

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.*

If the parent requests an IEE at public expense, the parent will be asked the reason why they object to the evaluation conducted by the LEA. The LEA may not, however, require the parents to explain their reasons and may not unreasonably delay either providing an IEE at public expense or initiating a due process hearing to defend its evaluation because a parent does not provide such reason. The parent must be clear about what area of evaluation it is that they are seeking an IEE. The Chief Executive Officer/Superintendent or designee shall ensure that when a

parent disagrees with an LEA evaluation and 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.

If the LEA initiates a hearing and the final decision is that the evaluation conducted by the LEA was appropriate, the parent/guardian still has the right to an IEE, but not 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 agency 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 agency criteria, as defined by the LEA, to justify the 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 outlining such decision.

Parents will be required to sign a release and exchange of information between the IEE evaluator(s) and 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. The evaluation may also be presented as evidence at a due process hearing regarding the child.

If a parent elects to obtain a privately-funded IEE and later seeks reimbursement, the following procedures must occur: (1) LEA conducted its own evaluation of the student; (2) the parent disagreed with the LEA evaluation; (3) parent notified the LEA, in writing, of its disagreement with the evaluation and that they will be obtaining a privately-funded IEE for which reimbursement will be sought; and (4) parent provided the request for reimbursement of the privately-obtained IEE within a reasonable timeframe following the receipt of the IEE report.

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 parent-initiated IEE meets the procedures listed above and meets the LEA's agency criteria discussed in this policy before determining reimbursement in a timely manner. The parents will be reimbursed for the costs of the previously obtained parent-initiated IEE if it meets the agency criteria as determined by the Chief Executive Officer/Superintendent or designee for the LEA and the LEA does not elect to request a due process hearing without unreasonable delay. 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.

If a parent requests reimbursement for an IEE that they privately obtained, the parent must provide documentation necessary for reimbursement.

The LEA will deny a request for reimbursement for a parent-initiated evaluation if:

1. The procedures listed above were not followed;
2. The IEE was in an area not previously identified as an area of suspected disability and/or in an area not evaluated by the LEA;
3. The privately obtained evaluation was completed prior to the date that the LEA's evaluation was completed and discussed at an IEP team meeting;
4. The examiner and/or evaluation does not meet the minimum qualification and criteria defined by the LEA and no unique circumstances are proven to waive those criteria;
5. The IEE does not meet the minimum state and federal criteria for educational identification of the specific disability discussed in the IEE; or
6. The LEA does not receive a request for reimbursement in writing within a reasonable time after receipt of the results of the evaluation or the cost is not within the reasonable cost limits outlined by the LEA without unique circumstances being proven to waive such cost limitations.

Parent-initiated IEE may not be considered if not completed by a qualified examiner, as determined by the District criteria and no unique circumstances exist to waive those criteria.

Guidelines for Determining Qualifications

The qualifications requirements for an IEE policy shall be comparable to the requirements the LEA/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 LEA/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. The list 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 agency criteria outlined in this policy. As stated above, the LEA must also ensure that the potential evaluator meets the agency criteria and contracting requirements prior to initiating a contract with the evaluator for the IEE.
- With appropriate qualifications within 25 miles of the LEA.
 - An 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 and confirm that no qualified evaluators are available within the specified area to assess their child's educational needs, 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 market value in the area for contractors to complete a similar assessment. The cost ceiling for the evaluation areas is as provided below. The cost ceiling shall be updated once every three years and determined by using the median of the costs of assessors conducting the evaluations in each area within Los Angeles County.

Reasonable maximum costs include the following responsibilities:

- Observations;
 - The IEE assessor will be provided with an opportunity to and must 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;
- Copies of all protocols administered; and
- Attendance in person, or by phone, at the IEP meeting(s) for a total maximum of 2 hours when the IEE is presented.

Reasonable Maximum Cost - Los Angeles	
Assistive Technology	\$3500
Auditory processing/Auditory perception	\$2000
Functional Behavioral Assessment	\$6500
Cognitive/Comprehensive Psycho-educational Evaluation (including academics, adaptive behavior and mental health)	\$7500
Occupational therapy	\$2200
Physical therapy	\$2500
Speech and Language	\$2500

Functional Vision	\$1200
Educationally Related Mental Health Services (ERMHS)	\$2500

**Reasonable Maximum Costs guidelines supported by the El Dorado Charter SELPA (05.2026)*

Criteria for Assessing Private Insurance

When insurance will cover all or partial costs of the IEE, 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.

Minimum Qualifications for Evaluators

Type of Evaluation	Qualifications
Academic Assessment	Credentialed Special Education Teacher Credentialed School Psychologist Licensed Educational Psychologist
Assistive Technology	Credentialed or Licensed Speech Language/Pathologist Certified Assistive Technology Specialist Credentialed Special Education Teacher
Auditory Processing/Auditory Perception	Credentialed School Psychologist Licensed Educational Psychologist Licensed or Credentialed Speech and Language Pathologist

Behavioral/Functional Behavior Assessment	Credentialed School Psychologist Licensed Educational Psychologist Board Certified Behavior Analyst Credentialed Special Education Teacher
Functional Vision	Education Specialist Instruction Credential: Visual Impairments
Occupational Therapy	Registered and Licensed Occupational Therapist
Physical Therapy	Registered and Licensed Physical Therapist
Psychoeducational	Credentialed School Psychologist Licensed Educational Psychologist Licensed Clinical Psychologist
Social/Emotional/ERMHS	Credentialed School Psychologist Licensed Educational Psychologist Licensed Clinical Social Worker Licensed Marriage and Family Therapist
Speech and Language	Credentialed or Licensed Speech and Language Pathologist

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 LEA 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 the IEP team is not required to adopt all or any of the IEE recommendations.** 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

Updated: August 28, 2026