

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 Student?

If your student is eligible for special education services, **he/she will be evaluated and reevaluated at various times during their school career.** Evaluations will determine their eligibility for services and help determine the services and supports that will be included in the Individualized Education Program (IEP). Most of the time you will probably agree with the results of the evaluations, but there may be times when you 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 each evaluation with which you disagree.**

Asking for an IEE is like asking for a 2nd 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 student 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 student's disability.
- You do not think that the **evaluator was qualified.**
- You do not think that the **data that was collected** is accurate.
- **Your private therapist has a different opinion** about your student's needs.
- **You have seen your student do things** that the evaluator says he cannot do or vice versa so you question the evaluations results.

Resources on Independent Educational Evaluations (IEEs)

Virginia Department of Education
Parent's Guide to Special Education English Language Version

www.doe.virginia.gov/special_ed/parents/parents_guide.pdf

Regulations Governing Special Education Programs for Students with Disabilities

www.doe.virginia.gov/special_ed/regulations/state/regs_speced_disability_va.pdf

Center for Parent Information and Resources

www.parentcenterhub.org/iee

Understood

www.understood.org/en/school-learning/evaluations/evaluation-basics/outside-evaluations-the-difference-between-private-and-independent

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Factsheet for Virginia's Parents

What are the Rules About IEEs?

- 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.
- The IEE is **subject to the same requirements**, including location and evaluator qualifications as the school uses for its own evaluations.
- You can **always choose to get and pay yourself 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 any IEE (by the school or that you pay for) must be considered by the school** when the team is making decisions. However, the school is not required to follow the IEE recommendations, only consider them.
- 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

- 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 the testing done before the school agrees.
- The evaluator for 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.
- It is up to you to decide whether to share the results of an IEE or any privately obtained evaluations with the school. The school still must pay for the IEE even if you don't share the results.

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

For more information about us, please contact:

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