

# MIDDLETON-CROSS PLAINS AREA SCHOOL DISTRICT

## Administrative Policy and Procedure Manual

342.11

### SPECIAL EDUCATION EVALUATION

#### Policy

State and federal law requires the District to evaluate students with disabilities who are thought to be in need of special education and related services. The District evaluates students upon initial referral for special education, and re-evaluates students with disabilities at least once every three years or when conditions warrant a re-evaluation.

Special education evaluations are differentiated from educational screenings in that a screening is conducted by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation. Special education evaluations are conducted for the purpose of determining eligibility for services under state and federal guidelines as well as obtaining information needed to determine the specific types and content of special education services, related services, supplementary aids and program modifications to allow the student to obtain benefit from the educational program.

The District is committed to ensuring that each student's individualized education program (IEP) team bases its decisions on high quality, valid, reliable and educationally sound special education evaluation data. As a result, the District has established the following list of criteria for all special education evaluations that the District conducts or obtains. Unique circumstances may justify deviation from the below criteria. If a parent/guardian or District staff member is aware of such unique circumstances, they should inform the Director of Teaching and Learning immediately.

1. The Evaluator must hold a valid license, or be eligible to hold a valid license, from the state of Wisconsin or an accredited organization or agency representing their profession in the field related to the known or suspected handicapping condition or disability area.
2. Include a review existing evaluation data on the child, including evaluations and information provided by the child's parents, previous interventions and the effects of those interventions, current classroom-based, local, or state assessments, classroom-based observations, and observations by teachers and related services providers; and does not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child;
3. Are comprised of a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the child's parent, that may assist in determining whether the child is a child with a disability and the content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum or, for preschool children, to participate in appropriate activities;

4. Utilize technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors; and ensures all of the following:
  - assessments and other evaluation materials used to assess a child are selected and administered so as not to be racially or culturally discriminatory and are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do, academically, developmentally, and functionally, unless it is clearly not feasible to do so;
  - any assessments given to the child have been validated for the specific purpose for which they are used, are administered by trained and knowledgeable personnel and are administered in accordance with any instructions provided by the producer of such assessments or evaluation materials;
  - the child is assessed in all areas of suspected disability; including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities; and
  - assessment tools and strategies provide relevant information that directly assists persons in determining the educational needs of the child are used.
5. Evaluation results should include dates of assessment, instruments used and whether the test protocol was followed consistent with the test administration guidelines.

Parents who obtain an Independent Educational Evaluation should provide the results of that evaluation to the Individual Education Plan (IEP) team. Upon receipt, the IEP team will be convened to consider the results of the IEE. Guidelines for Independent Educational Evaluations can be found in 342.12.

Parents have specific legal rights throughout the special education evaluation process. These include the opportunity to participate in all aspects of the evaluation, determining whether consent for the evaluation is provided for an evaluation and that the parent understands the proceedings of the IEP team meeting where eligibility is determined. Once completed, a copy of the evaluation report, including the documentation of eligibility will be provided to the child's parents.

LEGAL REF: Chapter 115, Subchapter V Wisconsin Statutes  
PI 11, Wisconsin Administrative Code  
Individuals with Disabilities Education Act

CROSS REF: Exhibit 342.11 Special Educational Evaluation Criteria  
310, Philosophy of Educational Programs, Instruction and Materials  
342.12 Independent Educational Evaluation  
345.1 Evaluation of Student Achievement  
411, Equal Educational Opportunities  
Special Education Policy and Procedure Manual

APPROVED: October 2002

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October 22, 2009

## MIDDLETON-CROSS PLAINS AREA SCHOOL DISTRICT

### Administrative Policy and Procedure Manual

Exhibit 342.11

#### DISTRICT'S CRITERIA FOR SPECIAL EDUCATION EVALUATIONS

The criteria under which an Independent Education Evaluations (IEE) is conducted is the same as for those conducted by the District. The following criteria apply:

##### A. Qualified Evaluator

1. The Evaluator must hold a valid license, or be eligible to hold a valid license, from the state of Wisconsin or an accredited organization or agency representing their profession in the field related to the known or suspected handicapping condition/disability. The Evaluator must have recent training or experience in evaluation of the area(s) of concern and be able to interpret instructional or educational implications of the evaluation result. In instances where no "applicable license" exists, the District has the right to ask for substantiation of the evaluator's credentials to determine whether to pursue due process or approve the IEE. These criteria may be waived if unique circumstances justify a publicly funded IEE by an evaluator that does not meet the district's criteria.
2. The Evaluator should be located within the geographic limits of CESA 2 or within 50 miles of the District. These criteria may be waived by the District in unique circumstances where an otherwise qualified evaluator cannot be found within the geographic limitation.
3. The Evaluator should be objective and not have a personal interest in the outcome of the IEE. In determining whether the evaluator has an interest in the outcome of the IEE, 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 IEE; 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 of minimum qualifications of the evaluator or other criteria listed above are not met.

##### B. Standards for the Evaluation

1. The results of the evaluation must be submitted to the Director of Student Services. Evaluation results should include dates of assessment, instruments used and whether the test protocol was followed consistent with the test administration guidelines. Upon receipt, an individualized education program (IEP) team will be convened to consider the results of the IEE.
2. The District may request consent to communicate with the evaluator during or after the evaluation. Consent for this communication, and the purpose and scope of the exchange will be discussed with and agreed to by the parent(s)/guardian or adult student.

**C. Fees for the Evaluation**

1. Absent unique circumstances, evaluations may not exceed the District's applicable maximum allowable costs. Typically, the maximum allowable cost will be consistent with the District's reimbursement for Medicaid.
  - a. In the event the evaluator is one not typically employed by a school district, such as a medical doctor or clinical psychologist, reimbursement of costs will be limited to reasonable and customary charges as determined by the District in consultation with local providers and its insurance carrier.
  - b. If the District believes a request for reimbursement of travel costs or other related costs in connection with any evaluation are unreasonable, the District will initiate a due process hearing.
  - c. The evaluator's attendance at IEP or other similar meetings regarding the student are not part of the IEE and will not be reimbursed unless the District requests that the evaluator attend the meeting.
  - d. Independent educational evaluators are required to provide an invoice that details the type of assessment, the names of the assessment instruments, and the specific time required to administer each instrument.

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