
INDEPENDENT EDUCATIONAL EVALUATION POLICY

Sage Oak Charter Schools (“SOCS” or the “Charter School”) adopt this Independent Educational Evaluation Policy to apply to students enrolled in SOCS.

The purpose of this policy is to outline the steps that will be taken by Sage Oak Charter Schools’ (“SOCS”) Special Education (“SPED”) department when the parent/guardian of a student with a disability requests an Independent Educational Evaluation (“IEE”) subject to the provisions of federal and state law at public expense if they disagree with an evaluation completed by the Local Education Agency (“LEA”) and the LEA does not pursue its option to file a request for a due process hearing with the Office of Administrative Hearings to establish the appropriateness of its assessment. An IEE is an evaluation conducted by a qualified evaluator who is not employed by the LEA of residence. Public expense means that the LEA pays for the full cost of the evaluation (in accordance with cost recommendations described herein) or ensures that the evaluation is otherwise provided at no cost to the parent/guardian. This policy is adapted from the Sonoma County Special Education Local Plan Area (“SELPA”).

Policy and Procedures

Parent/guardian(s) of a student with a disability have the right to an IEE subject to the provisions of federal and state law at public expense if they disagree with an evaluation completed by the LEA and the LEA does not pursue its option to file a request for a due process hearing with the Office of Administrative Hearings to establish the appropriateness of its assessment. The term “evaluation” includes any individual assessment of a student that results in a report that is used by the IEP team to determine eligibility and services.

Parent/guardian(s) must indicate that they:

1. Disagree with the LEA’s evaluation and
2. Are requesting an IEE at public expense.

SOCS may ask for the parent/guardian(s) reason(s) for disagreeing with SOCS’s evaluation, but the parent/guardian is not required to provide those reasons. SOCS may offer to conduct another evaluation of its own with parent/guardian consent, but the parent/guardian is not required to consent to the assessment. If the parent/guardian agrees to another evaluation provided by SOCS, this would not be considered an IEE and SOCS would work with the parent/guardian to both consent to an assessment plan for the new evaluation and withdraw the IEE request in writing pending the completion of the new assessment completed by SOCS.

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If the parent/guardian does not agree to another evaluation completed by SOCS, SOCS must respond to the parent/guardian's request by ensuring an IEE is provided at public expense or submit a request for a due process hearing without unnecessary delay and in accordance with this policy. Parent/guardian(s) may only request one publicly funded IEE for each evaluation completed by SOCS.

Responding to an IEE Request

Once the parent/guardian communicates his/her disagreement with the evaluation(s) completed by SOCS and requests an IEE the following procedures will be followed:

1. SOCS Senior Director of Special Education will be notified.
2. SOCS will, without unnecessary delay, either file a due process complaint to request a hearing to show that its evaluation is appropriate or ensure that an independent educational evaluation is provided at public expense.
3. SOCS will respond to the request for an IEE via prior written notice letter, either granting or denying the request, including a copy of the SOCS Board Policy for IEEs, the Sonoma County SELPA policy and procedures including criteria for IEEs, and a copy of the Notice of Procedural Safeguards.
4. If SOCS denies the request for an IEE at public expense, it will initiate due process to establish the appropriateness of its evaluation.
5. If SOCS grants the request for an IEE at public expense, the following options for assessors are available:
 - a. A staff member from another LEA in the SELPA
 - b. A staff member from another SELPA
 - c. A non-public agency or nonpublic school provider
 - d. A provider on the SELPA IEE list (if available)
 - e. Other mutually agreed to assessor
 - f. Parent selected provider that meets the criteria in this policy

The parent/guardian(s) will communicate to SOCS their preferred option.

If SOCS agrees to provide an IEE at public expense, SOCS will work collaboratively with the parent/guardian to identify potential IEE evaluator(s). Alternatively, the parent/guardian may provide their preferred evaluator(s). SOCS and the parent/guardian may utilize the Agreement for IEE form and/or the parent/guardian will be required to sign a release and exchange of

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information authorizing SOCS to communicate directly with the independent evaluator. Please note: An SOCS assessment plan is NOT required because SOCS is not conducting the assessment and is not responsible for the timelines and/or results of the IEE assessments.

SOCS may directly contract with the independent evaluator for the IEE. Alternatively, SOCS may issue payment to the independent evaluator for the costs of the IEE following its receipt of the items listed below, or SOCS may reimburse the parent/guardian for the costs of a procured IEE in a timely manner in accordance with SOCS policies and procedures and in an amount no greater than the actual cost to the parent/guardian.

If SOCS initiates a due process hearing and the hearing officer issues a final decision finding that the SOCS evaluation is appropriate, the parent/guardian will still have the right to obtain an outside evaluation but not at SOCS'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 SOCS's expense.

LEA Criteria

The criteria under which an IEE is obtained at public expense, including the location limitations for the evaluator, minimum qualifications of the evaluator, and cost containment criteria, must be consistent with the criteria set forth in this policy, and consistent with the criteria that SOCS uses when it initiates an evaluation. In the event the parent/guardian or IEE assessor objects to SOCS's IEE criteria, immediately notify the Senior Director of Special Education.

If SOCS observes the student in conducting the evaluation with which the parent/guardian(s) disagree or if its assessment procedures allow in-class observations, the independent evaluator will be provided with an equivalent opportunity to observe the student in the current educational setting and to observe the SOCS proposed setting, if any.

SOCS shall define the nature and scope of an independent evaluator's in-class observations consistent with the right to an equivalent opportunity to observe, but also consistent with its obligations to prevent unnecessary disruption in the class and protect the privacy interests of other students. This may include, but is not limited to, identifying the time constraints of such observation, SOCS personnel who will participate in the observation, and restrictions on student/teacher interactions.

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Evaluators will be located within the county in which the student resides. Evaluators outside of this area will be approved only if parent/guardian(s) can demonstrate that unique circumstances justify the selection of an evaluator outside the specified area in order to obtain an appropriate evaluation. Any expenses beyond those directly related to the preparation of the evaluation (e.g., food, lodging, transportation, etc.) are not covered in the cost of the IEE.

Minimum Qualifications for Evaluators

All assessments shall be completed by persons competent to perform the assessment as determined by SOCS. The IEE shall be administered by an evaluator who holds equivalent certifications, licenses, or other qualifications as required by SOCS. Independent evaluators shall have the following minimum credentials issued by the appropriate agency or board with the State of California:

Type of Assessment	Qualifications
Academic Achievement	Credentialed Special Education Teacher School Psychologist Licensed Educational Psychologist Licensed Clinical Psychologist
Adaptive Behavior	Credentialed Special Education Teacher School Psychologist Licensed Educational Psychologist Licensed Clinical Psychologist
Assistive Technology	Credentialed or Licensed Speech/Language Pathologist Credentialed Assistive Technology Specialist Credentialed Special Education Teacher with appropriate training
Auditory Acuity	Licensed Educational Audiologist Licensed or Credentialed Speech/Language Pathologist

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Behavioral	Credentialed Special Education Teacher School Psychologist Behavior Specialist Licensed Educational Psychologist Licensed Clinical Psychologist Licensed Psychiatrist
Cognitive	School Psychologist Licensed Educational Psychologist Licensed Clinical Psychologist
Health (including neurological)	Licensed Physician Nurse
Motor	Licensed Physical Therapist Registered Occupational Therapist Credentialed Teacher of the Physically Impaired Adapted Physical Education Teacher
Occupational Therapy	Licensed Occupational Therapist
Speech and Language	Credentialed or Licensed Speech/Language Pathologist
Social/Emotional	School Psychologist Licensed Educational Psychologist Licensed Clinical Psychologist Licensed Psychiatrist
Visual Acuity/Developmental Vision	Licensed Ophthalmologist Optometrist
Functional Vision	Credentialed Teacher of the Visually Impaired
Vision Perception	Credentialed Special Education Teacher School Psychologist
Transition	Credentialed Special Education Teacher

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If a parent selects an evaluator who does not meet the SOCS criteria, SOCS will provide the parent with the opportunity to demonstrate that unique circumstances justify the selection of this evaluator. If SOCS does not believe that unique circumstances justify the selection of an evaluator, it may file for due process to deny the parent request.

Cost Containment Criteria for Evaluations

The cost of an IEE shall be comparable to those costs that SOCS incurs when it uses its own employees or contractors to perform a similar assessment. Costs include observations, administration and scoring of tests, report writing, and attendance in person or by phone at an IEP team meeting.

Thresholds for the cost of IEEs were developed considering reasonable maximum costs from neighboring school LEAs and counties, as well as costs supplied from independent evaluators in the local region. The costs that were given were compared and outliers were removed to develop a maximum cost for each area of assessment considered. The cost of an IEE should be limited to the following table of maximum costs, unless the parent can demonstrate that unique circumstances justify the selection of an evaluator whose costs exceed the limits below:

Sonoma County SELPA Type of Assessment	Allowable Rate: up to
Academic Achievement	\$2,000
Adapted Physical Education	\$1,500.00
Assistive Technology/Augmentative Alternative Communication	\$1,500.00
Behavioral - functional behavior analysis (FBA)	\$2,000.00
CAPD (Central Auditory Processing)	\$1,500.00
Occupational Therapy	\$1,500.00

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Physical Therapy	\$1,500.00
Comprehensive Psycho-Educational/Neuropsychological (rate allowed depends on components tested such as academic, adaptive behavior, cognition, social-emotional, etc.)	\$4,000.00
Speech & Language	\$1,500.00
Social-emotional	\$2,200
Transition	\$1,200.00
Visual Acuity & Perception	\$1,500.00

Guidelines for all IEE costs are calculated by considering the time required for the assessment and the appropriate comparable SOCS employee hourly rate. Costs above these amounts will not be approved unless the parent/guardian can demonstrate that such costs reflect unique circumstances justifying the selection of an evaluator whose fees fall outside these criteria. SOCS will not necessarily be required to fund the attendance of the assessor at the IEP team meeting convened to consider the IEE.

When public or private insurance will cover all or partial costs of the IEE, SOCS will request that the parent/guardian voluntarily have their insurance pay the IEE costs covered by their insurance. However, parent/guardian(s) will not be asked to have insurance cover independent evaluation costs if such action would result in a financial cost to the parent/guardian(s) including, but not limited to the following results:

1. Decrease available lifetime coverage or any other insured benefit;
2. The family paying for services that would otherwise be covered by the public benefits or insurance program and that are required for the child outside of the time the child is in school;
3. Increase premiums or lead to the discontinuation of benefits or insurance; or
4. Risk loss of eligibility for home and community-based waivers, based on aggregate health-related expenditures;

Prior to accessing public or private insurance, SOCS will provide parent/guardian with prior written notice that includes the following:

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1. A statement of parental consent provisions described below;
2. A statement of the “no cost” provisions in paragraphs (d)(2)(i) through (iii) of this section;
3. A statement that the parents have the right to withdraw their consent to disclosure of their child’s personally identifiable information to the agency responsible for the administration of the State’s public benefits or insurance program (e.g., Medicaid) at any time; and
4. A statement that the withdrawal of consent or refusal to provide consent does not relieve SOCS of its responsibility to ensure that the IEE is provided at no cost to the parents/guardians.

The parent/guardian must provide written consent for the use of their insurance to cover costs, including consent to the disclosure of personally identifiable information (e.g., records or information about the services that may be provided to a particular child), the purpose of the disclosure (e.g., billing for services), and the agency to which the disclosure may be made (e.g., the public or private insurance).

Independent evaluators must agree to release their assessment information, provide prior to the IEP meeting, a written IEE assessment report, submit copies of any and all assessment protocols utilized to conduct the IEE, and provide detailed invoices including dates of assessment, observations, and hourly rates, if applicable, to SOCS prior to receipt of payment for services.

The results of the IEE that meets SOCS’ criteria will be considered by the IEP team in the determination of eligibility, program decisions, and placement of the student with disabilities as required by the Individuals with Disabilities Education Act. The IEP team is not required to accept, agree with, or adopt the evaluator’s opinions or recommendations.

SOCS should ensure there is no conflict of interest between the evaluator and the service provider, or the evaluator and the family. It is not recommended that SOCS contract with the IEE evaluator or the agency that employs the evaluator to provide services after the IEE is completed. This practice negates the neutrality of the assessment.

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Legal Authority:

20 U.S.C. 1414(a) – (c) -Evaluations and reevaluations;

20 U.S.C. 1415(b)(1)-Right to independent educational evaluations; 34 CFR 300.301 – 300.306-Re-evaluations;

34 CFR 300.152 – Use of insurance to cover costs of services

34 CFR 300.502-Independent Educational Evaluations; Comments to 34 CFR 300.502 Independent education evaluations; Education Code section 56327;

34 CFR 300.300 Parent Consent - Evaluation;

34 CFR 300.304-306 Procedures for evaluations and Determination of eligibility; Education Code 56329-Independent educational assessments;

Education Code 56381 Reassessments.

Education Code 56329 Notice to parents or guardians; independent educational assessments; hearings; proposals for publicly financed nonpublic placements

Education Code 56506(c) Due process rights of pupil and parent