwill – ATEC Lauren Wetzler, Manager 1601 East St. Andrew Place • Santa Ana, CA 92705 (714) 361-6200, ext. 226 Email: atec@ocgoodwill.org Website: http://www.ocgoodwill.org/
Augmentative Alternative Communication (AAC)	Elizabeth Gallardo, M.A., Ed, M.A., CCC-SLP, BCBA, QBA P.O. Box 980 • La Habra, CA 90633 (562) 565-5107 Email: egallardoslpcbca@gmail.com

Type of Assessor	Name and Contact Information
Autism/Behavior	Applied Behavior Consultants, Inc. (ABC) 800 Ferrari Lane, Ste 100 • Ontario, CA 91764 (909) 484-2848, ext. 15 • (909) 484-3504 FAX Website: www.appliedbehaviorconsultants.com/
Autism/Behavior	Autism Behavioral Consultants 1880 Town & Country Rd., Ste B-101 • Norco, CA 92860 (951) 737-6300 • (951) 737-8779 FAX Website: www.autismbehaviorconsultants.net/
Autism/Behavior	Autism Spectrum Therapies, Inc. 337 N. Vineyard Ave. • Ontario, CA 91764 28581 Old Town Front St. • Temecula, CA 92590 4719 Viewridge Ave., Ste 100, San Diego, CA 92123 147 E. Olive Ave. • Monrovia, CA 91016 (866) 727-8274 • (800) 459-4245 FAX Website: http://www.autismtherapies.com/
Autism/Behavior	Behavioral and Education Support Team (BEST) 411 S. Magnolia Ave. • El Cajon, CA 92020 (619) 442-1271 • (619) 444-8182 FAX Website: http://bestautismservices.com/
Autism/Behavior	Center for Autism & Related Disorders (CARD) 802 Magnolia Ave., Ste 202 • Corona, CA 92879 (951) 686-2020 • (951) 686-2120 FAX Website: http://www.centerforautism.com/
Autism/Behavior	Desert/Mountain Children’s Center (DMCC) 17800 Highway 18 • Apple Valley, CA 92307 (760) 552-6700 • (760) 242-5363 FAX Website: http://www.cahelp.org/
Autism/Behavior	El Paseo Children’s Center Palm Desert, California (760) 342-4900 Email: brent@epccsolutions.com Website: http://www.elpaseotesting.com/
Autism/Behavior	LeafWing Center 15972 Tuscola Rd., Ste 102 • Apple Valley, CA 92307 (760) 242-3353 • (760) 242-3332 FAX 13440 Ventura Blvd., Ste 200 • Sherman Oaks, CA 91423 (818) 442-0921 • (800) 832-2321 FAX Email: info@leafwingcenter.org Website: http://leafwingcenter.org/
Autism/Behavior	P.E.A.K. Psychological Corporation/ Tonya Brooks, Ed.D., LEP, BCBA 2105 Foothill Blvd., Ste. B #158 • La Verne, CA 91750 (424) 265-7792 Email: dr.tonyabrooks@peakpsychcorp.com

Type of Assessor	Name and Contact Information
Autism/Behavior	<p>People’s Care Autism Services 13901 Amargosa Rd., Ste 202 • Victorville, CA 92392 (760) 512-1925 • (760) 301-0097 FAX Website: http://www.peoplescare.com/autism-services</p>
Autism/Behavior	<p>Specialized Therapy Services Steven Oas Satellite Clinic: 2820 Roosevelt Rd., Ste 104 • San Diego, CA 92106 Main Clinic: 4204-A Adams Ave. • San Diego, CA 92116 (619) 252-4557 • (619) 431-5049 Website: https://www.theoascenter.com/</p>
ERMHS/Functional Behavior (Bilingual/Spanish/English)	<p>Neuro-Educational Clinic 6809 Indiana Avenue, Ste 131 • Riverside, CA 92506 (951) 266-6223 • Fax: (951) 267-2536 Website: www.neuroedclinic.com</p>
ERMHS/Functional Behavior	<p>P.E.A.K. Psychological Corporation/ Tonya Brooks, Ed.D., LEP, BCBA 2105 Foothill Blvd., Ste. B #158 • La Verne, CA 91750 (424) 265-7792 Email: dr.tonyabrooks@peakpsychcorp.com</p>
Functional Behavior	<p>Elizabeth Gallardo, M.A., Ed, M.A., CCC-SLP, BCBA, QBA P.O. Box 980 • La Habra, CA 90633 (562) 565-5107 Email: egallardoslpcbca@gmail.com</p>
Occupational/Physical Therapy	<p>Casa Colina Children’s Services Center Michele Alaniz, Clinical Director 255 East Bonita Ave. • Pomona, CA 91769 P.O. Box 6001 • Pomona, CA 91769 (909) 596-7733, ext. 4200 • (909) 596-3548 FAX Email: malaniz@casacolina.org Website: www.casacolina.org</p>
Occupational/Physical Therapy	<p>Desert/Mountain Children’s Center (DMCC) 17800 Highway 18 • Apple Valley, CA 92307 (760) 552-65700 • (760) 242-5363 FAX Website: http://cahelp.org/</p>
Occupational/Physical Therapy	<p>Horizon Therapy Services Kathleen Pinto, OT 8265 White Oak Ave. • Rancho Cucamonga, CA 91730 (909) 373-1641 • (909) 481-7657 or 0444 FAX Email: info@horizontherapyservices.com Website: http://www.horizontherapyservices.com/</p>

Type of Assessor	Name and Contact Information
Neuro-Psychologist	Tonya Brooks, Ed.D., LEP, BCBA/ P.E.A.K. Psychological Corporation 2105 Foothill Blvd., Ste. B #158 • La Verne, CA 91750 (424) 265-7792 Email: dr.tonyabrooks@peakpsychcorp.com
Neuro-Psychologist	Susan Ferencz, Psy.D., ABSNP, LEP 5101 E. La Palma Avenue, Ste 100D • Anaheim, CA 92807 (714) 337-9465 Email: sferenczpsyd@outlook.com
Neuro-Psychologist <i>(Bilingual/Spanish/English)</i>	Veronica I. Olvera, Psy.D./Neuro-Educational Clinic 6809 Indiana Avenue, Ste 131 • Riverside, CA 92506 (951) 266-6223 • Fax: (951) 267-2536 Email: dr.veronica@neuroedclinic.com
Psychologist	Doran A. Dula, Psy.D. 250 West First St., Ste 352 • Claremont, CA 91711 (909) 624-TEST • (909) 626-4507
Psychologist	Veronica Escoffery-Runnels, Ed.D. University of LaVerne 1950 Third St. • LaVerne, CA 91750 (909) 593-3511, ext. 4387
Psychologist	Tonya Brooks, Ed.D., LEP, BCBA/ P.E.A.K. Psychological Corporation 2105 Foothill Blvd., Ste. B #158 • La Verne, CA 91750 (424) 265-7792 Email: dr.tonyabrooks@peakpsychcorp.com
Psychologist	Susan Ferencz, Psy.D., ABSNP, LEP 5101 E. La Palma Avenue, Ste 100D • Anaheim, CA 92807 (714) 337-9465 Email: sferenczpsyd@outlook.com
Psychologist	Madison M. Kendrick, LMFT Licensed Educational Psychologist, #3031 P.O. Box 2888 • Wrightwood, CA 92397 (760) 912-5780 Email: mmkendrick@msn.com
Psychologist	Richard J. Kleindienst, Ph.D. 2823 Nevada Way • Riverside, CA 92506 (951) 660-8394
Psychologist	Wendy Ness Victorville, CA 92392 (760) 900-6845 Email: wendyness@outlook.com
Psychologist <i>(Bilingual/Spanish/English)</i>	Veronica I. Olvera, Psy.D./Neuro-Educational Clinic 6809 Indiana Avenue, Ste 131 • Riverside, CA 92506 (951) 266-6223 • Fax: (951) 267-2536 Email: dr.veronica@neuroedclinic.com

Type of Assessor	Name and Contact Information
Psychologist	Federico Parres, Ph.D. Etiwanda, CA (909) 241-8582
Psychologist	Rebecca L. Parres Etiwanda, CA (909) 938-2477
Psychologist	Dr. Jerry L. Turner, LEP (#2966) 1584 Green Creek Trail • Beaumont, CA 92223 (951) 453-8721 • Fax: (760) 841-5503 Email: DrJerryTurner@gmail.com
Psychologist	Dr. Dudley Wiest 1110 East Chapman, Ste 202 • Orange, CA 92866 (714) 744-9754 • (714) 744-1830 FAX Website: www.dudleywiestphd.com
Psychologist	Desert/Mountain Children’s Center (DMCC) 17800 Highway 18 • Apple Valley, CA 92307 (760) 552-6700 • (760) 242-5363 FAX Website: http://cahelp.org/
Speech and Language	Ardor Health Solutions, Inc. 5830 Coral Ridge Dr., Ste 300 • Coral Springs, FL 33076 (866) 425-5768 • (888) 308-1147 Website: http://www.ardorhealth.com/
Speech and Language	Augmentative Communication Therapies Cindy Cottier 3850 Startouch Dr. • Pasadena, CA 91106 (626) 351-5402 Email: cacottier@cacottier.com <i>(NOTE: Evaluation does not include general special and language or articulation)</i>
Speech and Language	Casa Colina Children’s Services Center Michele Alaniz, Clinical Director 255 East Bonita Ave. • Pomona, CA 91769 P.O. Box 6001 • Pomona, CA 91769 (909) 596-7733, ext. 4200 • (909) 596-3548 FAX Email: malaniz@casacolina.org Website: www.casacolina.org
Speech and Language <i>(Bilingual/Spanish/ English)</i>	Elizabeth Gallardo, M.A., Ed, M.A., CCC-SLP, BCBA, QBA P.O. Box 980 • La Habra, CA 90633 (562) 565-5107 Email: egallardoslpcbca@gmail.com
Speech and Language <i>(Bilingual/Spanish/ English)</i>	Neuro-Educational Clinic 6809 Indiana Avenue, Ste 131 • Riverside, CA 92506 (951) 266-6223 • Fax: (951) 267-2536 Website: www.neuroedclinic.com

Type of Assessor	Name and Contact Information
Speech and Language	Denise Parks, MA, CCC-SLP Corona, CA 92883 (951) 347-0155 Email: couponqueenslp@gmail.com
Speech and Language	Sound Therapies Rachel Zijlstra 3551 Redwood St. • San Diego, CA 92104 (619) 641-7744 • (866) 547-8918 FAX Website: http://soundtherapiesinc.com/
Speech and Language	Specialized Therapy Services Steven Oas Satellite Clinic: 2820 Roosevelt Rd., Ste 104 • San Diego, CA 92106 Main Clinic: 4204-A Adams Ave. • San Diego, CA 92116 (619) 252-4557 • (619) 431-5049 Website: https://www.theoascenter.com/
Transition/Vocational	Anjali Atkins-BizPop Transition Solutions (562) 316-4859 Email: aatkins42@gmail.com
Transition/Vocational (Bilingual/Spanish/ English)	Neuro-Educational Clinic 6809 Indiana Avenue, Ste 131 • Riverside, CA 92506 (951) 266-6223 • Fax: (951) 267-2536 Website: www.neuroedclinic.com
Transition/Vocational	Phyllis Perthroth-Picture What's Next (858) 336-1857 Email: Phyllis.picturewhatsnext@gmail.com
Vision Assessment	Ami Patel, O.D. 2771 S. Diamond Bar Blvd. • Diamond Bar, CA 91765 (909) 598-4393
Vision Assessment	Southern California College of Optometry Eye Care Center at Fullerton Catherine Heyman, O.D. 2575 Yorba Linda Blvd. • Fullerton, CA 92831 (714) 992-7845 Email: cheyman@ketchum.edu Website: www.ketchumhealth.org

APPENDIX C: Suggested Cost Guidelines for Assessment

Type of Assessment	Proposed Estimate	Qualifications
Adaptive Behavior	\$500 - \$1,000	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist
Adapted Physical Education	\$1,000	Credential issued by the California Commission on Teacher Credentialing that authorizes service in adapted physical education
Assistive Technology	\$1,500 - \$2,000	Credentialed Special Education Teacher Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed Assistive Technology Specialist
Augmentative/Alternative Communication (AAC)	\$1,500 - \$2,000	Credentialed Special Education Teacher Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist Credentialed Assistive Technology Specialist
Central Auditory Processing (Auditory acuity and perception)	\$1,500 - \$2,000	Licensed or Credentialed Audiologist Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
Educationally Related Mental Health	\$2,500	Marriage Family Therapist (MFT) Licensed Clinical Social Worker (LCSW) Professional Clinical Counselor (PCC) PsyD – Doctorate in Clinical Psychology Ph.D. – Doctorate in Psychology Clinical Psychologist
Functional Behavior (Social/Emotional/Behavior/ Behavior Intervention)	\$2,500	Board Certified Behavior Analyst (BCBA) Credentialed School Psychologist School Counselor with Pupil Personnel Services (PPS) Credential Credentialed Special Education Teacher Licensed Clinical Psychologist Licensed Educational Psychologist (LEP) Licensed Clinical Social Worker (LCSW) Licensed Marriage and Family Therapist

Type of Assessment	Proposed Estimate	Qualifications
		(LMFT) Professional Clinical Counselor (PCC)
Functional Vision (Acuity/Developmental Vision/Motor Integration/ Perception)	\$1,750	Credentialed Teacher of the Visually Impaired Credentialed School Psychologist Licensed Educational Psychologist (LEP) Licensed Ophthalmologist Optometrist
Health	\$500	Licensed Physician Credentialed School Nurse - trained and prepared to access cultural and ethnic factors appropriate to the student
Independent Multi-Disciplinary Evaluation	\$4,500	See individual evaluator qualifications
Neuro-Psychological Evaluation	\$4,500 - \$5,500	See individual evaluator qualifications
Occupational Therapy (Fine or Gross Motor)	\$1,000 - \$1,500	Licensed Occupational Therapist
Orientation and Mobility for the Blind	\$1,000	Credential that authorizes services in orientation and mobility instruction in the State of California
Physical Therapy	\$1,500	Licensed Physical Therapist
Psycho-Educational (may include academic, adaptive functioning, cognition, psychological processing (auditory, visual, phonological processing), social/emotional functioning)	\$4,500	Credentialed School Psychologist Licensed Clinical Psychologist Licensed Educational Psychologist (LEP)
Speech and Language	\$1,750	Credentialed Speech and Language Pathologist Licensed Speech and Language Pathologist
Transition/Vocational	\$1,500 - \$2,000	Credentialed Teacher with a career development authorization Special Education Teacher Credentialed School Counselor with a Pupil Personnel Services (PPS) Credential

APPENDIX D: Test Protocols (OSEP Policy Letter)

August 7, 2007

Honorable Bill Shuster
U.S. Representative
Ninth District of Pennsylvania
647 Philadelphia Street, Suite 304
Indiana, PA 15701

Dear Congressman Shuster:

Thank you for your letter of June 9, 2007 to Dr. Alexa Posny, then Director of the Office of Special Education Programs with the U.S. Department of Education, on behalf of your constituent. In the letter to Dr. Posny, you indicated that your office received a June 4, 2007 letter from X in which he expressed dissatisfaction with the issues and records being released for his son in accordance with the Educational Rights and Privacy Act (FERPA). You used your letter as an opportunity to follow up with Dr. Posny about the status of this case, and requested information be offered in a letter that would be helpful to you in responding to your constituent.

As stated in an April 12, 2007 letter to you from Dr. Posny, in an effort to resolve this matter, Hugh Reid, then the Office of Special Education Programs (OSEP) contact to Pennsylvania, contacted X on April 10, 2007 seeking, and receiving, permission to speak with the Pennsylvania Department Education (PDE), Bureau of Special Education (BSE). Mr. Reid contacted BSE and spoke with Mr. Thomas Reich, Acting Chief, Division of Compliance, Monitoring and Planning for Western Pennsylvania. Mr. Reich indicated that he would contact X directly, specifically to: (1) assist X with the resolution of his issues with PDE; (2) if necessary, assist X with filing a complaint under the Individuals with Education Act (IDEA), as specified in *34 CFR §§300.151 through 300.153*; and (3) provide oversight of the process on behalf of Mr. John Tommasini, Director of Special Education, PDE.

Since X continues to express dissatisfaction with PDE and the U.S. Department of Education's efforts to resolve his concerns, it might be helpful in this correspondence to explain how the IDEA regulations define "education records" and access to those records. *34 CFR §300.611(b)* defines education records the type of records covered by FERPA as implemented by regulations in *34 CFR part 99*. Under §99.3 (of the FERPA regulations), the term "education records" is broadly defined to mean those records that directly relate to a student that are maintained by an educational agency or institution or by a party acting for the agency or institution. (FERPA applies to all educational agencies and institutions to which funds have been made available under any program administered by the Secretary of Education. *34 CFR §99.1*.)

Parents of children with disabilities have access rights to education records under *34 CFR §300.613*. This provision requires that, "Each participating agency must permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under this part." The provision does not necessarily require the public agency to provide copies of the records unless the "failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records." *34 CFR §300.613(b)(2)*.

Since X's request for his son's education records includes a request for test protocols, we are providing to you our long-standing policy regarding test protocols as education records and our policy regarding providing copies of copyrighted materials (such as test protocols) to parents. This policy is contained in the Analysis of Comments and Changes section of the 1999 IDEA regulations. Our policy remains the same. The discussion from the 1999 regulations regarding these issues states:

Records that are not directly related to a student and maintained by an agency or institution are not "education records" under FERPA and parents do not have a right to inspect and review such records. For example, a test protocol or question booklet which is separate from the sheet on which a student records answers and which is not personally identifiable to the student would not be part of his or her "education records." However, Part B and FERPA provide that an educational agency or institution shall respond to reasonable requests for explanations and interpretations of education records. (*34 CFR §300.562(b)(1)*; *34 CFR §99.10(c)*). Accordingly, if a school were to maintain a copy of a student's test answer sheet (an "education record"), the parent would have a right under Part B and FERPA to request an explanation and interpretation of the record. The explanation and interpretation by the school could entail showing the parent the test question booklet, reading the questions to the parent, or providing an interpretation for the responses in some other adequate manner that would inform the parent.

With respect to the issue of liability for disclosing information to parents when other laws or contractual obligations would prohibit it, public agencies are required to comply with the provisions of IDEA and FERPA and must ensure that State law and other contractual obligations do not interfere with compliance with IDEA and FERPA. Federal copyright law protects against the distribution of copies of a copyrighted document, such as a test protocol. Since IDEA and FERPA generally do not require the distribution of copies of an education record, but rather parental access to inspect and review, Federal copyright law generally should not be implicated under these regulations.

There is nothing in the legislative history of section 615(b)(1) of the Act to suggest that it expanded the scope of information available to parent examination beyond those records that they would have access to under FERPA.

644 Fed. Reg. 12605, 12641 (March 12, 1999)

Page 3 — Honorable Bill Shuster

If, after reviewing this information, X continues to believe that PDE has denied his right to access his son's education records, he may file a State complaint under *34 CFR §300.153*.

Based on section 607(e) of the IDEA, we are informing you that our response is provided as informal guidance and is not legally binding, but represents an interpretation by the U. S. Department of Education of the IDEA in the context of the specific facts presented.

If you have further questions, please do not hesitate to contact me.

Sincerely,

/s/

Patricia J. Guard
Acting Director
Office of Special Education Programs

APPENDIX E: SELPA Form D/M 83 – Reimbursement Request

DESERT/MOUNTAIN SPECIAL EDUCATION LOCAL PLAN AREA
 DESERT/MOUNTAIN CHARTER SPECIAL EDUCATION LOCAL PLAN AREA
 17800 HIGHWAY 18 • APPLE VALLEY, CA 92307
 (760) 552-6700 • (760) 242-5363 FAX



Assistive Technology Assessment and Independent Educational Evaluation Reimbursement Request Form

LEA USE ONLY

DIRECTIONS: COMPLETE THE ATA AND IEE REIMBURSEMENT REQUEST FORM AND SUBMIT THE FORM TO THE DESERT/MOUNTAIN SELPA FOR APPROVAL.

LEA: _____ Fiscal or School Year: _____
 Prepared By: _____ Title/Position: _____ Contact Phone: _____

I HEREBY CERTIFY THAT THE EXPENDITURES REPORTED BELOW HAVE BEEN MADE AND THE FUNDS HAVE BEEN EXPENDED IN ACCORDANCE WITH FEDERAL AND STATE LAWS AND REGULATIONS. I FURTHER ACKNOWLEDGE THAT THE LEA MUST SUBMIT ALL RECORDS OF RECEIPTS AND EXPENDITURES FOR SELPA REVIEW/AUDIT.

Authorized Representative Name: _____ Title/Position: _____
 Authorized Representative Signature: _____ Date: _____

ASSESSMENT DATE	STUDENT NAME	ASSESSING AGENCY	TYPE OF ASSESSMENT	TOTAL COST FOR ASSESSMENT	AMOUNT TO BE REIMBURSED

LEA ACCOUNT NUMBER TO RECEIVE PAYMENT OR TRANSFER TO: _____

SELPA USE ONLY

SELPA Approval: _____ Date: _____
 SELPA Administrator

AMOUNT REQUESTED	AMOUNT APPROVED
\$ _____	\$ _____

Purchase Order #: _____

APPENDIX F: Sample IEE Letters to Parents

G-1: Letter to Parent re: IEE BEING CONSIDERED and PROVIDING RIGHTS and IEE POLICY. (Place on letterhead and customize as appropriate.)

DATE

PARENT NAME

ADDRESS

CITY, STATE, ZIP CODE

Re: Request for Independent Educational Evaluation

Dear PARENT NAME:

Our office has reviewed your INSERT DATE request for an Independent Educational Evaluation (IEE) for your student, INSERT STUDENT NAME. The Charter LEA is providing you with a copy of the SELPA and Charter LEA IEE policy and procedural safeguards. After we review the request and current assessment, the Charter LEA will respond to your request in writing.

The Charter LEA looks forward to working with you collaboratively to address any concerns you may have regarding your student's educational program.

Sincerely,

INSERT ADMINISTRATOR NAME

INSERT ADMINISTRATOR TITLE

Enclosures: SELPA/Charter LEA IEE Policy
Procedural Safeguards

G-2: Letter to Parent re: AGREE TO IEE and OFFER AN ASSESSOR and ENCLOSE RIGHTS WITH IEE POLICY. (Place on letterhead and customize as appropriate.)

DATE

PARENT NAME

ADDRESS

CITY, STATE, ZIP CODE

Re: Request for Independent Educational Evaluation

Dear PARENT NAME:

Our office has reviewed your INSERT DATE request for an Independent Educational Evaluation (IEE) for your student, INSERT STUDENT NAME. The Charter LEA agrees to conduct a Psycho-Educational IEE with an assessor qualified under the attached IEE policy and procedures.

The Charter LEA proposes to conduct the Psycho-Educational IEE with: INSERT THE NAME AND CONTACT INFORMATION FOR THE ASSESSOR(S) YOU ARE OFFERING.

If you would like to propose another assessor, the Charter LEA will gladly evaluate that person's qualifications to conduct the assessment. Please review the enclosed IEE policy and procedures for qualifications required for an individual to conduct a Psycho-Educational evaluation.

A copy of your procedural safeguards is enclosed for your reference.

The Charter LEA looks forward to conducting the Psycho-Educational IEE as soon as we hear from you regarding the selection of an evaluator.

Sincerely,

INSERT ADMINISTRATOR NAME

INSERT ADMINISTRATOR TITLE

Enclosures: SELPA/Charter LEA IEE Policy
Procedural Safeguards

G-3: Follow-up Letter to Parent re: AGREE TO IEE and OFFER AN ASSESSOR and ENCLOSE RIGHTS WITH IEE POLICY. (Place on letterhead and customize as appropriate.)

DATE

PARENT NAME

ADDRESS

CITY, STATE, ZIP CODE

Re: Request for Independent Educational Evaluation

Dear PARENT NAME:

The purpose of this letter is to follow-up regarding the Independent Educational Evaluation (IEE) you requested for your student, INSERT STUDENT NAME.

In a letter dated INSERT DATE, the Charter LEA agreed to conduct the IEE for your student and offered to utilize the services of INSERT ASSESSOR(S) NAME(S) AND TITLE(S) to complete this evaluation. In that correspondence, we also offered to consider the qualifications of any evaluators you may wish to propose.

To date, we have not received a response regarding the proposed assessors nor have we received a response regarding other assessors you may wish the Charter LEA to consider. The Charter LEA remains committed to conducting the IEE but cannot proceed without an agreement on the assessor.

The Charter LEA continues to offer INSERT ASSESSOR(S) NAME(S) AND TITLE(S) to complete this IEE. If you wish to propose another evaluator for our consideration, please forward his/her contact information to our office and we will determine if they meet the SELPA criteria.

We look forward to hearing from you on this important issue regarding the assessment of your child. If you have any questions, please feel free to contact me at INSERT PHONE NUMBER.

Sincerely,

INSERT ADMINISTRATOR NAME

INSERT ADMINISTRATOR TITLE

Enclosures: SELPA/Charter LEA IEE Policy
Procedural Safeguards

G-4a: COVER LETTER TO PARENT-REQUESTED INDEPENDENT EVALUATOR. (Place on letterhead and customize as appropriate.)

DATE

ASSESSOR NAME

ADDRESS

CITY, STATE, ZIP CODE

Re: Request for Information

Dear INSERT ASSESSOR'S NAME:

A parent of a student in the INSERT CHARTER LEA NAME has requested that you perform an Independent Educational Evaluation. Prior to completing an agreement for you to perform this service, we need you to provide the information indicated on the attached form.

Please reply at your earliest convenience as we wish to obtain the evaluation information on behalf of the student as soon as possible.

If you have any questions, please feel free to contact me at INSERT PHONE NUMBER.

Sincerely,

INSERT ADMINISTRATOR NAME

INSERT ADMINISTRATOR TITLE

Enclosures: Qualification Review for Independent Evaluator

G-4b: QUALIFICATION REVIEW OF INDEPENDENT EVALUATORS.

Qualification Review of Independent Evaluators

Name:

Address:

Phone:

Your services have been requested by a parent to complete an Independent Educational Evaluation. Please respond to the following to allow INSERT CHARTER LEA NAME to determine if you are eligible to conduct this evaluation in accordance with our Charter SELPA policy.

1. Please attach a brief description of your qualifications.
2. Please attach a copy of your credential or certification (including NPS/A certification, if applicable).
3. What is your billing rate?
4. How many hours does an evaluation usually take?
5. What information do you usually need prior to completing an evaluation?
6. What is the approximate length of time needed to calendar an appointment?
7. Will you be available to observe the student in the classroom and interview parents/staff?
8. Will you be available to attend the IEP meeting after the evaluation is completed?
9. What is your rate for attending an IEP meeting?

Signing below indicates your understanding of our Payment Policy. Once you have completed the evaluation/assessment you will need to send the written report to the Charter LEA at the address below along with an invoice indicating the amount owed. We will then begin to process a purchase order for payment within INSERT # OF DAYS FOR PAYMENT PROCESSING days. NOTE: CONFIRM CHARTER LEA POLICY; ADD ANY ADDITIONAL INFO REGARDING PAYMENT.

Signature of Independent Evaluator:

Please forward your responses and relevant documents to:

INSERT CHARTER LEA NAME
INSERT DEPARTMENT
INSERT ADDRESS
INSERT CITY/STATE/ZIP CODE
INSERT NAME OF CONTACT

G-5: Follow-up Letter to Parent re: ASSESSOR NOT QUALIFIED. (Place on letterhead and customize as appropriate.)

DATE

PARENT NAME

ADDRESS

CITY, STATE, ZIP CODE

Re: Requested Assessor Not Qualified

Dear PARENT NAME:

Our office has reviewed the qualifications of INSERT NAME OF REQUESTED ASSESSOR, who you requested the Charter LEA utilize for an Independent Educational Evaluation (IEE) for your student, INSERT STUDENT NAME.

After reviewing the qualifications of the assessor, the Charter LEA finds that the assessor does not meet the qualifications as stated under the Local Plan Policy. Specifically, the assessor FILL IN THE SPECIFIC CRITERIA THE PARENT REQUESTED THIS ASSESSOR AND WHY ASSESSOR DOES NOT MEET SELPA QUALIFICATION (I.E. COST CRITERIA, LICENSURE/CREDENTIAL CRITERIA, ETC).

The Charter LEA would like to consider your request further. To that end, we ask you to explain the circumstances unique to INSERT STUDENT NAME that might justify agreeing to an assessor who is not qualified under our criteria to provide an IEE, including complex medical, educational, and/or psychological needs such that there are no other qualified evaluators.

If you would like to meet with our staff to help us understand such circumstances unique to INSERT STUDENT NAME, we are available INSERT DATE/TIME/LOCATION FOR INTERACTIVE MEETING. In the alternative, you may provide the description of the circumstances unique to INSERT STUDENT NAME in writing for our review.

The Charter LEA looks forward to working with you collaboratively to address your request.

Sincerely,

INSERT ADMINISTRATOR NAME

INSERT ADMINISTRATOR TITLE

G-6: Follow-up Letter to Parent re: PARENT-REQUESTED ASSESSOR NOT QUALIFIED: AGREEING REGARDLESS (Place on letterhead and customize as appropriate.)

DATE

PARENT NAME

ADDRESS

CITY, STATE, ZIP CODE

Re: Requested Assessor Qualifications

Dear PARENT NAME:

Our office has reviewed the qualifications of INSERT NAME OF REQUESTED ASSESSOR, who you requested the Charter LEA utilize for an Independent Educational Evaluation (IEE) for your student, INSERT STUDENT NAME.

After reviewing the qualifications of the assessor, the Charter LEA finds that the assessor does not meet the qualifications as stated under the Local Plan Policy. Specifically, the assessor FILL IN THE SPECIFIC CRITERIA THE PARENT REQUESTED THIS ASSESSOR AND WHY ASSESSOR DOES NOT MEET SELPA QUALIFICATION (I.E. COST CRITERIA, LICENSURE/CREDENTIAL CRITERIA, ETC.).

The Charter LEA has requested that you work with us to understand the complex medical, educational, and/or psychological needs such that there are no other qualified evaluators. Upon review, we find that there is not a compelling rationale for utilizing a non-qualified assessor.

However, to avoid dispute and in the interest of compromise regarding the selection of an assessor, the Charter LEA is agreeing to utilize the services of INSERT NAME OF REQUESTED ASSESSOR.

The Charter LEA looks forward to working with you and the selected assessor collaboratively to complete this evaluation and review it as your student's Individual Education Program meeting.

Sincerely,

INSERT ADMINISTRATOR NAME

INSERT ADMINISTRATOR TITLE

G-7: Letter to Parent re: REQUEST FOR DUE PROCESS HEARING (Place on letterhead and customize as appropriate.)

DATE

PARENT NAME

ADDRESS

CITY, STATE, ZIP CODE

Re: Request FOR Due Process Hearing and Prior Written Notice

Dear PARENT NAME:

The INSERT CHARTER LEA NAME has reviewed your request for an Independent Educational Evaluation (IEE) of your student, INSERT STUDENT NAME, which was received on INSERT DATE. The Charter LEA finds that the evaluation of INSERT STUDENT NAME meets all the requirements of the Education Code and was appropriate. For this reason, the Charter LEA is filing a request for a hearing to establish that the evaluation conducted by INSERT CHARTER LEA NAME was appropriate and it need not fund the requested IEE(s).

The Charter LEA is providing you with this prior written notice describing the reasons for declining to provide your student with the requested IEE. The Charter LEA declines your request for an IEE in the following area(s): INSERT REQUESTED IEE ASSESSMENT(S). The Charter LEA is refusing this action because it believes the assessment conducted by the Charter LEA complied with all the relevant education codes and was appropriate. The Charter LEA reviewed the following in making this determination:

1. INSERT ASSESSMENT REPORT TYPE AND DATE
2. Test Protocol INSERT SUFFICIENT SPECIFICS TO IDENTIFY EACH PROTOCOL
3. Assessment Plan, INSERT DATE OF PLAN
4. INSERT OTHER RELEVANT DOCS REVIEWED, AS APPROPRIATE

The Charter LEA considered funding the IEE requested but rejected this option as it finds the evaluations conducted by the Charter LEA are appropriate. The Charter LEA found no other factors relevant to the decision to decline the requested IEE.

You have protection under the procedural safeguards of Part B of the IDEA. A copy of these procedural safeguards is attached for your reference. If you need assistance in understanding the provisions of IDEA, please contact your Special Education Local Plan Area at INSERT SELPA CONTACT NUMBER or the Procedural Safeguards Referral Service of the California Department of Education at 1-800-926-0648.

If you would like further information about your rights or to discuss in more detail the nature of your disagreement with the assessment or any other aspects of this matter, please feel free to contact our office at INSERT CHARTER LEA PHONE NUMBER to schedule an appointment.

Sincerely,

INSERT ADMINISTRATOR NAME
INSERT ADMINISTRATOR TITLE

Enclosures: Procedural Safeguards

Request for Mediation and Hearing