

INDEPENDENT EDUCATIONAL EVALUATION PROCEDURES AND CRITERIA

Policy 342.11 Rule

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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 Director of Special Education 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. The information provided to the parent will include the following:
 - a. A listing of the names and addresses of IEE examiners located within the Cooperative Educational Service Agency (CESA) 2 area. The list will identify those IEE examiners who, in the District's judgment, are qualified to perform the evaluation requested by the parents/guardians. If no qualified examiner exists within the CESA 2 area, the District will identify an individual located in the State of Wisconsin who can perform the evaluation.
 - b. The specific location of the evaluation. All IEE's will be performed in the District unless the parents/guardians demonstrate that unique circumstances warrant a publicly funded IEE outside the District.
 - c. A description of the District's criteria for selection of IEE examiners. A qualified IEE examiner must either hold or be eligible to hold the same licensure as that of the District's staff who conducted the evaluation or other medical personnel (e.g., physician's, nurses, psychologists, neuro-psychologists) must be licensed by the State of Wisconsin. 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
 - Allow for reasonable follow-up and clarification of findings
 - Review appropriate school records
 - Meet with appropriate school staff and parents/guardians to share findings, including

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- information that would support instruction
 - Release assessment results, including parent and teacher surveys, prior to receipt for
 - payment of services
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 Special Education, 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 Special Education, 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.

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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 Special Education 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.
 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.
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. The cost per evaluator may range from \$500.00 to \$2000 for an evaluation completed by an M.S. and \$750.00 to \$2000.00 for an evaluation completed by an M.D. or Ph.D. In the event the examiner is one not typically employed by CESA 2 or the 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 District and its insurance carrier. If it is necessary for a child to be evaluated at a location out-of-district, the District may be required to pay for the expenses incurred by the parent/guardian for travel or other related costs. If the District believes that the requested expenses are unreasonable, it will request a due process hearing on this issue.

Before the District rejects charges that exceed the above guidelines as unreasonably

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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 Special Education 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 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 Special Education 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.

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