



Board Policy #: O1420X

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SPECIAL EDUCATION POLICY

The Board of Directors of Orange County Educational Arts Academy (“OCEAA” or the “Charter School”) recognizes the need to identify, evaluate, and serve students with disabilities in order to provide them with a free appropriate public education (“FAPE”) in the least restrictive environment. Accordingly, this Policy has been adopted consistent with Education Code section 56195.8.

The following provisions govern the application of special education services to OCEAA students:

OCEAA shall comply with all applicable state and federal laws in serving students with disabilities, including, but not limited to, Section 504 of the Rehabilitation Act of 1973 (“Section 504”), the Americans with Disabilities Act of 1992 (“ADA”), and the Individuals with Disabilities Education Improvement Act of 2004 (“IDEA”). All students will have access to OCEAA, and no student shall be denied admission based solely on disability status.

The Charter School, as an Local Educational Agency (“LEA”), shall be responsible for complying with all provisions of the IDEA and implementing regulations as they relate to local educational agencies. OCEAA will assume full responsibility for providing special education and related services to eligible Charter School students in accordance with state and federal law, will agree to follow all policies and procedures of the SELPA, and serve students who qualify for special education, instruction, and services. The Charter School will further agree to collaborate with the Special Education Local Plan Area (“SELPA”) to respond to inquiries and requests and provide access to information and records, as needed, and shall be responsible for maintaining confidentiality of student records.

A student with disabilities attending OCEAA shall receive special education instruction or designated instruction and services, or both, in a manner consistent with their individualized education program (“IEP”), as applicable and in compliance with the IDEA. OCEAA shall be responsible for providing all special education services to all actively enrolled OCEAA students regardless of their school district of residence.

The Charter School may seek resources and services (e.g. Speech, Occupational Therapy, Adapted P.E., Nursing, and Transportation) from the SELPA, subject to SELPA approval and availability. The Charter School may also provide related services by hiring credentialed or licensed providers through private agencies or independent contractors.

OCEAA shall provide special education instruction and related services in accordance with the IDEA, applicable Education Code requirements, and applicable policies and practices of the SELPA. At all times, OCEAA shall comply with all state and federal laws related to the identification of students with special needs and the provision of



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special education instruction and related services and all SELPA policies and procedures and shall utilize appropriate SELPA forms.

Identification, Referral, and Evaluation for Special Education

OCEAA personnel will actively seek out children in need of special education and related services in compliance with its child find obligation including, but not limited to, careful analysis of all student cumulative records, data, parent/family communications, and community notices. OCEAA shall follow applicable state and federal law and regulations and SELPA policy with respect to the identification, referral, and assessments of students for special education and related services.

OCEAA will develop, maintain, and implement policies and procedures to ensure timely identification and referral of students who have, or may have, such exceptional needs in accordance with state and federal law, and SELPA policies and procedures. OCEAA is responsible for obtaining the cumulative files, prior and/or current IEP and other special education information on any student enrolling in the Charter School. A pupil shall be referred for special education instruction and services only after the resources of the regular education program have been fully considered and utilized, as appropriate. When a student transfers from OCEAA, OCEAA will follow applicable law in providing pupil records, including IEPs and supporting documents, to the new school of enrollment.

The term “assessment” shall have the same meaning as the term “evaluation” in the IDEA, as provided in Section 1414, Title 20 of the United States Code. OCEAA shall determine what assessments are necessary, including assessments for all referred students, annual assessments and tri-annual assessments, in accordance with applicable law. The Charter School shall obtain parent/guardian consent to assess Charter School students. Assessment will be conducted by qualified personnel who are trained and/or certified to administer specific assessments and evaluation instruments.

Multi-Tiered Systems of Support (“MTSS”)

OCEAA’s MTSS framework provides a comprehensive model for academic and behavioral progress monitoring and interventions for students. MTSS data are used in identification of students with disabilities and are integral in the decision-making processes for special education referrals, assessment, and eligibility determinations as described in the following subsections. Additional information about the Charter School’s MTSS program can be located within the Charter.

Individualized Education Program (“IEP”) Team Meetings

The centerpiece of special education programming is the IEP. An IEP is created for each student requiring special education and/or related aids and services upon the completion of each assessment. OCEAA shall convene IEP team meetings with the legally required composition within all legally applicable timelines, in accordance with state and federal law and regulations and SELPA policy.



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Charter School shall also review, at the request of a student's general or special education teacher, the student's assignment to their class. A mandatory IEP meeting shall be convened if the review indicates a change to the student's placement, instruction, related services, or any combination thereof may be required. The [INSERT STAFF – e.g. Executive Officer, school psychologist, and Director of Special Education] shall be responsible for completing the review within fifteen (15) days of the teacher's request.

Decisions regarding eligibility, goals/objectives, program, placement in and exit from special education shall be determined by the IEP Team. Team membership shall be in compliance with state and federal law and shall include all required representatives, which consist of at least the student's parent(s)/guardian(s), the student's general education teacher, an OCEAA administrator, and an education specialist. Services and placements shall be provided to eligible OCEAA students in accordance with applicable law and the policies and procedures of the SELPA.

Instructional staff (teachers and service providers) will monitor the student's progress throughout the year to ensure the student is on track for meeting growth goals. The IEP Team will review the student's progress toward the goals specified in the IEP on an annual and a triennial basis. With respect to goals, a S.M.A.R.T. paradigm will be utilized across all students, irrespective of the educational disability.

In accordance with rules and regulations, OCEAA monitors student progress toward the goals specified in the IEP regularly and formally reviews each IEP at least on an annual and triennial basis, or more frequently if the need arises, or upon request of student's parent/guardian. OCEAA staff shall comply with state and federal laws and SELPA procedures related to IEPs, including, but not limited to, those required by any web-based IEP system, the requirement that IEPs be affirmed and attested to by appropriate members of the IEP team.

OCEAA shall, before the placement of the student with exceptional needs, ensure that the staff and other persons who provide special education services to the student be knowledgeable of the content of the IEP. A copy of each IEP shall be maintained in a secure location at the school site. Service providers from other agencies who provide instruction or related service to the individual of the school site shall be provided a copy of the IEP. All IEPs shall be maintained in accordance with state and federal student record confidentiality laws.

Educational Services

To the extent that the IEP requires special education or related services, OCEAA shall provide and/or arrange for such services. To the maximum extent appropriate, children with disabilities are educated using an age-appropriate inclusion model. Special class, separate schooling, or other removal of a student with disabilities from the general educational environment will be recommended only when the nature or severity of the disability is such that the general education setting with the use of supplemental aids and services cannot be achieved satisfactorily.





General Education Program Support

If the student is deemed eligible (or, in the case of three-year or re-evaluation re-eligible) for special education programming, OCEAA shall provide instruction that best meets the student's needs with a full continuum of instructional services inclusive of co-teaching, in-class targeted instruction and resource support.

With reference to integrated co-teaching ("ICT"), if applicable, OCEAA shall establish a platform that encompasses a combination of the following:

- One Teach One Drift/Assist
- Parallel Teaching
- Alternative Teaching
- Station Teaching
- Team Teaching
- One Teach-One Observe

With the understanding that co-teaching requires intensive professional development and co-planning time, the co-teaching dyads will be provided with ample training, time, and other supports to ensure success of these structures.

If the student requires additional related services to benefit from their educational program, OCEAA's staff shall provide services in accordance with best practices as advocated by professional organizations.

Driving principles include: (1) an educational model; (2) data-driven practices; (3) an inclusionary orientation that emphasizes the least restrictive environment; and (4) a multi-disciplinary approach that builds capacity of teachers, teaching assistants, and parents to help students with disabilities generalize skills throughout the curriculum.

Resource Specialist Program

OCEAA shall employ or contract with certificated resource specialists to provide services for students with disabilities which shall include, but not be limited to:

1. Providing instruction and services to students whose needs have been identified in an IEP developed by the IEP team and who are assigned to regular classroom teachers for a majority of the school day. Students shall not be enrolled in a resource specialist program for the majority of the school day without approval of the IEP team.
2. Providing information and assistance to students with disabilities and their parents/guardians.
3. Providing consultation, resource information, and material regarding students with disabilities to their parents/guardians and regular education staff members.





4. Coordinating special education services with the regular school programs for each student with disabilities enrolled in the resource specialist program.
5. Monitoring student progress on a regular basis, participating in the review and revision of IEPs as appropriate, and referring students who do not demonstrate appropriate progress to the IEP team.
6. At the secondary school level, emphasizing academic achievement, career and vocational development, and preparation for adult life.
7. Resource specialists shall not simultaneously be assigned to serve as resource specialists and to teach regular classes.

OCEAA's resource specialist program shall be under the direction of a resource specialist who possesses:

1. A special education credential or clinical services credential with a special class authorization.
2. Three or more years of teaching experience, including both regular and special education teaching experience, as defined by rules and regulations of the Commission on Teacher Credentialing.
3. Demonstration of competencies required for a resource specialist as established by the Commission on Teacher Credentialing.

The Executive Officer shall ensure that caseloads for special education teachers are within the maximum caseloads established by law, collective bargaining agreement, and/or SELPA policy. No resource specialist shall have a caseload which exceeds twenty-eight (28) students, unless a valid waiver is obtained through the State Board of Education, consistent with Title 5, California Code of Regulations, section 3100.

Nonpublic, Nonsectarian Services

OCEAA may contract with state-certified nonpublic, nonsectarian schools or agencies to provide special education services or facilities when an appropriate public education program at OCEAA is not available in accordance with Education Code section 56366 and Section 3062 of Title 5 of the California Code of Regulations. When entering into agreements with nonpublic, nonsectarian schools ("NPSs") or agencies ("NPAs"), OCEAA consider the needs of the individual student and the recommendations of the IEP team. The IEP team shall remain accountable for monitoring the progress of students placed in nonpublic, nonsectarian programs towards the goals identified in each student's IEP.

In accordance with Education Code section 56366.1, when entering into a Master Contract with an NPS where OCEAA has not previously placed a student, the Charter School shall conduct an onsite visit to the NPS at the time of placement. OCEAA shall also conduct at least one onsite monitoring visit to the NPA during each school year in which the Charter School has a student attending pursuant to a Master Contract. The monitoring visit shall include the following:



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- A review of services provided to the student through the individual service agreement OCEAA and the NPS;
- A review of progress the student is making toward the student's IEP goals;
- A review of progress the student is making toward the goals set forth in the student's behavior intervention plan;
- If applicable, an observation of the student during instruction;
- A walkthrough of the facility; and
- Any other reviews and/or observations deemed necessary by OCEAA.

OCEAA shall follow state and federal law and regulations and SELPA policy when contracting with nonpublic, nonsectarian schools or agencies.

Procedural Safeguards

Parent/guardians shall receive written notice of their rights in accordance with state and federal law and regulation, and SELPA policy.

Please see the Director of Special Education for a copy of your procedural safeguards.

Suspension and Expulsion of Students with Disabilities

OCEAA will follow special procedures for the consideration of suspension and expulsion or involuntary removal of students with disabilities. OCEAA's complete Suspension and Expulsion Policy within element 10 of the Charter.

A student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability pursuant to the Individuals with Disabilities Education Improvement Act of 2004 ("IDEA") or who is qualified for services under Section 504 of the Rehabilitation Act of 1973 ("Section 504") is subject to the same grounds for suspension and expulsion and is accorded the same due process procedures applicable to general education students except when federal and state law mandates additional or different procedures. The Charter School will follow all applicable federal and state laws including but not limited to the California Education Code, when imposing any form of discipline on a student identified as an individual with disabilities or for whom the Charter School has a basis of knowledge of a suspected disability or who is otherwise qualified for such services or protections in according due process to such students.

Special Procedures for the Consideration of Suspension and Expulsion or Involuntary Removal of Students with Disabilities

1. Notification of SELPA:

The Charter School shall immediately notify the SELPA and coordinate the procedures in this policy with the SELPA of the discipline of any student with a disability or student that the Charter School or the SELPA would be deemed to have knowledge that the student had a disability.



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2. Services During Suspension:

Students suspended for more than ten (10) school days in a school year shall continue to receive services so as to enable the student to continue to participate in the general education curriculum, although in another setting (which could constitute a change of placement and the student's IEP would reflect this change), and to progress toward meeting the goals set out in the child's IEP/504 Plan; and receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur. These services may be provided in an interim alternative educational setting.

3. Procedural Safeguards/Manifestation Determination:

Within ten (10) school days of a recommendation for expulsion or any decision to change the placement of a child with a disability because of a violation of a code of student conduct, the Charter School, the parent, and relevant members of the IEP/504 Team shall review all relevant information in the student's file, including the child's IEP/504 Plan, any teacher observations, and any relevant information provided by the parents to determine:

1. If the conduct in question was caused by, or had a direct and substantial relationship to, the child's disability; or
2. If the conduct in question was the direct result of the local educational agency's failure to implement the IEP/504 Plan.

If the Charter School, the parent, and relevant members of the IEP/504 Team determine that either of the above is applicable for the child, the conduct shall be determined to be a manifestation of the child's disability.

If the Charter School, the parent, and relevant members of the IEP/504 Team make the determination that the conduct was a manifestation of the child's disability, the IEP/504 Team shall:

1. Conduct a functional behavioral assessment and implement a behavioral intervention plan for such child, provided that the Charter School had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement;
2. If a behavioral intervention plan has been developed, review the behavioral intervention plan if the child already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior; and
3. Return the child to the placement from which the child was removed, unless the parent/guardian and the Charter School agree to a change of placement as part of the modification of the behavioral intervention plan.

If the Charter School, the parent/guardian, and relevant members of the IEP/504 Team determine that the behavior was not a manifestation of the student's disability and that the conduct in question was not a direct result of the failure to implement the IEP/504 Plan, then the Charter School may apply the relevant disciplinary procedures to children with disabilities in the same manner and for the same duration as the procedures would be applied to students without disabilities.





4. *Due Process Appeals:*

The parent/guardian of a child with a disability who disagrees with any decision regarding placement, or the manifestation determination, or the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, may request an expedited

administrative hearing through the Special Education Unit of the Office of Administrative Hearings or by utilizing the dispute provisions of the 504 Policy and Procedures.

When an appeal relating to the placement of the student or the manifestation determination has been requested by either the parent/guardian or the Charter School, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer in accordance with state and federal law, including 20 U.S.C. Section 1415(k), until the expiration of the forty-five (45) day time period provided for in an interim alternative educational setting, unless the parent and the Charter School agree otherwise.

In accordance with 20 U.S.C. Section 1415(k)(3), if a parent/guardian disagrees with any decision regarding placement, or the manifestation determination, or if the Charter School believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, the parent/guardian or Charter School may request a hearing.

In such an appeal, a hearing officer may: (1) return a child with a disability to the placement from which the child was removed; or (2) order a change in placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others.

5. *Special Circumstances:*

Charter School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability who violates a code of student conduct.

The Executive Officer or designee may remove a student to an interim alternative educational setting for not more than forty-five (45) school days without regard to whether the behavior is determined to be a manifestation of the student's disability in cases where a student:

- a. Carries or possesses a weapon, as defined in 18 U.S.C. Section 930, to or at school, on school premises, or to or at a school function;
- b. Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function; or
- c. Has inflicted serious bodily injury, as defined by 20 U.S.C. Section 1415(k)(7)(D), upon a person while at school, on school premises, or at a school function.





6. *Interim Alternative Educational Setting:*

The student's interim alternative educational setting shall be determined by the student's IEP/504 Team.

Procedures for Students Not Yet Eligible for Special Education Services

A student who has not been identified as an individual with disabilities pursuant to IDEA and who has violated the Charter School's disciplinary procedures may assert the procedural safeguards granted under this administrative regulation only if the Charter School had knowledge that the student was disabled before the behavior occurred.

The Charter School shall be deemed to have knowledge that the student had a disability if one of the following conditions exists:

1. The parent/guardian has expressed concern in writing, or orally if the parent/guardian does not know how to write or has a disability that prevents a written statement, to Charter School supervisory or administrative personnel, or to one of the child's teachers, that the student is in need of special education or related services.
2. The parent has requested an evaluation of the child.
3. The child's teacher, or other Charter School personnel, has expressed specific concerns about a pattern of behavior demonstrated by the child, directly to the Special Education Coordinator or to other Charter School supervisory personnel.

If the Charter School knew or should have known the student had a disability under any of the three (3) circumstances described above, the student may assert any of the protections available to IDEA- eligible children with disabilities, including the right to stay-put.

If the Charter School had no basis for knowledge of the student's disability, it shall proceed with the proposed discipline. The Charter School shall conduct an expedited evaluation if requested by the parents; however the student shall remain in the education placement determined by the Charter School pending the results of the evaluation.

The Charter School shall not be deemed to have knowledge that the student had a disability if the parent has not allowed an evaluation, refused services, or if the student has been evaluated and determined to not be eligible.

Reporting

OCEAA, in collaboration with the SELPA, will collect and maintain the following information on students with disabilities as required by IDEA:



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- A calculation of all school-age students with disabilities being provided special education services by age, grade, category of disability, and the number of students with disabilities who are English Learners.
- The number of students provided with test modifications and the types and the number of students exempted from State assessments; The settings in which students with disabilities, receive the services, specifically including the portion of the school day they receive services with non-disabled peers and time away from the regular classroom.
- The number of students with disabilities suspended “in-school” and “out-of-school,” organized by program eligibility and length of suspensions.
- The basis of exit from OCEAA for students with disabilities (i.e., attainment of diploma and type, declassified, moved, etc.).
- Any other information deemed necessary by state and federal law and regulation and SELPA policy.

All necessary procedures and practices to ensure confidentiality and accurate/timely reporting will be the responsibility of OCEAA’s Executive Officer or designee. The Executive Officer or designee will ensure that a central file with all special education evaluation material and IEPs is maintained and that this file is locked and confidential, in accordance with IDEA guidelines. The Executive Officer or designee will oversee access to these records and will be responsible for ensuring that all providers responsible for the implementation of a student’s IEP will have access to a copy of the IEP, will be informed of their specific responsibilities in implementing the IEP, and expectations for privacy under the Family Educational Rights and Privacy Act (“FERPA”).

Students with Temporary Disabilities – Home Hospital Instruction

Pursuant to Assembly Bill 2109, OCEAA may continue to enroll a student with a temporary disability who is receiving individual instruction in a hospital or other residential health facility (referred to as home hospital instruction (“HHI”)) in order to facilitate the timely reentry of the pupil in their prior school after the hospitalization has ended, or in order to provide a partial week of instruction to a student who is receiving HHI, for fewer than five (5) days of instruction per week, or the equivalent. A student receiving HHI who has clearance by a medical professional to return to school shall be allowed to return to OCEAA, the school that the student attended immediately before receiving HHI, if the student returns during the school year in which the HHI was initiated.

Transportation

Charter School shall ensure appropriate, no cost transportation services are provided for students with disabilities as specified in their IEP as a related service when required. The specific needs of the student shall be the primary consideration when an IEP team is determining the student’s transportation needs. Considerations may include, but are not limited to, the student’s health needs, travel distances, physical accessibility and safety of streets and sidewalks, accessibility of public transportation systems, midday or other transportation needs, extended-year services, and, as necessary, implementation of a behavioral intervention plan.



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When transportation services are required, the Executive Officer or designee shall arrange transportation schedules so that students with disabilities do not spend an excessive amount of time on buses compared to other students. Arrivals and departures shall not reduce the length of the school day for these students except as may be prescribed on an individual basis.

When contracting with a nonpublic, nonsectarian school or agency to provide special education services, the Executive Officer or designee shall ensure that the contract includes general administrative and financial agreements related to the provision of transportation services if specified in the student's IEP.

Guide dogs, signal dogs and service dogs trained to provide assistance to persons with disabilities may be transported in a school bus when accompanied by students with disabilities, teachers with disabilities, or persons training the dogs.

Charter School shall ensure that all school buses, school student activity buses, youth buses and childcare motor vehicles, whenever they may be used, are equipped with an operational child safety alert system. Charter School shall ensure that all buses are equipped with a passenger restraint system.

Mobile seating devices, when used, shall be compatible with the securement systems required by Federal Motor Vehicle Safety Standard No. 222 (49 C.F.R. § 571.222). OCEAA shall ensure school bus drivers are trained in the proper installation of mobile seating devices in the securement systems.

Independent Educational Evaluations

A. IEE at Parent Expense

Charter School acknowledges that a parent/guardian has the right to obtain an independent educational evaluation(s) ("IEE") at their own expense at any time. In these circumstances, the Executive Officer or designee(s) shall ensure that the student's IEP team shall consider the results of the IEE when determining an offer of a FAPE for the student. However, the results of an IEE will not dictate the IEP team's determinations.

If a parent/guardian requests reimbursement for an IEE assessment obtained by the parent/guardian at their own expense, the Executive Officer or designee(s) shall ensure that the unilaterally obtained IEE meets the following criteria:

1. The parent disagreed with the Charter School's evaluation and the Charter School received a request within a reasonable time after receipt of the results of the evaluation.
2. The parent timely and upon request provided Charter School with written consent to exchange information with the examiner.
3. The private evaluation meets all criteria contained in this Policy.
4. The parent timely provided a copy of the written evaluation report and all other documents\tests related to the report.





5. The examiner attends the relevant IEP team meeting by phone or in person to discuss their findings and provides protocols of all assessments to Charter School.

The reimbursement will be in an amount no greater than the actual cost to the parents. Parents may only be reimbursed for one (1) IEE for each assessment area or discipline with which they disagree.

In all cases, if Charter School initiates a due process hearing to show that Charter School's evaluation is appropriate, no reimbursement shall be made unless ordered by a Hearing Officer.

B. IEE at Public Expense

Charter School recognizes that federal and state laws provide parents/guardians of students with disabilities with the right to obtain an IEE, at public expense, when the parent/guardian disagrees with an assessment conducted by Charter School within the last two (2) years. Parents may only receive one (1) IEE for each assessment area or discipline with which they disagree.

The Executive Officer or designee(s) shall ensure that when a parent/guardian requests an IEE at public expense, Charter School shall provide the parent/guardian with a copy of their Procedural Safeguards *and*, without unnecessary delay, either:

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

Should the Charter School grant the parent's request for an IEE, the Executive Officer or designee(s) 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 Charter School uses when it initiates an evaluation.
2. Charter School does not impose conditions or timelines related to obtaining an IEE at public expense.
3. All assessments shall be completed by persons competent to perform the assessment as determined by Charter School. Parent has the right to choose the examiner.
4. If the original evaluation completed by Charter School included in-class observation of the student, an equivalent opportunity shall apply to an independent educational assessment of the student in the student's current educational placement and setting.
5. 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 Charter School.





6. The evaluator must prepare and sign a full evaluation report containing:
 - a. A list of all information/data reviewed.
 - b. A clear explanation of the testing and assessment results.
 - c. A complete summary of all test scores, including, for all standardized testing administered, all applicable full scale or battery scores, domain or composite scores, and sub-test scores reported in standard, scaled or T-score format.
 - d. A complete summary of all information obtained or reviewed from sources other than testing conducted by the evaluator.
 - e. Recommendations for IEP team consideration for educational programming and, if appropriate, placement that is educationally relevant and realistic within a public educational setting.

The cost determination for an IEE shall be comparable to the costs incurred by Charter School when it uses its own employees or contractors to complete an assessment, whenever possible and shall reflect reasonable and customary rates for such services in the area. As a result, the Executive Officer or designee(s) shall provide a parent/guardian with a recommended cost ceiling. The cost ceiling shall be updated (*once every three (3) years*) and determined by averaging the cost of the following three factors:

1. The cost of an assessment provided by a Charter School employee.
2. The cost of an assessment provided by a neighboring local educational agency.
3. The cost of an assessment provided by a private service provider, with appropriate qualification, within 40 miles from the Charter School.

The Executive Officer or designee(s) shall ensure a parent/guardian may demonstrate that unique circumstances, related to the student's education need(s), justify a financial waiver of any for the cost as defined by Charter School.

The Executive Officer or designee(s) shall ensure a parent/guardian voluntarily have their private health insurance pay the costs of the IEE if covered by their insurance. However, Charter School recognizes that federal and state laws specify that parents/guardians are not required 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:

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
3. An out-of-pocket expense such as payment of a deductible amount incurred in filing a claim

