

## SCHOOL DISTRICT OF IOLA-SCANDINAVIA

342.11Rule

### PROCEDURE FOR OBTAINING AN IEE AT PUBLIC EXPENSE

1. The parents should submit to the school district a written request for an IEE, and shall include in such request an explanation of their reasons for objecting to the evaluation obtained by the school district. However, the school district will not deny parents a publicly funded IEE because they fail to provide the district with such a written request or fail to provide reasons for requesting an IEE.
2. Upon receipt of a parental request for an IEE, a determination will be made as to whether the district will initiate a due process hearing to establish the appropriateness of its evaluation or proceed with ensuring that an IEE is provided at public expense. The district will respond in writing to a parent request for an IEE within 15 school days from the date that the district receives the request.
3. If the district decides that an IEE will be made available at public expense, the school district's written response to the parents will contain the following information:
  - a. A list of the names and addresses of IEE examiners located within the Cooperative Educational Service Agency (CESA) 5 area. The list will identify those IEE examiners who, in the school district's judgment, meet the same criteria that the school district uses when it initiates an evaluation and selects an examiner. If the school district cannot identify a qualified examiner within the CESA 5 area, it will identify an individual located in the State of Wisconsin who is qualified to perform the evaluation. Parents shall be given the opportunity to provide information to the school district that demonstrates that unique circumstances justify selection of an IEE examiner who does not meet the school district's qualification criteria.
  - b. The location of the evaluation. The evaluation shall occur in the child's current educational setting and school building of placement, unless the district or the parents, given the opportunity to provide information, demonstrate that unique circumstances may warrant the necessity of evaluating the child at a location outside of the building or the district.
  - c. A description of the district's criteria to act as an IEE examiner.
4. The following minimum qualifications for IEE examiners are consistent with the school district's criteria for selecting examiners when initiating an evaluation. Examiners with credentials or characteristics other than those listed below may not be provided by the school district at public expense.

- a. An examiner (the "examiner") must be licensed by the Wisconsin Department of Public Instruction in the appropriate field when the area of evaluation is governed by state licensure, and have recent educationally based experience; or hold a college or university degree and training in the appropriate field of expertise where no applicable license exists, such as attention deficit disorder or autism.

Physicians, nurses, psychiatrists and non-school psychologists must be licensed by the State of Wisconsin

- b. The examiner must be located in the CESA 5 geographic area. Any exceptions to this shall be considered by the district on the individual merits of the evaluation requested.
  - c. The examiner must charge fees for educational evaluation services that, in the judgment of the district, are reasonable.
  - d. The examiner shall not be an employee of the district.
  - e. The examiner shall have access to current and past evaluation documents and staff; specifically, the examiner must be permitted to directly communicate and share information with members of the IEP Team and the district Director of Special Education. The examiner must also be allowed to conduct in-class observations if the school district's examiner observed the child as part of his or her assessment, or as a required component of the evaluation of a learning disability. The examiner must also agree to release the assessment and results, including parent and teacher surveys, prior to receipt of payment for services.
  - f. Timeline for Independent Evaluation: This evaluation will be conducted and completed within ninety days of the written parental request; except when the district cannot locate outside examiners within a timely fashion, or the parents and district agree to an outside evaluator who cannot schedule and perform the evaluation within these parameters.
  - g. The findings of the IEE examiner will be considered by the district IEP team, consistent with the requirements of state and federal special education law regarding the IEP team composition and evaluation process.
  - h. The RSN Director for CESA 5 will maintain an IEE list of individuals residing within the geographical area of CESA 5.
5. The maximum allowable cost for an examiner will be his or her average salary per day or hour during the current school year, mileage expenses, and the cost of a substitute teacher replacement if one is needed during the absence of the examiner. The cost will be determined by the individual designated as the contact person for the school district. In the event the examiner is one not typically employed by CESA 5 or a school district, such as 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 and its insurance carrier. If the district believes the requested expenses are unreasonable, it may decline to provide the full cost of the IEE and initiate a due process hearing to challenge the provision of the IEE at public expense.

6. Parents may submit information for the school district to consider that demonstrates unique circumstances justifying an IEE examiner whose credentials or characteristics are different than the criteria used by the school district and explains why expenses exceed the maximum allowable cost.

When insurance will cover all or partial costs of the IEE, the district will request that the parents have their insurance pay the IEE costs covered by their insurance. The school district may access a parent's private insurance proceeds only if the parent provides informed consent each time the public agency proposes to access the parent's private insurance. Parents may refuse such consent. However, parents need not ask their insurer to cover the IEE costs if such action would result in a financial cost to the parents, such as an increase in premiums or the discontinuance of the policy. The school district may use public insurance benefits in which a child participates to provide or pay for services, such as Medicaid, when consistent with federal law.

7. In the event the IEE is ordered by an Administrative Law Judge (ALJ) as part of a due process hearing pursuant to Wis. Stat. § 115.80 or as part of a mediation session conducted pursuant to Wis. Stat. § 115.797, the ALJ or mediator may determine the qualifications of the examiner and the costs to be reimbursed by a district.
8. If a dispute or disagreement arises regarding the parent's right to obtain an IEE at public expense, the selection of an IEE examiner, the location of the evaluation, or the maximum allowable cost of the IEE, the school district may, without unnecessary delay, initiate a due process hearing to demonstrate that the evaluation obtained by the parent did not meet the agency's criteria.

LEGAL REF: Chapter 115, Subchapter V Wisconsin Statutes  
Section 118.13  
PI 11, Wisconsin Administrative Code  
Section 504 of the Rehabilitation Act of 1973  
Individuals with Disabilities Education Act  
Americans with Disabilities Act of 1990

CROSS REF: 411, Equal Educational Opportunities  
342.1, Special Education Programs  
342.11, Independent Educational Evaluation  
Section 504 Plan  
Special Education Handbook

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