

**Procedures for IEE's Provided at Public Expense**

The normal procedures that apply to parent-initiated independent educational evaluations (IEEs) under the Individuals with Disabilities Education Act (IDEA) that the parent seeks to be provided at public expense are as follows:

1. The parent notifies the school psychologist or the Director of Student Services that the parent is requesting an IEE due to a disagreement with an evaluation conducted by the District. Although the District strongly encourages parents to provide such notification prior to obtaining an actual evaluation, advance notice is not required. Significantly, advance notice can help to ensure that the IEE will meet applicable District criteria and may also help to avoid disputes over costs and funding.
2. Upon being notified of a parent's request for an IEE, the District shall provide the parent with information about where an IEE may be obtained and the District criteria applicable to the requested IEE. The provision of such information is not a waiver of the District's right to request a due process hearing that seeks a determination that the District's evaluation was appropriate.
3. Upon receiving a request for an IEE at public expense, the District shall, without unnecessary delay, either:
  - a. File a due process complaint to request a hearing to show that the District's evaluation was appropriate; or
  - b. Ensure that an IEE is provided at public expense, unless the District demonstrates in a hearing that the evaluation obtained by the parent did not meet District criteria applicable to the requested IEE.
4. To the extent mutually-agreeable to both the parent and the District, members of the individualized education program (IEP) team may meet prior to the IEE to develop a plan for the IEE with the goal of obtaining an evaluation that is valuable to the members of the IEP team. Such a plan may, for example, define particular areas for assessment, identify questions to put forth to the evaluator(s), and address the District's criteria for special education evaluations.

## **District Lists of Pre-Qualified Evaluators**

The Director of Student Services, or his/her designee, may maintain and provide to parents a list of qualified evaluators who meet the District's selection criteria for one or more particular types of evaluations. When the District has identified one or more qualified evaluators for the relevant type of evaluation, a parent may either select an evaluator from the District-provided list or identify and select another qualified evaluator of their own choosing who meets the District's established criteria.

To the extent the District has not identified one or more qualified evaluators for the relevant type of evaluation, the Director of Student Services, or his/her designee, shall, at a minimum, make a reasonable attempt to help the parent identify the type of professional or organization that might normally provide an evaluation that is relevant to the situation and that is consistent with the District's established criteria.

## **District Criteria for Evaluations**

Except where applicable law requires the District to make an exception based on a parent's demonstration of unique circumstances that justify the exception, an IEE obtained by a parent must be consistent with the applicable District criteria in order for the IEE to be publicly funded. It is also possible that a failure to adhere to the District's criteria could result in the IEP team determining that the results of the IEE will not be considered in making decisions with respect to the child.

The following criteria generally apply to all educational evaluations under the Individuals with Disabilities Education Act (IDEA):

1. The evaluator must be able and willing to share the complete results of the relevant evaluation, including but not limited to any summary report or findings, with the District and its designated agents sufficiently far in advance of any meeting at which the results are to be considered. To the extent applicable, this includes a requirement for the parent to consent to such an exchange of information.
2. The evaluator must be able and willing to provide explanations and clarifications, as needed, to the District and its designated agents regarding the evaluation methodology, protocols, and results. To the extent applicable,

this includes a requirement for the parent to consent to such an exchange of information.

3. The evaluator must hold an appropriate license or certification and be trained in the areas or issues to be addressed by the evaluation. The Director of Student Services, or his/her designee, shall identify the acceptable license(s) or certification(s) in relation to the specific purpose/area of the IEE and shall inform the parent of such criteria provided that the District has notice of the intent to seek an IEE. In some circumstances, it is possible that no license or certification requirement will apply, but that other required training or experience may be specified.
4. The evaluator must be reasonably familiar with and satisfy the evaluation-related requirements of the IDEA and related state laws and regulations. For example, if the purpose of the evaluation is to determine a learning disability, then the evaluation must include a systematic observation of the child in an appropriate educational setting.

The following criteria generally apply to IEEs obtained at public expense:

1. The total cost to the District of the IEE must not be unreasonably excessive. To avoid funding disputes and potential personal responsibility for the cost of an evaluation, the parent is strongly encouraged to notify the District of the cost/rate to be charged by the parent's proposed evaluator and any other anticipated ancillary costs prior to incurring the costs. In many cases, the District will be able to inform the parent whether such estimated costs would be considered unreasonably excessive. Although the determination of reasonable costs versus unreasonably excessive costs is context dependent, the following guidelines shall be applied:
  - a. Where the District would be able obtain the services of a qualified independent evaluator via a purchase/contract with a Cooperative Educational Service Agency or another school district or educational institution, costs up to 130% of a reasonably-current quoted price or rate, a recently-paid actual amount or rate, or (if available) an average of such amounts/rates from multiple sources, will not be considered unreasonably excessive.
  - b. For services that must be obtained from medical providers or other private-sector professionals, an amount or rate that is up to 130% of a

District-identified average or benchmark, within which range the District is able to identify two or more potential evaluators, will not be considered unreasonably excessive.

Before the District rejects charges that exceed the above guidelines as unreasonably excessive, the District will provide the parent with an opportunity to demonstrate that unique circumstances exist that justify costs that exceed the guidelines.

2. The following shall apply except when the Director of Student Services determines that the relevant evaluation services cannot reasonably be secured within these geographic parameters or that other unique circumstances exist that justify an exception:
  - a. When a qualified evaluator is a professional who is normally employed in school settings, the evaluator shall be based or regularly practice his/her profession in the area encompassed by the boundary of the District's Cooperative Educational Services Agency.
  - b. When an evaluation reasonably requires an evaluator who is a professional who is not normally employed in school settings (such as a medical doctor or licensed psychiatrist), the evaluator shall normally be based or regularly practice his/her profession within 50 miles of the boundaries of the school district.

When there is a need to make an exception to the above-listed geographic parameters, the next area from which to attempt to identify an appropriately-qualified evaluator is from an area no further than the metropolitan area of the Twin Cities, followed by elsewhere in the State of Wisconsin.

In addition, when determining if unique circumstances justify an exception to the District's normal geographic criteria, the relevant administrator(s) will consider the purpose of such criteria, which include (1) facilitating the evaluation process, particularly when the evaluation includes an observation of the child in his/her current placement or in a particular educational setting; and (2) containing the costs associated with an evaluation.

3. When an educational evaluation is conducted at public expense, meaning that it is paid for by the District or is otherwise provided at no cost or other

financial loss to the parent, any payments to evaluators/providers will normally be made directly to the evaluator/provider upon presentation of an invoice for services rendered. An exception may be made if the Director of Pupil Services determines that advance payment or payment at the time of service is necessary to provide an appropriate evaluation or that denying an exception would be inconsistent with the parent's right to an IEE. To the extent the District is required to provide reimbursement for costs initially covered by a third-party insurer in order to prevent a financial loss to the parent, the reimbursement will normally be made directly to such insurer.

Notwithstanding the general evaluation criteria identified above and any exceptions that the District may approve due to unique circumstances, the District also reserves the right, to the extent consistent with applicable law, to establish additional, evaluation-specific criteria for particular types of assessments and to apply such criteria both to evaluations that the District obtains and to parent-initiated IEEs. The parent will be notified of any such additional criteria to the extent required under applicable law.

**Adopted: 07/01/22**