

Independent Education Evaluation Procedures

A. Introduction

State and federal laws and regulations require the School District of New Berlin (hereafter, referred as "District") to evaluate children with disabilities who are in need of special education and related services. The District evaluates children upon initial referral for special education, and reevaluates children with disabilities at least once every three years or when conditions warrant a reevaluation. In the event parents are not in agreement with a special education evaluation conducted by the District relative to eligibility, services, and/or placement, they have a right to request an Independent Education Evaluation (IEE). The School District of New Berlin has developed the following guidelines for the implementation of an IEE.

B. Definitions

- a. An "Independent Educational Evaluation" (IEE) is an evaluation conducted by a qualified examiner who is neither an employee nor has an on-going contractual relationship or interest with the District.
- b. "Evaluation" means the procedures used to determine whether a child is eligible for special education services and, if eligible, the nature and extent of the provisions required to provide that student with a Free Appropriate Public Education (FAPE).
- c. "Public expense" means that the District either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent/guardian. Parents/guardians are entitled to obtain an evaluation at their own expense and request the District to consider the results of that evaluation.

C. Requesting an IEE at Public Expense

- a. Parents/guardians who request an IEE do so to contest the findings of an evaluation conducted or contracted by the District. Although the District cannot compel the parent to provide specific reasons for the parent request, to ensure the IEE is both efficient and focused on specific areas of concern, the District will seek information sufficient to identify aspects of the District's evaluation being contested. The District, however, will not deny parents/guardians a publicly funded IEE solely because of a failure to submit a written request, or because reasons for requesting an IEE are not provided.
- b. If a parent/guardian requests an IEE, the District will provide the parent/guardian with the following information within a reasonable time, but in any event no more than 20 business days:
 - i. Notice of preliminarily approve the parent/guardian's request for an IEE or the District's intent to file for due process as provided by state law to defend its original evaluation. If the District grants preliminary approval, the District reserves the right to file for due process to demonstrate that the independent educational evaluation did not meet the District's criteria for an IEE. An IEE that does not meet the District's criteria will not be at public expense.
 - ii. Names and contact information of IEE examiners located in the geographic area of CESA 1. The list will consist of IEE examiners who, in the District's judgment, are qualified to perform an IEE. If a qualified examiner is not located within the specified geographic area, the District will identify a qualified examiner located elsewhere with preference in CESAs contiguous to CESA 1.
 - iii. Evaluators identified on any list provided by the District will be considered to meet both the professional and reasonable cost qualifications.
 - iv. Parents/guardians may choose evaluators who do not appear on lists provided by the District. The qualifications and fee structure of evaluators unilaterally identified by the parents who do not appear on the list of evaluators provided by the District will be reviewed. Absent unique circumstances, such evaluators will not be contested provided the following criteria are met:
 1. The evaluator is determined to be qualified by licensure, training, experience, or a combination thereof.

2. Whose fee structure does not exceed 25% of the highest fee charged by those on the list of evaluators provided by the District for commensurate services.
- v. Absent unique circumstances, travel and other expenses incurred by evaluators will not exceed 25% of the District guidelines imposed on District staff for mileage, lodging, meals, and other expenses.
- vi. If a parent/guardian claims reimbursement of travel costs or other related costs that exceed 25% of the guidelines imposed on District staff for similar expenses, the District may seek mediation and/or initiate a due process hearing if agreement cannot be made through other actions. The District will not pay excess travel costs unless agreed to through mediation, other agreement, or by order of a hearing officer, applying state and federal law, orders the District to do so.
- vii. The evaluator's attendance at IEP or other similar meetings regarding the student is not considered part of the IEE and will not be reimbursed unless the District requests, through a formal written invitation, the evaluator to attend the meeting. In the event the District requests the evaluator attend the meeting, the District will compensate the evaluator's time at a rate not to exceed the hourly rate or equivalent charged for the evaluation services.
- viii. Absent unique circumstances and with prior approval from the Director of Student Services or designee, travel time will be reimbursed at no more than 50% of the hourly rate or equivalent charged for the evaluation services.
- c. If a parent/guardian obtains an IEE without notifying the District and subsequently requests payment, the District will determine if the evaluation constitutes an IEE eligible for public funds. An IEE that qualifies for public funds must dispute a District evaluation as to the existence of a disability and the nature and extent of special education and related services and placement. If the evaluation does meet established criteria, the District is required to request a due process hearing to defend its evaluation or refusal to reimburse the parents/guardians with a written rationale of its findings.

D. Special Education Evaluation Criteria

- a. State and federal laws require the District to evaluate children with disabilities who are in need of special education and related services. The District evaluates children upon initial referral for special education, and re-evaluates children once every three years or when the conditions warrant a re-evaluation.
- b. The District is committed to ensuring that each child's IEP team bases its decisions on high quality reliable and educationally sound special education evaluations. As a result, the District has established the following list of criteria for all special education evaluations that the District conducts or obtains. These criteria apply to all evaluators employed or contracted by the District. Unique circumstances may justify deviation from these criteria. If a parent/guardian or District staff member becomes aware of such unique circumstances, the Director of Student Services or designee is to be informed within two school days. In no case are criteria to be waived without written authorization from the Director of Student Services or designee.
 - i. **Qualified Evaluator**
 1. The evaluator must hold a valid license from the state of Wisconsin in a professional capacity related to the areas being addressed in the evaluation. The evaluator must have training and experience consistent with professional standards in evaluation in the area(s) of concern and be able to interpret instructional implications of the evaluation result. In instances where no "applicable credential" exists, the District must be satisfied that the evaluator has sufficient training and experience related to the areas being addressed in the evaluation.
 2. Evaluators are to be located within the geographic area of CESA 1. If a qualified examiner is not located within the specified geographic area,

the District will identify a qualified examiner located elsewhere with preference in CESAs contiguous to CESA 1.

This criteria may be waived by the District in exceptional circumstances where an otherwise qualified evaluator cannot be found within the geographic limitation.

3. The evaluator must not have any personal or on-going financial interest in the outcome of the evaluation. In determining whether the evaluator has such an interest in the outcome of the evaluation, the District will consider factors including, but not limited to, the nature of the relationship between the evaluator and the student/family; whether services were provided in the past or are currently provided; the types of services provided; the length of time between cessation of previous services and generation of the evaluation; and the contents of reports generated during the relationship between the student and the evaluator. The District reserves the right to proceed to due process over the issue evaluator qualifications or when there is an appearance the evaluator has an undue interest in the outcome of the evaluation.

ii. Standard for the Evaluation

1. The evaluator must, at the discretion of the District, agree to directly communicate and share information with members of the IEP team and the Director of Student Services or designee. The evaluator must also release the assessments and results, including any information obtained from the parent(s)/guardian(s) and teachers, to the members of the IEP team and the Director of Student Services or designee.
2. Unless otherwise determined by the members of a child's IEP team, or by mutual agreement of the parent(s), evaluator, and the District, the evaluator must observe the child in one or more educational settings.
3. Except by mutual agreement of the parent, evaluator, and the District, the evaluator shall participate in at least one contact with members of the child's instructional team, as determined by the Director of Student Services or designee, for the purpose of determining the student's school-related performance. This contact can be face-to-face or through electronic means (e.g., Skype), but must provide for direct and reciprocal communication on a real-time basis.
4. The evaluation must comply with any and all relevant provisions of state and federal laws and regulations regarding special education evaluation.

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References:

(Proposed Policy) Independent Educational Evaluations
Special Education Procedure Handbook (rev. 2011)
Wisconsin Statutes, Chapter 115.787(3); 115.80
Individuals with Disabilities Education Improvement Act IDEA (34 C.F.R. 300.502)
DPI Info Bulletin 1.04
OSEP Memorandum RE: Independent Educational Evaluations (9/1`0/2001)
PI-11 Wisconsin Administrative Code