

342.11 INDEPENDENT EDUCATIONAL EVALUATION (IEE)

An Independent Educational Evaluation (IEE) may be provided at public expense when parents/guardians disagree with an evaluation that the district conducted or obtained for a child. Parents have the right to obtain public funding for an IEE only after the local educational agency completes its evaluation. The law does not require a local educational agency to reimburse parents for the cost of an evaluation that the parents obtained before the agency completed its evaluation, even if the agency subsequently adopts the results of the evaluation obtained by the parent. An IEE is a special education evaluation conducted by an evaluator with the same qualifications as district special education evaluators. For the purposes of this policy, “evaluation” means the procedures used to determine whether a student has a disability, a need for special education, the nature and extent of the special education programming and related services the student’s needs. “Evaluator” means the person(s) who conducts the evaluation. “Public expense” means that the District either pays the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parents/guardians. IEE are addressed in the federal regulations implementing the Individuals with Disabilities Education Act (IDEA). Parents may only request one publicly funded IEE for each evaluation completed by the school district.

This policy affects only those students who are eligible under IDEA. Students who may be eligible for services, supports, or modifications under Section 504 of the Rehabilitation Act are not eligible for publicly funded educational evaluations. The District will always consider all information available related to or having an impact on the student’s educational performance, however, the District will not reimburse the costs of an IEE for students considered for 504 services.

1. The parents should submit to the District a written request for an individual educational evaluation (IEE), and may include in such request an explanation of their reasons for objecting to the evaluation obtained by the District. However, the 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, the District will provide information about where an independent evaluation can be obtained in the area and the District’s criteria that apply to IEEs. Parents are not obligated to select an examiner from this list so long as the evaluator(s) meet the District’s criteria for a qualified evaluator as defined by the District’s criteria for special education evaluations.
 - a. An evaluator (“Evaluator”) must be licensed by the Wisconsin Department of Public Instruction in the appropriate field when the area of evaluation is governed by state licensure, or hold a college or university degree and training in the appropriate field of expertise where no applicable license exists, such as rehabilitation engineering or sensory deprivation therapy. Physicians, nurses, psychiatrists and non-school psychologists must be licensed by the State of Wisconsin.

- b. The Evaluator must charge fees for educational evaluation services that, in the judgment of the District, are reasonable.
 - c. The Evaluator shall not be an employee of the District.
 - d. The Evaluator must be permitted to directly communicate and share information with members of the individual education plan (IEP) team. The Evaluator must also be allowed to conduct in-class observations, if the 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 Evaluator must also agree to release the assessment and results, including parent and teacher surveys, prior to receipt of payment for services. Parent(s) must sign a Release of Information form enabling the District to communicate with and send the child's records to the IEE evaluator. The IEE evaluator shall provide the District with a copy of the IEE evaluator's evaluation report when such report has been completed. The IEE report will be considered by the child's IEP team.
3. The District may either file for due process under Wis. Stat. §115.80 to defend its original evaluation or preliminarily approve the parent's request for an IEE. If the District grants preliminary approval, the District reserves the right to file for due process to demonstrate that the evaluation did not meet the District's criteria for an IEE. An IEE that does not meet the District's criteria contained in the policy will not be at public expense.
4. The maximum allowable cost for an Evaluator will be the average cost per day or hour for a similarly qualified staff member employed by CESA 2 during the current school year as determined by the CESA 2 Director of Special Education. In the event the evaluator is one not typically employed by CESA 2, 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 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.
5. Parents/guardians 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 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 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 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.

6. In the event the IEE is ordered by an Administrative Law Judge (ALJ) as part of a due process hearing pursuant to Wis. Stat. §115.5.0 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 the District.
7. If a dispute or disagreement arises regarding the parent's right to obtain an IEE at public expense, the selection of an IEE Evaluator, the location of the evaluation, or the maximum allowable cost of the IEE, the school district will, without unnecessary delay, initiate a due process hearing to demonstrate that the evaluation obtained by the parent did not meet the District's criteria.

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