

Section 300: Instruction

**Independent Educational Evaluation (IEE)
Administrative Rule**

Code # 342.11AR

Procedure to Obtain an IEE at Public Expense

In the Tri-County Area School District:

1. The parents should submit to the District a written request for an IEE and may include in such request an explanation of their reason 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, a determination will be made as to whether the District will initiate due process to establish the appropriateness of its evaluation or proceed with procuring an IEE. The District will respond in writing to a parent request for an IEE within fifteen school days from the date that the District receives the request.
3. If the District decides to procure an IEE for the parents, the District's written response will contain the following:
 - (a) A listing 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 District's judgment, are qualified to perform the evaluation requested by the parents. If no qualified examiner exists within the CESA 5 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 IEEs will be performed in the District unless the parents demonstrate the unique circumstances warrant a publicly funded IEE outside the District.
 - (c) A description of the District's criteria for selection of IEE Examiners
4. Minimum Qualifications for IEE Examiners. These qualifications represent the same criteria as the Tri-County Area School District examiner. The following are the District's minimum qualifications to be approved as an IEE Examiner. Prospective

examiners with credentials other than those listed below will not be approved unless the parents can show unique circumstances which justify a publicly-funded IEE by an examiner who does not meet the District's criteria:

- (a) The prospective IEE Examiner (the "Examiner") must be licensed by the Wisconsin Department of Public Instruction, or hold a college or university degree in the appropriate field of expertise. Physicians, nurses, psychiatrists and non-school psychologists must be licensed by the State of Wisconsin.
 - (b) The Examiner must be located in the vicinity of the District.
 - (c) The Examiner must charge fees for educational evaluation services which, in the judgment of the District, are reasonable.
 - (d) The Examiner shall not be an employee of the District.
 - (e) The Examiner must be permitted to directly communicate and share information with members of the IEP Team. The Examiner must also agree to release the assessment and results, including parent and teacher surveys, prior to receipt of payment for services.
5. The maximum allowable cost for an Examiner will be the average cost per day or hour for a similarly qualified staff member employed by CESA 5 during the current school year as determined by the CESA 5 Director of Special Education. In the event the examiner is one not typically employed by CESA 5 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. Travel expenses for the Examiner (i.e. food, lodging, transportation, etc.) are not covered in the cost of the IEE. The District shall not be responsible for reimbursement of travel costs or other related costs incurred by the parents in connection with their arrangement of, or their attendance at the IEE.
6. The District will permit parents to show that unique circumstances justify an IEE which exceeds the maximum allowable cost. If the total cost of the IEE exceeds the maximum allowable costs, the District must initiate a hearing to demonstrate that the evaluation obtained by the parent did not meet the District's criteria. The parents shall be responsible for any remaining costs. 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. 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.

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 cost to be reimbursed by the District.

Legal Reference: Individuals With Disabilities Education Act (IDEA)
34 C.F.R. § 300.502 (2015)

Prior Approval:	January 24, 2006
Attorney Review:	December 2015
Approved:	January 26, 2016