

From: Krempasky, Jennifer <JMKrempasky@fcps.edu>
Sent: Monday, Julv 06, 2020 3:14 PM
To:
Cc: Pearson, Jay W.; Schaefer, Dawn M; Massie, Jean A; Strong, Jane
Subject: RE: IEE discriminatory practices
Attachments: _ Notice and Consent for Evaluation.pdf

Dear Mrs. Oettinger,

This email serves as a response to your June 24 and 26, 2020, emails.

Thank you for the U.S. Department of Education's Differentiated Monitoring and Support report. We will work with the Virginia Department of Education (VDOE) to ensure Fairfax County Public Schools (FCPS) remains compliant with the [Regulations Governing Special Education Programs for Children with Disabilities in Virginia](#). At this time, FCPS has not yet received any additional guidance from VDOE, and as such, must continue to operate under the current regulations.

On September 10, 2019, FCPS proposed an audiological evaluation, for which you have not provided consent. As a result, FCPS has not been able to complete an audiological evaluation. Per your June 26, 2020, request for an audiological evaluation, attached is a Notice and Consent for Evaluation in order to obtain your consent for FCPS to complete the audiological evaluation.

Please let me know if you have any questions.

Thank you,

Jen Krempasky
Senior Educational Services Specialist
Due Process & Eligibility
Willow Oaks Administrative Center
8270 Willow Oaks Corporate Drive
Second Floor
Fairfax, VA 22031
571-423-4470 (Office)
571-423-4037 (Fax)



CONFIDENTIALITY WARNING: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under the law. Likewise, this message may contain Federal, State, or Local governmental documents which are confidential, and the information contained therein may not be disclosed pursuant to applicable Federal and State law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by reply email and delete this message.

From:

Sent: Wednesday, June 24, 2020 3:51 PM

To: ; 'Krempasky, Jennifer' <JMKrempasky@fcps.edu>

Cc: 'Pearson, Jay W.' <jwpearson@fcps.edu>; 'Schaefer, Dawn M' <DMSchaefer@fcps.edu>; 'Massie, Jean A' <JAMassie@fcps.edu>; 'Strong, Jane' <jestrong@fcps.edu>

Subject: RE: IEE discriminatory practices

Importance: High

Jen,

Please see the Monitoring Letter released by the U.S. DOE for Virginia.

Among other things, on page 16, it states:

“OSEP Conclusions Based on a review of documents and interviews with State personnel, for the reasons set forth above, OSEP concludes that the provision of Virginia’s regulation, 8VAC20-81-170(B)(2)(a) and (e), are inconsistent with 20 U.S.C. § 1415(b)(1) and 34 C.F.R. § 300.502, because the State’s regulation restricts a parent’s right to an IEE at public expense to only those areas in which the public agency had previously evaluated the child. Required Actions/Next Steps Within 90 days of the date of this letter, the State must . . . “

<https://www2.ed.gov/fund/data/report/idea/partbdmsrpts/dms-va-b-2020-letter.pdf>

Please respond ASAP!

FCPS’s practices are not legal.

Callie

From: callie.oettinger@gmail.com <callie.oettinger@gmail.com>
Sent: Wednesday, June 24, 2020 11:15 AM
To: 'Krempasky, Jennifer' <JMKrempasky@fcps.edu>
Cc: 'Pearson, Jay W.' <jwpearson@fcps.edu>; 'Schaefer, Dawn M' <DMSchaefer@fcps.edu>; 'Massie, Jean A' <JAMassie@fcps.edu>; 'Strong, Jane' <jestrong@fcps.edu>
Subject: RE: IEE discriminatory practices

Jen,

It's obvious you don't know what you're talking about, so let me break it down for you:

Reading Comprehension is listed on the BCD, but isn't a specific category. It is under SLD.

How do you know how to address the reading comprehension if you don't know the cause? Is it processing? Is it ADHD? Is it low vision? Is it memory? What is causing the problem?

Only when you know the cause can you address it.

Similarly, while you might mark auditory processing off under SLD, unless you know the cause, you can't address it and develop a full plan to address it for the child.

So, exactly how does one move forward?

Labels mean nothing.

We need to know the cause in order to address the issue.

You have provided labels and little else.

Perhaps you should consult with an organization other than VDOE the next time you decide to write a response.

Callie

From: Krempasky, Jennifer <JMKrempasky@fcps.edu>
Sent: Wednesday, June 24, 2020 10:57 AM
To: callie.oettinger@gmail.com
Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>; Massie, Jean A <JAMassie@fcps.edu>; Strong, Jane <jestrong@fcps.edu>
Subject: RE: IEE discriminatory practices

Good morning Mrs. Oettinger,

This email is in response to your two emails from June 18, 2020.

As stated in my June 1, 2020, email, while the Virginia Department of Education's Speech-Language Pathology Services in Schools: Guidelines for Best Practice addresses auditory processing disorders, this document is based upon research from 2011 or earlier and VDOE is in the process of revising it. Furthermore, VDOE does not recognize auditory processing as a specific disability category, nor does Fairfax County Public Schools (FCPS). As such, VDOE regulations do not address auditory processing evaluation components.

While auditory processing is not considered a specific disability category, auditory processing is one of the basic psychological processes noted on the FCPS Specific Learning Disability (SLD) Basis for Committee

Decision (BCD). A review of Max's SLD BCD indicates that the team had sufficient data to support deficits in auditory discrimination, auditory memory, auditory processing, and auditory integration, in addition to perceptual motor speed/processing speed and phonological processing.

Thank you,

Jen Krempasky
Senior Educational Services Specialist
Due Process & Eligibility
Willow Oaks Administrative Center
8270 Willow Oaks Corporate Drive
Second Floor
Fairfax, VA 22031
571-423-4470 (Office)
571-423-4037 (Fax)



CONFIDENTIALITY WARNING: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under the law. Likewise, this message may contain Federal, State, or Local governmental documents which are confidential, and the information contained therein may not be disclosed pursuant to applicable Federal and State law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by reply email and delete this message.

From: callie.oettinger@gmail.com <callie.oettinger@gmail.com>
Sent: Thursday, June 18, 2020 6:23 PM
To: callie.oettinger@gmail.com; Krempasky, Jennifer <JMKrempasky@fcps.edu>
Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>; Massie, Jean A <JAMassie@fcps.edu>; Strong, Jane <jestrong@fcps.edu>; 'Austin, Ayorkor' <Ayorkor.Austin@ed.gov>
Subject: RE: IEE discriminatory practices

Jen,

I received the attached FOIA request today.

I was confident you didn't write the June 1 response that you sent me on your own.

It really is something else that you pulled in VDOE in order to create a document to deny a full auditory processing assessment of Max.

FCPS accepted the private one I paid for at Gallaudet a few years ago – and I have a mediated agreement in which FCPS offered to pay me back the cost of that private testing.

If FCPS accepted it before, why not now?

Why does auditory processing not count now – even though it is on the BCD form?

You obviously didn't know what you were talking about and just denied, denied, denied – and then pulled in other people to learn more after I pushed back.

I have a huge problem with this.

What do you have to say?

Callie

From: callie.oettinger@gmail.com <callie.oettinger@gmail.com>
Sent: Thursday, June 18, 2020 11:48 AM
To: 'Krempasky, Jennifer' <JMKrempasky@fcps.edu>
Cc: 'Pearson, Jay W.' <jwpearson@fcps.edu>; 'Schaefer, Dawn M' <DMSchaefer@fcps.edu>; 'Massie, Jean A' <JAMassie@fcps.edu>; 'Strong, Jane' <jestrong@fcps.edu>; 'Austin, Ayorkor' <Ayorkor.Austin@ed.gov>
Subject: RE: IEE discriminatory practices

Jennifer,

Per the FOIA documents I've already shared, FCPS had market rates set before 2017.

Three years have passed since your 2017 rates were set and inflation has impacted this entire area.

It makes no sense that you'd be paying less now.

Per Auditory Processing, VDOE's guidelines have auditory processing being assessed by the SPL, audiologist, and the psychologist.

Why does FCPS only have the psychologist involved?

Callie

From: Krempasky, Jennifer <JMKrempasky@fcps.edu>
Sent: Thursday, June 18, 2020 11:10 AM
To: callie.oettinger@gmail.com
Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>; Massie, Jean A <JAMassie@fcps.edu>; Strong, Jane <jestrong@fcps.edu>
Subject: RE: IEE discriminatory practices

Good morning Mrs. Oettinger,

I hope this email finds you and your family doing well. This email is in response to the questions raised in your June 5 and June 11, 2020, emails.

As noted in my June 4, 2020, email, Fairfax County Public Schools (FCPS) began the use of market rates, as outlined in the *FCPS Guidelines for Independent Educational Evaluations* (Guidelines), in May 2017. As a result, independent educational evaluations (IEEs) completed prior to May 2017 may have resulted in payments that differ from the fees documented in the current Guidelines.

As addressed in our previous correspondence, Max's auditory processing was assessed by the FCPS school psychologist through the psychological evaluation completed on July 19, 2019.

Thank you,

Jen Krempasky
Senior Educational Services Specialist
Due Process & Eligibility
Willow Oaks Administrative Center

8270 Willow Oaks Corporate Drive
Second Floor
Fairfax, VA 22031
571-423-4470 (Office)
571-423-4037 (Fax)



CONFIDENTIALITY WARNING: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under the law. Likewise, this message may contain Federal, State, or Local governmental documents which are confidential, and the information contained therein may not be disclosed pursuant to applicable Federal and State law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by reply email and delete this message.

From: callie.oettinger@gmail.com <callie.oettinger@gmail.com>
Sent: Thursday, June 11, 2020 3:45 PM
To: Krempasky, Jennifer <JMKrempasky@fcps.edu>
Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>; Massie, Jean A <JAMassie@fcps.edu>; Strong, Jane <jestrong@fcps.edu>; 'Ayorkor Austin' <Ayorkor.Austin@ed.gov>; 'DOE - ODRAS, rr' <odras@doe.virginia.gov>; 'Harris, Kathleen' <Kathleen.Harris@doe.virginia.gov>; 'Julie M.' <green@m742.com>; 'Debra Tisler' <debra.tisler@gmail.com>
Subject: RE: IEE discriminatory practices
Importance: High

Jen,

I was just on an IEP meeting with Dr, Andrea Cossetini.

She said that FCPS does audiological testing, but doesn't test for auditory processing.

While I understand Auditory Processing isn't a category, like SLD.

Auditory processing is listed under SLD on FCPS' BCD form.

Yet, FCPS tests for reading comprehension – also under SLD.

FCPS tests for listening comprehension – also under SLD.

FCPS tests for a lot of things under SLD, but why not auditory processing?

Why is that?

Callie

From: callie.oettinger@gmail.com <callie.oettinger@gmail.com>
Sent: Friday, June 05, 2020 10:41 AM
To: 'Krempasky, Jennifer' <JMKrempasky@fcps.edu>
Cc: 'Pearson, Jay W.' <jwpearson@fcps.edu>; 'Schaefer, Dawn M' <DMSchaefer@fcps.edu>; 'Massie, Jean A' <JAMassie@fcps.edu>; 'Strong, Jane' <jestrong@fcps.edu>; 'Ayorkor Austin' <Ayorkor.Austin@ed.gov>; 'DOE - ODRAS,

rr' <odras@doe.virginia.gov>; 'Harris, Kathleen' <Kathleen.Harris@doe.virginia.gov>; 'Julie M.' <green@m742.com>
Subject: RE: IEE discriminatory practices

Jen,

Remember that you had set rates in 2016, too.

Please explain why you paid so much in 2016 for an IEE, even though your market rates were so low at that time.

Callie

From: callie.oettinger@gmail.com <callie.oettinger@gmail.com>
Sent: Thursday, June 04, 2020 1:34 PM
To: 'Krempasky, Jennifer' <JMKrempasky@fcps.edu>
Cc: 'Pearson, Jay W.' <jwpearson@fcps.edu>; 'Schaefer, Dawn M' <DMSchaefer@fcps.edu>; 'Massie, Jean A' <JAMassie@fcps.edu>; 'Strong, Jane' <jestrong@fcps.edu>; 'Ayorkor Austin' <Ayorkor.Austin@ed.gov>; 'DOE - ODRAS, rr' <odras@doe.virginia.gov>; 'Harris, Kathleen' <Kathleen.Harris@doe.virginia.gov>; 'Julie M.' <green@m742.com>
Subject: RE: IEE discriminatory practices

Jen,

That's a convenient answer.

The fact remains, you've paid over what FCPS considers to be market rates over and over. You'll do it for some parents, but not others.

In addition, your market rates aren't a true reflection, since they haven't been updated in three years, hence the short list of providers on IEE approval lists. See the attached FOIA request provided to Julie Melear.

So yes, it is discrimination.

If you paid such a higher amount four years ago – well above what FCPS considered market rate – then you can certainly pay a lesser amount in full now.

Also: Julie Melear won a case against FCPS, related to FCPS's capping of fees, so there's also precedent for my request.

I've cc'd Julie if she'd like to weigh in here.

FCPS has been doing this for years.

It's discrimination.

Callie

From: Krempasky, Jennifer <JMKrempasky@fcps.edu>
Sent: Thursday, June 04, 2020 1:21 PM
To: callie.oettinger@gmail.com

Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>; Massie, Jean A <JAMassie@fcps.edu>; Strong, Jane <jestrong@fcps.edu>

Subject: RE: IEE discriminatory practices

Dear Mrs. Oettinger,

This email serves as response to your emails from June 2 and June 4, 2020.

Fairfax County Public Schools (FCPS) began the use of market rates, as outlined in the *FCPS Guidelines for Independent Educational Evaluations* (Guidelines), in May 2017. As a result, independent educational evaluations (IEEs) completed prior to May 2017 may have resulted in payments that differ from the fees documented in the current Guidelines. This is not discrimination.

As noted in my June 2, 2020, letter, per your request, Dr. Lucker has been approved to complete a speech/language IEE. FCPS has established a rate of \$500.00 for a speech/language evaluation. This rate is based upon market rates in the DC metro area. If Dr. Lucker's fee exceeds the total amount of \$500.00, you are responsible for paying any cost overage.

As addressed in the Guidelines, and in the June 2, 2020, letter to Dr. Lucker, I will provide a copy of the IEE report to you and Max's school upon receipt.

Thank you,

Jen Krempasky
Senior Educational Services Specialist
Due Process & Eligibility
Willow Oaks Administrative Center
8270 Willow Oaks Corporate Drive
Second Floor
Fairfax, VA 22031
571-423-4470 (Office)
571-423-4037 (Fax)



CONFIDENTIALITY WARNING: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under the law. Likewise, this message may contain Federal, State, or Local governmental documents which are confidential, and the information contained therein may not be disclosed pursuant to applicable Federal and State law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by reply email and delete this message.

From: callie.oettinger@gmail.com <callie.oettinger@gmail.com>

Sent: Thursday, June 4, 2020 11:26 AM

To: Krempasky, Jennifer <JMKrempasky@fcps.edu>

Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>; Massie, Jean A <JAMassie@fcps.edu>; Strong, Jane <jestrong@fcps.edu>; 'Ayorkor Austin' <Ayorkor.Austin@ed.gov>; 'Harris, Kathleen' <Kathleen.Harris@doe.virginia.gov>; 'Patricia Haymes' <patricia.haymes@doe.virginia.gov>; 'DOE - ODRAS, rr' <odras@doe.virginia.gov>; 'Hollins, Samantha' <samantha.hollins@doe.virginia.gov>; Pearson, Jay W. <jwpearson@fcps.edu>; School Board Members <SchBoard@fcps.edu>

Subject: RE: IEE discriminatory practices

Jen,

Please respond to my emails.

Given that four years ago you paid out a higher rate than what you are offering now, I'd like to know why I – and other parents – aren't receiving the same treatment.

Why will FCPS pay more money for one student's evaluation, but not for another?

Smacks of discrimination.

Also: If this was an acceptable rate four years ago, inflation dictates that a higher rate should be acceptable now.

What gives?

Callie

From: callie.oettinger@gmail.com <callie.oettinger@gmail.com>

Sent: Tuesday, June 02, 2020 5:33 PM

To: callie.oettinger@gmail.com; 'Krempasky, Jennifer' <JMKrempasky@fcps.edu>

Cc: 'Pearson, Jay W.' <jwpearson@fcps.edu>; 'Schaefer, Dawn M' <DMSchaefer@fcps.edu>; 'Massie, Jean A' <JAMassie@fcps.edu>; 'Strong, Jane' <jestrong@fcps.edu>; 'Ayorkor Austin' <Ayorkor.Austin@ed.gov>; 'Harris, Kathleen' <Kathleen.Harris@doe.virginia.gov>; 'Patricia Haymes' <patricia.haymes@doe.virginia.gov>; 'DOE - ODRAS, rr' <odras@doe.virginia.gov>; 'Hollins, Samantha' <samantha.hollins@doe.virginia.gov>

Subject: RE: IEE discriminatory practices

Jen,

Jay Lucker is going to do the auditory processing, too.

I expect his full fee to be paid for, since FCPS has exhibited that it does pay more than the amount in the letter you sent him.

Also: If I'm on the hook for paying for something, then I'm going to expect the report to be sent to me at the same time. Seems odd that parents pay for a report and FCPS wants it sent to them first.

Please respond.

Thanks,

Callie

From: callie.oettinger@gmail.com <callie.oettinger@gmail.com>

Sent: Tuesday, June 02, 2020 12:33 PM

To: 'Krempasky, Jennifer' <JMKrempasky@fcps.edu>

Cc: 'Pearson, Jay W.' <jwpearson@fcps.edu>; 'Schaefer, Dawn M' <DMSchaefer@fcps.edu>; 'Massie, Jean A' <JAMassie@fcps.edu>; 'Strong, Jane' <jestrong@fcps.edu>; 'Ayorkor Austin' <Ayorkor.Austin@ed.gov>; 'Harris, Kathleen' <Kathleen.Harris@doe.virginia.gov>; 'Patricia Haymes' <patricia.haymes@doe.virginia.gov>; 'DOE - ODRAS, rr' <odras@doe.virginia.gov>; 'Hollins, Samantha' <samantha.hollins@doe.virginia.gov>

Subject: IEE discriminatory practices

Importance: High

Jen,

Four years ago, FCPS paid \$4,435 for speech/language and psychoeducational testing. See the attached, provided to me by FCPS parent Cathy Caton.

Yet, it is only approving \$2,900 for the same evaluations requested by me.

That's discrimination.

It also indicates that FCPS does, 100%, pay higher rates – and if the rates were higher four years ago, they should be even higher now.

I expect every dime of my son's IEEs to be paid in full – and I expect that he receive a full comprehensive evaluation.

*I also have proof that FCPS has asked private providers to changes evaluation reports on numerous occasions.

Not acceptable.

Callie

From: Krempasky, Jennifer <JMKrempasky@fcps.edu>

Sent: Tuesday, June 02, 2020 10:51 AM

To: callie.oettinger@gmail.com

Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>; Massie, Jean A <JAMassie@fcps.edu>; Strong, Jane <jstrong@fcps.edu>

Subject: RE: IEE price cap question

Good morning Mrs. Oettinger,

Thank you for letting me know who you have selected to complete the psychological, educational, and speech/language independent educational evaluations (IEEs). I have emailed approval letters to the selected providers in separate emails and I included you on that correspondence.

Thank you,

Jen Krempasky
Senior Educational Services Specialist
Due Process & Eligibility
Willow Oaks Administrative Center
8270 Willow Oaks Corporate Drive
Second Floor
Fairfax, VA 22031
571-423-4470 (Office)
571-423-4037 (Fax)



CONFIDENTIALITY WARNING: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under the law. Likewise, this message may contain Federal, State, or Local governmental documents which are confidential, and the information contained therein may not be disclosed pursuant to applicable Federal and State law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by reply email and delete this message.

From: callie.oettinger@gmail.com <callie.oettinger@gmail.com>
Sent: Monday, June 1, 2020 1:25 PM
To: Krempasky, Jennifer <JMKrempasky@fcps.edu>; callie.oettinger@gmail.com
Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>; Massie, Jean A <JAMassie@fcps.edu>; Strong, Jane <jestrong@fcps.edu>; 'Ayorkor Austin' <Ayorkor.Austin@ed.gov>
Subject: RE: IEE price cap question

Jen,

Thank you for your reply.

As you might know, FCPS didn't accept Dyslexia when my son was younger either. In fact, one can go back and find Blankingship and Keith cases, in which it they argue against Dyslexia – even though Dyslexia was widely accepted internationally at that point.

So, I have a hard time accepting anything you write to me about auditory processing – especially since, 1) to my knowledge, you aren't an expert in auditory processing; 2) there is extensive research available about auditory processing that goes beyond the limits FCPS and VDOE have stated; and 3) in a conversation a while ago, with FCPS's own Ellen Goldberger, she was enthused to discuss the auditory processing data I brought her – and how it is tangled within Dyslexia – because she had studied some of this in school.

Dr Ling will be doing a psycho-educational evaluation of Max.

Dr. Lucker will be doing speech pathology.

I expect FCPS to pay in full.

If FCPS chooses not to do so, I'll be more than happy to pull out evaluations that are above FCPS's set pricing, and which FCPS paid for in full.

Thanks,

Callie

From: Krempasky, Jennifer <JMKrempasky@fcps.edu>
Sent: Monday, June 01, 2020 11:42 AM
To: callie.oettinger@gmail.com
Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>; Massie, Jean A <JAMassie@fcps.edu>; Strong, Jane <jestrong@fcps.edu>
Subject: RE: IEE price cap question

Dear Mrs. Oettinger,

This email serves as a response to your emails from May 20, 21, and 27, 2020.

With regards to your questions regarding auditory processing, it is important to focus on the newest research in this area. The Virginia Department of Education (VDOE) has addressed auditory processing in several of their Talking EBPs (Evidence Based Practices).^[1] Current research does not support an auditory processing disorder “as a specific auditory condition” and as a result, intervention efforts should be “focused on cognitive or language skills rather than only auditory functioning.”^[2] Max was administered both a psychological evaluation and a speech/language evaluation in 2019. A review of Max’s Specific Learning Disability Basis for Committee (BCD) indicates that the team had sufficient data to support deficits in auditory discrimination, auditory memory, auditory processing, and auditory integration, in addition to perceptual motor speed/processing speed and phonological processing.

While VDOE’s Speech-Language Pathology Services in Schools: Guidelines for Best Practice addresses auditory processing disorders, this document is based upon research from 2011 or earlier and VDOE is in the process of revising it.^[3] I understand that this document carries a revision date of 2018, but the only pages addressed in the revision from 2011 were pages 6, 7, and 98. VDOE does not recognize auditory processing as a specific disability category, nor does FCPS. As such, VDOE regulations do not address auditory processing evaluation components.

With regards to your questions regarding the independent educational evaluations (IEEs), parents have a right to an IEE when the school division has completed an evaluation with which they disagree. You have been approved for an IEE for each evaluation FCPS has conducted, with which you disagree. Your requests from August 2019 and May 2020 have indicated disagreement with the psychological, educational, speech/language, and assistive technology evaluations conducted by Fairfax County Public Schools (FCPS). As a result, you have been approved for IEEs for the psychological, educational, speech/language, and assistive technology assessments.

You have also requested audiological and auditory processing IEEs. Because an observation by the audiologist, rather than an audiological evaluation, occurred, your request for an audiological evaluation was denied. In addition, Max’s auditory processing was assessed by the FCPS school psychologist through the psychological evaluation completed on July 19, 2019. The Regulations Governing Special Education Programs for Children with Disabilities in Virginia stipulate that “if an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the qualifications of the examiner, must be the same as the criteria which the local educational agency uses when it initiates an evaluation. As a result, an IEE to measure auditory processing would be covered by the previously approved psychological IEE. Please note that given your ongoing requests for an auditory processing evaluation, FCPS has offered the option of applying the \$1,400.00 approved for the psychological IEE to an auditory processing evaluation. As a result, if you would like to use the \$1,400.00 approved for the psychological IEE to pursue an auditory processing evaluation, please let me know.

^[1] http://www.doe.virginia.gov/special_ed/disabilities/speech_language_impairment/index.shtml

² De Wit, E., Visser-Bochane, M. I., Steenbergen, B., van Dijk, P., van der Schans, C. P., & Luinge, M. R. (2016). Characteristics of Auditory Processing Disorders: A Systematic Review. *Journal of Speech, Language, and Hearing Research*, 59(2), 384-413. doi: 10.1044/2015_JSLHR-H-15-0118

³ http://www.doe.virginia.gov/special_ed/disabilities/speech_language_impairment/slp-guidelines-2018.pdf

Thank you,

Jen Krempasky
Senior Educational Services Specialist
Due Process & Eligibility
Willow Oaks Administrative Center
8270 Willow Oaks Corporate Drive
Second Floor
Fairfax, VA 22031
571-423-4470 (Office)
571-423-4037 (Fax)



CONFIDENTIALITY WARNING: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under the law. Likewise, this message may contain Federal, State, or Local governmental documents which are confidential, and the information contained therein may not be disclosed pursuant to applicable Federal and State law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by reply email and delete this message.

From: callie.oettinger@gmail.com <callie.oettinger@gmail.com>
Sent: Wednesday, May 27, 2020 5:50 PM
To: Krempasky, Jennifer <JMKrempasky@fcps.edu>
Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>; Massie, Jean A <JAMassie@fcps.edu>; Strong, Jane <jestrong@fcps.edu>; 'Ayorkor Austin' <Ayorkor.Austin@ed.gov>; 'Harris, Kathleen' <Kathleen.Harris@doe.virginia.gov>; 'DOE - ODRAS, rr' <odras@doe.virginia.gov>; 'Samantha Hollins' <samantha.hollins@doe.virginia.gov>; 'Patricia Haymes' <patricia.haymes@doe.virginia.gov>
Subject: RE: IEE price cap question

Jen,

Please advise me of how FCPS fully assesses auditory processing – even though it only states that it does the psychological test and even though I have FCPS specialists on record stating that FCPS doesn't fully assess auditory processing.

Why are you continuing to deny a full evaluation and why aren't you answering my emails?

VDOE,

The IEE issues continue with FCPS.

At what point will you do something? This isn't the first time I've asked you this question.

Do you find this acceptable?

Please advise.

Thanks,

Callie

From: callie.oettinger@gmail.com <callie.oettinger@gmail.com>
Sent: Wednesday, May 20, 2020 6:05 PM
To: 'Krempasky, Jennifer' <JMKrempasky@fcps.edu>; callie.oettinger@gmail.com
Cc: 'Pearson, Jay W.' <jwpearson@fcps.edu>; 'Schaefer, Dawn M' <DMSchaefer@fcps.edu>; 'Massie, Jean A' <JAMassie@fcps.edu>; 'Strong, Jane' <jestrong@fcps.edu>
Subject: RE: IEE price cap question

Jen,

Your suggestion about auditory processing is like saying fluency is the only part of reading, FCPS only assesses fluency, therefore a parent can't have reading assessed in full elsewhere.

The psychological components are one piece of auditory processing. Your own staff – on the record – has stated that FCPS does NOT fully assess auditory processing.

Yet, auditory processing is on the BCD.

How does FCPS address the full needs of a student if the needs aren't assessed in full?

Please respond.

Thanks,

Callie

From: Krempasky, Jennifer <JMKrempasky@fcps.edu>

Sent: Wednesday, May 20, 2020 2:20 PM

To: callie.oettinger@gmail.com

Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>; Massie, Jean A <JAMassie@fcps.edu>; Strong, Jane <jstrong@fcps.edu>

Subject: RE: IEE price cap question

Good afternoon Mrs. Oettinger,

Please see the attached response letter for your requested independent educational evaluations (IEEs). Please let me know if you have any questions.

I look forward to hearing from you once you have selected an examiner.

Thank you,

Jen Krempasky
Senior Educational Services Specialist
Due Process & Eligibility
Willow Oaks Administrative Center
8270 Willow Oaks Corporate Drive
Second Floor
Fairfax, VA 22031
571-423-4470 (Office)
571-423-4037 (Fax)



CONFIDENTIALITY WARNING: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under the law. Likewise, this message may contain Federal, State, or Local governmental documents which are confidential, and the information contained therein may not be disclosed pursuant to applicable Federal and State law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by reply email and delete this message.

From: callie.oettinger@gmail.com <callie.oettinger@gmail.com>
Sent: Tuesday, May 12, 2020 4:13 PM
To: Krempasky, Jennifer <JMKrempasky@fcps.edu>; callie.oettinger@gmail.com
Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>; Massie, Jean A <JAMassie@fcps.edu>; Strong, Jane <jestrong@fcps.edu>; 'Austin, Ayorkor' <Ayorkor.Austin@ed.gov>; 'DOE - ODRAS, rr' <odras@doe.virginia.gov>; 'Harris, Kathleen' <kathleen.harris@doe.virginia.gov>; 'Samantha Hollins' <samantha.hollins@doe.virginia.gov>; 'Patricia Haymes' <patricia.haymes@doe.virginia.gov>
Subject: RE: IEE price cap question

Jennifer,

The attached is a consent form that Jean Massie sent me today.

I noted on it that there is an option for FCPS to do a medical evaluation and “other”.

FCPS does not fully identify auditory processing because it only does the psychological testing – and, per VDOE, auditory processing must be evaluated by an SLP, an audiologist, and a psychologist.

Your audiologists don’t do auditory processing.

Your SLP who tested Max this year didn’t do auditory processing testing either.

This means that you only checked into the psychological portion and did NOT do the full portion.

In addition, I have FCPS on the record saying that it does not fully evaluate auditory processing, which means I have to go elsewhere.

I am going to schedule the IEE for the psychological.

I want an IEE for a full auditory processing evaluation.

I want an IEE for a full educational evaluation.

I want an IEE for a full SLP evaluation.

I want an IEE for a full AT evaluation.

I’m asking that my son be FULLY evaluated, just as I ask that last year and in years previous, but that’s not what FCPS has done – and FCPS itself has admitted that it can’t do it.

It is clear to me that you don’t know anything about auditory processing, so if you could educate yourself before responding to me again I’d greatly appreciate it.

Thanks,

Callie

From: Krempasky, Jennifer <JMKrempasky@fcps.edu>
Sent: Tuesday, May 12, 2020 3:43 PM
To: callie.oettinger@gmail.com
Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>; Massie, Jean A

<JAMassie@fcps.edu>; Strong, Jane <jestrong@fcps.edu>

Subject: RE: IEE price cap question

Dear Mrs. Oettinger,

I hope this email finds you and your family well. I have addressed your requests for an auditory processing evaluation in our previous correspondence.

Per my September 26, 2019, email, Max's auditory processing was evaluated by the FCPS school psychologist. The *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* stipulate that "if an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the qualifications of the examiner, must be the same as the criteria which the local educational agency uses when it initiates an evaluation. As a result, an independent educational evaluation (IEE) to measure auditory processing would be covered by the psychological IEE, which was previously approved on August 29, 2019.

In addition, my emails on September 20, September 26, and October 4, 2019, address the option of applying the funds approved for the psychological IEE to an auditory processing evaluation. As a result, if you would like to use the \$1,400.00 approved for the psychological IEE to pursue an auditory processing evaluation, please let me know.

Thank you,

Jen Krempasky
Senior Educational Services Specialist
Due Process & Eligibility
Willow Oaks Administrative Center
8270 Willow Oaks Corporate Drive
Second Floor
Fairfax, VA 22031
571-423-4470 (Office)
571-423-4037 (Fax)



CONFIDENTIALITY WARNING: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under the law. Likewise, this message may contain Federal, State, or Local governmental documents which are confidential, and the information contained therein may not be disclosed pursuant to applicable Federal and State law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by reply email and delete this message.

From: callie.oettinger@gmail.com <callie.oettinger@gmail.com>

Sent: Wednesday, May 6, 2020 5:21 PM

To: Krempasky, Jennifer <JMKrempasky@fcps.edu>

Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>; Massie, Jean A <JAMassie@fcps.edu>; Strong, Jane <jestrong@fcps.edu>; 'Debra Tisler' <debra.tisler@gmail.com>

Subject: RE: IEE price cap question

Jennifer,

I attended an IEP meeting, at which it was stated by FCPS staff that FCPS does not do a full auditory processing evaluation. It only does the psychological component.

FCPS was aware of auditory processing issues. That it limited this portion of its testing to psychological, indicates that it did not evaluate this issue in full.

Please provide approval.

Thanks,

Callie

From: Krempasky, Jennifer <JMKrempasky@fcps.edu>

Sent: Thursday, September 26, 2019 3:32 PM

To: Callie Oettinger <callie.oettinger@gmail.com>

Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>; Massie, Jean A <JAMassie@fcps.edu>; Strong, Jane <jestrong@fcps.edu>

Subject: RE: IEE price cap question

Dear Mrs. Oettinger,

Thank you for your emails from September 20, and 24, 2019.

A review of the data regarding costs for independent educational evaluations (IEEs) over three fiscal years reveals that costs have not consistently increased over the years; in fact, in several assessment areas, costs decreased over the years reviewed. The IEE providers on the Fairfax County Public Schools (FCPS) provider lists continue to provide IEEs at the IEE rates established in the *Fairfax County Public Schools Guidelines for Independent Educational Evaluations*.

Max's auditory processing was evaluated by the FCPS school psychologist. The *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* stipulate that "if an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the qualifications of the examiner, must be the same as the criteria which the local educational agency uses when it initiates an evaluation. As a result, an IEE to measure auditory processing would be covered by the psychological IEE, which was previously approved on August 29, 2019.

As stated in my September 20, 2019, email to you, the Virginia regulations require that evaluations are sufficiently comprehensive to identify all of the child's special education and related services needs (8 VAC 20-81-70.C(9)). Specific evaluations chosen are the professional purview of the examiner. Per the *Fairfax County Public Schools Guidelines for Independent Educational Evaluations*, IEEs are not to exceed nor fall short of the evaluations that were completed by FCPS. In no way does this limit the evaluations completed by IEE providers, as students may not require assessments in all areas, since there may not be concerns identified in all areas.

Evaluators tasked with conducting an evaluation for a child who is suspected of a disability, use their professional judgement to select evaluation instruments that will yield results that answer the referral question(s) and inform instructional planning. What is considered comprehensive or complete in any evaluation due to the fact that the battery of tests or subtests selected is based on the individual child's situation and their performance on any component of the administered assessment.

Individualized education program (IEP) decisions, such as placement, must be made by an IEP team. As a result, IEE providers are asked to refrain from making specific recommendations regarding decisions that must be determined by an IEP team. When developing an IEP proposal, the IEP team considers a variety of data

sources, which would also include an IEE report, if a student had an IEE completed. As the parent, you have a right to request the evaluator attend the IEP meeting, but you would be doing so at your own expense.

In regards to your feedback about FCPS's IEE rates, FCPS provided a response to your concerns on September 20, 2019, and again in this email. While I understand you disagree with the FCPS IEE rates, the current fee structure does not prevent you from obtaining an IEE. FCPS has provided you a list of 13 providers who conduct psychological and educational assessments at the rates established in the FCPS Guidelines.

As a reminder, I will need the name of the specific examiner(s) at The Lab School who will be completing the evaluations for Max in order to contact them and obtain the required documentation. FCPS has established a rate of \$1,400.00 for a psychological evaluation and \$1,000.00 for an educational evaluation. As a result, if The Lab School examiner's fees exceed \$2,400.00, you will be responsible for any cost overage. If you would like to use the \$1,400.00 approved for a psychological evaluation and apply those funds to an auditory processing evaluation to be conducted by Dr. Lucker, please let me know.

I look forward to hearing from you.

Thank you,

Jen Krempasky
Senior Educational Services Specialist
Due Process & Eligibility
Willow Oaks Administrative Center
8270 Willow Oaks Corporate Drive
Second Floor
Fairfax, VA 22031
571-423-4470 (Office)
571-423-4037 (Fax)



CONFIDENTIALITY WARNING: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under the law. Likewise, this message may contain Federal, State, or Local governmental documents which are confidential, and the information contained therein may not be disclosed pursuant to applicable Federal and State law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by reply email and delete this message.

From: Callie Oettinger [<mailto:callie.oettinger@gmail.com>]
Sent: Tuesday, September 24, 2019 9:31 AM
To: Krempasky, Jennifer <JMKrempasky@fcps.edu>
Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>; Massie, Jean A <JAMassie@fcps.edu>; Strong, Jane <jstrong@fcps.edu>; 'Austin, Ayorkor' <Ayorkor.Austin@ed.gov>; kathleen.harris@doe.virginia.gov; Patricia.Haymes@doe.virginia.gov; hank.millward@doe.virginia.gov; jeff.phenicie@doe.virginia.gov; samantha.hollins@doe.virginia.gov; 'Julie M.' <green@m742.com>
Subject: RE: IEE price cap question

Jen,

Please respond to the below.

In addition, I have another data point to share with you, to which I hope you'll respond as well.

In 2017, Gallaudet charged me \$466 for the audiological consult it did.

However, per page 3 of FCPS's response to Julie Melear's FOIA request, which I emailed earlier and have attached again here, FCPS had a rate of \$400 in 2017.

FCPS's current rate is \$400 – which means there WAS NO INCREASE in this rate between 2017 and today.

Gallaudet is considered an expert in auditory-related issues, and because it is a university, there are regulations related to billing.

If Gallaudet charged \$466 two years ago, why is FCPS' rate in 2019 at \$400?

Just because FCPS didn't do any audiologicals (again, see page 3) and didn't have its own data from which to pull pricing, doesn't mean that the rate shouldn't be adjusted.

This is bizarre.

Also: You have dates in your letter to me that are wrong. I suggest you check your facts on this, too.

Callie

From: Callie Oettinger [<mailto:callie.oettinger@gmail.com>]

Sent: Friday, September 20, 2019 2:28 PM

To: 'Krempasky, Jennifer' <JMKrempasky@fcps.edu>

Cc: 'Pearson, Jay W.' <jwpearson@fcps.edu>; 'Schaefer, Dawn M' <DMSchaefer@fcps.edu>; 'Massie, Jean A' <JAMassie@fcps.edu>; 'Strong, Jane' <jestrong@fcps.edu>; 'Austin, Ayorkor' <Avorkor.Austin@ed.gov>; kathleen.harris@doe.virginia.gov; Patricia.Haymes@doe.virginia.gov; hank.millward@doe.virginia.gov; jeff.phenicie@doe.virginia.gov; samantha.hollins@doe.virginia.gov; 'Julie M.' <green@m742.com>

Subject: RE: IEE price cap question

Jen,

Also:

You failed to address my emails about the providers on your list who state that their rates for comprehensive evaluations are higher than FCPS's IEE rates – and that IEEs are NOT comprehensive.

This makes your list a list of people who have agreed to do limited testing at your agreed upon rate.

My understanding is that IEEs are supposed to be COMPREHENSIVE.

Your guidelines note that FCPS has heavy involvement in the testing, too.

In addition, on page 129 of the FOIA response (see my previous e-mail), Dawn Schaefer stated that FCPS does “not invite IEE providers to attend meetings, but parents may, at their expense.”

This is significant because FCPS Guidelines for IEEs (see page 2 of the FOIA response), states:

Evaluator shall refrain from making specific recommendations for placement or eligibility, as federal and state regulations stipulate that these decisions are to be made by multidisciplinary committees.”

If the evaluators aren't at the meeting, then how can placement/eligibility/services/etc/ be discussed via a multidisciplinary committee?

And, if parents have to pay to have the evaluators attend multidisciplinary committees, then the IEE is NOT a public expense.

In the evaluations I've experienced, the evaluators have attended the meetings and have helmed the portions of the meetings specific to their evaluations – and have weighed in during other portions of the meetings.

Hence, the evaluators presenting their reports has always been considered a part of the evaluation process.

However, per FCPS' guidelines, parents would have to pay for the evaluators to attend, which means that parents would have to pay for a portion of the IEE, which, again, means the IEE is not a public expense.

AND: There are a number of other items listed in FCPS' guidelines that indicate that IEEs under FCPS ARE NOT INDEPENDENT.

Please respond.

Callie

From: Callie Oettinger [<mailto:callie.oettinger@gmail.com>]
Sent: Friday, September 20, 2019 1:24 PM
To: 'Krempasky, Jennifer' <JMKrempasky@fcps.edu>
Cc: 'Pearson, Jay W.' <jwpearson@fcps.edu>; 'Schaefer, Dawn M' <DMSchaefer@fcps.edu>; 'Massie, Jean A' <JAMassie@fcps.edu>; 'Strong, Jane' <jestrong@fcps.edu>; 'Austin, Ayorkor' <Avorkor.Austin@ed.gov>; kathleen.harris@doe.virginia.gov; Patricia.Haymes@doe.virginia.gov; hank.millward@doe.virginia.gov; jeff.phenicie@doe.virginia.gov; samantha.hollins@doe.virginia.gov; 'Julie M.' <green@m742.com>
Subject: RE: IEE price cap question

Jen,

Attached is FCPS' response to a FOIA request made by Julie Melear, cc'd here.

Page three of the attached indicates that FCPS set its current rates in 2017.

In order for rates to be judged "usual and customary in this community", they have to actually be based on CURRENT rates. CURRENT means 2019. And given we're almost in 2020, CURRENT is about to mean 2020.

Page three also indicates that FCPS' own data established a trend of yearly price increases.

And yet . . .

FCPS did NOT increase its rates in 2018 or 2019.

In addition, there is no data indicating where FCPS obtained its pricing from Ann Arundel, Arlington, and/or D.C.

And, there is no data indicating how FCPS came to decide upon the pricing on which it set its cap.

For example, FCPS' three-year average (2015, 2016, 2017) for AT evaluations is \$1,202.78 and its 2017 average was \$1,575, yet FCPS set its cap at \$1,200. Why would it set its cap under market average?

Please explain yourselves.

Per my request for a full comprehensive audiological evaluation:

I've been advised by FCPS staff that FCPS' audiological evaluation does NOT include auditory processing, which is a struggle for my son. Hence, FCPS' audiological evaluation is not acceptable for my son and we will have to go elsewhere.

Per VDOE, auditory processing falls under SLP, the audiologist, AND the psychologist, so all should be involved.

And yet, you're telling me it is just the psychologist that handles auditory processing.

I'd love to know how the psychologist handles auditory processing, since my experience from taking Max to Gallaudet is that it took a sound-proof room and a number of specialized tests to evaluate auditory processing – specifically auditory integration.

That is disturbing.

Please respond.

Callie

From: Krempasky, Jennifer [<mailto:JMKrempasky@fcps.edu>]

Sent: Friday, September 20, 2019 12:47 PM

To: Callie Oettinger <callie.oettinger@gmail.com>

Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>; Massie, Jean A <JAMassie@fcps.edu>; Strong, Jane <jstrong@fcps.edu>

Subject: RE: IEE price cap question

Good afternoon Mrs. Oettinger,

This email serves as a response to your September 16, 2019, email, in addition to the emails received on September 17, and 20, 2019.

In order to determine rates for independent educational evaluations (IEEs), Fairfax County Public Schools (FCPS) reviewed our data regarding cost for assessments over three fiscal years for a variety of evaluators and evaluation types across the Washington, D.C., metro area. In addition, FCPS considered information regarding the IEE rates for three other school divisions in the Washington, D.C., metro area (Arlington County, Anne Arundel County, and Washington, D.C.). In doing so, FCPS has determined that the rates listed in the *Fairfax County Public Schools Guidelines for Independent Educational Evaluations* are usual and customary in this community. As addressed in Kathleen Harris' September 16, 2019, email to you, "a school division may limit the cost of an IEE if the 'cap' does not prevent the parent from obtaining an independent assessment." On August 29, 2019, you were provided a list of 13 providers who conduct psychological and educational assessments at the rates established in the FCPS Guidelines.

Thank you for letting me know that you have selected The Lab School of Washington to complete the psychological and educational evaluations. Prior to the initiation of the IEEs and as per state regulations, FCPS must have a current copy of the examiner's certification/license on file, in addition to a criminal convictions certification. As a result, I will need the name of the specific examiner who will be completing the evaluations in order to contact them and obtain the required documentation. FCPS has established a rate of \$1,400.00 for a

psychological evaluation and \$1,000.00 for an educational evaluation. As a result, if The Lab School examiner's fees exceed \$2,400.00, you will be responsible for any cost overage.

The Virginia regulations require that evaluations sufficiently comprehensive to identify all of the child's special education and related services needs (8 VAC 20-81-70.C(9)). Specific evaluations chosen are the professional purview of the examiner. Per the *Fairfax County Public Schools Guidelines for Independent Educational Evaluations*, IEEs are not to exceed nor fall short of the evaluations that were completed by FCPS. In no way does this limit the evaluations completed by IEE providers, as students may not require assessments in all areas, since there may not be concerns identified in all areas.

In response to your request for a full audiological evaluation that includes auditory processing, it is important to note that FCPS proposed an audiological evaluation during the individualized education program (IEP) meeting held on September 10, 2019. It is my understanding that you have not yet provided consent for the proposed evaluation. FCPS measured Max's auditory processing as part of the psychological evaluation in July 2019. During that evaluation, the psychologist determined that Max's auditory processing skills fell within the Low Average to Average range of ability. Therefore, your request for an evaluation of auditory processing would be addressed through a psychological IEE, for which you have already been approved. If you would like to use the \$1,400.00 approved for a psychological evaluation and apply those funds to an auditory processing evaluation to be conducted by Dr. Lucker, please let me know.

I look forward to hearing from you.

Have a wonderful weekend,

Jen Krempasky
Senior Educational Services Specialist
Due Process & Eligibility
Willow Oaks Administrative Center
8270 Willow Oaks Corporate Drive
Second Floor
Fairfax, VA 22031
571-423-4470 (Office)
571-423-4037 (Fax)



CONFIDENTIALITY WARNING: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under the law. Likewise, this message may contain Federal, State, or Local governmental documents which are confidential, and the information contained therein may not be disclosed pursuant to applicable Federal and State law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by reply email and delete this message.

From: Callie Oettinger [<mailto:callie.oettinger@gmail.com>]

Sent: Friday, September 20, 2019 8:23 AM

To: Krempasky, Jennifer <JMKrempasky@fcps.edu>

Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>; Massie, Jean A <JAMassie@fcps.edu>; 'Austin, Ayorkor' <Ayorkor.Austin@ed.gov>; kathleen.harris@doe.virginia.gov; Patricia.Haymes@doe.virginia.gov; hank.millward@doe.virginia.gov; samantha.hollins@doe.virginia.gov; jeff.phenicie@doe.virginia.gov; hank.millward@doe.virginia.gov; 'Julie M.' <green@m742.com>; Krempasky, Jennifer <JMKrempasky@fcps.edu>; Schultz, Elizabeth (School Board Member) <elschultz@fcps.edu>; DelKTran@house.virginia.gov; boe@doe.virginia.gov; Strong, Jane <jestrong@fcps.edu>

Subject: RE: IEE price cap question

Jennifer,

My understanding of IDEA 2004 and Virginia Regulations is that the LEA is supposed to work with parents on IEEs in a timely manner.

Your failure to respond concerns me.

I'm trying to sort out comprehensive evaluations for my son.

The IEE providers that I've spoken with on FCPS's list have indicated that IEEs are not comprehensive – and that the price caps set by FCPS result in limiting the evaluations.

It's all very confusing.

Please respond.

Callie

From: Callie Oettinger [<mailto:callie.oettinger@gmail.com>]

Sent: Tuesday, September 17, 2019 5:37 PM

To: 'Krempasky, Jennifer' <JMKrempasky@fcps.edu>

Cc: 'Pearson, Jay W.' <jwpearson@fcps.edu>; 'Schaefer, Dawn M.' <DMSchaefer@fcps.edu>; 'Massie, Jean A' <JAMassie@fcps.edu>; 'Austin, Ayorkor' <Ayorkor.Austin@ed.gov>; kathleen.harris@doe.virginia.gov; Patricia.Haymes@doe.virginia.gov; hank.millward@doe.virginia.gov; samantha.hollins@doe.virginia.gov; jeff.phenicie@doe.virginia.gov; hank.millward@doe.virginia.gov; 'Julie M.' <green@m742.com>; 'Krempasky, Jennifer' <JMKrempasky@fcps.edu>; Elizabeth.Schultz@fcps.edu; DeKTran@house.virginia.gov; boe@doe.virginia.gov; 'Strong, Jane' <jestrong@fcps.edu>

Subject: RE: IEE price cap question

Jennifer,

Another provider just called me back – one of those days I guess... And, I wanted you to have this information, too, as it is HIGHER than The Lab School's rate.

Dr. Lisa Horowitz charges \$3,850 for a comprehensive psycho-ed evaluation.

She said that the IEE's are limited in scope.

What's interesting is that she repeated something that Dr. Rolando Diaz said earlier. She said that FCPS doesn't test for Executive Functioning. I asked her more about this, since Dr. Diaz mentioned it earlier – and I told her that FCPS just did an eval and said Max doesn't have executive functioning issues any more.

She said that FCPS gives teachers and parents a survey to fill out, but that is not a full evaluation of executive functioning. Hmm... FCPS did, indeed, just provide a survey to fill out.

In addition, she said that a COMPREHENSIVE EVALUATION goes deeper into the mood/emotional testing, too, which echoed what Dr. Diaz said.

Shall I continue to provide you with more examples?

This is extraordinary if you ask me.

Providers continue to say that FCPS's IEEs are limited and ARE NOT COMPREHENSIVE EVALUATIONS.

Please respond.

Callie

From: Callie Oettinger [<mailto:callie.oettinger@gmail.com>]
Sent: Tuesday, September 17, 2019 4:09 PM
To: 'Strong, Jane' <jestrong@fcps.edu>
Cc: 'Pearson, Jay W.' <jwpearson@fcps.edu>; 'Schaefer, Dawn M' <DMSchaefer@fcps.edu>; 'Massie, Jean A' <JAMassie@fcps.edu>; 'Austin, Ayorkor' <Ayorkor.Austin@ed.gov>; kathleen.harris@doe.virginia.gov; Patricia.Haymes@doe.virginia.gov; hank.millward@doe.virginia.gov; samantha.hollins@doe.virginia.gov; jeff.phenicie@doe.virginia.gov; hank.millward@doe.virginia.gov; 'Julie M.' <green@m742.com>; 'Krempasky, Jennifer' <JMKrempasky@fcps.edu>; Elizabeth.Schultz@fcps.edu; DelKTran@house.virginia.gov; boe@doe.virginia.gov
Subject: RE: IEE price cap question

Jane,

If you could add all of the issues listed below to the list of procedural and other problems/concerns that I previously sent you, I'd appreciate it.

I look forward to learning why FCPS puts limits on IEE testing and why FCPS's price cap is what it is.

Thanks,

Callie

From: Callie Oettinger [<mailto:callie.oettinger@gmail.com>]
Sent: Tuesday, September 17, 2019 4:07 PM
To: 'Krempasky, Jennifer' <JMKrempasky@fcps.edu>
Cc: 'Pearson, Jay W.' <jwpearson@fcps.edu>; 'Schaefer, Dawn M' <DMSchaefer@fcps.edu>; 'Massie, Jean A' <JAMassie@fcps.edu>; 'Austin, Ayorkor' <Ayorkor.Austin@ed.gov>; kathleen.harris@doe.virginia.gov; Patricia.Haymes@doe.virginia.gov; hank.millward@doe.virginia.gov; samantha.hollins@doe.virginia.gov; jeff.phenicie@doe.virginia.gov; hank.millward@doe.virginia.gov; 'Julie M.' <green@m742.com>
Subject: RE: IEE price cap question

Sorry for all these emails...

I have a spread sheet on which I'm tracking all of the responses from the providers on FCPS's IEE list and there's one more comment I wanted to share:

Dr Rolando Diaz said that students are being underserved when it comes to depression and anxiety testing – both that done in the schools and that done in IEEs.

There is a lot of data about children with learning struggles having depression and anxiety issues.

Given that 1 in 5 children have Dyslexia and, per the "Hot Topics Region 4 js" document previously sent to you, FCPS has some big problems related to psychological health. The following is directly from "Hot Topics Region 4 js":

“The legal issues in Region 4 have included mental health, physical health as well as dyslexia that led to placement disputes . . .

“Mental health and physical health concerns are becoming more prevalent for students and are becoming the driving force for disputes. . . .

“Dyslexia and fidelity of instruction continue to be significant concerns across the division. In the Lake Braddock pyramid, there were four significant cases where elementary school students with dyslexia did not receive adequate reading instruction, did not make progress over time, and were subsequently placed in private day placements with some parental reimbursement by FCPS. In the Robinson pyramid, there were several cases with similar concerns. Several appeals were filed due to difficulties at local screening and eligibility for students with dyslexia, including two administrative reviews at Laurel Ridge and one at Fairview. There was also one mediation held due to the parental request for reimbursement for private instruction (Lindamodd-Bell) which we did not agree with and parents have not pursued other legal recourse. The parent is currently satisfied with instruction at Robinson in an attempt to resolve parent concerns about reading instruction. In the South County pyramid, work continues on one case that began as a Child Find concern at Silverbrook, and has now become about fidelity and instructional match at South County MS. There have been two requests for due process hearings, two mediations held, and there are five pending state complaints in this matter, spanning between Silverbrook ES and South County MS. We anticipate mixed findings regarding the state complaints due to two breaches in of confidentiality.

“Schools continue to need additional training on dyslexia and implementation of evidence-based reading programs. Continued collaboration and consultation with OSEI and OSEPS staff is recommended.”

Please respond.

Callie

From: Callie Oettinger [<mailto:callie.oettinger@gmail.com>]
Sent: Tuesday, September 17, 2019 3:53 PM
To: 'Krempasky, Jennifer' <JMKrempasky@fcps.edu>
Cc: 'Pearson, Jay W.' <jwpearson@fcps.edu>; 'Schaefer, Dawn M' <DMSchaefer@fcps.edu>; 'Massie, Jean A' <JAMassie@fcps.edu>; 'Austin, Ayorkor' <Ayorkor.Austin@ed.gov>; kathleen.harris@doe.virginia.gov; Patricia.Haymes@doe.virginia.gov; hank.millward@doe.virginia.gov; samantha.hollins@doe.virginia.gov; jeff.phenicie@doe.virginia.gov; hank.millward@doe.virginia.gov; 'Julie M.' <green@m742.com>
Subject: RE: IEE price cap question

In addition:

I’m requesting a full audiological evaluation that includes auditory processing.

Per the attached email from FCPS Audiologist Dr. Sheila Moore-Neff, the “The FCPS audiological evaluation is a hearing test not an auditory processing test.”

As FCPS know, I took Max to Gallaudet University to be assessed for an audiological in the past (which included auditory processing) in the past.

That was a few years ago, so another evaluation should be done.

I’ve spoken with Jay Lucker. Cost is \$1,000. I would like to take Max to him.

Please provide approval or file for due process – however I don't know how you could file for due process given FCPS doesn't have an audiological that includes an auditory processing evaluation.

As VDOE stated in its attached email, the audiologist, the speech/language pathologist, and the psychologist should be working together to “fully discuss what is meant by and what testing will be required to properly assess” auditory processing.

In addition, I called the Audiologists on your IEE list.

Messa & Associates (Walker Lane): Phone listed has a message that states the number doesn't take incoming calls.

Messa & Associates (Sherwood Hall): They don't test for auditory processing and suggested that I go to one of the universities, such as Georgetown Children's, which might do auditory processing testing.

Your immediate reply to this is requested.

Thanks,

Callie

From: Callie Oettinger [<mailto:callie.oettinger@gmail.com>]
Sent: Tuesday, September 17, 2019 2:47 PM
To: 'Krempasky, Jennifer' <JMKrempasky@fcps.edu>
Cc: 'Pearson, Jay W.' <jwpearson@fcps.edu>; 'Schaefer, Dawn M' <DMSchaefer@fcps.edu>; 'Massie, Jean A' <JAMassie@fcps.edu>; 'Austin, Ayorkor' <Ayorkor.Austin@ed.gov>; kathleen.harris@doe.virginia.gov; Patricia.Haymes@doe.virginia.gov; hank.millward@doe.virginia.gov; samantha.hollins@doe.virginia.gov; jeff.phenicie@doe.virginia.gov; hank.millward@doe.virginia.gov; 'Julie M.' <green@m742.com>
Subject: RE: IEE price cap question

BY the way: Dr. Diaz said I was different in that most parents just get approved for an IEE and call him and he does the IEE. They DON'T question whether it is comprehensive and don't ask him if there is a difference between an IEE and a comprehensive evaluation.

Imagine that.

Callie

From: Callie Oettinger [<mailto:callie.oettinger@gmail.com>]
Sent: Tuesday, September 17, 2019 2:42 PM
To: 'Krempasky, Jennifer' <JMKrempasky@fcps.edu>
Cc: 'Pearson, Jay W.' <jwpearson@fcps.edu>; 'Schaefer, Dawn M' <DMSchaefer@fcps.edu>; 'Massie, Jean A' <JAMassie@fcps.edu>; 'Austin, Ayorkor' <Ayorkor.Austin@ed.gov>; kathleen.harris@doe.virginia.gov; Patricia.Haymes@doe.virginia.gov; hank.millward@doe.virginia.gov; samantha.hollins@doe.virginia.gov; jeff.phenicie@doe.virginia.gov; hank.millward@doe.virginia.gov; 'Julie M.' <green@m742.com>
Subject: RE: IEE price cap question

Jennifer,

Dr. Rolando Diaz – also on FCPS's list – just called me back.

Am sending his info. because his rate is even higher, and in the same range as The Lab School.

He charges \$3,400 for a standard psycho-ed eval.

He charges \$4,000 for a psychol-ed eval that include a “true” psychological eval.

For an IEE:

He said he is limited to what FCPS approves to have tested and by the price cap, so, while he does testing within that price cap, it IS NOT COMPREHENSIVE. He said the IEE limits scope of cognitive and academic testing.

He shared, too, that he can't do an integrated report for the IEE, since he is working for the school and he is a school contractor vs being hired by the parent.

Callie

From: Callie Oettinger [<mailto:callie.oettinger@gmail.com>]

Sent: Tuesday, September 17, 2019 2:02 PM

To: 'Krempasky, Jennifer' <JMKrempasky@fcps.edu>

Cc: 'Pearson, Jay W.' <jwpearson@fcps.edu>; 'Schaefer, Dawn M' <DMSchaefer@fcps.edu>; 'Massie, Jean A' <JAMassie@fcps.edu>; 'Austin, Ayorkor' <Ayorkor.Austin@ed.gov>; kathleen.harris@doe.virginia.gov; Patricia.Haymes@doe.virginia.gov; hank.millward@doe.virginia.gov; samantha.hollins@doe.virginia.gov; jeff.phenicie@doe.virginia.gov; hank.millward@doe.virginia.gov; 'Julie M.' <green@m742.com>

Subject: RE: IEE price cap question

Jennifer,

It occurred to me that you might ask for specific information about providers:

I spoke with Dr. William Ling, who is on FCPS's psychological assessment list.

He said the following:

1) There is a difference between the testing done in an IEE and a comprehensive evaluation.

He said that the IEE covers secondary testing of what was already assessed by FCPS, which is usually related to cognitive, academic, social history, and a brief psychological.

He said that the comprehensive evaluation that he does goes deeper, because it is a COMPREHENSIVE evaluation, rather than an IEE.

2) There is a difference in pricing between an IEE and a comprehensive evaluation.

He said for his pricing, there is a minimum \$600 difference, with his pricing being \$600 HIGHER for a comprehensive evaluation than it is for an IEE.

***I can provide you more examples of this, too.

Sounds like FCPS has negotiated IEE pricing, resulting in limited – and NOT COMPREHENSIVE – testing being done.

Please explain why this is the case.

Callie

From: Callie Oettinger [<mailto:callie.oettinger@gmail.com>]
Sent: Tuesday, September 17, 2019 1:04 PM
To: 'Krempasky, Jennifer' <JMKrempasky@fcps.edu>
Cc: 'Pearson, Jay W.' <jwpearson@fcps.edu>; 'Schaefer, Dawn M' <DMSchaefer@fcps.edu>; 'Massie, Jean A' <JAMassie@fcps.edu>; 'Austin, Ayorkor' <Ayorkor.Austin@ed.gov>; kathleen.harris@doe.virginia.gov; Patricia.Haymes@doe.virginia.gov; hank.millward@doe.virginia.gov; samantha.hollins@doe.virginia.gov; jeff.phenicie@doe.virginia.gov; hank.millward@doe.virginia.gov
Subject: RE: IEE price cap question

Jennifer,

I'm requesting that FCPS pay for the IEE to be done by The Lab School.

As previously mentioned, I was advised their rate for a full evaluation is \$3,500.

Please advise me if FCPS takes issue with this.

I assume that The Lab School will be acceptable, even though it is in Washington, D.C., because of the following:

- 1) they are THE experts in our area on almost all areas of concerns related to my son, so I wouldn't have to hop around to a variety of different evaluators to have my son evaluated;
- 2) per the attached document titled "Hot Topics Region 4 js", FCPS is aware of FCPS student education at The Lab School, and FCPS is aware of its own failures in the areas of identifying and addressing Dyslexia as well as other struggles for students;
- 3) I've not found evaluators within this area whose pricing falls within FCPS's price cap for evaluations; and
- 4) although there are some providers who have negotiated preferred pricing with FCPS, parents should not have to be limited to selecting from these providers as they might not a) be experts in the areas in which their children have needs and/or b) they might not be a good fit for working with their children.

If I don't hear back from you by the end of this week, I'll assume FCPS has no issue with this request and I will move forward with The Lab School.

Thanks,

Callie

From: Callie Oettinger [<mailto:callie.oettinger@gmail.com>]
Sent: Monday, September 16, 2019 12:16 PM
To: 'Krempasky, Jennifer' <JMKrempasky@fcps.edu>
Cc: 'Pearson, Jay W.' <jwpearson@fcps.edu>; 'Schaefer, Dawn M' <DMSchaefer@fcps.edu>; 'Massie, Jean A' <JAMassie@fcps.edu>; 'Austin, Ayorkor' <Ayorkor.Austin@ed.gov>
Subject: RE: IEE price cap question

Jennifer,

You are incorrect.

Dr. Sonal Pancholi only did a psychological exam – not a psychological and educational. In fact, her report is titled "Neuropsychological Evaluation".

FCPS then did an educational evaluation.

Had Dr. Pancholi done an educational evaluation, FCPS wouldn't have had to do one itself.

Maybe you can explain on what you have based your market caps, because I've yet to see anyone provide that pricing for a comprehensive evaluation.

Of course, you can get a half-assed partial evaluation for a lower price.

Please provide documentation that supports the caps that FCPS set.

Thanks,

Callie

From: Krempasky, Jennifer [<mailto:JMKrempasky@fcps.edu>]

Sent: Monday, September 16, 2019 12:07 PM

To: Callie Oettinger <callie.oettinger@gmail.com>

Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>; Massie, Jean A <JAMassie@fcps.edu>

Subject: RE: IEE price cap question

Good afternoon Mrs. Oettinger,

Thank you for your email. FCPS has established a rate of \$1,400.00 for a psychological evaluation and \$1,000.00 for an educational evaluation. As addressed in the independent educational evaluation (IEE) response letter, these rates are based upon market rates in the Washington, D.C., metro area.

The evaluation completed by Dr. Pancholi in January 2016 was a neuropsychological evaluation, which included both psychological and educational assessments. At that time, Dr. Pancholi charged \$2,200.00. Given current market rates, if a provider were to conduct both the psychological and educational evaluations, FCPS would approve up to \$2,400.00, as the established rate for a psychological evaluation is \$1,400.00 and the established rate for an educational evaluation is \$1,000.00.

All providers on the FCPS Independent Educational Evaluation (IEE) Psychological Assessments list attached to your September 13, 2019, email have agreed to the current FCPS established rates. If you select a provider that is not on the list and their fee exceeds \$1,400.00 for a psychological evaluation, \$1,000.00 for an educational evaluation, or \$2,400.00 for both, you would be responsible for paying any cost overage.

Please let me know if you have any other questions.

Thank you,

Jen Krempasky
Senior Educational Services Specialist
Due Process & Eligibility
Willow Oaks Administrative Center

8270 Willow Oaks Corporate Drive
Second Floor
Fairfax, VA 22031
571-423-4470 (Office)
571-423-4037 (Fax)



CONFIDENTIALITY WARNING: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under the law. Likewise, this message may contain Federal, State, or Local governmental documents which are confidential, and the information contained therein may not be disclosed pursuant to applicable Federal and State law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by reply email and delete this message.

From: Callie Oettinger [<mailto:callie.oettinger@gmail.com>]
Sent: Friday, September 13, 2019 12:11 PM
To: Krempasky, Jennifer <JMKrempasky@fcps.edu>
Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>; Massie, Jean A <JAMassie@fcps.edu>; Ayorkor.Austin@ed.gov; kathleen.harris@doe.virginia.gov; Patricia.Haymes@doe.virginia.gov; hank.millward@doe.virginia.gov; samantha.hollins@doe.virginia.gov; jeff.phenicie@doe.virginia.gov
Subject: IEE price cap question

Jennifer,

How did FCPS come up with its \$1,400 cap for psychological assessments, and consider it as the going market rate? See attached "FCPS Guidelines for Independent Educational Evaluations", which you mailed to me.

I ask because Dr. Sonal Pancholi, who did Max's psychological evaluation almost four years ago, charged \$2,200.

Sonal is listed as a provider on FCPS's IEE Psychological Assessments document, which you mailed to me. See attached.

Given the fact that Sonal is on a FCPS form, and Sonal charged \$2,200 four years ago, I don't understand the \$1,400 cap – especially since inflation has caused everything in this area to go up in price. Indeed, if you call around, full psychological evaluations are in the \$3k range.

In addition, in 2016, FCPS reimbursed me for the \$2,200 I paid to Sonal. See the attached email, which is between me and Dawn Schaefer.

I hope you can understand my confusion about this.

Makes no sense that FCPS has a cap that is almost \$1,000 lower than the going rate of four years ago – from a provider who is on FCPS's own list.

Please advise.

Thanks,

Callie

From: Krempasky, Jennifer [<mailto:JMKrempasky@fcps.edu>]
Sent: Thursday, August 29, 2019 2:28 PM
To: Callie Oettinger <callie.oettinger@gmail.com>
Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>; Massie, Jean A <JAMassie@fcps.edu>
Subject: RE: [External] IEE request

Good afternoon Mrs. Oettinger,

Please see the attached response letter for your requested independent educational evaluations (IEEs). A copy of this letter has also been mailed to your home address and a copy sent to your son's school. Please let me know if you have any questions.

I look forward to hearing from you once you have selected an examiner.

Thank you,

Jen Krempasky
Senior Educational Services Specialist
Due Process & Eligibility
Willow Oaks Administrative Center
8270 Willow Oaks Corporate Drive
Second Floor
Fairfax, VA 22031
571-423-4470 (Office)
571-423-4037 (Fax)



CONFIDENTIALITY WARNING: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under the law. Likewise, this message may contain Federal, State, or Local governmental documents which are confidential, and the information contained therein may not be disclosed pursuant to applicable Federal and State law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by reply email and delete this message.

From: Callie Oettinger [<mailto:callie.oettinger@gmail.com>]
Sent: Wednesday, August 28, 2019 10:04 AM
To: Krempasky, Jennifer <JMKrempasky@fcps.edu>
Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>; Duddridge, Lourrie <leduddridge@fcps.edu>
Subject: RE: [External] IEE request

Jennifer,

When you respond – or when someone else responds – please advise why you limited the IEE to psychological and educational.

The consent form I originally signed also noted audiological, which I was advised had to be added since there isn't a "audiological" option on FCPS's standard form – and FCPS agreed to do the audiological. I have a recording of the IEP meeting in which this was discussed should you need it for clarity.

I noted on the consent form that I was requesting a full comprehensive evaluation. FCPS saw that and at no time during the IEP meeting in which it was signed and addressed did FCPS state an issue with me insertion.

Please advise.

Callie

From: Callie Oettinger [<mailto:callie.oettinger@gmail.com>]
Sent: Tuesday, August 27, 2019 5:45 PM
To: Krempasky, Jennifer <JMKrempasky@fcps.edu>
Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>; leduddridge@fcps.edu
Subject: Re: [External] IEE request

Jennifer,

I suggest you reread my email given your impression that it articulated concerns with Dyslexia and Processing Skills. I, for one, didn't know Processing was even a skill.

Perhaps someone other than you should be handling this.

Jay? Lourrie? What say you?

Callie

On Aug 27, 2019, at 12:55 PM, Krempasky, Jennifer <JMKrempasky@fcps.edu> wrote:

Good afternoon Mrs. Oettinger,

Thank you for your email. I have reviewed your earlier response to Ms. Duddridge. Unfortunately, your request does not clearly articulate the evaluation(s) with which you disagree. Your August 25, 2019, email addresses concerns regarding dyslexia and processing skills. As a result, in the absence of any additional clarification regarding which evaluation(s) you are in disagreement with, I will process a request for psychological and educational independent educational evaluations (IEEs).

Please let me know if you have any questions. I look forward to hearing from you.

Thank you,

Jen Krempasky
Senior Educational Services Specialist
Due Process & Eligibility
Willow Oaks Administrative Center
8270 Willow Oaks Corporate Drive
Second Floor
Fairfax, VA 22031
571-423-4470 (Office)
571-423-4037 (Fax)

<image001.jpg>

CONFIDENTIALITY WARNING: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under the law. Likewise, this message may contain Federal, State, or Local governmental documents which are confidential, and the information contained therein may not be disclosed pursuant to applicable Federal and State law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by reply email and delete this message.

From: Callie Oettinger [<mailto:callie.oettinger@gmail.com>]
Sent: Monday, August 26, 2019 6:27 PM
To: Krempasky, Jennifer <JMKrempasky@fcps.edu>
Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>;
Ayorkor.Austin@ed.gov
Subject: Re: [External] IEE request

Jen,

Please review my earlier response to Lourrie.

While you may ask to what I object, there is no requirement that I respond.

Also as stated previously, I thought I was clear in all of my emails on this matter today. If it is your opinion that I have not been clear, please let me know on what point you feel I have not been clear.

Thanks,

Callie

On Aug 26, 2019, at 4:04 PM, Krempasky, Jennifer <JMKrempasky@fcps.edu> wrote:

Good afternoon Mrs. Oettinger,

I have received your request for an independent educational evaluation (IEE). As you know, parents have a right to IEEs when the school division has completed an evaluation with which they disagree. I do not require any additional information regarding the reasons for your objection to the evaluation(s) conducted by Fairfax County Public Schools; however, I would like to seek clarification as to which evaluation(s) you are in disagreement with.

Please let me know which evaluation(s) you would like to request IEE(s) for. If you have any questions, I can be reached at 571-423-4470. I look forward to hearing from you.

Thank you,

Jen Krempasky
Senior Educational Services Specialist

Due Process & Eligibility
Willow Oaks Administrative Center
8270 Willow Oaks Corporate Drive
Second Floor
Fairfax, VA 22031
571-423-4470 (Office)
571-423-4037 (Fax)

<image001.jpg>

CONFIDENTIALITY WARNING: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under the law. Likewise, this message may contain Federal, State, or Local governmental documents which are confidential, and the information contained therein may not be disclosed pursuant to applicable Federal and State law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by reply email and delete this message.

From: Callie Oettinger [<mailto:callie.oettinger@gmail.com>]
Sent: Monday, August 26, 2019 10:54 AM
To: Duddridge, Lourrie <leduddridge@fcps.edu>; Krempasky, Jennifer <JMKrempasky@fcps.edu>
Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>; 'Austin, Ayorkor' <Ayorkor.Austin@ed.gov>
Subject: RE: [External] IEE request

Lourrie,

Thank you for your reply.

As you should know, 8VAC20-81-170 (B)(2)(b)(2)(d) states: "If the parent(s) requests an independent educational evaluation, the local educational agency may ask the reasons for the parent's objection to the public evaluation. However, the explanation by the parent(s) may not be required and the local educational agency may not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation."

I believe my previous email to be clear. Should you have questions about what is written in my previous email, please let me know.

Thanks,

Callie

From: Duddridge, Lourrie [<mailto:leduddridge@fcps.edu>]
Sent: Monday, August 26, 2019 10:43 AM
To: Callie Oettinger <callie.oettinger@gmail.com>; Krempasky, Jennifer <JMKrempasky@fcps.edu>
Cc: Pearson, Jay W. <jwpearson@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>
Subject: RE: [External] IEE request

Good morning Mrs. Oettinger,

My colleague, Jennifer Krempasky, will be assisting you with the IEE process and I have included her in this email. Please know that Mrs. Krempasky will need a list of the specific evaluations that you are in disagreement with in order to appropriately address your request.

Regards,

Lourrie Duddridge
Senior Educational Services Specialist,
Due Process and Eligibility
Willow Oaks Administrative Center
8270 Willow Oaks Corporate Drive,
Second Floor
Fairfax, Va 22031
571-423-4470 (Mainline)
571-423-4817 (Office)
571-423-4037 (Fax)

The Office of Special Education Procedural Support is dedicated to providing responsive, student-centered, collaborative guidance and leadership related to the implementation of and compliance with federal, state, and local regulations as they pertain to special education.

CONFIDENTIALITY WARNING This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. Likewise, this message may contain Federal and state governmental documents which are confidential, and the information contained therein may not be disclosed pursuant to applicable Federal and state law. If the reader of the message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and forward this original message to us at the sending address.

From: Callie Oettinger [<mailto:callie.oettinger@gmail.com>]
Sent: Monday, August 26, 2019 10:30 AM
To: Duddridge, Lourrie <leduddridge@fcps.edu>; Schaefer, Dawn M <DMSchaefer@fcps.edu>; Pearson, Jay W. <jwpearson@fcps.edu>
Cc: 'Austin, Ayorkor' <Ayorkor.Austin@ed.gov>
Subject: [External] IEE request

FCPS,

I am writing to request an independent educational evaluation for my son Max Oettinger.

The evaluation conducted by FCPS does not accurately reflect all of my son's areas of need.

Per 8VAC20-81-70 (C)(11), "No single measure or assessment is used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for a child." Per Max's many areas of need, FCPS used single measurements to determine the "appropriate educational program". In addition, per 8VAC20-81-70 (C)(4), "The assessment tools and strategies used provide relevant information that directly assists persons in determining the educational needs

of the child.” FCPS did not use the “relevant information” to determine Max’s “educational needs”.

The interpretive meeting, the eligibility meeting, and the IEP meetings that followed, were void of experts who could accurately interpret data related to Dyslexia, Auditory Processing-Auditory Integration, Auditory Memory, and/or Auditory Discrimination. In meetings and phone calls that have followed, it is clear that there are experts available, however these experts have not been at Max’s meetings to interpret data or to guide the education plan based on the data.

Per 8VAC20-81-70 (C)(13), “For a child suspected of having a specific learning disability, the evaluation shall include an observation of academic performance in the regular classroom by at least one team member other than the child’s regular teacher. In the case of a child of less than school age or out of school, a team member shall observe the child in an environment appropriate for a child of that age.” I was not provided an evaluation at the interpretive meeting or at the eligibility meeting”.

Therefore, I dispute the findings and interpretation of the evaluation.

Thank you for your immediate attention to this request.

Callie Oettinger
703.371.9242

[]
[]

[]

[]

[]

[]

[]

[]

[]

[1] http://www.doe.virginia.gov/special_ed/disabilities/speech_language_impairment/index.shtml

[2] De Wit, E., Visser-Bochane, M. I., Steenbergen, B., van Dijk, P., van der Schans, C. P., & Luinge, M. R. (2016). Characteristics of Auditory Processing Disorders: A Systematic Review. *Journal of Speech, Language, and Hearing Research*, 59(2), 384-413. doi: 10.1044/2015_JSLHR-H-15-0118

[3] http://www.doe.virginia.gov/special_ed/disabilities/speech_language_impairment/slp-guidelines-2018.pdf