

Instruction

Independent Educational Evaluation Policy for Disabled Students under the IDEA

The parent or legal guardian of a student with a disability pursuant to the Individuals with Disabilities Education Act (“IDEA”) or of a student suspected of having an IDEA disability has the right to obtain an independent evaluation subject to the provisions of this policy. The parent or legal guardian has the right to an independent educational evaluation at public expense if they disagree with an evaluation or any component of an evaluation obtained or conducted by the District. The parent or legal guardian may request one independent educational evaluation in response to each evaluation completed by the District. If the parent request for an independent evaluation comes one year or more from the date of the completion of the District’s evaluation, the District may seek to complete a reevaluation prior to paying for an independent educational evaluation.

Definitions:

1. *An independent educational evaluation (IEE)* means an evaluation conducted by a qualified examiner who is not employed by the District. An independent educational evaluation must meet the educational evaluation criteria used by the District when it initiates an evaluation to the extent those criteria are consistent with the parent’s right to an IEE.
2. *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. The District may, therefore, use whatever State, local, Federal or private sources of financial support are available to pay for the costs of an independent educational evaluation.

A parent is not required to notify the District prior to obtaining an IEE. However, if the parent or legal guardian requests an independent educational at public expense, the District will request that the parent provide a reason why he or she objects to the District’s evaluation. In making that request, the District may not unreasonably delay either providing the requested independent educational evaluation at public expense or initiating a due process hearing to defend the District’s evaluation.

If a parent requests an independent educational evaluation at public expense, the District will, without unnecessary delay:

- (1) Provide the parent or legal guardian with a copy of this policy and the District’s IEE procedures; and
- (2) Provide the parent with information about where an IEE may be obtained within the parameters of this policy and the District’s procedures; and

(3) (a) ensure that an independent educational evaluation is provided at public expense; or (b) initiate a due process hearing to show that the District's evaluation is appropriate or that the IEE obtained by the parent did not meet District criteria.

If the District initiates a hearing and the final decision supports the appropriateness of the District's evaluation, the parent still has the right to an independent educational evaluation, but not at public expense.

If a parent or legal guardian obtains an IEE at private expense and presents that IEE to the District, the results of that evaluation must be considered by the District in any decision regarding the provision of a free appropriate public education to the student. In addition, any IEE obtained by the parents at private expense may be presented as evidence at a due process hearing regarding that student.

The district reserves the right for the Superintendent to review and approved the amount to be paid for the evaluation.

INSTRUCTIONAL SERVICES

Regulation 6255

Instruction

Independent Educational Evaluation Procedures for Students with Disabilities Under the IDEA

I. PARENT REQUEST FOR INDEPENDENT EVALUATION

1. The parent or legal guardian of the disabled student must present his or her request for an independent educational evaluation in writing to the District's Director of Special Education. If any other District staff member receives a written request for an IEE, such request must be immediately forwarded to the District's Director of Special Education
2. When the parent or legal guardian of a student with a disability under the IDEA requests an independent educational evaluation, the Director of Special Education shall, within 10 business days, provide the parent or legal guardian a copy of this policy and procedure as well as information about where an independent educational evaluation may be obtained and the District's criteria for such evaluations.
3. When the District receives a request from the parent or legal guardian for an independent educational evaluation, the District will, without unreasonable delay and within 15 business days from the receipt of the request inform the parent or legal guardian that (1) the District will pay for the requested evaluation subject to the requirements of this policy; or (2) will initiate due process to defend the District's evaluation.
4. Before making the decision indicated in paragraph 3 above, the Director of Special Education may ask the parent or legal guardian for the reason or reasons why he or she objects to or disagrees with the District's evaluation or any component of that evaluation. However, the parent or legal guardian is not required to provide that reason and the District will not use the request or a lack of parental response to such a request to unreasonably delay its decision regarding whether to provide the requested independent educational evaluation at public expense or to initiate due process to defend the District's evaluation.
5. If the District's decision is to pay for the independent educational evaluation, the Director of Special Education will offer the parent or legal guardian the opportunity to convene the student's multidisciplinary team to develop an evaluation plan to address the areas to be evaluated and the independent evaluators who will assess the student. That plan will comply with the District's criteria for evaluator qualifications, geographic location and costs limitations as specified below in this procedure. Upon written parental consent for the independent evaluation, the District will arrange for completion of the evaluation.

6. Independent evaluators must agree to release the results of their independent evaluations to the District prior to receipt of payment for services. The results of any IEE will be considered by the student's multidisciplinary or IEP team with respect to any decisions involving the provision of a free appropriate public education to the student, as long as the IEE meets the criteria set forth in this procedure.
7. The parent or legal guardian may also proceed to arrange for completion of the independent educational evaluation without the multidisciplinary team meeting as described in Paragraph 5 above. However, the parent or legal guardian will then be responsible for ensuring that the independent educational evaluation, as completed, complies with the requirements of this procedure. Otherwise the District will not be obligated to pay for the cost of the IEE.

II. PARENT REQUESTS PAYMENT FOR COMPLETED INDEPENDENT EVALUATIONS

1. The parent/legal guardian of a student with a disability under the IDEA may obtain an independent evaluation without notification to the District and then request payment for that evaluation.
2. If the parent is requesting payment for an IEE already completed, the parent must notify the District's Director of Special Education, in writing, that they are requesting such payment. Upon receipt of that request, the District will provide the parent with a copy of the District's policy and procedures relating to IEEs, and the District may request that the IEE be provided to the District directly from the Agency or individual that completed it, along with an invoice for the amount due.
3. Within 15 business days of the receipt of the request, the District will notify the parent as to whether the District will initiate due process to establish the appropriateness of its own evaluation or pay for the cost of the IEE.
4. If the district decides the pay for the cost of the IEE, the district criteria for the geographic locations of the evaluator(s), the minimum qualifications of evaluator(s), the costs of the evaluation, and the use of approved assessment instruments as indicated in this procedure must be met. If the cost of the IEE exceeds the District's cost limitations, the District will inform the parent that the District will pay that portion of the cost that is within the District's limitations, if the District determines that an appropriate IEE could have been obtained within the cost limitations.
5. If the District initiates a due process hearing pursuant to paragraph 3 above and the final decision of the due process panel is that the District's evaluation is appropriate, the parent or legal guardian still has the right to an independent educational evaluation, but the District will not be required to pay for that evaluation.

6. If the parent or legal guardian obtains an independent evaluation at private expense, the results of that evaluation must be considered by the District, if that privately funded independent evaluation meets the District's criteria for evaluations, with respect to any decisions regarding the provision of a free appropriate public education to the child.

III. LOCAL LIMITATIONS FOR EVALUATIONS

Approved evaluators must be located within 50 miles of the District's Administrative Offices. Evaluators outside of this area will be approved only on an exception basis and the parent or legal guardian can demonstrate the necessity of using personnel outside the approved geographic area.

IV. COST LIMITATIONS FOR EVALUATIONS

The total cost of a multidisciplinary independent evaluation will be limited to a total cost of \$50. Single evaluations will be limited to the cost schedule listed below. These same cost limitations apply to the District when it conducts an evaluation. The maximum charges have been established to allow the District and parents to choose from among qualified professionals in the area and is intended to result only in the elimination of excessive fees. Costs above this amount will not be approved unless the parent or legal guardian can demonstrate that such costs reflect a reasonable and customary rate for such evaluative services within the designated geographic area or that the student's unique circumstance justify an evaluation that exceeds the allowable cost criteria. When Medicaid or other public insurance will cover all or part of the costs of the independent educational evaluation, the District will assume payment only for the portion of the costs not covered by public insurance, provided that the use of that public insurance would not decrease any insurance benefit or otherwise negatively impact the child's or family's insurance coverage. If the child is covered by private insurance, the District may request parental consent to access that private insurance coverage.

V. MINIMUM QUALIFICATIONS FOR EVALUATORS

Evaluators with credentials other than those listed below will not be approved unless the parent or legal guardian can demonstrate the appropriateness of using individuals with other qualifications.

<u>Type of Assessment</u>	<u>Qualifications</u>
Academic Achievement	Certified Special Education Teacher, School Psychological Examiner, School Psychologist, Licensed Psychologist, Certified Regular Education Teacher

Adaptive Behavior	Licensed Psychologist, Certified Special Education Teacher, School Psychological Examiner, or School Psychologist
Assistive Technology	Certified or Licensed Speech/Language Pathologist, Certified or Licensed Occupational Therapist, Or Certified Special Education Teacher (Master's Degree)
Audiological	Licensed or Certified Audiologist
Central Auditory Processing	Licensed or Certified Audiologist
Cognition	Licensed Psychologist Certified School Psychological Examiner, School Psychologist
Health	Licensed Physician
Motor	Licensed Physical Therapist or Occupational Therapist, or Certified Teacher of the Physically Impaired, or Adaptive Physical Education Specialist
Music Therapy	Licensed or Certified Music Therapist
Orientation/Mobility or Residual Vision or Functional Vision	Certified Teacher of the Visually Impaired
Social/Emotional/ Behavioral	Certified Special Education Teacher, School Psychological Examiner, School Psychologist, Licensed Social Worker, Licensed Psychiatrist or Psychologist
Speech/Language	Certified or Licensed Speech/Language Pathologist
Transition	Certified Special Education Teacher (Master's Degree)

Vision Licensed Ophthalmologist or Optometrist

Visual Perceptual or
Visual Motor Licensed Ophthalmologist or Optometrist,
Licensed Occupational Therapist,
Certified Special Education Teacher,
School Psychologist Examiner, or
School Psychologist

VI. COST LIMITATIONS FOR EVALUATORS

A comprehensive, independent evaluation will be limited to a total cost of \$500. Single disciplinary evaluations will be limited to the following schedule:

Academic Achievement

Adaptive Behavior

Assistive Technology

Auditory Acuity

Auditory Perception (CAP)

Cognitive

Health

Neurological

Motor

Sensory-Motor Integration

Speech/Language

Social/Emotional/Behavioral

Vision

Functional Vision

Transition