



What's the Big IDEA? # 8

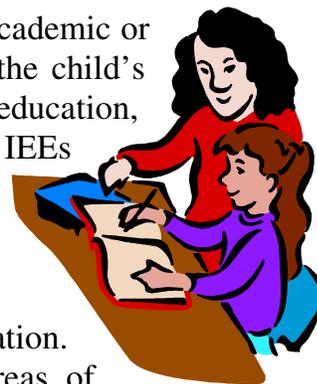
The Individuals with Disabilities Education Act (IDEA) is a law ensuring services to children with disabilities throughout the nation. IDEA governs how states and public agencies provide early intervention, special education, and related services to more than 6.5 million eligible infants, toddlers, children and youth with disabilities. This series is designed to offer information about IDEA as amended in 2004. Each fact sheet will focus on a different aspect of IDEA.

Independent Educational Evaluations

The school district is required to evaluate students with suspected disabilities. In some cases, either a parent or the school will want to request an Independent Educational Evaluation (IEE). An IEE is “an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question.” [34 CFR 300.502(a)(3)(i)]

What areas are evaluated in an IEE?

The law does not specify, but the evaluation is not limited to an evaluation of academic or cognitive skills. “The IEE may include the evaluation of any skill related to the child’s educational needs. Evaluations of neurological functioning, adapted physical education, sensory needs, even music therapy, are but a few examples of the types of IEEs covered under the IDEA. Parents may obtain an IEE for virtually any purpose if it impacts the child’s education.”¹



When should I request an IEE?

You should request an IEE if you disagree with the school’s educational evaluation. For example, you may think the school did not adequately evaluate all areas of suspected disability. While you are at the IEP meeting you will want to request an Independent Educational Evaluation at **public expense**. Public expense means that the district pays the full cost of the evaluation or makes sure that the evaluation is provided at no cost to the parent. Make sure your request is noted in the Prior Written Notice (PWN) along with a timeline. Once you have made your request, the school has two choices. It can deny your request and proceed to a due process hearing or it can agree to your request. Since it is much more expensive for schools to go through a due process hearing, in most cases they will agree to your request. In either case, the school cannot unreasonably delay either providing the IEE at public expense or initiating a due process hearing. If the case goes to a hearing and the school’s evaluation is upheld, you can still request an IEE but you will be responsible for paying for it.

The school has agreed to an IEE at public expense. What happens now?

The school will provide you with a list of evaluators who meet the school district’s qualifications. You can choose any evaluator from this list. The school district can not impose any other conditions or timelines related to obtaining an IEE.

Do I have to use one of the evaluators on the school district’s list?

No. However, any evaluator you choose must meet the school district’s criteria. The evaluator you choose must have the same qualifications as the evaluators offered by the district so make sure you

know what the criteria is before you choose an evaluator. This information should be available in the district's special education policies and procedures documents. In certain cases, depending on the type of evaluation that is needed, you may want to use an evaluator who does not meet the district's criteria. If this is the case, the school can challenge your choice and initiate a due process hearing. PRO would recommend that you have approval in writing from the district before using any evaluator who is not on the school's approved list. It's not that you can't do it; it's just that you want to make sure the district will pay for it. It's advisable to have the school district make the arrangements so billing will not become an issue.

How often can I request an IEE?

You may have one IEE at public expense for each school evaluation that you disagree with.

What if I pay for an evaluation myself?

If you hire an evaluator, you can present the evaluation to the IEP committee. The law requires the committee to **consider** the independent evaluation *if it meets the school's criteria*. However, the law does not require the committee to accept the findings and implement any suggestions from the evaluation. A private evaluation may be presented as evidence at a due process hearing.

What happens after the evaluation?

Ask to review the evaluation with the evaluator once the testing is done. It will be helpful for you to meet so you can make sure you understand the test results and have your questions answered before the team meeting. Next, the Eligibility Determination Team (EDT) will meet to review the evaluation and accept or reject its findings and conclusions. Remember, the evaluator does not decide if your child qualifies for special education services. That decision is a team decision and you are a member of the team. The decision must be documented in the Prior Written Notice.



There is nothing in the law that says a child has to have a certain label (eligibility) in order to receive a particular set of services. No matter what the disability, all identified areas of concern need to be addressed through the IEP. For example, your child may be eligible to receive services because he has a Specific Learning Disability in Reading. With information from a good educational evaluation, the IEP team develops appropriate goals and objectives, strategies, and accommodations to address his reading needs. However, during the meeting, his teacher reports that he also has difficulty completing work in class and he gets frustrated when he has to do group projects. The team decides that behavior is an area of concern so it should also be addressed in his IEP. This behavior can be targeted through his IEP goals and/or a Functional Behavior Assessment (FBA) and a Behavior Intervention Plan (BIP).

If you have more questions about IEEs, please call Parents Reaching Out at 505-247-0192 or 1-800-524-5176 and ask to speak to a PTI Family Liaison. We will be happy to discuss your individual situation and give you more information about the evaluation process.

¹"Independent Educational Evaluations: What? Why? How? Who Pays?" Wayne Steedman, Esq.
<http://www.wrightslaw.com/info/test.iee.steedman.htm> downloaded 10/6/2010

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