

FILE: IGBAB

MEDFORD AREA PUBLIC SCHOOL DISTRICT

DATE ADOPTED: December 21, 2000 FILE SECTOR: INSTRUCTION
DATE REVISED: August 15, 2002 POLICY TITLE: INDEPENDENT EDUCATIONAL
DATE REVISED: May 17, 2007 EVALUATIONS
DATE REVISED: August 15, 2013
DATE REVISED: November 25, 2019

Medford Area Public School District (MAPSD) recognizes the responsibility to provide each special education student with a free and appropriate public education (FAPE). Furthermore, MAPSD recognizes parent(s)/guardian(s) rights regarding independent educational evaluations (IEE) of special education students as established by federal regulations.

For purposes of this policy, “evaluation” means the procedures used to determine whether a child has a disability and the nature and extent of the special education and related services necessary to provide FAPE. A student’s parent(s)/guardian(s) may request an IEE under the following limitations and guidelines and in adherence to the procedures outlined in IGBAB-R.

- MAPSD is not required to pay for an IEE if they have not completed a district evaluation of the student.
- If MAPSD has completed an evaluation, upon request for an IEE, the district must:
 - provide the IEE following procedures outlined in IGBAB-R **OR**
 - request a due process hearing to determine that MAPSD evaluation is appropriate.
- In the event that a due process hearing finds the district evaluation to be appropriate, an IEE could be requested and arranged by the parent(s)/guardian(s) at their expense.
- Only one publicly funded IEE request may be submitted for each district evaluation.
- Parent(s)/guardian(s) should submit a written request for a publicly funded IEE. However, MAPSD will not deny parent(s)/guardian(s) a publicly funded IEE because they fail to provide a written request.
- Requests for a publicly funded IEE must be made within one year of the date the results of the school district evaluation were shared with the parent(s)/guardian(s).

CROSS REFERENCE: IGBA

LEGAL REFERENCE: 34 C.F.R. 300.502 (1999), DPI Bulletin No. 99.02

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- Parent(s)/guardian(s) should submit a written request for a publicly funded IEE and include in the request their reasons for objecting to the evaluation by MAPSD.
- Upon receipt of a parent(s)/guardian(s) request for a publicly funded IEE, MAPSD will determine whether:
 - to initiate a due process hearing to establish the appropriateness of the evaluation, or to determine the appropriateness of the parent(s)/guardian(s) justification regarding independent education examiner qualifications, location and/or fees, when they do not meet MAPSD's criteria **OR**
 - to publicly fund the IEE.

MAPSD will make this determination and respond in writing to the parent(s)/guardian(s) within 15 working days from the date of receipt of the request.

- In the event MAPSD determines to publicly fund the IEE, the written response to the parent(s)/guardian(s) will include the following:
 - A list of examiners located within the area of MAPSD, or if none exist, in the State of Wisconsin, qualified to perform assessment necessary for the evaluation. Parent(s)/guardian(s) may select an examiner not on the list; however, it is the parent/guardian's obligation to ensure the examiner meets MAPSD's criteria in order to receive a publicly funded evaluation, including the examiner qualifications, location and fees.
 - All IEEs will be performed at MAPSD unless unique circumstances warrant a publicly funded IEE outside of the district.
 - A description of criteria for examiners.
- An individual educational examiner must meet the same criteria that MAPSD uses when it initiates an evaluation to the extent those criteria are consistent with the parent/guardian's right to an IEE. Minimal qualifications of an independent educational examiner shall:
 - Be licensed by the Department of Public Instruction in a field appropriate to the evaluation or in the case of physicians, psychiatrists, neuropsychologist or other medical personnel. The examiner must hold a valid license from the state of Wisconsin. In instances where no applicable license exists, MAPSD must be satisfied that the examiner has extensive training and experience related to the known or suspected disability.
 - Be located in Medford or as excepted above.
 - Be someone other than an employee of MAPSD or someone who has direct interest in the management practices of the district.
 - Be capable of providing a functional assessment.

- The examiner must:
 - Be permitted to directly communicate information with members of the IEP team.
 - Agree to the release of information, the assessment and results, including parent/guardian and teacher surveys prior to the receipt of payment for services.
 - Agree to an on-site observation of the student and/or a meeting with appropriate school psychology and classroom staff.
 - Agree to produce a written report that is inclusive of all information including on-site observations and meetings.

- The maximum allowable cost for an examiner will be determined by the Director of Special Education and Student Services according to MAPSD's schedule and the following:
 - In the event the examiner is one not typically employed by a school district, (i.e. 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 school district.
 - Travel expenses for the examiner (food, lodging, transportation, etc.) shall not be covered in the cost of the IEE.
 - The school district will permit parent(s)/guardian(s) to present information regarding factors that make extraordinary costs necessary to justify an IEE which exceeds the maximum allowable cost. If the total cost of the IEE exceeds the maximum allowable cost and if, in the district's judgment, there is no justification for the excess cost, the district, within 15 working days, will initiate a due process hearing to demonstrate whether the evaluation requested by the parent/guardian does not meet the district's cost criteria. In the event that an Administrative Law Judge determines as a part of a due process hearing that there is no justification for the excess cost, the IEE will be funded up to the district's maximum allowable cost and no further. The parent/guardian shall be responsible for any remaining costs.
 - When the parent(s)/guardian(s) insurance will cover all or partial costs of the independent educational evaluation, the district will request that their insurance pay the IEE costs covered by the insurance plan.
 - However, parent(s)/guardian(s) need not ask their insurer to cover the IEE costs if such action would result in a financial cost to them, such as an increase in premiums; the discontinuance of the policy; a decrease in available lifetime coverage; or an out-of-pocket cost such as payment of a deductible. MAPSD reserves the right to seek verification of financial burden.

- In the event the IEE is ordered by an Administrative Law Judge as part of a due process hearing pursuant to Wisconsin Statutes or a part of mediation pursuant to Wisconsin Statutes, the Administrative Law Judge or mediator may determine the qualifications of the examiner and the cost to be reimbursed by MAPSD.