Independent Educational Evaluations

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The parents of a child with a disability have the right under IDEA to obtain an independent educational evaluation (IEE) of the child.

It is your legal RIGHT, when you disagree with any results of a school evaluation

Request it in writing

See example of letter
Dear ______:

I / we are not satisfied with the [recent - add date] evaluation performed by the school's evaluator [or the evaluator chosen by the district] on our child [name].

Among other things, we do not agree with X, Y, Z. [describe objections] With all due respect, we do not believe this evaluation accurately reflects our child's unique needs. In light of this, we are requesting that the district agree to pay for an independent evaluation of our [son/daughter] by [name of provider] who is a private [child psychologist / speech language pathologist / neuropsychologist / other ] located at [address]. The anticipated cost of this evaluation is $____.

Please advise if the district will pay for this independent evaluation which we consider to be essential. If the district refuses to pay or fails to advise of approval within 30 days, we reserve the right to secure and pay for the requested independent evaluation.

If we have to go that route, we will have no choice but to request that the district reimburse us. Please advise.
Each school district must provide to parents, upon request for an IEE, information about where an IEE may be obtained, and the agency criteria applicable for independent educational evaluations.

Most districts have the same criteria:
- Licensed Psychologist or Certified School Psychologist
- Same tests or equivalent
- Operate within certain mileage
A parent has the right to an IEE at public expense if the parent **disagrees** with an evaluation from the school, subject to the following conditions:

If a parent requests an IEE at public expense, the school must, **without unnecessary delay**, either:

- File a due process complaint to request a hearing to show that its evaluation is appropriate; or
- Ensure that an IEE is provided at public expense, unless the school demonstrates in a hearing that the evaluation obtained by the parent did not meet agency criteria.***
If the school files a due process complaint notice to request a hearing and the final decision is that the school's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.
If a parent requests an IEE, the school may ask for the parent's reason why he or she objects to the school evaluation.

However, the school may not require the parent to provide an explanation and may not unreasonably delay either providing the IEE or filing a due process complaint to request a due process hearing to defend the public evaluation.
A parent is entitled to only one independent educational evaluation at public expense each time the school conducts an evaluation with which the parent disagrees.

That means one psychoeducational, one FBA, one music therapy, one sensory, one feeding, one speech, one OT/PT, one (fill in the blank), as long as it impacts the child’s education.

Parent can ask for a school evaluation no more than once per year.
The IEP team is required to *consider* the evaluation.

This does not mean that the school district must *accept* the findings or recommendations in the IEE.

It does mean that the IEP team must *review* the IEE, and discuss it as appropriate.

However, a United States District Court ruled that an IEP team's failure to consider the private evaluations submitted by the parents was such a serious violation of the IDEA that this alone constituted a denial of a free appropriate public education.

If an IEE is granted at public expense, the criteria under which the evaluation is obtained, including the location and the qualifications of the examiner, must be the same as the criteria that the school uses when it initiates an evaluation.

Except for the criteria described above, a school **may not** impose conditions or timelines related to obtaining an IEE at public expense.
Although it is appropriate for a school to establish reasonable cost containment criteria, a school district needs to allow a parent the opportunity to demonstrate that unique circumstances justify selection of an evaluator whose fees fall outside that criteria.

One could justify Autism to be a unique circumstance, especially if the district did not use an evaluator with autism training.

Some evaluators spend time in the school conducting observations, which requires extra cost, but is best practices.
For More Information:

- [www.gentrypbs.com](http://www.gentrypbs.com)
- 602-312-2911