

Da Vinci Schools

Policies and Procedures

INDEPENDENT EDUCATION EVALUATION (IEE)

The *Individuals with Disabilities Education Act (IDEA)*, at Title 34 CFR §300.502, specifies that the parents of a child with a disability have the right under this provision to obtain an Independent Educational Evaluation of their child at public expense, subject to certain provisions.

Definitions

Local educational agency (LEA) means the school district, charter school, or county office of education that is responsible for providing educational services to a child with a disability. For the purposes of this document, the LEA is Da Vinci Schools (Charter).

Independent Educational Evaluation (IEE) means an evaluation of a child with a disability conducted by a qualified examiner who is not employed by the charter.

Qualified Examiner means an evaluator who is competent to perform the evaluations, as determined by LEA-established criteria and in accordance with *Education Code section 56322*.

Parent, as used in this document, means a parent, guardian, or educational rights holder who is authorized to make decisions concerning a child with a disability.

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

Independent Education Evaluation (IEE) at Public Expense

Da Vinci Schools Board of Trustees recognizes that federal and state laws provide parents of students with a disability with the right to obtain an IEE, at public expense, when the parent disagrees with an assessment conducted by the local education agency (LEA) within the last two years. *34 CFR 300.502(b)(1) and (d)(2)(A), California Education Code (CA. Ed. Code) 56329(b), and Office of Administrative Hearings (OAH) Case No. 2012051153*.

The Chief Executive Officer/Superintendent or designee shall ensure that when a parent requests an IEE at public expense, the LEA shall provide the parent with a copy of their Procedural Rights and Safeguards *and* either:

1. Initiate a due process hearing to show that the evaluation completed by the LEA is appropriate, or
2. Provide the parent with information about where an IEE may be obtained, the LEA's criteria applicable to IEEs, and ensure that an IEE is provided at public expense

In instances in which the LEA is granting the parent's request for an IEE, the Chief Executive Officer/Superintendent or designee shall ensure the following:

1. 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 the LEA uses when it initiates an evaluation
2. The LEA does not impose conditions or timelines related to obtaining an IEE at public expense
3. All assessments shall be completed by persons competent to assess, as determined by the LEA
4. The IEE shall be administered by an evaluator who holds equivalent certifications, licenses, or other qualifications that would be required of the LEA staff to provide similar evaluations
5. A parent shall have the opportunity to demonstrate that unique circumstances justify a waiver of any of the criteria listed above, as defined by the LEA

While the results of the IEE will be considered by the IEP team, the results of an IEE will not dictate the IEP team's final determination of FAPE.

Independent Education Evaluation (IEE) at Parent Expense

The Board of Trustees acknowledges that a parent has the right to obtain an independent education evaluation (IEE) at their own expense at any time, and the Chief Executive Officer/Superintendent or designee shall ensure that the student's independent education program (IEP) team shall consider the results of the IEE when determining an offer of Free Appropriate Public Education (FAPE) for the student. While the results of the IEE will be considered by the IEP team, the results of an IEE will not dictate the IEP team's final determination of FAPE.

If a parent requests reimbursement for an IEE obtained by the parent at their own expense, the Chief Executive Officer/Superintendent or designee shall ensure that the unilaterally obtained IEE meets Da Vinci Schools' criteria discussed in this policy before determining reimbursement.

If a parent requests reimbursement for an IEE that they privately obtained, Da Vinci Schools will use the following procedure:

1. Parent must provide documentation necessary for reimbursement.
2. Da Vinci Schools does not have an obligation to reimburse parent for a privately obtained evaluations completed prior to the date that the District's evaluation is completed and discussed at an IEP team meeting.

3. Privately obtained IEEs must meet the SELPA criteria unless unique circumstances exist to justify an exception to these requirements.
4. If Da Vinci Schools files a request for due process hearing, the parent will not be reimbursed for the cost of the evaluation unless the administrative law judge orders the LEA to reimburse the parent as part of the due process decision.

Guidelines for Determining Qualifications

The qualifications requirements for an IEE policy shall be comparable to the requirements the EA/charter has for its own employees or contractors to complete a similar assessment. Recommendations for requirements within IEE policies include:

- All assessments shall be completed by persons competent to perform the assessments as determined by the LEA/charter. *CA Ed. Code 56322.*
- An evaluator shall administer the IEE in the same type of educational setting that is used by the EA/charter in providing similar evaluations, including, but not limited to, classroom observations. *CA Ed. Code 56329(c)*
- Independent evaluators shall hold appropriate minimum credentials issued by the appropriate agency or board within the State of California. The minimum qualifications list by assessment can be provided by the LEA/charter upon request.
- Da Vinci Schools may maintain a courtesy, non-exhaustive list of IEE evaluators with whom it has contracted before. However, Da Vinci Schools does not endorse any particular evaluator and is not responsible for any liability that may arise from the use of any evaluator listed. As stated above, the LEA must also ensure that the potential evaluator meets the SELPA criteria and contracting requirements prior to initiating a contract with the evaluator for the IEE.
- With appropriate qualifications within 25 miles of the LEA.
 - The office of the IEE evaluator must be located within twenty-five (25) miles of a Da Vinci School campus. If an exception to this geographic limitation is established based on unique circumstances, Da Vinci Schools shall pay the IEE evaluator the federal business mileage reimbursement rate for required travel associated with the IEE.

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

IEE Cost Determination

The cost of determining the IEE shall be comparable to the costs incurred by the LEA when it uses its own employees or contractors to complete an assessment. As such, Chief Executive

Officer/Superintendent or designee shall provide a parent with a recommended cost ceiling. The cost ceiling shall be updated once every three years and determined by averaging the costs of the following three assessors.

- a. The cost of an assessment provided by an LEA employee;
- b. The cost of an assessment provided by a neighboring LEA; and
- c. The cost of an assessment provided by a private service provider

Reasonable maximum costs include the following responsibilities:

- Observations;
 - The IEE assessor will be provided with an opportunity to conduct in-class observations, consistent with the observation conducted by Da Vinci Schools staff in completing its evaluation of the student. In-class observations shall be conducted in accordance with the school site's observation policy and in a manner that prevents unnecessary disruption to the class and protects the privacy interests of other students. School site observation policies may include parameters such as identifying time constraints for the observation, accompaniment by charter staff during the observation, and restricting student/observer and teacher/observer interactions.
- Administration and scoring of assessments;
- Report Writing; and
- Attendance in person, or by phone, at the IEP meeting when the IEE is presented.

| Reasonable Maximum Cost | |
|---|--------|
| Assistive Technology | \$1500 |
| Auditory processing/Auditory perception | \$1800 |
| Functional Behavioral Assessment | \$4000 |
| Cognitive/Comprehensive Psycho-educational Evaluation | \$5000 |

| | |
|----------------------|--------|
| Occupational therapy | \$1700 |
| Physical therapy | \$1500 |
| Speech and Language | \$1500 |
| Functional Vision | \$1000 |

Criteria for Assessing Private Insurance

The Chief Executive Officer/Superintendent or designee shall request that the parent voluntarily have their private health insurance pay the cost of the IEE if covered by their insurance. However, the Board of Trustees recognizes that federal and state law specifies that parents are not required to have private insurance cover the cost of an IEE if the process would result in a financial cost to the parent, including but not limited to:

1. A decrease in available lifetime coverage or any other benefit under an insurance policy;
2. An 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.

IEE Assessment Response

An IEE assessor must provide a written report of their assessment that meets the requirements of the IDEA and *California Education Code section 56327*. IEE assessors are requested not to identify specific service providers to avoid possible conflict of interest situations. IEE assessors must agree to release their assessment information, testing protocols, report, and results to the District prior to receipt of payment for services.

Da Vinci Schools will schedule an IEP team meeting within 30 days of receipt of an IEE report, not counting days when the LEA is closed for a school break of more than 5 days. This IEP team meeting will be scheduled for both reports funded or reimbursed by the LEA and reports obtained at parental expense. Da Vinci Schools will invite the IEE assessor to one IEP team meeting to review their report. 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.

IEE results must be considered by the IEP team and documented as part of the discussion on the notes page of the IEP document during the IEP meeting. **However, the results of an IEE are for consideration and may not change the offer of FAPE.** Additionally, the IEE may not be considered if not completed by a qualified professional, as determined by the LEA/charter. Should the IEP team continue to disagree on the offer of FAPE, the EA/charter and parent must continue to take appropriate steps to reach resolution.

Additional Information

If you require additional information concerning Da Vinci Schools' IEE Policy and Procedures, please do not hesitate to contact the Special Education office at 310.725.5800.

Legal References:

Federal Law:

- 20 U.S.C. § 1415(b)(1) – Individuals with Disabilities Education Act (IDEA): Procedural safeguards, including right to obtain an independent educational evaluation.
- 34 C.F.R. § 300.502 – IDEA regulations regarding independent educational evaluations.

California Education Code:

- Ed. Code § 56320–56330 – Provisions related to assessments, including who is qualified to conduct them and how they must be administered.
- Ed. Code § 56322 – Definition of persons competent to perform assessments.
- Ed. Code § 56327 – Requirements for written reports of assessments.
- Ed. Code § 56329(b) and (c) – Rights of parents concerning assessments and independent evaluations.
- Ed. Code § 56506(c) – Procedural safeguards and rights of parents.

Case Law:

- Office of Administrative Hearings (OAH) Case No. 2012051153 – Legal precedent cited regarding eligibility and reimbursement for independent educational evaluations.

Approved and adopted by the Da Vinci Schools Board on January 15, 2020.

Update approved and adopted on October 25, 2023

Updated: May 6, 2025

Update approved and adopted on May 28, 2025