

FILE: IGBAB

MEDFORD AREA PUBLIC SCHOOL DISTRICT

DATE ADOPTED: December 21, 2000 **FILE SECTOR: INSTRUCTION**
DATE REVISED: August 15, 2002 **POLICY TITLE: INDEPENDENT EDUCATIONAL**
DATE REVISED: May 17, 2007 **EVALUATIONS**
DATE REVISED: August 15, 2013

The district recognizes the responsibility to provide each special education student with a free and appropriate public education (FAPE). Furthermore, the district recognizes parental rights regarding independent educational evaluations of special education students as established by Federal regulations.

For purposes of this policy “evaluation” means the procedures used to determine whether a child has a disability and the nature and extent of the special education and related services necessary to provide FAPE. A student’s parents (or court-appointed legal guardian with complete educational authority) may request and the district will consider the request of an independent educational evaluation under the following limitations and guidelines and in adherence to the procedures outlined in IGBAB-R.

1. The school district is not required to pay for an independent educational evaluation if the district has not completed a district evaluation of the student.
2. If the district has completed an evaluation, upon request for an independent educational evaluation, the district must:
 - a. provide the independent educational evaluation following procedures outlined in IGBAB-R
 - OR
 - b. request a due process hearing for determination that the district evaluation is appropriate.
3. In the event that a due process hearing finds the district evaluation to be appropriate, an independent educational evaluation could be requested and arranged by the parent at parental expense.
4. Only one publicly funded independent educational evaluation request may be submitted for each district evaluation.
5. Parents/ guardians should submit to the district a written request for an independent education evaluation (IEE). However, the district will not deny parents/ guardians a publicly funded IEE because they fail to provide the district with such a written request.
6. Requests for public funding of an independent educational evaluation must be made within one year of the date the results of the school district evaluation were shared with the parents.

CROSS REFERENCE: IGBA

LEGAL REFERENCE: 34 C.F.R. 300.502 (1999), DPI Bulletin No. 99.02

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- A. Parents should submit a written request for a publicly funded independent educational evaluation and include in the request an explanation of their reasons for objecting to the evaluation by the district. However, the district will not deny consideration to a publicly funded request that is not submitted in writing.
 - B. Parents/ guardians should submit to the district a written request for an independent education evaluation (IEE). However, the district will not deny parents/ guardians a publicly funded IEE because they fail to provide the district with such a written request.
 - C. Upon receipt of a parental request for an independent educational evaluation, the district will determine whether:
 - 1. to initiate a due process hearing to establish the appropriateness of the district evaluation, or to determine the appropriateness of the parent justification regarding independent education examiner qualifications, location and/or fees, when they do not meet the district's criteria OR
 - 2. to publicly fund the independent educational evaluation.
- The district will make this determination and respond in writing to the parent within 15 working days from the date of receipt of the request.
- D. In the event the district determines to publicly fund the independent educational evaluation, the written response to the parents will include the following:
 - 1. A list of examiners located within the area of the Medford Area Public School District, or if none exist, in the State of Wisconsin, qualified to perform assessment necessary for the evaluation. Parents may select an examiner not on the list; however, it is the parent's obligation to ensure the examiner meets the district's criteria in order to receive a publicly funded evaluation, including the examiner qualifications, location and fees.
 - 2. All independent educational evaluations will be performed in the school district unless unique circumstances warrant a publicly funded independent educational evaluation outside of the district.
 - 3. A description of the district's criteria for examiners.
 - E. An individual educational examiner must meet the same criteria that the district uses when it initiates an evaluation to the extent those criteria are consistent with the parent's right to an independent educational evaluation. Minimal qualifications of an independent educational examiner shall:

1. Be licensed by the Department of Public Instruction in a field appropriate to the evaluation or in the case of physicians, psychiatrists, neuropsychologist or other medical personnel, the examiner must hold a valid license from the State of Wisconsin. In instances where no applicable license exists, the district must be satisfied that the examiner has extensive training and experience related to the known or suspected disability.
2. Be located in Medford or as excepted above.
3. Be someone other than an employee of the school district or someone who has direct interest in the management practices of the district.
4. Be capable of providing a functional assessment.

F. The examiner must:

1. Be permitted to directly communicate information with members of the IEP team.
2. Agree to the release of information, the assessment and results, including parent and teacher surveys prior to the receipt of payment for services.
3. Agree to an on-site observation of the student and / or a meeting with appropriate school psychology and classroom staff.
4. Agree to produce a written report that is inclusive of all information including on-site observations and meetings.

G. The maximum allowable cost for an examiner will be determined by the Director of Student Services according to the district's schedule and the following:

1. In the event the examiner is one not typically employed by a school district, (i.e. a medical doctor, psychiatrist, clinical psychologist, or other similar professional) reimbursement of costs will be limited to reasonable and customary charges as determined by the school district.
2. Travel expenses for the examiner (food, lodging, transportation, etc.) shall not be covered in the cost of the independent educational evaluation.
3. The school district will permit parents to present information regarding factors that make extraordinary costs necessary to justify an independent educational evaluation which exceeds the maximum allowable cost. If the total cost of the independent educational evaluation exceeds the maximum allowable cost and if, in the district's judgment, there is no justification for the excess cost, the district, within 15 working days, will initiate a due process hearing to demonstrate whether the evaluation requested by the parent does not meet the district's cost criteria. In the event that an Administrative Law Judge determines as a part of a due process hearing that there is no justification for the excess cost, the independent educational evaluation will be funded up to the district's maximum allowable cost and no further. The parent shall be responsible for any remaining costs.
4. When the parents insurance will cover all or partial costs of the independent educational evaluation, the district will request that the parents have their insurance pay the independent educational evaluation costs covered by the insurance plan. However, parents need not ask their insurer to cover the independent educational evaluation costs if such action would result in a financial cost to the parents, such as an increase in premiums; the discontinuance of the policy; a decrease in available

lifetime coverage; or an out of pocket cost such as payment of a deductible. The school district reserves the right to seek verification of financial burden.

- H. In the event the independent educational evaluation is ordered by an Administrative Law Judge as part of a due process hearing pursuant to Wisconsin Statutes or a part of mediation pursuant to Wisconsin Statutes, the Administrative Law Judge or mediator may determine the qualifications of the examiner and the cost to be reimbursed by the district.