

## **II. STUDENT OTHER**

**SPECIALIZED EQUIPMENT AND SERVICES  
LOCAL POLICY**

It shall be the policy of the San Luis Obispo County Special Education Local Plan Area (SELPA) to use low incidence funds for the purchase of specialized equipment and services for students having a low incidence disability as determined by the Individualized Education Program (IEP) team.

*Legal Reference:*

*EC 56026.5*

*EC 56206*

Approved by Governing Council on June 18, 2004

Reviewed and Approved by Governing Council April 12, 2013

**PROCESS FOR THE UTILIZATION OF LOW INCIDENCE FUNDS  
LOCAL POLICY**

Low incidence equipment funds and low incidence service funds are restricted in use for students in the following primary disability categories: hard of hearing, deaf, visual disability, orthopedically impaired and deaf-blind. The funds shall be administered through the San Luis Obispo County SELPA office. This includes receipt of funds, distribution of funds, maintaining an inventory, developing procedures for exchange of equipment, and reporting to the state. The Governing Council shall adopt policy to guide the administration of these funds.

Approved by Governing Council on October 10, 2008

Reviewed and Approved by Governing Council April 12, 2013

**LOW INCIDENCE SERVICES FUNDS  
LOCAL POLICY**

The portion of low incidence service dollars that has not been designated to the COE will go to the SELPA administrative budget to cover costs of administering the low incidence materials and equipment.

Approved by Governing Council on June 17, 2005

Reviewed and Approved by Governing Council April 12, 2013

**SPECIALIZED EQUIPMENT, MATERIALS, AND SERVICES  
LOCAL ADMINISTRATIVE REGULATION**

**Specialized Equipment and Materials**

The SELPA shall establish a set of procedures related to the eligibility for, requesting and order of, inventory of, and maintenance of equipment purchased with low incidence money. This information shall be part of the SELPA Procedures Manual.

Determination of expenditures begins at the Individualized Education Program (IEP) level where the IEP team agrees there is a need for special equipment, materials and/or services to maximize the learning of a particular student. The district Special Education director reviews this identified need. The requesting LEA will research the cost and location of the requested item. Upon receipt of the completed packet, the SELPA director or designee will review all requests. If requests meet requirements, the requesting LEA will be notified to order the equipment or materials. Approved low incidence equipment or materials will be provided as an information item at SEOC. Efforts will be made to maximize opportunities to serve pupils in the least restrictive environment by using appropriate equipment and materials. The SELPA office keeps an inventory of all items purchased and students to whom assigned. Specialized equipment may be transferred to another educational agency if the pupil no longer needs the equipment or transfers out of the SELPA. No specialized equipment shall be transferred out of the SELPA without the approval of the SELPA Director.

**Home Use of Low Incidence Equipment**

The San Luis Obispo County Special Education Local Plan Area (SELPA) shall allow for home use of low incidence equipment on the following basis:

- The student must qualify as a student with a low incidence disability
- The IEP team has determined that the student requires the use of the equipment at home in order for the student to benefit from his/her educational program and
- This is documented in the IEP
- District of Residence will be responsible for the lost, stolen or damaged equipment if parents fail to make restitution
- If restitution for lost, stolen or damaged equipment is not fully recoverable, the District of Residence may request new equipment as described in Section B of the SELPA Procedures Manual
- District of Residence will be responsible for tracking the location of the equipment
- Equipment will be returned to the District of Residence when not in session for the school year and extended school year

**SPECIALIZED EQUIPMENT, MATERIALS, AND SERVICES**

**LAR**

Parents/Guardians will agree in writing to:

- Secure the equipment and supervise proper use
- Provide necessary and safe transportation of the equipment between home and school
- Acknowledge that the equipment was purchased for district use with state funds
- Assume responsibility to seek restitution from private insurance for the lost, stolen or damaged equipment and provide written proof of efforts
- Receive training in the use of the equipment prior to the release of the equipment for home use
- Return the equipment to the district should they move out of San Luis Obispo County SELPA
- Acknowledge that the equipment may be called back at any time if it is determined by the IEP team that it is no longer needed or that it is not being used properly

Revised and approved by Governing Council on February 13, 2009, April 12, 2013, October 9, 2015

**EAR MOLDS  
LOCAL ADMINISTRATIVE REGULATION**

The San Luis Obispo shall use low incidence funds to pay for ear molds that are associated with any equipment purchased with low incidence funds.

Approved by Governing Council on October 14, 2005

Reviewed and Approved by Governing Council April 12, 2013

**BEHAVIORAL INTERVENTION PLANS  
LOCAL POLICY**

The San Luis Obispo County Special Education Local Plan Area (SELPA) is committed to providing the training and procedural guidelines needed to member LEAs to address student behavior to reduce or eliminate adverse behavior which impedes a student's learning or the learning of others.

The SELPA recognizes educational teams require access to a variety of behavioral supports and strategies to meet student need. Positive Behavioral Interventions and Supports (PBIS) is endorsed as a framework to provide universal access to supportive school climates as well as address behavioral needs.

The SELPA has developed behavioral procedures for systematic use of behavioral supports and strategies. SELPA also provides guidance for appropriate use of emergency interventions which may be utilized as a last resort. Interventions which cause pain or trauma are prohibited. It is also the policy of the SELPA that the implementation of Behavioral Intervention Plans will respect the student's human dignity and personal privacy.

*Legal Reference:*

EC 56520 - 56525 5 CCR 3052(j)

20 U.S.C. § 1401 (c)(5) (F)

Approved by Governing Council on June 18, 2004

Revised and Approved by Governing Council on February 5, 2010, April 12, 2013, May 11, 2018



**POSITIVE BEHAVIORAL PLANS  
LOCAL ADMINISTRATIVE REGULATION**

If a student is eligible for special education, and behavior has been identified as an area of need, the student’s Individual Education Plan (IEP) must consider the use of positive behavioral interventions and supports. To address the need, the team shall consider the continuum of intervention from accommodations to behavioral goals to assessment and/or development of a Behavior Intervention Plan (BIP.)

If the team determines that a BIP is needed, the SELPA recommends the team gather behavior data, formal or informal, to guide the plan development.

In some situations, the IEP team must complete a Functional Behavior Assessment to respond to behavior concerns. These include:

- School team has a signed assessment plan for a “Functional Behavioral Assessment/FBA”
- At parents’ request; unless the LEA believes the assessment is not warranted and elects to deny the request and provide parent with Prior Written Notice
- Following a Manifestation Determination meeting in which the misconduct is a manifestation of the student’s disability AND the student will be considered for a change of placement AND an FBA had not been completed prior to this misconduct.
- Behavior concerns are prompting team to consider a more restrictive educational placement.
- IEP team has data indicating the adverse behavior persists despite intervention & an FBA has not yet been completed.

Parental consent is required for an FBA to be conducted.

**Positive Behavioral Intervention Plans**

The SELPA provides member LEAs with Procedural Guidelines to develop Behavior Intervention Plans in alignment with best practices for positive behavior change.

**Emergency Interventions**

The SELPA has adopted the methods and training as outlined by the Crisis Prevention Institute for handling behavioral emergencies. The SELPA is committed to providing ongoing opportunities for training in these methods as well as refresher courses.

**POSITIVE BEHAVIORAL PLANS (cont'd)**

**LAR**

**Qualifications of Personnel Implementing Emergency Behavioral Intervention Techniques**

- a. Any certificated or classified staff employed by a LEA of the SELPA who has received training and maintains their certification in the Non-violent Crisis Intervention may participate in the implementation of an emergency intervention.
- b. The SELPA will provide member LEAs with guidelines to report emergency interventions.

**Prohibited Emergency Intervention**

Emergency intervention shall not include:

- a. locked seclusion;
- b. use of an amount of force that exceeds that which is necessary under the circumstances to ensure the student's or staff safety;
- c. use of any device, material or technique which simultaneously immobilize all four extremities, e.g., ties, mats, rugs, use of handcuffs, prone containment.

CALIFORNIA CODE OF REGULATIONS, TITLE 5

*3001 Definitions*

*3052 Designated Positive Behavioral Interventions*

*Education Code 56523*

Approved by Governing Council on June 18, 2004

Reviewed and Approved by Governing Council November 17, 2006, February 5, 2010,

Revised August 2012

Revised and Approved by Governing Council on April 12, 2013, May 11, 2018

**SUSPENSION/EXPULSION  
FEDERAL ASSURANCE POLICY**

The LEA assures that data on suspension and expulsion rates will be provided in a manner prescribed by the CDE. When indicated by data analysis, the LEA further assures that policies, procedures and practices related to the development and implementation of the IEPs will be revised.

*Legal Reference:*

*20 USC 1412 (a)(22)*

Approved by Governing Council on October 12, 2007

Reviewed and Approved by Governing Council on April 12, 2013, May 11, 2018

**SUSPENSION/EXPULSION  
LOCAL ADMINISTRATIVE REGULATION**

For procedures relating to suspension and expulsion see the San Luis Obispo County Special Education Local Plan Area (SELPA) Procedures Manual.

Approved by Governing Council on June 26, 2003

Reviewed and Approved by Governing Council on April 12, 2013, May 11, 2018

**INDEPENDENT EDUCATIONAL EVALUATIONS  
LOCAL POLICY**

Legal Authority:

Individuals with Disabilities Education Act: Section 300.502 Independent Educational Evaluation. (20 U.S.C. 1415 (b)(1) 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. If necessary the district should request clarification from the parent regarding which evaluation(s) are in dispute. 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.

Approved by Governing Council on June 18, 2004

Reviewed and Approved by Governing Council on April 12, 2013, May 11, 2018

**INDEPENDENT EDUCATIONAL EVALUATIONS  
LOCAL ADMINISTRATIVE REGULATION**

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. The district must document all contacts with parents to confirm no undue delays.

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 orders an IEE as part of a hearing, the cost of the evaluation will be at the District’s expense. (See “Option 3”)

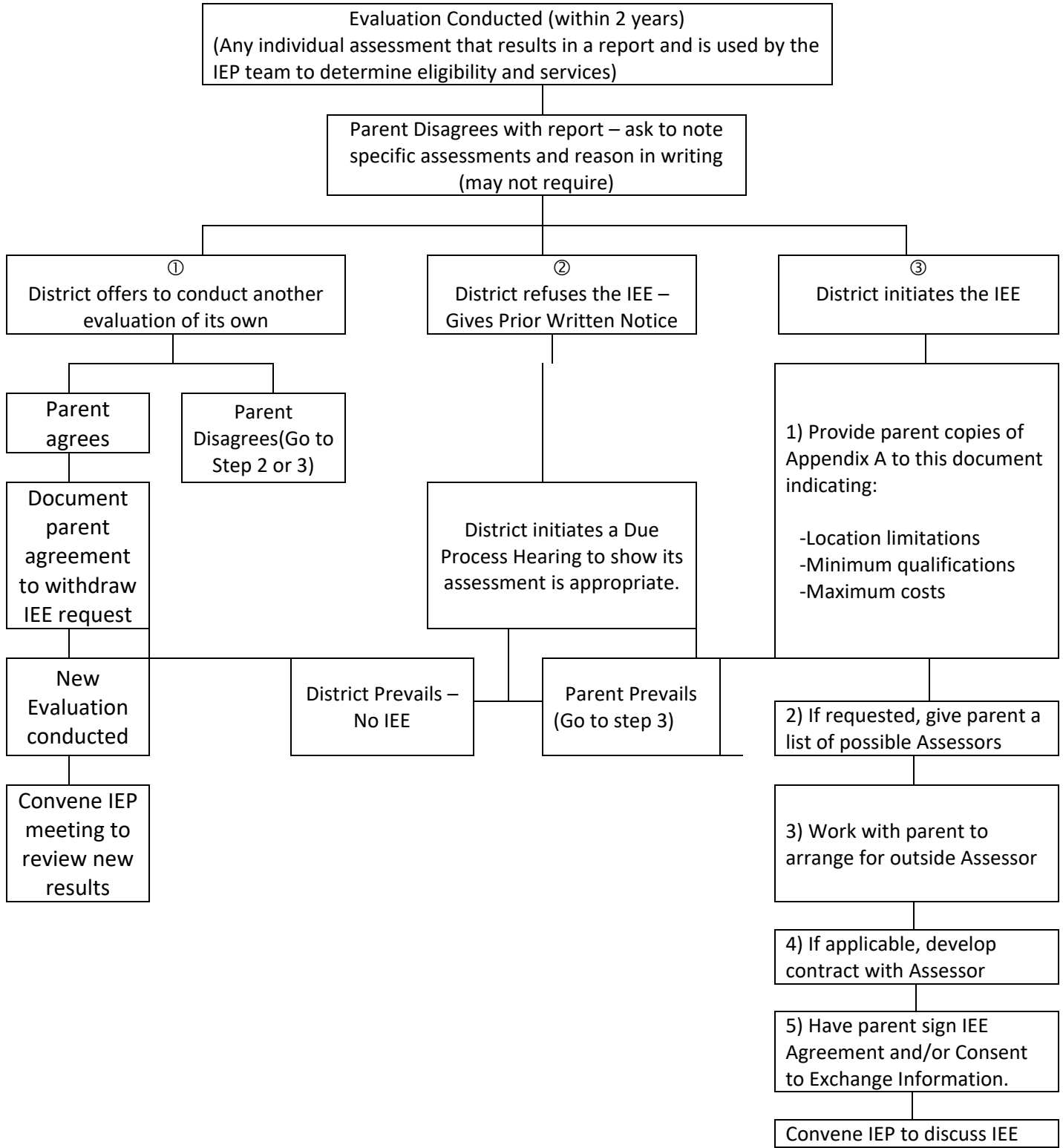
See flowchart Appendix A.

<p><b>Option 1</b></p>	<p>Another assessor within your district or from another SELPA. Ideas may include someone who:</p> <ul style="list-style-type: none"> <li>● Has equal (or better) credentialing/licensure</li> <li>● Has equal (or more) experience assessing students with this disability/area of concern</li> <li>● Is at another school in the district (to remove the emotional factor which may be at the current site)</li> <li>● Has special training which makes them qualified to conduct this assessment.</li> </ul> <p>If district and parent agree to this option, the parents must put in writing that they agree to revoke their request for an IEE. However, parents retain the right to dispute the prior assessment and seek an IEE at a later time.</p>
<p><b>Option 2</b></p>	<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"> <li>● 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 student being assessed? Was the test administered according to the directions in the testing manual?</li> <li>● Are the assessment results <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</li> </ul>

	<p>student (i.e., teacher, paraeducators, other specialists), feel that the results are typical of/commensurate with the student’s skills?</p> <ul style="list-style-type: none"><li>● Was the assessor <i>qualified</i>? Did the assessor have the appropriate credentials/licensure, training and experience to administer the assessment?</li><li>● Did the assessment address the concerns articulated by the parents in their disagreement?</li></ul> <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>
<b>Option 3</b>	<p>Arranging for an IEE at Public Expense</p> <ol style="list-style-type: none"><li>1) Administrator provides parent with a copy of the IEE informational packet (Appendix “B” of these Guidelines)</li><li>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. (See SELPA website – “Special Education Services”). SELPA personnel may not be considered Independent Educational Evaluators if the SELPA provides that service to the district.</li><li>3) Parent and Administrator arrange for an outside assessor who meets the requirements for location, qualifications, and maximum cost listed in Appendix B. Costs above the maximum allowable amounts will not be approved unless the parent can demonstrate that unique circumstances justify going above the cost described.</li><li>4) Parent/district may utilize Agreement for IEE form with consent for exchange of information (Appendix C) and/or parent will be required to sign a release of information authorizing communication with the IEE provider. District may refuse to pay for an IEE if parent refuses to sign consent to exchange information.</li><li>5) Administrator may develop an Agreement for IEE (Appendix D) for the assessment to be done by the Assessor. Assessor must agree to release their assessment information and results (including protocols) directly to the district before receiving payment from the district.</li><li>6) Standard Assessment Plan should not be used. (It would imply a 60-day timeline, which is not applicable).</li><li>7) Assessment is conducted. If assessment will include observation, give copy of “Guidelines for Observations by Independent Education Assessors” (Appendix E) to the Assessor. Copy of report is forwarded to district and parent.</li><li>8) IEP Team reconvenes to discuss the new Assessment Report. IEE Assessor may attend IEP meeting to review the report and to address any questions from IEP team members.</li></ol>

# Appendix A

## INDEPENDENT EDUCATIONAL EVALUATION IEE FLOWCHART





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

From "Guidelines for Independent Educational Evaluation (IEE) Assessment,"

San Luis Obispo County SELPA

[www.sloselpa.org](http://www.sloselpa.org)

## **Independent Educational Evaluations**

**Please read this entire document before obtaining or paying for an IEE. Your right to reimbursement may be limited.**

The San Luis Obispo County Special Education Local Plan Area ("SELPA") has developed this policy and the corresponding procedures and criteria which govern independent educational evaluations ("IEEs") in accordance with federal and state special education law. (See 20 U.S.C. § 1415; 34 C.F.R. § 300.502; California Education Code §§ 56506(c) and 56329(b).) Parents<sup>1</sup> should read this entire document carefully. The policies, procedures, and criteria are intended to be read in conjunction with one another as one comprehensive document. Parents who need additional information about IEEs should contact the school district from which they are requesting an IEE ("District")<sup>2</sup>. Before obtaining an IEE, parents should contact the District to discuss their questions and options. If questions are not resolved by the District, parents may contact the SELPA for additional clarification or assistance in communicating with the District. Note that the District will not automatically reimburse parents who unilaterally obtain IEEs. Please review this document for further information about a parent's right to obtain IEEs at public expense.

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<sup>1</sup> Parent means any of the following: (1) a biological or adoptive parent of a child; (2) a foster parent if the authority of the biological or adoptive parents to make educational decisions on the child's behalf specifically has been limited by court order in accordance with Section 300.30(b)(1) or (2) of Title 34 of the Code of Federal Regulations; (3) a guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child, including a responsible adult appointed for the child in accordance with Sections 361 and 726 of the California Welfare and Institutions Code; (4) an individual acting in the place of a biological or adoptive parent, including a grandparent, stepparent, or other relative, with whom the child lives, or an individual who is legally responsible for the child's welfare; (5) a surrogate parent who has been appointed pursuant to Section 7579.5 or 7579.6 of the California Government Code, and in accordance with Section 300.519 of Title 34 of the Code of Federal Regulations and Section 1439(a)(5) of Title 20 of the United States Code. The biological or adoptive parent, when attempting to act as the parent when more than one party is qualified to act as a parent, shall be presumed to be the parent unless the biological or adoptive parent does not have legal authority to make educational decisions for the child. If a judicial decree or order identifies a specific person or persons to act as the "parent" of a child or to make educational decisions on behalf of a child, then that person or persons shall be determined to be the "parent." Parent does not include the state or any political subdivision of government. Parent does not include a nonpublic, nonsectarian school or agency under contract with a local educational agency for the provision of special education or designated instruction and services for a child.

<sup>2</sup> For purposes of this policy, District includes the San Luis Obispo County Office of Education ("SLOCOE") if SLOCOE is the local educational agency. It does not include SLOCOE if SLOCOE is only the service provider or assessor that completed an assessment on behalf of the student's district of residence.

## **I. DEFINITIONS**

Independent educational evaluation (IEE) means an evaluation conducted by a qualified evaluator who is not employed by the District.

Public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

Qualified Examiner is an evaluator who is competent to perform the evaluations through criteria established by the LEA in accordance with Education Code, Section 56322.

## **II. POLICIES AND PROCEDURES**

### IEE Requests

Parents have the right to an IEE at public expense if they disagree with an evaluation completed by the District. Parents may only request one publicly-funded IEE for each evaluation completed by the District with which they disagree. The request for an IEE must be received within **less than two years' time** from the date of the District's evaluation. If the request for an IEE is received one year or more from the date of completion of the District's evaluation, or if conditions warrant, the District may ask to complete a reevaluation in addition to responding to the parent's request for an IEE.

To initiate an IEE request, a parent must indicate in writing to the District, or communicate the request to District personnel in some other manner (e.g. during an individualized education program ("IEP") team meeting) that the parent:

1. Disagrees with a District evaluation; and
2. Requests an IEE at public expense.

The District may ask for the parent's reason(s) for disagreeing with the District's evaluation. However, the District may not require the parent to provide an explanation regarding his or her disagreement, and may not unnecessarily delay either providing the IEE at public expense or initiating a due process hearing to defend its evaluation because the parent has not provided such an explanation.

### Responding to an IEE Request

Once the parent communicates his or her disagreement with the District's evaluation and requests an IEE at public expense, either in writing or at an IEP team meeting, District staff will notify the District's administrator responsible for

special education. The District will provide the parent with a copy of this IEE guidelines and a copy of the District's notice of parental rights and procedural safeguards. The District will, without unnecessary delay, proceed with providing an IEE at public expense unless the District initiates a due process hearing on the appropriateness of its assessment.

If the District determines that it will initiate a due process hearing to establish the appropriateness of its evaluation, the District will notify the parent of such decision in writing prior to filing a due process hearing complaint. This written notice shall include all of the elements of prior written notice as required by section 300.503(b) of Title 34 of the Code of Federal Regulations.

If the District agrees to provide an IEE at public expense, the District will work collaboratively with the parent, at parent request, to identify potential IEE evaluator(s). The parent will be provided with two or more options for potential evaluators and how these evaluators may be contacted. The list is not intended to be exhaustive and is not intended to limit a parent's options in obtaining an IEE from other qualified professionals who meet the agency criteria outlined in this policy. Alternatively, parent may provide, in writing, his or her preferred evaluator(s). District and parent may utilize the Agreement for Independent Education Evaluation form and/or parent will be required to sign a release and exchange of information authorizing the District to communicate directly with the parent's chosen independent evaluator.

The completed assessment must comply with the location limitations for the evaluation, the minimum qualifications for the examiner, cost limitations, and use of approved instruments.

Independent educational evaluators will be requested to write reports focusing on the "unique needs" of the child, and, if appropriate, the types of special education programs and services recommended to address the "unique needs". Independent education evaluators will be requested to not identify specific providers of special education programs and services as to avoid any possible conflict of interest situations. Evaluators must be knowledgeable of and agree to comply with all provisions of the Federal Code of Regulations (IDEA) and California Code of Regulations governing special education, to include criteria required to make recommendations for eligibility.

The District may directly contract with the independent evaluator for the IEE. Alternatively, the District may issue payment to the independent evaluator for the costs of the IEE following its receipt of the items listed in Section IV, District Payment of IEE Costs, below.

If the District initiates a due process hearing and the hearing officer issues a final decision finding that the District's evaluation is appropriate, the parent will still

have the right to obtain an IEE, but not at the District's expense.

If a hearing officer orders an IEE as part of a due process hearing decision, the costs of the IEE must be at District's expense.

If the parent obtains an IEE at private expense or through an agency other than the District and shares the IEE with the District, the results of the IEE:

1. Must be considered by the District, if the evaluation meets the agency criteria set forth in Section III below, in any decision made with respect to the provision of a free appropriate public education ("FAPE") to the student; and
2. May be presented as evidence at a due process hearing or other proceeding regarding the student.

### **III. TIMELINE REGARDING COMPLETION OF INDEPENDENT EDUCATIONAL EVALUATIONS**

After the parent signs an agreement for completion of an IEE, the LEA will initiate a contract with the examiner. If the selected evaluator indicates that s/he cannot complete the evaluation and provide the written report within 60 days of receipt of the parent's signed consent for the IEE, the LEA will inform the parent and request agreement to either extend the assessment timeline or select another assessor.

### **IV. AGENCY CRITERIA**

The criteria under which an IEE is obtained at public expense, including the location limitations for the evaluation, minimum qualifications of the evaluator, cost limitations, and use of approved instruments must be the same as the criteria that the District uses when it initiates its own evaluation of the student.

Parents shall have the opportunity to demonstrate that unique circumstances justify a waiver of any of the criteria noted below.

Parents have the right to select the assessor; however, the District shall enforce the District and/or SELPA's IEE guidelines, including independent contractor requirements which include the provision of appropriate paperwork, carrying appropriate insurance, and complying with fingerprint regulations that must be satisfied by the assessor you choose, and the reasonable cost containment set forth in the IEE procedures and applicable federal and state law.

Please be advised that, prior to the start of the assessment, parents are required to sign a release and exchange of information between the assessor(s) and the

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District, and follow District contractor requirements to clear the assessor for work.

Location Limitations for Evaluators

Evaluators must be located within a 300 mile radius. Evaluators outside of this area will be approved only on an exceptional basis, provided the parent can demonstrate the necessity of using personnel outside the specified area. Any expenses beyond the evaluation and attendance of the evaluator at the subsequent IEP team meeting at which the IEE is considered (e.g., food, lodging, transportation, etc.) will not be covered by the District in the cost of the IEE.

Minimum Qualifications of Independent Evaluators

Independent evaluators must have the following minimum credentials. All licenses and credentials must be issued by the appropriate agency or board with the State of California:

Academic Achievement	<ul style="list-style-type: none"> <li>● Credentialed Special Education Teacher</li> <li>● School Psychologist</li> <li>● Licensed Educational Psychologist</li> </ul>
Adaptive Behavior	<ul style="list-style-type: none"> <li>● Credentialed Special Education Teacher;</li> <li>● School Psychologist</li> <li>● Licensed Educational Psychologist</li> </ul>
Adapted Physical Education	<ul style="list-style-type: none"> <li>● Credentialed Adapted PE teacher</li> </ul>
Assistive Technology	<ul style="list-style-type: none"> <li>● Credentialed or Licensed Speech/Language Pathologist;</li> <li>● Credentialed Assistive Technology Specialist; or</li> <li>● Credentialed Special Education Teacher</li> </ul>
Auditory Acuity	<ul style="list-style-type: none"> <li>● Licensed Educational Audiologist</li> <li>● Licensed or Credentialed Speech/Language Pathologist</li> </ul>
Auditory Perception/Auditory Processing	<ul style="list-style-type: none"> <li>● Licensed or Credentialed Speech/Language Pathologist;</li> <li>● School Psychologist</li> <li>● Licensed Educational Psychologist</li> </ul>
Functional Behavior Assessment	<ul style="list-style-type: none"> <li>● School Psychologist;</li> <li>● Licensed Educational Psychologist;</li> <li>● Board Certified Behavior Analyst</li> </ul>
Cognitive	<ul style="list-style-type: none"> <li>● Licensed Educational Psychologist</li> <li>● School Psychologist</li> </ul>
Health (including Neurological)	<ul style="list-style-type: none"> <li>● Licensed Physician</li> <li>● School or Registered Nurse</li> </ul>
Motor	<ul style="list-style-type: none"> <li>● Licensed Physical Therapist;</li> <li>● Licensed Occupational Therapist;</li> </ul>

	<ul style="list-style-type: none"> <li>● Credentialed Teacher of Students with Orthopedic Impairments</li> <li>● Credentialed Adapted PE Teacher</li> </ul>
Occupational Therapy	<ul style="list-style-type: none"> <li>● Licensed Occupational Therapist</li> </ul>
Physical Therapy	<ul style="list-style-type: none"> <li>● Licensed Physical Therapist</li> </ul>
Speech and Language	<ul style="list-style-type: none"> <li>● Credentialed or Licensed Speech/Language Pathologist</li> </ul>
Social/Emotional	<ul style="list-style-type: none"> <li>● School Psychologist;</li> <li>● Licensed Educational Psychologist</li> <li>● Licensed Clinical Social Worker</li> <li>● Licensed Marriage and Family Therapist</li> </ul>
Visual Acuity/Developmental Vision	<ul style="list-style-type: none"> <li>● Licensed Ophthalmologist;</li> <li>● Optometrist</li> <li>● Credentialed Teacher of the Students with Visual Impairments</li> </ul>
Functional Vision	<ul style="list-style-type: none"> <li>● Credentialed Teacher of the Students with Visual Impairments</li> </ul>
Vision Perception/Visual Processing/Visual-Motor Integration	<ul style="list-style-type: none"> <li>● Credentialed Special Education Teacher</li> <li>● School Psychologist</li> <li>● Licensed Educational Psychologist</li> </ul>
Orientation and Mobility	<ul style="list-style-type: none"> <li>● Credentialed Teacher of Students with Visual Impairments</li> </ul>
Transition to Adult Life	<ul style="list-style-type: none"> <li>● Credentialed Special Education Teacher</li> </ul>

The parent may request a list of suggested IEE assessors who meet the agency criteria; but the parent is not required to select from the list provided.

In-Class Observations

If the District observed the student in a setting other than the test setting as part of the evaluation with which the parent disagrees, or if the District’s evaluation procedures make it permissible to have in-class observations of a student, the independent evaluator shall receive an equivalent opportunity to observe the student in his or her current educational placement and setting and to observe the District’s proposed educational setting, if any. This opportunity shall also be provided regardless of whether the IEE is initiated before or after the filing of a due process hearing proceeding.

The District shall define the nature and scope of an independent evaluator’s in-class observations consistent with the evaluator’s right to an equivalent opportunity to observe, but also consistent with the District’s obligations to prevent unnecessary disruption in the class and to protect the privacy interests of other students. These obligations may include, but are not limited to:

1. Specifying the time constraints of the observation;
2. Identifying District personnel who will be present during the observation;

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and

3. Imposing restrictions on interactions with the student, teacher, and/or classroom staff.

Cost Limitations

The cost of an IEE shall be comparable to those costs that the District incurs when it uses its own employees or contractors to perform a similar evaluation. Such costs include:

1. Observations;
2. Administration and scoring of tests;
3. Report writing; and
4. Attendance in person or by phone at an IEP team meeting.

The following is a list of evaluations and their associated costs that the District has determined to be reasonable. In the event the parent requests an IEE that exceeds the cost limitations specified below, the parent must demonstrate that unique circumstances justify a waiver of such cost limitations.

	Hourly
Academic Achievement	\$150
Adaptive Behavior	\$150
Adapted Physical Education	\$150
Assistive Technology	\$150
Auditory Acuity	\$150
Auditory Perception/Auditory Processing	\$150
Functional Behavior Assessment	\$150
Cognitive	\$150
Health (including Neurological)	\$150
Motor / Occupational Therapy	\$150
Physical Therapy	\$150
Speech and Language	\$150
Social/Emotional	\$150
Visual Acuity/Developmental Vision	\$150
Functional Vision	\$150
Vision Perception/Visual Processing/Visual-Motor Integration	\$150
Orientation and Mobility	\$150
Transition to Adult Life	\$150

Based on the cost limitations contained in this chart, the cost for a psycho-educational IEE is \$150 hourly. If another district within the San Luis Obispo County SELPA provides assessment, the Block Fee Schedule will be followed.



**V. District Payment of IEE Costs**

The District will issue payment to the independent evaluator for the costs of the IEE following the District's receipt of:

1. A written IEE assessment report prepared by the independent evaluator;
2. A copy of any and all assessment protocols utilized to conduct the IEE; and
3. Detailed invoice(s), including dates of assessment and observation and hourly rates.

Insurance Coverage

When insurance will cover all, or a portion of, the costs of the IEE, the District will request that parents voluntarily ask their insurance carrier to pay the costs of the IEE covered by their insurance policy. However, the District will not ask parents to have their insurance carrier cover the costs of the IEE if it will result in a financial cost to the parents including, but not limited to the following:

1. A decrease in available lifetime coverage or any other benefit under an insurance policy;
2. A increase in premiums or the discontinuance of the policy; or
3. 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 District provide reimbursement for the amount of the deductible.

The IEP team will consider the results of the IEE, whether obtained at public or private expense, when making a determination regarding the student's eligibility for special education and related services, educational placement, and other components of the student's educational program, as required by federal and California special education laws and regulations. However, the results of an IEE will not control the District's determinations and may not be considered if not completed by a qualified professional, as determined by the District.

# Appendix C



## SAN LUIS OBISPO COUNTY SPECIAL EDUCATION LOCAL PLAN AREA

8005 Morro Road, Atascadero CA 93422

(805) 782-7301 FAX (805) 466-1473

[www.slosepa.org](http://www.slosepa.org)

Liz Smith, SELPA Director

### San Luis Obispo County SELPA Parent/District Agreement for Independent Education Evaluation (IEE)

This will serve as evidence of agreement between [Click here to enter text.](#), parent(s), guardian, or surrogate of [Click here to enter text.](#) and the [Click here to enter text.](#) School District for Independent Educational Evaluation, paid for by the school district, as follows:

Area(s) of Assessment: [Click here to enter text.](#)

Name of Assessor: [Click here to enter text.](#)

Qualifications of Assessor: [Click here to enter text.](#)

Assessor will be present at the IEP meeting by telephone or in person to share findings: no yes telephone in person

It is agreed that the area(s) of assessment are limited to those specified above. The Assessor meets minimum qualifications as specified in San Luis Obispo County SELPA Guidelines, unless parent/district have agreed to an exception(s). (Note any exceptions here) [Click here to enter text.](#)

Assessment to be administered in [Click here to enter text.](#) language.

The District agrees to pay all costs for the above assessments.

**Parent/Guardian/Surrogate signature below indicates agreement for District to exchange with the Assessor reports and other information from the student's educational file necessary to conduct the evaluation, and for Assessor to forward copies of protocols, report and findings to the District.**

All parties agree that any services, materials, and/or equipment that may be recommended based on review of this IEE by the IEP team shall not be provided by the assessor and/or his/her agents.

Signatures:

\_\_\_\_\_  
[to enter text.](#)  
District Representative

[Click here to enter text.](#)

[Click here](#)

Title

Date

\_\_\_\_\_  
Parent/Guardian/Surrogate

[Click here to enter text.](#)

Date

## Appendix D

**SAN LUIS OBISPO COUNTY SELPA  
AGREEMENT FOR INDEPENDENT EDUCATIONAL EVALUATION**

<b>Local Education Agency (LEA)</b>															
<b>Address</b>															
<b>City, State Zip</b>															
<b>LEA Case Manager</b>															
<b>Phone and E-Mail</b>															
<b>Student Last Name</b>						<b>Student First Name</b>									
<b>Grade</b>			<b>D.OB.</b>			<b>Sex</b>	( ) M ( ) F								
<b>Parent/Guardian Last Name</b>								<b>Parent/Guardian First Name</b>							
<b>Address</b>															
<b>City, State, Zip</b>															
<b>Home Phone</b>								<b>Work</b>				<b>Cell</b>			
<b>Parent/Guardian Last Name</b>								<b>Parent/Guardian First Name</b>							
<b>Address</b>															
<b>City, State, Zip</b>															
<b>Home Phone</b>								<b>Work</b>				<b>Cell</b>			

<b>Assessor</b>											
<b>Address</b>											
<b>City, State, Zip</b>											
<b>Phone</b>								<b>Fax</b>			
<b>E-Mail</b>											

**ESTIMATED MAXIMUM COST \$** \_\_\_\_\_

Other Provisions/Attachments: \_\_\_\_\_

\_\_\_\_\_

**-IEE PROVIDER-**

**-SCHOOL DISTRICT-**

\_\_\_\_\_  
(Name of Assessor)

\_\_\_\_\_  
(Name of School District)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Name and Title)

\_\_\_\_\_  
(Name of Superintendent or Authorized Designee)

## **Appendix E**

### **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 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.
- The independent educational assessor will notify the District Special Education Administrator of their request to schedule an observation in writing prior to the date of the observation.
- The District Special Education Administrator may coordinate with the Site Administrator and independent educational assessor to determine a mutually agreeable time and place for the observation. Observations will be limited to one independent evaluator per day.
- The District Special Education Administrator may 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.

Approved by Governing Council on June 18, 2004

Revised and Approved by Executive Committee on August 27, 2012, April 12, 2013

Revised and Approved by Governing Council on May 11, 2018

**PROHIBITION ON MANDATORY MEDICINE  
FEDERAL ASSURANCE POLICY**

It shall be the policy of each LEA to prohibit school personnel from requiring a student to obtain a prescription for a substance covered by the Controlled Substances Act as a condition of attending school or receiving a special education assessment and/or services.

*Legal Reference:*

*20 USC 1412 (a)(25)*

Approved by Governing Council on October 12, 2007

Reviewed and Approved by Governing Council April 12, 2013

**PROHIBITION ON MANDATORY MEDICINE  
LOCAL POLICY**

The members of SLO SELPA agree to prohibit school personnel from requiring a student with a disability or suspected disability to obtain a prescription for a substance covered by the Controlled Substance Act as a condition of attending school or receiving a special education assessment and/or special education services.

Approved by the Governing Council on October 12, 2007

Reviewed and Approved by Governing Council April 12, 2013

**INCONSISTENT POLICIES & PROCEDURES  
LOCAL ADMINISTRATIVE REGULATION**

The Board of the San Luis Obispo County SELPA hereby takes action to repeal any and all policies and procedures of the SELPA that are inconsistent with the requirements of the individuals with Disabilities Education Act of 2004 and the California Education code as amended by AB 1662 (Lieber). Such provisions include, but are not limited to, those addressing:

- Student Discipline
- Procedural Safeguards and Due Process Procedures
- Timelines for Assessment
- Content of Individualized Education Program (IEPs)
- Transition Planning
- State and District-wide Assessments
- Triennial Assessments
- Parentally Enrolled Private School Students with Disabilities

The SELPA and its member local education agencies will implement all current state and federal laws relating to special education.

Approved by Governing Council on December 9, 2005

Reviewed and Approved by Governing Council April 12, 2013