

# A PEATC

Do You Know....



## Factsheet for Virginia's Parents Requesting an Independent Educational Evaluation (IEE)

### What if I Disagree with an Evaluation of my Child?

If your child is eligible for special education services, **he will be evaluated and reevaluated at various times during his school career.** Evaluations will determine his eligibility for services and help determine the services and supports that will be included in his Individualized Education Program (IEP). Most of the time you will likely agree with the results of the evaluations. But there may be times, when you may feel as though the results are not accurate. The federal Individuals with Disabilities Education Act (IDEA) and Virginia Regulations Governing Special Educations give you the right to ask for a new evaluation. **This is called an Independent Educational Evaluation (IEE).**

### What is an Independent Educational Evaluation (IEE) and When Should I ask for One?

An IEE is an evaluation conducted by a qualified evaluator who is not an employee of your school division. You have the right to ask for an IEE at public expense (i.e., at no cost to you) when you disagree with the results of an evaluation conducted by the school. This could be an evaluation or reevaluation for special education services or an evaluation for a specific service or support, for example, technology supports or speech therapy. **You can ask for only one IEE for every evaluation with which you disagree.**

Asking for an IEE is like asking for a 2<sup>nd</sup> opinion from a doctor or other professional. **You should consider requesting an IEE** when the results or analysis of the school's evaluation do not seem correct, or if the school has decided not to conduct an evaluation you think your child needs. Reasons for an IEE may include:

- You think the **evaluation was incomplete or was not based on sound methods or testing strategies** that are valid for your child's disability.
- You do not think that the **evaluator was qualified.**
- You do not think that the **data that were collected** were accurate.
- **Your private therapist has a different opinion** about your child's needs.
- **You have seen your child do things** that the evaluator says he cannot do or vice versa and therefore question the evaluations results.

### Resources on Independent Educational Evaluations (IEEs)

VDOE – [Virginia Parents' Guide to Special Education](#)

VDOE – [Regulations Governing Special Education Programs for Children with Disabilities in Virginia](#)

Center for Parent Information and Resources – [Right to Obtain an IEE](#)

Understood – [Private evaluations: What you need to know](#)

#### Contact Us:

800-869-6782 / 703-923-0010

[www.peatc.org](http://www.peatc.org)

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# Factsheet for Virginia's Parents

## What are the Rules Related to an IEE?

- When you request an IEE, **the school can ask but not require you to explain why you disagree with their evaluation.**
- **The school cannot delay** providing the IEE or **put special conditions or timelines** on the IEE.
- The **school must provide you with information about how to obtain the IEE** and its requirements related to obtaining the IEE.
- A list of **approved evaluators not employed by the school division** will be provided. If you do not like anyone on that list, you can choose your own evaluator, but then you may have to pay for the evaluation. You can ask the school to consider an evaluator not on the list.
- The IEE is **subject to the same requirements**, including location and evaluator qualifications as the school uses for its own evaluations.
- You can **always obtain and pay for private evaluations**. However, if you are asking the school to pay for an IEE, they have two choices:
  - (1) **Agree to the IEE or,**
  - (2) **Ask for a due process hearing** to show that their evaluation is appropriate.

In addition to filing for due process, the school must provide you with **Prior Written Notice** explaining their decision not to pay for the IEE.

- If at a due process hearing, the Hearing Officer decides that the school's evaluation is appropriate, **you still have the right to an IEE, but the school would not have to pay for it.**
- If the Hearing Officer decides in your favor and orders the IEE, then the **school must pay for the IEE or ensure that it is free to you.**
- **The results of an IEE at public or private expense must be considered by the school** when the team is making decisions. However, the school is not required to implement IEE recommendations.
- You have the right to have the results of an IEE obtained at either public or private expense used as **evidence in a due process hearing.**

## Tips on Obtaining IEEs

- While not required, **you should make the request for an IEE in writing so** there is a record of the request and the school's response. This will also avoid delays.
- If you want the school to pay for the IEE, **you cannot have testing performed before you request the IEE.**
- The evaluator conducting the IEE **must be given the same opportunities** as the school evaluator to observe the student and talk with teachers and other staff.
- When an IEE is completed the evaluator(s) should meet with you to discuss the results and **provide a written report.**

**PEATC's mission focuses on building positive futures for Virginia's children by working collaboratively with families, schools, and communities to improve opportunities for excellence in education and success in school and community life.**



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