

# Chapter 5

## INITIAL EVALUATION, REEVALUATION AND INDEPENDENT EDUCATIONAL EVALUATION (IEE)

1. Tests are to be administered in the language and form most likely to yield accurate information.
2. No single measure or evaluation procedure may be used.
3. A student cannot be determined to be a student with a disability if the determining factor is a lack of instruction or limited English proficiency.
4. Reevaluations requested by parents may not occur more frequently than once a year unless LEA and parent agree.
5. IEP timeline change from 30 days.
6. No more than one Independent Educational Evaluation (IEE) at public expense may be provided annually in each area.
7. If EUACS evaluation in the area of concern was conducted more than one year previous to parent disagreement, EUACS has a right to conduct another evaluation.
8. EUACS will not cover costs exceeding rates that are reasonable and customary for the community for each identified evaluation.
9. To avoid conflict of interest, EUACS may choose not to fund an IEE by an evaluator who provides ongoing services or not fund services through the evaluator whose IEE EUACS agrees to fund.

### I. CONDUCTING AN INITIAL EVALUATION

Conducting a complete initial evaluation report of a student, consistent with their evaluation plan, is an essential part of the special education process. The evaluation is directed to the following purposes:

- To provide the IEP team with the information it will need to determine whether the child has a disability and requires special education and related services.
- To provide the IEP team with information regarding the child's present levels of educational performance.
- To provide the IEP team with information that will inform its decisions regarding the instructional and other needs of the child and the accommodations, modifications, and services that may be required.

To conduct evaluation reports that comply with Federal and State policies, the following will be adhered to:

1. Evaluations must be conducted in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally unless the evaluation plan indicates why it is not feasible to provide or administer.
2. For students with Limited English Proficiency the evaluation instruments are selected and administered in a manner that ensures that the evaluation measures what is intended rather than the student's English language skills.
3. For students with sensory, motor, or speaking impairments the evaluation instruments are selected and administered in a manner that ensures that the evaluation measures what is intended rather than the student's sensory, motor, or speaking skills.
4. Evaluation tools and strategies are selected to provide information on the student's specific areas of educational need.
5. Evaluation instruments have been validated for the purposes for which they are going to be used.
6. Evaluations are only conducted by qualified professionals as specified in the instructions provided by the producers of the evaluation.
7. No single measure or evaluation is used as the sole criterion for determining whether a student has a disability and for determining an appropriate educational program for the student.
8. The evaluation covers all areas related to the student's suspected disability including if appropriate:
  - Health and development, including vision and hearing

**Note:** Findings from vision and hearing screenings must be from screenings conducted within the previous 12 months.

- General ability
- Academic performance
- Language function
- Motor abilities
- Social and emotional status
- Self-help, including orientation and mobility
- Career and vocational abilities and interests

**Note:** If an initial Individual Transition Plan (ITP) is being developed the student's post school interests and preferences must be assessed.

9. The evaluation is sufficiently comprehensive to identify all of the student's special education and related services needs whether or not they are commonly linked to the disability category in which the student may be identified.
10. A variety of evaluation tools and strategies are utilized to gather relevant developmental, academic and functional information about the student, including information provided by the parent.
11. The evaluation includes obtaining information related to enabling the student to be involved in and progress in the general curriculum or for a preschool child to participate in appropriate activities.
12. A student cannot be determined to be a student with a disability if the determining factor is a lack of

appropriate instruction in reading, including the essential components of reading instruction, lack of instruction in math, or limited English proficiency. Essential components of reading instruction mean explicit and systemic instruction in:

- Phonemic awareness
- Phonics
- Vocabulary development
- Reading fluency, including oral reading skills
- Reading comprehension strategies

**13.** For a student suspected of having a learning disability, the evaluation must include observing the academic performance of the student in a general education setting by an IEP team member other than the student's regular teacher.

**14.** For a student suspected of having a learning disability the evaluation must provide information for the IEP team to determine:

- a. If a severe discrepancy exists between achievement and intellectual ability in one or more of the following areas:
  - Oral expression
  - Listening comprehension
  - Written expression
  - Basic reading skill
  - Reading fluency skill
  - Reading comprehension
  - Mathematics calculation
  - Mathematics reasoning
- b. If the discrepancy is due to a disorder in one or more of the basic psychological processes including:
  - Attention
  - Auditory processing
  - Visual processing
  - Sensory motor skill
  - Cognitive abilities including: association; conceptualization; and expression
- c. That the severe discrepancy is not primarily the result of:
  - A visual, hearing, or motor impairment
  - Mental retardation
  - Emotional disturbance
  - Environmental, cultural, or economic disadvantage
  - Limited English proficiency
  - Lack of appropriate instruction in reading or math

**15.** For a child who is visually impaired, the evaluation will also provide information for the IEP team on the most appropriate medium or media, including Braille, for reading. For a student who is functionally blind, an evaluation of Braille skills is required.

**16.** For a student age fourteen and older, an evaluation of their transition services needs, including their preferences and interests, will be conducted.

### III. COMPLETING THE INITIAL EVALUATION REPORT

When the evaluation is completed a report must be written and developed. While there may be more than one evaluation report, the content of the reports must include all of the elements listed below. Since the report is designed for the purpose of providing IEP team members with the information they need to make informed decisions concerning the student, it should be written, to the degree professionally appropriate, in a style understandable by the team members.

Reports should be completed well enough in advance of the IEP meeting so that:

1. Copies can be made for distribution to team members at the IEP meeting.
2. They can be translated into the parent's primary language upon written request from the parent, unless clearly not feasible to do so.
3. They can be reviewed and discussed by staff members to develop an understanding of the student and his/her needs.

**Note:** Parents who have requested to receive a copy of the evaluation prior to the IEP meeting must be provided a copy of the report at least 10 days prior to the meeting. This is particularly important if there are multiple reports.

### IV. CONTENT OF THE INITIAL EVALUATION REPORT

1. The report contains student information such as:

- Name
- Student identification number
- Date of birth
- Chronological age
- Primary language or mode of communication
- Gender

2. Covers all of the elements listed above under *Conducting an Initial Evaluation*.

3. Cites the types of tests and evaluations that were utilized, states that evaluation instruments selected and administered were not racially, sexually, or culturally discriminatory, and were considered valid and reliable for the evaluation, includes dates given and who administered them. If an evaluation was administered under conditions not consistent with those specified in the instructions provided by the producer, it must be so indicated in the report and how it may have compromised the validity of the evaluation.

4. Indicates when an interpreter was used in administering the evaluation(s) and whether that compromised the validity of the evaluation(s).

5. Includes, when appropriate, the findings from previous evaluations including independent educational evaluations provided by the parent(s).

6. Indicates whether the evaluations were a valid indicator of the student's skills and aptitudes.

7. Provides evidence of whether the student has a disability and may require special education and related services.

8. Describes the relevant behavior of the student, observed in an appropriate setting, and the relationship of that behavior to the student's academic and social functioning.
9. Describes relevant health, developmental, and medical findings.
10. Cites the student's performance on State and CHARTER SCHOOL wide assessments.
11. For a student suspected of having a learning disability, provides evidence regarding whether there is a significant discrepancy between achievement and ability that cannot be corrected without special education and related services.
12. A determination concerning the effects of environmental, cultural, or economic disadvantage when appropriate.
13. For a student with a low incidence disability, the need for specialized services, materials, and equipment.
14. The name, title, and signature of the person who wrote the report and the date the report was completed.

#### **IV. WHEN TO CONDUCT A REEVALUATION**

Once a student has been identified by an IEP team as having a disability and needing special education services it is required that the student be reassessed, unless the parent and EUACS agree that it is unnecessary, at the following times:

1. Every three years (triennially)
2. At any time at the request of the parent(s) or EUACS staff except it shall not occur more frequently than once a year unless the parent and EUACS agree. Generally, the purpose of a reevaluation is to address one or more of the following concerns:
  - That the student may no longer have a disability.
  - That the student may have an additional or different disability.
  - That the student is not adequately progressing in achieving the goals and objectives set forth in his/her IEP.
  - That the student's current special education and related services may no longer be appropriate.
  - That the student may no longer need special education and related services.

#### **V. HOW TO DETERMINE IF A REEVALUATION IS WARRANTED**

The determination to conduct or not to conduct a re-evaluation will include all the elements of an initial evaluation must be made by the IEP team. In most cases this should take place at the annual IEP meeting prior to the time that a triennial evaluation would be due. In determining the scope of the reevaluation, the IEP team will:

1. Review existing evaluation data, current classroom-based evaluations and observations and teacher and related services providers' observations
2. Decide what evaluations are or are not necessary to determine one or more of the purposes for reevaluation. For example, it may not be necessary to conduct a reevaluation to determine if a student who is deaf is still deaf. However, a reevaluation might still be warranted if there is a belief that there

has been a change in their hearing ability that might affect the services the student requires. Similarly, there would be little value in repeating an evaluation to determine cognitive abilities for a student with profound mental retardation unless there is an indication that the student's cognitive functioning has significantly improved. Further, it would not be warranted to repeat an evaluation that is no longer relevant to the student's current educational needs.

A reevaluation will be conducted if either the parent or the teacher requests that it be done. If the team concludes that no reevaluation is warranted, the parent(s) must be informed of their right to request the evaluation, which must be conducted if the parent(s) so requests

**3.** Identify with input from the student's parent(s) what additional data, if any, are needed to determine whether the student continues to have a disability; the present levels of performance and educational needs of the student; whether the student continues to need special education and related services; and whether any modifications to the special education and related services are needed.

The re-evaluation and the IEP meeting will be conducted within sixty days after EUACSS' receipt of the signed evaluation plan indicating the parent's consent. The evaluation results will then be considered at the IEP meeting.

If a parent or staff member requests a reevaluation at a time off the cycle of an annual IEP review and it is believed to be warranted, an evaluation report Plan must be prepared and provided to the parent(s). If there are questions as to whether it is warranted, an IEP meeting can be held to consider the request, or the views of the IEP team members can be solicited without a meeting. If it is recommended to not conduct the reevaluation, the parent(s) must be informed of this decision in writing. If they disagree with this decision, they shall be informed of their Due Process rights.

## **VI. CONTENT OF THE RE-EVALUATION REPORT**

The Reevaluation Report will include:

1. A review of existing data about the student.
2. A summary of the student's current classroom-based evaluations.
3. A summary of observations from the general and special education teacher(s) and related service providers.
4. A summary of the present levels of performance and educational needs of the student.
5. Results of any State or CHARTER SCHOOL-wide evaluation s that the student has participated in, including a description of accommodations or modifications for the student in test administration.
6. A summary of the results of additional evaluation s conducted to produce information that would assist in reviewing the current IEP.
7. A review of progress toward previous goals.

## **VII. INDEPENDENT EDUCATIONAL EVALUATION (IEE)**

An Independent Educational Evaluation (IEE) is an evaluation conducted by a qualified examiner, who is not employed by EUACSS. Parents have the right, at anytime, to obtain an IEE and have its findings considered by an IEP team. No more than one IEE at public expense may be provided annually in each area.

If the evaluation conducted by EUACSS is included or permitted in-class observation of the student, an equivalent opportunity is to be made available to the individual retained by the parent to conduct an independent educational evaluation. If the EUACSS evaluation in the area of concern was conducted more

than one year previous to parent disagreement, EUACS has a right to conduct another evaluation. EUACS will not cover costs exceeding rates that are reasonable and customary for the community for each identified evaluation.

**A. Qualified Examiners:** Consistent with State and EUACS policy the following professionals are deemed qualified to conduct IEEs. Minimum Qualifications for IEE Examiners. The CHARTER SCHOOL will not pay for an IEE unless the IEE complies with the following criteria or the parents can show unique circumstances that justify a publicly funded IEE that does not meet the criteria.

- a. The prospective IEE Examiner (the "Examiner") must hold a valid license from the State of Wisconsin in the field related to the known or suspected disability. The Examiner must have extensive training in evaluation of the area(s) of concern and be able to interpret instructional implications of the evaluation results. In instances where no "applicable license" exists, the evaluator must provide documentation of extensive and recent training and experience related to the known or suspected disability.
- b. The Examiner must be located within 50 miles of the school district, and must conduct the evaluation within school district boundaries.
- c. The Examiner may only charge fees for educational evaluation services that, in the sole judgment of the school district, are reasonable.
- d. The Examiner shall have no employment, ownership interest or association with private schools or private instructional service agencies who are in the business of educating pre-school to high school-age students.
- e. The Examiner shall have no history of consistent bias against public schools.
- f. The Examiner must be permitted to directly communicate and share information with members of the IEP Team. The Examiner must also agree to release the assessment and results, including parent and teacher surveys, prior to receipt of payment for services.
- g. If the School District evaluation included an observation of the child in one or more educational settings, the IEE shall include at least one observation in that setting. Evaluators shall make at least one contact with the child's general education teacher for the purpose of determining how the student is progressing in the general curriculum. In addition evaluators are encouraged to make additional contacts with other involved general or special education teachers. If the purpose of the evaluation is to address a learning disability, an observation of the child is a required evaluation component.

**B. Considering an IEE:** As noted above an IEE report, provided by a parent, must be considered by an IEP team, if it was conducted by a qualified professional. To facilitate careful consideration, parents should be encouraged to provide the report in advance of the meeting so it can be reviewed by EUACS personnel qualified in the area of the evaluation. It is often helpful to have the person(s) conducting the review attend the IEP meeting.

Pennsylvania policy requires that an IEE pertaining to the provision of related services or designated instruction and services must be reviewed by qualified EUACS personnel in the designated area and that their recommendations must be reviewed and discussed with the parent(s) and appropriate IEP team members prior to the IEP meeting.

### **Independent Educational Evaluation at Public Expense**

If a parent disagrees with EUACS's evaluation of the student, they have the right to request an IEE at public expense. Public expense means that the EASTERN UNIVERSITY ACADEMY CHARTER SCHOOL pays

for the full cost of the evaluation or evaluation components, up to the limits established by EUACS or ensure that the evaluation or evaluation components are otherwise provided at no cost to the parent. Parents may only request one publicly funded evaluation for each evaluation completed by EUACS. The parents must request the IEE within one calendar year of the date that the results of the school evaluation were shared with parent(s) at the IEP meeting.

EUACS does not have an obligation to reimburse parents for privately obtained evaluations, obtained prior to the date that EUACS's evaluation is completed and discussed at an IEP meeting. EUACS is not obligated to reimburse the parent(s) for privately obtained evaluations if the parent(s) disagree with EUACS's evaluation and independently seek a private evaluation without first notifying EUACS.

To avoid conflict of interest, and in order to ensure the appropriateness of an IEE and its recommendations, EUACS may, in its discretion, not fund an IEE by an evaluator who provides ongoing service(s) or is sought to provide service(s) to the student for whom the IEE is requested. Likewise, EUACS may, in its discretion, not fund services through the evaluator whose IEE EUACS agrees to fund.

When the request for an Independent Educational Evaluation at public expense is requested:

1. The request for an IEE is made at an IEP meeting; the parent will be required to clearly identify which of the areas of evaluation they disagree. Parents are not required to explain why they disagree. When the request for an IEE is made outside of the IEP meeting, the parent will be the parents should submit to the school a written request for an IEE, and should include in such request an explanation of their reasons for objecting to the evaluation obtained by the a written request or fail to provide reasons for requesting an IEE. At the time of any IEE request, the parent will be provided a copy of *A Parent's Guide to Special Education Services (Including Procedural Rights and Safeguards)*.
2. Parent will be advised: In the event EUACS disagrees with their request for an IEE at public expense, based on the conclusion that the evaluation was appropriate; EUACS will initiate a due process hearing to determine the IEE request. Parents will be advised that if an IEE is required, they will be informed of the criteria and procedures for securing the IEE at public expense. EUACS is not responsible for an IEE performed prior to a determination that it is required or for an IEE that is not consistent with EUACS criteria and procedures. The parent will be advised that if an IEE at public expense is not required, they may obtain an IEE at their own expense and have submit it for consideration. If the parent intends to obtain an IEE at their own expense, inform them that in order for the IEE report to be considered, it must have been conducted by a qualified examiner. (See list above.)
3. The request for an IEE at public expense will be forwarded to the Special Education Support Administrator and include the written request and or the student's IEP and a copy of the evaluation report(s) that the parent disagrees with.
4. If the Special Education Team agrees to provide an IEE at public expense, he/she will make available a list of names of independent assessors. If the parent chooses to use a person not on the list, the person must meet the same criteria for qualified examiners named in this policy. If the EUACS does not agree with the assessor selected by the parent, EUACS must initiate a due process hearing.
5. Once the assessor has been agreed upon, EUACS will provide the parent and the designated assessor with IEE requirements and an evaluation plan will be developed. The parent should be encouraged to participate in the development of the evaluation plan. Within 15 calendar days of the

decision of obtaining an IEE, the parents will be sent the evaluation plan for their review and consent.

#### **D. Completing the IEP Meeting**

If the parent at an IEP meeting disagrees with the evaluation and indicates that they will obtain an IEE on their own or requests an IEE at public expense, it is important that every effort be made to complete the IEP meeting. Document on the IEP, as described above, the parent's request and inform the parent that another IEP meeting will be held to consider the IEE report once it is available. Also advise the parent that they may invite the professional(s) who conducted the IEE to attend the IEP meeting.

If a parent plans to obtain an IEE or requests an IEE at public expense prior to an IEP meeting, do not extend the date for the IEP meeting beyond the legally required timeline. Inform the parent that the IEP meeting must be held within required timelines and that another IEP meeting will be held, at their request, to consider the IEE report.

The independent evaluator will attend the IEP meeting by phone or in person at which time the evaluation will be discussed. Independent evaluators must agree to release their evaluation information and results to the IEP team prior to receipt of payment for services. EUACS will pay the independent examiner to attend the IEP team meeting as part of the evaluation responsibilities, which also includes a classroom visitation and interviews with parent(s) and staff.