

## Chico Country Day Charter School

### Policy on Independent Educational Evaluations

The following policy/procedures and criteria govern requests for independent educational evaluations (“IEE”) at public expense. 20 USC 1415; Cal. Ed. Code 56506(c) and Cal. Ed. Code 56329(b); 34 CFR 300.502. Parents should be sure to read the entire document carefully. The Policy/Procedures and Criteria are intended to be read in conjunction with one another as one comprehensive document. Parents who need additional information about independent educational evaluations should contact the SELPA Director of the Butte County SELPA or contact the California Department of Education as outlined in their notice of Procedural Safeguards.

#### Notice to Parents

- Please read this document before obtaining or paying for an independent educational evaluation. This document may limit your right to reimbursement.
- Before obtaining an independent educational evaluation, please contact the school’s special education administrator to discuss your assessment questions and options.
- The local education agency (“LEA”) will not automatically reimburse parents who unilaterally obtain independent educational evaluations. Please review this document for further information about a parent’s right to obtain independent educational evaluations at public expense.
- An independent educational evaluation, if not obtained in accordance with the LEA’s policy/procedures and criteria, may not be considered by your child’s IEP team. Please ensure that any independent educational evaluation conforms to requirements.

#### Definitions

“*Independent educational evaluations*” means an evaluation conducted by a qualified examiner who is not employed by the responsible local education agency.

“*Public expense*” means the local education agency either pays for the full cost of the evaluation or evaluation components or ensures that the evaluation or evaluation components are otherwise provided at no cost to the parent.

“*Local educational agency*” means the school, school district or county education office that is responsible for providing educational services to a child with a disability.

#### Parameters for Seeking Independent Educational Evaluations

If a parent disagrees with an evaluation conducted by the local education agency and seeks an independent educational evaluation, the local education agency will either initiate a due process

hearing to show that its evaluation is appropriate or will provide the parent an opportunity to obtain an independent education evaluation in accordance with this policy by arranging for the independent evaluation. The parent must first inform the school in writing or communicate with the school at an IEP meeting that the parent:

1. Disagrees with the school's evaluation, and
2. Is requesting an independent educational evaluation at public expense.

\*Note: Parent must make a request for an IEE within two years of the date of presentation of the assessment which they disagree consistent with the statute of limitations.

#### Explanation of Disagreement

If parents request an independent educational evaluation at the expense of the LEA, the parents will be asked for a reason why they object to the school's evaluation. However, the school may not unreasonably delay completion of a new assessment, completion of the independent educational evaluation at public expense, or the initiation of a due process hearing to defend its evaluation. There is no requirement that the parents specify areas of disagreement with the school's evaluation as a prior condition to obtaining the independent educational evaluation.

#### Response to a Request for an Independent Educational Evaluation

Once the parent communicates his/her disagreement with the evaluation(s) completed by the LEA and requests an IEE at public expense, the following procedures will be followed:

1. The parent will receive a copy of this IEE policy which includes the agency criteria for independent educational evaluations.
2. The LEA will determine whether to initiate due process to establish the appropriateness of its evaluation or proceed with providing an IEE.
3. If the LEA agrees to fund an IEE, the parent will be asked to provide his/her input into the development of the assessment plan and to indicate the specific portions of the LEA's evaluation(s) with which he or she disagrees.
4. The parent may request the name(s) of potential evaluators and how these evaluators may be contacted. Any list that may be provided 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.
5. In the event that a parent/guardian requests to utilize an evaluator who does not meet agency criteria, the LEA shall provide the parent the opportunity to demonstrate that there are unique circumstances to justify their selection of such an evaluator. The LEA will then make a determination if the use of the requested evaluator that does not meet agency criteria is warranted, and respond to the parent with a prior written notice.

6. The LEA will develop an assessment plan which specifies those areas to be evaluated. The completed assessment must comply with the location limitations for the evaluation, the minimum qualifications for the examiner, cost limits, and use of approved instruments.
7. The assessment plan will be sent to the parent for his/her review and consent within 15 calendar days of the parental request for an IEE.
8. Parents will be required to sign a release and exchange of information between the IEE evaluator(s) and the LEA.
9. Upon receipt of the signed consent to assess, the LEA will arrange for the completion of the IEE with a qualified independent examiner who is able to provide a written report for an IEP meeting within 60 days of receipt of parent consent for assessment. If the evaluator cannot meet the required timeline, the school will inform the parent and ask for agreement to an extension of time or selection of another option.
10. IEE 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.” IEE evaluators will be requested not to 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 Education Codes governing special education, to include the criteria required to make recommendations for eligibility. The written report must meet the requirements of the Individuals with Disabilities Education Act and California Education Code Section 56327.

#### Consideration of the Independent Educational Evaluation

Independent educational evaluations are designed to determine the educational needs of disabled students. The IEP team is responsible for determining placement and services. Therefore, the school will consider recommendations obtained in independent educational evaluation reports completed in accordance with this policy/procedures and criteria. However, independent educational evaluations will not control determinations and may not be considered if not completed by a qualified professional as described in the attached criteria for educational evaluations.

#### Parent Initiated Evaluations

If the parents obtain an independent educational evaluation at private expense, the results of the evaluation:

1. Must be considered, if it meets the school’s criteria, in any decision made with respect to the provisions of a free appropriate education to the student; and
2. May be presented as evidence at a due process hearing regarding that student.

### Evaluations Ordered by Hearing Officers

If a hearing officer orders an independent educational evaluation as part of a hearing, the cost of the evaluation will be at the school's expense.

### Criteria

1. If an independent educational evaluation is at the school's expense, the criteria under which the evaluation is obtained, including the location, minimum qualifications of the examiner, cost limits, and use of approved instruments must be the same as the criteria that the school uses when it initiates an evaluation.

2. As part of an independent educational evaluation at public expense, the examiner shall follow guidelines for SELPA evaluations which includes, but is not limited to, observing the student in an appropriate setting. The independent examiner shall attend the IEP team meeting by phone or in person at which time the evaluation will be discussed. The school will pay the independent examiner to attend the IEP team meeting as part of the evaluation responsibilities, which also includes a classroom visitation and interviews with parents and staff.

### Circumstances Affecting Reimbursement for Independent Educational Evaluations

Because the parent must first disagree with the school's evaluation in writing, the school does not have an obligation to reimburse parents for privately obtained evaluations obtained prior to the date that the school's evaluation is completed and discussed at an IEP meeting. The school is not obligated to reimburse parents for privately obtained evaluations if the parent disagrees with the school's evaluation and independently seeks a private evaluation without first notifying the school in writing of their disagreement with the school's assessment and requesting an independent educational evaluation from the school except as provided below.

The school may reimburse the parents for a privately obtained independent educational evaluation, even though the policy above was not followed, in any one (1) of the following three (3) circumstances:

1. All the following conditions have been met:
  - The parent disagreed with the school's evaluation;
  - The parentally obtained evaluation meets the SELPA/school's criteria;
  - The parent timely and upon request provides the school with written consent to exchange information with the examiner;
  - The parent timely provides a copy of the written evaluation report and all other documents/tests related to the report;
  - The examiner attends the relevant IEP team meeting by phone or in person to discuss his/her findings and provides protocols of all assessments to the school.

2. The school assessment has not been provided in compliance with law.
3. The privately obtained evaluation assessed the student in an area of suspected disability which was not previously assessed by the school.

Reimbursement will be in accordance with the SELPA/school's policy/procedures and criteria and in an amount no greater than the actual cost to the parents.

In all cases, if the district initiates a due process hearing to demonstrate that the district evaluation is appropriate, no reimbursement shall be made unless ordered by a hearing officer.

## **CRITERIA FOR INDEPENDENT EDUCATIONAL EVALUATIONS**

### Limitations on Location of Evaluators

Evaluators must be located within the Butte County SELPA. Evaluators outside of this area will be approved only on an exceptional basis by the LEA if the parents or the LEA can demonstrate there is a unique need for a specialized evaluation and that there are no qualified evaluators within the specified area who can appropriately assess their child's educational needs.

### Minimum Qualifications for Evaluators

<u>Type of Assessment</u>	<u>Qualifications</u>
Academic Achievement	Certified Special Education Teacher (Master's Degree), Licensed Educational Psychologist, or School Psychologist (Credentialed)
Adaptive Behavior	Licensed Educational Psychologist, Certified Special Education Teacher (Master's Degree), or School Psychologist (Credentialed)
Assistive Technology	Certified or Licensed Speech/Language Pathologist, or Certified Special Education Teacher (Master's Degree)
Auditory Acuity/ Auditory Perception (CAP)	Licensed or Certificated Audiologist Licensed or Certificated Audiologist
Cognitive	Licensed Educational Psychologist or School Psychologist (Credentialed)
Motor	Licensed Physical Therapist, Registered Occupational Therapist, or Adaptive Physical Education Specialist (Master's Degree)
Speech and Language	Certified or Licensed Speech/Language Pathologist
Social/Emotional/Behavioral	School Psychologist (Credentialed),

Social Worker (LCSW),  
 Licensed Psychiatrist,  
 Licensed Educational Psychologist, or  
 Certified Behavior Analyst

Functional Vision                      Certified Teacher of the Visually Impaired (Master's Degree)

Visual-Motor Integration              School Psychologist (Credentialed) or  
 Licensed Educational Psychologist

Note: Evaluators must be free from any conflict of interest.

Independent evaluators must agree to release their assessment information and results to the school prior to receipt of payment for services. The results of the independent evaluation will be considered in the diagnosis, program decisions and placement of the student with disabilities as required by the Individuals with Disabilities Act.

Cost Limitations

The cost of an IEE shall be comparable to those costs that the LEA incurs when it uses its own employees or contractors to perform a similar assessment. Costs include: observations, record review, administration and scoring of tests, report writing, and attendance in person or by phone at an IEP Team meeting. Costs in excess of the below amounts will not be approved unless the parent can demonstrate that such costs reflect a reasonable and customary rate for such evaluative services, or if the parents can demonstrate that there are other factors that make the extraordinary costs necessary.

Costs beyond the independent educational evaluation (i.e. transportation, lodging, food, etc.) are not covered in the cost of the independent evaluation and will not be approved, unless the parent can document that such travel costs reflect factors that make the extraordinary costs necessary.

<b>Type of Assessment</b>	<b>Cost Limitations</b>
Academic Achievement	\$500.00
Adaptive Behavior	\$500.00
Assistive Technology	\$800.00
Auditory Acuity	\$300.00

Auditory Perception	\$350.00
CAPD (Central Auditory Processing Disorder)	\$1,500.00
Cognitive Functioning	\$1,500.00 - \$3,000.00
Motor Skills (fine)	\$1,000.00
Motor Skills (gross)	\$1,000.00
Speech and Language	\$1,200.00 - \$1,500.00
Social/Emotional/Behavioral	\$750.00
Vision (Acuity and Perception)	\$300.00
Visual Processing	\$350.00

When insurance will cover all or partial costs of the IEE, the LEA will request that the parent voluntarily have their insurance pay the IEE costs covered by their insurance. However, parents will not be asked to have insurance cover independent evaluation costs if such action would result in a financial cost to the parents including, but not limited to the following:

- a. A decrease in the available lifetime coverage or any other benefit under an insurance policy;
- b. An increase in premiums or the discontinuance of the policy; or
- c. An out-of-pocket expense such as payment of a deductible amount incurred in filing a claim unless the parent is willing to have the LEA reimburse them for the amount of the deductible.

As a courtesy and upon request, the school will provide a list of potential IEE providers; however, neither the school nor the Butte County SELPA endorse the providers listed and neither is responsible for any liability that may arise from use of any provider listed. It is recommended that parent/guardians request a copy of potential providers' resumé or vitae, ask for references, and request a written proposal that includes the itemized costs for the evaluation including writing the report and attending the IEP meeting, prior to making a final selection. It is recommended that parent/guardians contact the LEA prior to making the final selection of an IEE provider to ensure that the provider meets the agency's licensures/credentialing criteria.