

INDEPENDENT EDUCATIONAL EVALUATION

Parent(s)/guardian(s) of a student with a disability have a right to obtain an independent educational evaluation (IEE) if they disagree with the District's evaluation. An independent educational evaluation is a publicly funded evaluation conducted by a qualified examiner who is not employed by the District. Publicly funded means that the District either pays for the full evaluation or ensures that the evaluation is otherwise provided at no cost to the parent(s)/guardian(s). For purposes of this policy, educational evaluation means procedures to determine whether the student:

- has a disability, as defined by the Individual Disabilities Education Act (IDEA);
- is eligible for special education; and,
- if eligible, the nature and extent of special education and related services that are required.

Procedures for educational evaluations are described in 34 CFR 300.530-536. Criteria specific to independent evaluations are provided in 34CFR 300.502-507.

To qualify as a publicly funded IEE, the District must receive the request within one year from the date of the contested District evaluation. The District will consider requests after this time period if unique circumstances exist. Upon receiving a request, the District may pay for the IEE. If the District does not pay for the IEE, the District will initiate a due process hearing without unnecessary delay and a hearing officer will decide who is responsible for the IEE costs. The District may also propose mediation. The parent(s)/guardian(s) will be responsible for IEE costs if the hearing officer finds that:

1. The District's evaluation was appropriate; and/or
2. The IEE fails to meet District criteria for special education evaluations and no unique circumstances justify deviation from those criteria.

Parent(s)/guardian(s) are limited to one publically funded IEE for each evaluation the District conducts or obtains. All IEE requests must meet the District's criteria for special education evaluations, which are the criteria the District uses when it conducts its own evaluations.

A more complete description of the IEE process and requirements is provided in the Procedures section of this policy.

Legal References: **IDEA 34 CFR 300.500**
 IDEA 34 CFR 300.502--507
 IDEA 34 CFR 300.530--536
 Wisconsin State Statute 115.792

Adoption Date: **January 22, 2001**

Amended Dates: **October 14, 2002 and February 8, 2016**

INDEPENDENT EDUCATIONAL EVALUATION

Procedures

I. Parent(s)/Guardian(s) Rights/Obligations

The parent(s)/guardian(s) have a right to request an independent educational evaluation (IEE) if they disagree with an evaluation completed by the District. Evaluation means procedures to determine whether the student has a disability, as defined by IDEA, is eligible for special education, and the nature and extent of the special education and related services the student needs. Parent(s)/guardian(s) have a right to request an IEE only after the District has completed its evaluation. The request must be received within one year from the date of the District's evaluation. The District will consider requests after this time period if unique circumstances exist. Parent(s)/guardian(s) are entitled to request one IEE for each evaluation completed by the District. The request must indicate the areas for which parent(s)/guardian(s) are requesting an IEE, but they are not required to indicate their reasons. The parent(s)/guardian(s) have a right to select the evaluator if the individual meets the District's criteria.

The parent(s)/guardian(s) will submit the Request for Independent Education Evaluation Form to the Director of Special Education/Pupil Services to document their request.

II. District Rights/Obligations

The District is permitted to have criteria that relate to the qualifications and location of the evaluator, and the maximum allowable cost of the evaluation. The District may recommend independent evaluators; however, parent(s)/guardian(s) are not restricted to the District's suggestions.

Upon receipt of a parent(s)/guardian(s) request for an IEE, the District will provide the parent(s)/guardian(s) with information and criteria for obtaining an IEE. A list of qualified evaluators will be included with the written response. The District shall provide a written response within twenty (20) business days, informing the parent(s)/guardian(s) as to whether the District will accept the IEE or request a due process hearing. If the District elects to proceed to due process, the District's notification to the parent(s)/guardian(s) will include an offer to meet and resolve the issues around the IEE. An offer of mediation may also be extended. If the parent(s)/guardian(s) obtains an IEE without notifying the District and subsequently requests payment, the District will determine if the evaluation constitutes an IEE eligible for public funds. If eligible, the District will request a due process hearing to defend its evaluation or reimburse the parent(s)/guardian(s). An offer of mediation may also be extended. If the District determines that it is not an eligible IEE, the District will provide the parent(s)/guardian(s) with a written rationale of its findings. The District is not obligated to request a due process hearing for evaluations that do not meet the requirements defined by § 300.502 of the federal regulations.

III. District Criteria

A. Location of Qualified Evaluators

Parent(s)/guardian(s) are restricted to using qualified evaluators within a 50-mile radius of Appleton. The District will consider other evaluators if parent(s)/guardian(s) can demonstrate unique circumstances that would justify a selection outside the geographical area.

B. Minimum Qualifications of Evaluators

Independent evaluators must be licensed by the Wisconsin Department of Public Instruction, or by an accredited organization or agency representing their profession. Occasionally, a private provider may have a vested interest in the outcome of an IEE. The District reserves the right to proceed to due process over the issue of minimum qualifications of the independent evaluator where it appears that the evaluator has an 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 following:

- nature of the relationship between the evaluator and the student/family
- whether services were provided in the past or are currently provided
- the type of services provided
- the length of time between the cessation of previous services and initiation of the IEE
- the contents of reports generated during the relationship between the student and the evaluator

In addition, an appropriate evaluator should:

- have expertise in the area of suspected disability
- use specific measures that address the questions or concerns
- complete an on-site observation whenever possible
- review appropriate school records (with release)
- release assessment results including parent/teacher surveys prior to payment of services

C. Maximum Allowable Cost

The cost per evaluator will be limited to reasonable and customary charges as determined by the District. In the event the evaluator is one not typically employed by the 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.

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. 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 makes the request. If the District incurs a cost associated with the IEE such as a teacher being required to complete a report for the independent evaluator, then the invoice payment will be reduced accordingly.

The District will permit parent(s)/guardian(s) to demonstrate unique circumstances to justify an IEE that exceeds the maximum allowable cost.

D. Third Party Payments

The District reserves the right to request that parent(s)/guardian(s) use their insurance or other means of assistance to pay for the IEE if it does not result in any present or future financial cost to the parent(s)/guardian(s).

Adoption Date: January 22, 2001

Amended Date: October 14, 2002 and February 8, 2016