



Cabrillo Point Academy

# **Independent Educational Evaluation Policy**

# Parent Requests for Independent Educational Evaluations

## Introduction

The following policy will provide Cabrillo Point Academy families, special education administration and staff with a procedural guideline which includes the federal and state laws regarding Independent Educational Evaluations (IEEs) and best practices when working with parents/guardians and assessors when the LEA has received a request for an IEE.

## Definitions

“Independent Educational Evaluation” means an evaluation conducted by a qualified examiner who is not employed by Cabrillo Point Academy.

- An IEE can be conducted in any area previously evaluated, or not, by Cabrillo Point Academy.
- “Public expense” means that Cabrillo Point Academy either pays for the full cost of the evaluation or ensures that the evaluation or evaluation components are otherwise provided at no cost to the parent/guardian.
- A “parent” is defined as the following:
  - A biological or adoptive parent of a child
  - 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. (CFR 34, 300.30(b)(1) or (2)).
  - 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. (Sections 361 and 726 of the Welfare and Institutions Code)
  - An individual acting in the place of a biological or adoptive parent, including a grandparent, step parent, or other relative, with whom the child lives, or an individual who is legally responsible for the child’s welfare
  - A surrogate parent who has been appointed. (Section 7579.5 or 7579.6 of the Government Code, 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)

## When May a Parent/Guardian Request an IEE?

A parent/guardian has the right to obtain an Independent Educational Evaluation (IEE) for their child at their own expense at any time (34 CFR 300.502(a)(1)). The parent/guardian of a student with a disability, or with an IEP, has the right to obtain an Independent Educational Evaluation at public expense, subject to the provisions of federal and state law, when the parent/guardian disagrees with an assessment obtained or conducted by the LEA within the last two years (34 CFR 300.502(b)(1) and (d)(2)(A), California Education Code Sec 56329(b), and (OAH Case No. 2012051153)).

A parent/guardian is only entitled to one IEE in response to each area of evaluation completed by the LEA within the last two years.

### Procedures for Sharing a “Parent-Initiated IEE”

When a parent/guardian obtains an IEE at private expense, the results of the evaluation, if shared with Cabrillo Point Academy:

- Shall be considered by Cabrillo Point Academy, if it meets agency criteria, in any decision made with respect to the provision of a Free, Appropriate, Public Education (FAPE) to the student; and
- May be presented as evidence at a due process hearing regarding the child.

### Responding to a Request for an IEE at Public Expense

Once a parent/guardian has requested an IEE at public expense, Cabrillo Point Academy must provide the parent/guardian with a copy of their Procedural Safeguards, Prior Written Notice (PWN) and either:

- Provide the parent/guardian with the IEE Procedures and Resources for Parents packet which provides information about where an IEE may be obtained, the agency criteria applicable for IEEs, and expense information (34 CFR 300.502(a)(2)); or
- Initiate a due process hearing to show that Cabrillo Point Academy’s evaluation is appropriate.

Cabrillo Point Academy may request that the parent/guardian explain why s/he objects to the LEA’s evaluation or specific areas of evaluation. However, Cabrillo Point Academy may not require the parent/guardian to provide an explanation and may not unreasonably delay providing the IEE at public expense.

### Agency Criteria for Conducting an IEE

According to federal regulations, the criteria under which the IEE is obtained at public expense, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that Cabrillo Point Academy uses when it initiates an evaluation (34 CFR 300.502(e)(1)). Cabrillo Point Academy may not impose conditions or timelines related to obtaining an IEE at public expense (34 CFR 300.502(e)(2)).

### Location

It is recommended to locate an evaluator within your county or neighboring counties. The IEE assessment must take place within a reasonable distance from the student’s residence (i.e., 50 miles) unless extenuating circumstances exist (for example, if there is not an assessor in that student’s area.). Evaluators outside of this area will be approved only on an exceptional basis by Cabrillo Point Academy if the parents/guardians or Cabrillo Point Academy 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.

The IEE shall be administered by an evaluator in the same type of educational setting as that used by Cabrillo Point Academy in providing similar evaluations including, but not limited to, classroom

observations (California Education Code Section 56329(c)).

### Guidelines for Determining Qualifications

All assessments shall be completed by persons competent to perform the assessment as determined by the LEA (California Education Code Section 56322). The IEE shall be administered by an evaluator who holds equivalent certifications, licenses, or other qualifications that would be required of the Cabrillo Point Academy staff to provide similar evaluations.

Independent evaluators shall have the following minimum credentials issued by the appropriate agency or board within the State of California:

Type of Assessment	Minimum Qualifications
Academic Achievement	Credentialed Special Education Teacher Licensed Educational Psychologist(LEP)
Adaptive Behavior	Licensed Educational Psychologist
Adaptive Physical Education	Credentialed Adapted Physical Education Specialist
Assistive Technology	Certified Assistive Technology Specialist
Auditory Acuity	Licensed Educational Audiologist Clinical or Rehabilitative Services Credential Language, Speech and Hearing and Auditory Credential
Auditory Perception/Auditory Processing	Language, Speech and Hearing and Audiology Credential Clinical or Rehabilitative Services Credential Education Specialist Instruction Credential: Deaf and Hard- of-Hearing Licensed Educational Psychologist
Functional Behavioral Assessment	Credentialed Special Education Teacher Licensed Marriage and Family Therapist Licensed Clinical Social Worker Licensed Educational Psychologist Board Certified Behavior Analyst
Health	Licensed Physician Registered Nurse School Nurse Services Credential
Motor	Licensed Physical Therapist Registered Occupational Therapist Adaptive Physical Education Specialist Occupational Therapy Licensed Occupational Therapist Orientation and Mobility

Orientation and Mobility	Clinical or Rehabilitative Services Credential Education Specialist Instruction Credential: Physical and Health Impairment
Physical Therapy	Licensed Physical Therapist
Social/Emotional	Licensed Educational Psychologist Licensed Clinical Social Worker (LCSW) Licensed Marriage and Family Therapist
Speech and Language	Credentialed or Licensed Speech and Language Pathologist
Visual Acuity/Transition/Vocational	Credentialed Special Education Teacher Adult Education Credential with a Career Development Authorization
Developmental Vision	Licensed Optometrist Licensed Ophthalmologist Education Specialist Instruction Credential: Visual Impairments
Functional Vision	Education Specialist Instruction Credential: Visual Impairments

A parent/guardian shall have the opportunity to demonstrate that unique circumstances justify a waiver of any of the criteria listed above as defined by Cabrillo Point Academy. A parent/guardian may also request a list of suggested IEE evaluators who meet the Cabrillo Point Academy criteria, but the parent/ guardian is not required to select from the list provided.

### Conflict of Interest

Cabrillo Point Academy should ensure there is no conflict of interest between the evaluator and service provider, or the evaluator and the family. After completing an IEE, the independent evaluator or their agency must not currently be under contract to provide services or assessments for Cabrillo Point Academy. The Chosen assessor will also not be contracted to provide the service(s) recommended to the IEP team.

### IEE Cost Determination

The cost determination for an IEE shall be comparable to the costs incurred by the Cabrillo Point Academy when it uses its own employees or contractors to complete a similar assessment. An all-inclusive cost shall include:

- Observations;
- Review of student records;
- Administration and scoring of assessments;
- Report writing; and
- Attendance in person, by phone, or virtually at the IEP meeting in which the IEE is presented.

The following cost limitations have been agreed upon by the Cabrillo Point Academy School board:

Assessment Type	Maximum Cost
Assistive Technology	\$1500
Auditory Perception/Auditory Processing	\$1000
Functional Behavioral Assessment	\$4000
Cognitive/ Full Psycho-Educational (Rate allowed depends on components tested such as academic, adaptive behavior, cognition, social-emotional, etc.) (Extras to include but not limited to Functional Behavior Assessment, ERMHS, etc.)	\$5500 with a 25% cap for extras
Occupational Therapy	\$1700
Physical Therapy	\$1500
Speech and Language	\$1800
Functional Vision	\$1000

A parent/guardian shall have the opportunity to demonstrate that unique circumstances justify a financial waiver of any of the cost determination criteria listed above as defined by Cabrillo Point Academy.

#### Payment of IEE Costs

IEE Obtained at Public Expense:

Cabrillo Point Academy shall issue payment to the independent evaluator for the cost of conducting the IEE following the Cabrillo Point Academy's receipt of the following from the assessor:

- A written IEE assessment report prepared by the independent evaluator containing all necessary assessment and eligibility sections. The report shall be received by Cabrillo Point Academy and the parent/guardian five days prior to the IEP meeting;
- The original assessment protocols utilized to conduct the IEE shall be provided to Cabrillo Point Academy; and
- Detailed invoice(s), including dates of assessment, observation(s), and hourly rates.

#### Criteria for Accessing Private Insurance

When private insurance will cover all, or a portion of, the costs of the IEE, Cabrillo Point Academy may request that the parent/guardian voluntarily have their insurance pay the costs of the IEE

covered by their insurance. However, parents/guardians will not be asked to have private insurance cover the costs of an IEE if the process would result in a financial cost to the parent/ guardian including but not limited to:

- A decrease in available lifetime coverage or any other benefit under an insurance policy;
- An increase in premiums or the discontinuance of the policy; or
- An out-of-pocket expense such as payment of a deductible amount incurred in filing a claim.

### IEE Assessment Results

The results of the IEE, whether obtained at public or private expense, will be considered by the IEP team 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 IEP team's determinations and may not be considered if not completed by a qualified professional, as determined by Cabrillo Point Academy.

### Independent Evaluator Service Agreement

Cabrillo Point Academy will complete a service agreement with the independent evaluator to ensure clarification regarding terms of the agreement.

Qualified Evaluator will need to submit the following requirements:

- Proof of Liability Insurance as indicated in the agreement
- Copy of Certification, Credential or License
- All-Inclusive Assessment Fee Schedule that meets the cap requirement