

BOARD POLICY

Placentia-Yorba Linda Unified School District

Instruction

6159 - BP

INDEPENDENT EDUCATIONAL EVALUATIONS

The board recognizes that parents of a student with a disability have the right under certain circumstances to obtain an independent educational evaluation (IEE) at public expense if they disagree with an evaluation completed by the district. Parents may request an independent educational evaluation in response to each evaluation completed by the district. The statute of limitations for IEE requests has been defined as two years from the date of the district's evaluation.

If parents request an independent educational evaluation at the expense of the district, the parents will be asked for a reason why he or she objects to the district's evaluation. The district, however, may not require the parents to explain their reasons and the district may not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend its evaluation. Unless the district chooses to initiate a due process hearing in accordance with this policy, the district must respond to the parent's valid request by providing an independent educational evaluation at public expense.

The superintendent/designee shall respond without unnecessary delay to parent requests for an independent educational evaluation by:

1. Providing information to parents about where an independent educational evaluation may be obtained and the district criteria applicable for independent educational evaluations. Criteria shall include the requisite qualifications of the independent educational evaluators, any geographical limitations on the evaluation, the allowable maximum charges for specific tests or types of evaluation (unless there are unique circumstances to justify exceeding the allowable costs criteria), and a list of appropriate test instruments; and
2. Either initiating a due process hearing or ensuring that an independent educational evaluation is provided at public expense.

If the district initiates a hearing and a hearing officer concludes that the district's evaluation is appropriate, the parents will still have the right to an independent educational evaluation, but not at public expense. If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at district expense.

If parents obtain an independent educational evaluation at private expense that meets district criteria, the district must consider the results of that evaluation in any decision made with respect to the provision of a free and appropriate public education to the student. The evaluation may also be presented as evidence in a due process hearing regarding that child.

The superintendent/designee shall establish procedures and criteria for the Northeast Orange County Special Education Planning Area that governs independent educational evaluation.

LEGAL REFERENCE:

20 U.S.C 1415(b)(1) Right to independent educational evaluations

34 CFR 300.502 Independent educational evaluations

Comments, 71 Federal Register 46689-46691
(Aug. 14, 2006) Independent educational evaluations

Education Code

Section 36329 (b) Independent educational assessments
and (c)

Section 5605.1 (e) Independent educational assessment, Ordered

Policy adopted: 06/17/03
Policy revised: 12/13/16