

**Circle of Seasons Charter School  
8380 Mohr Lane  
Fogelsville, PA 18051**

**Board of Directors Policy**

**Independent Evaluations Policy**

The Board of Directors recognizes that in accordance with applicable state and federal laws, including Chapter 711 of Title 22 of the Pennsylvania Code, a parent has the right to obtain an independent educational evaluation ("IEE") of his or her child if the parent disagrees with an evaluation by Charter School ("Charter School") to the extent permitted by law, including the right of Charter School, to file a due process complaint to show that its evaluation is appropriate and to contest the need for an independent evaluation.

If a parent requests an IEE, the Director/Chief Executive Officer ("Director") or his/her designee is directed to provide the parent with information about where the parent may obtain an IEE and about Charter School's criteria that apply to IEEs. As this policy contains information about Charter School's criteria, this policy should be provided to parents upon request.

An Independent Educational Evaluation or IEE is defined under applicable requirements as an evaluation conducted by a qualified examiner who is not employed by Charter School.

Public expense is defined as follows: Charter School either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with the provisions of Part B of IDEA 2004.

A parent has the right to an IEE of his or her child at public expense if the parent disagrees with an evaluation of the child obtained by Charter School, SUBJECT TO THE FOLLOWING CONDITIONS:

If a parent requests an IEE at public expense, Charter School must, without unnecessary delay, either: (1) File a due process complaint to request a hearing to show that its evaluation of the child is appropriate; or (2) Provide an IEE at public expense, unless Charter School demonstrates in a hearing that the evaluation obtained did not meet Charter School's criteria.

The Director or his/her designee is directed to notify parents when declining the parent's request for an IEE at public expense and the reason for denial of the IEE.

The Director or his/her designee must not unreasonably delay either providing the IEE at public expense or initiating due process.

The Director or his/her designee is directed to ensure that the IEP team considers a valid IEE.

The Director or his/her designee is directed to maintain a list of qualified independent evaluators in each of the various disciplines commonly relied upon to provide education-related evaluations and assessments and shall make that list reasonably available to any parent who requests it.

If Charter School initiates a hearing and the final decision is that Charter School's evaluation is appropriate, the parent still has the right to an independent evaluation, but not at public expense.

If a parent requests an evaluation at public expense, Charter School shall ask in writing for the parent's reason why he or she objects to the public evaluation. However, it must be made clear that the explanation by the parent may not be required and the School may not unreasonably delay either providing the independent evaluation at public expense or initiating a hearing to defend its evaluation.

If a parent obtains an independent evaluation at private expense the results of the evaluation must be considered by Charter School, if it meets Charter School's criteria, in any decision made with respect to the provision of FAPE to the child and may be presented as evidence at a hearing relating to the child.

If an independent evaluation is at public expense, the criteria under which the evaluation is obtained including the location of the evaluation and qualifications of the examiner must be the same as the criteria that Charter School uses when it initiates an evaluation to the extent that those criteria are consistent with the parents' right to an independent evaluation. This criteria must be made known to the parent.

Charter School may not impose conditions or timelines related to obtaining an evaluation at public expense.

All evaluations performed must take into account the child's English language skills and ethnicity to ensure that the testing and evaluation will not be unfair or discriminatory. Tests must be given in the child's native language or mode of communication (such as Braille or sign language) of the child, unless it is clearly not feasible to do so.

Evaluations must also take into account the child's disability to be sure the test measures what it is supposed to measure.

The specific tests used in the evaluation process depend upon the problems the child is experiencing.

In most cases, the child will be given several tests to help find strengths and needs.

Teacher and IEP team member input must be considered.

Information that parents provide must also be included in the evaluation.

Evaluators must be properly certified and qualified to administer the tests, assessments and evaluation techniques used. Such certification and qualification requirements must meet those mandated in Pennsylvania.

Evaluation techniques must be consistent with the most up to date techniques commonly practiced in the evaluator's field.

Evaluations must not be racially, culturally or otherwise biased or discriminatory.

Recommendations must be based upon the child and must not be generalized.

A complete copy of the independent evaluation report must be made available to the IEP team.

Parents are to be given a release of records so that information from Charter School (including records, observations and other information gathered regarding the child) about the child may be disclosed to the independent evaluator.

Charter School will comply with and monitor changes in all state and federal time lines, procedures and due process requirements throughout the entire independent evaluation process. In the event that there are changes in state or federal law with regard to any part of this policy, Charter School will comply with state and federal law.

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL.

ADOPTED this 26 day of Feb, 2015

Cy J. Max  
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President

Kimberly W. Heimer  
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Secretary



## INDEPENDENT EDUCATION EVALUATIONS (IEE) ADMINISTRATIVE PROCEDURES

A parent who disagrees with an evaluation performed or obtained by Circle of Seasons Charter School ("Charter School") may request an independent educational evaluation (IEE) at public expense to the extent allowed by applicable state and federal regulations. If the request is received verbally, the staff member who receives the IEE request shall inform the parent that the staff member is forwarding the request to the CEO/CAO/Director. The staff member is to forward the request to the CEO/CAO/Director without delay.

The CEO/CAO/Director or his/her designee shall take the following steps to the extent that they remain consistent with applicable state and federal regulations regarding IEEs:

The CEO/CAO/Director may, upon receipt of the request for an IEE, request that the parent state her reasons for disagreement with the evaluation conducted or proposed by the Charter School. The CEO/CAO/Director shall not require the parents to do so, however, and shall not delay the process for providing or disputing an IEE.

Within ten school days of receipt of a request for an IEE in writing from a parent, the CEO/CAO/Director of Charter School shall issue a NOREP and Procedural Safeguards Notice to the Parent in which the CEO either approves or denies the request for the IEE.

If the parent refuses to consent to the decision not to provide an IEE, the CEO or his/her designee must file a Due Process Hearing Request with the Office for Dispute Resolution and notify the parent in writing that Charter School has done so. The parent must be copied on the Due Process Hearing Request in the same manner as it is sent to the Office for Dispute Resolution. The parent must be provided with a copy of the Procedural Safeguards Notice upon filing of a Due Process Hearing Request.

If the CEO/CAO/Director consents to provide an IEE, the parent must receive written documentation from the CEO/CAO/Director with the NOREP and the Procedural Safeguards Notice. The written documentation must include the following:

- (1) Charter School will pay for an IEE provided the IEE meets all of the requirements of an appropriate evaluation as defined in the enclosed Charter School IEE policy. (The IEE policy will also be included with the written documentation).
- (2) The CEO/CAO/Director shall provide a list of qualified independent evaluators to the parent in the discipline requested.

(3) Charter School will not pay for the IEE until the CEO/CAO/Director receives from the evaluator a complete copy of a report of that evaluation and determines that the evaluation meets all of the requirements of Charter School's policy.

(4) A request that the parents consider accessing reimbursement for all or part of the evaluation from public or private sources of insurance or reimbursement, together with a clear assurance that the parent is not required to do so and that Charter School would pay any cost not covered by such sources;

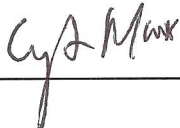
(5) Directions that the parent is responsible for arranging for the IEE and for ensuring that the evaluator contacts the CEO/CAO/Director to arrange for payment of the evaluation.

(6) If the evaluation has already been conducted and paid for, the correspondence shall advise the parent that Charter School will not reimburse the parent for the IEE until it receives a complete and unredacted copy of the report of the evaluation and determines that the evaluation meets all of the requirements of the Charter School IEE policy and documentation substantiating that the parent paid for or is responsible to pay for the costs of the evaluation requested to be reimbursed.

(7) The IEE shall be reviewed by the student's IEP and/or MD team and considered with respect to the provision of FAPE to the student. Where necessary and/or warranted as required by law, a team meeting shall be convened to discuss the results of the IEE and any changes in the provision of FAPE proposed as a result of the IEE.

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ADOPTED this 26 day of Feb, 2015

  
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President

  
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Secretary