



# Understanding Independent Educational Evaluations (IEE)

## A Guide for Local Educational Agencies

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### What is an Independent Educational Evaluation (IEE)?

An Independent Educational Evaluation (IEE) is an evaluation conducted by a qualified examiner who is not employed by the child's school district. Parents have the right to obtain an IEE at their own expense. Under IDEA Part B regulations, parents may also request a publicly funded IEE if they disagree with the district's evaluation. The IEE must meet the same standards as the school's evaluation and is conducted in response to the district's evaluation.

### Why Might a Parent Request an IEE?

Parents do not need to provide a specific reason for disagreeing with the evaluation. However, common reasons for requesting an IEE include:

- » Disagreement with the outcomes of the district's evaluation.
- » A belief that certain areas of the child's needs were not assessed properly or at all.
- » The evaluation did not consider the child's history (e.g., medical, trauma, or native language), which may have led to inaccurate or invalid conclusions.
- » The evaluation was not conducted with necessary accommodations or assistive technology (e.g., a student who is hard of hearing was evaluated without their hearing aids). **This applies only to accommodations that do not invalidate the results of standardized assessments.**

**Quick Tip:** Requiring a specific reason for requesting an IEE could violate the parent's rights, as this may require near-professional knowledge of special education and evaluation practices.

### Parent's Right to a Publicly Funded IEE

Parents have the right to a publicly funded IEE if they disagree with the district's evaluation, unless:

- » The district demonstrates in a due process hearing that its evaluation was appropriate; or
- » The district shows in a due process hearing that the IEE obtained by the parents did not meet district criteria.

## Procedures for Requesting an IEE

- » **Timing:** Parents can request an IEE within two years of becoming aware of the evaluation's content.
- » **District Response:** Districts are required to respond to IEE requests in a timely manner. While there is no set time frame, case law suggests a response within 30 days or less is acceptable.

When a parent requests an IEE at public expense, the district has two options:

- » Request a due process hearing to demonstrate that its evaluation was appropriate; or
- » Provide the IEE at public expense, unless the district shows in a due process hearing that the IEE did not meet district criteria..

**Quick Tip:** Offering a re-evaluation in response to a parent's request for an IEE is **not** acceptable.

**Recommendation:** Districts should create a standardized process for submitting IEE requests and ensure this information is widely available.

## Selection of Evaluator

The district must provide parents with information about where to obtain an IEE and the district's criteria for IEEs. This should include:

- » **Location:** evaluation should take place within a geographically reasonable distance (e.g., within 100 miles of the district). The location should **not** be tied to a specific clinic or private practice, allowing parents a reasonable range of options for qualified evaluators.
- » **Qualified Evaluator:** The district must define what constitutes a "qualified evaluator." The criteria must align with district standards and cannot require certifications or degrees beyond what the district requires.
- » **Cost:** The district may set a reasonable cap on the cost of the IEE based on local rates. However, if the cap is too low—such as setting it at \$800 when the average cost is \$1,500—it could restrict the parents' rights by limiting their options for qualified evaluators. However, parents must be allowed to demonstrate exceptional circumstances for an IEE that exceeds the cap.

**Quick Tip:** Work with student support professionals who conduct evaluations for IDEA eligibility to determine which private practice evaluators meet the district's standards.

**Recommendation:** Create a list of evaluators or private practices that conduct IEEs in the area but make it clear that parents can choose other evaluators as long as they meet the outlined criteria.

## Consideration of an IEE

Once the IEE is completed, the district must schedule an IEP meeting within a reasonable time frame, **typically within 30 days**, to review and consider the results. Under IDEA, the district must carefully consider the IEE's recommendations but is not required to adopt them. The district must balance the independent evaluator's input with its obligation to provide a Free Appropriate Public Education (FAPE) in the least restrictive environment.

Tips for Ensuring Full Consideration of the IEE:

- » **More Data:** The more data, the better. Think of the IEE as a second opinion.
- » **Discussion of Disagreements:** Discuss areas of disagreement between the district's evaluation and the IEE to ensure that both evaluations are fully considered. This discussion may lead to valuable adjustments to the IEP.
- » **Documenting Decisions:** If the IEE recommends changes to the IEP, the team should discuss whether to accept or reject those recommendations and provide a rationale for their decision. Document all discussions, questions, and responses from both the parent and the evaluator.

**Remember:** The goal is to support the student, and everyone involved is working toward what's best for the child.

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## Frequently Asked Questions (FAQs)

- » **Do qualified evaluators have to complete the IEE on a timeline?**
    - No, the district may not impose conditions or timelines on IEEs at public expense that they do not impose on their own evaluations.
  - » **Can the district dictate which assessments are conducted during the IEE??**
    - No, the district cannot dictate this. The evaluator can use any research-based or standardized assessment tool within their scope of practice.
  - » **Is there a limit on how many publicly funded IEEs a parent can request?**
    - Yes, a parent is entitled to one IEE at public expense each time the district conducts an evaluation with which the parent disagrees.
  - » **Do parents have a right to a publicly funded IEE if their child was made eligible or ineligible for special education services?**
    - Yes, regardless of whether the child was deemed eligible or ineligible for special education, the parent may request a publicly funded IEE.
  - » **Does the district have to pay for the IEE in advance, or can parents be reimbursed?**
    - Reimbursement is acceptable as long as it does not deny the parent's right to an IEE due to their inability to pay upfront. (Letter to Heldman, 20 IDELR 621 (OSEP 1993))
  - » **Can the district deny funding for an IEE if it disagrees with the parent's choice of evaluator?**
    - No, the district cannot deny funding based solely on the parent's choice of evaluator, as long as the evaluator meets the district's criteria for a qualified professional. The district must only ensure the evaluator follows the established criteria, not the specific individual the parent selects.
  - » **Can a parent request a publicly funded IEE after the child has been evaluated but the IEP has already been developed?**
    - Yes, a parent may request an IEE at public expense even after the IEP has been developed, as long as the request is made within a reasonable period of becoming aware of the evaluation results.
  - » **Can the district require a specific format for the IEE report?**
    - No, the district cannot require a specific format for the IEE report. However, the evaluation must meet the same standards as the district's own evaluations to ensure consistency and reliability in the results.
  - » **What happens if the district disagrees with the IEE and does not provide funding for it?**
    - If the district disagrees with the IEE and does not provide funding, the parent has the right to request a due process hearing to challenge the district's decision. The district must demonstrate that its evaluation was appropriate or that the IEE did not meet its criteria. (34 CFR 300.502 (b)(4))
  - » **Can a district delay the IEP meeting to review the IEE results?**
    - No, the district cannot unreasonably delay the IEP meeting to review the IEE results. The IEP team must meet in a timely manner, typically within 30 days of receiving the IEE, to discuss the findings and determine whether any changes to the IEP are necessary. (34 CFR 300.502 (c)(1))
  - » **Can the district use a re-evaluation instead of an IEE if a parent disagrees with the evaluation?**
    - No, the district cannot use a re-evaluation as a substitute for an IEE. If a parent disagrees with the district's evaluation, they are entitled to request an IEE at public expense. (Fullerton Sch. Dist., 58 IDELR 177 (SEA CA 2012))
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