Independent Educational Evaluation (IEE)

Colorado Parent IEP Training Resource Document

COLORADO
Department of Education

What is an Independent Educational Evaluation (IEE)?

- The Individuals with Disabilities Education Act (IDEA) states that: "Independent educational evaluation means 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).
- The person who conducts the IEE cannot work for the child's Administrative Unit (AU) (for example, the school district, BOCES, etc.).
- See pages 5 – 7 of Colorado's Procedural Safeguards Notice (PSN) for more information about IEEs and the process.

Who pays for an IEE?

- Some IEEs are paid for by the parents, and some are paid for by the AU (at public expense).
- A parent can obtain an IEE of their child at their own expense at any time. (Be aware that repeating the same test in a short period of time can decrease the validity of some test results.)
- A parent can request an IEE at public expense (to be paid for by the AU) if they disagree with the AU's evaluation.

How is an IEE used?

- An IEE initiated by a parent (that meets the AU's criteria), whether paid for by the parent or the AU, must be considered for decisions related to providing a free appropriate public education (FAPE) to the child. The IEE results may also be presented as evidence at a due process hearing. 34 CFR § 300.502(c).
- If an IEE initiated by a parent is received and maintained by the school, it becomes part of the child's education record (as defined in 34 CFR § 99.3, 34 CFR § 300.611(b)).
- If a parent submits an IEE for consideration, the multidisciplinary team will still need to complete the evaluation process. In other words, the IEE will be considered but cannot replace the AU's evaluation.

How is an evaluation for special education used?

- An evaluation that meets IDEA's requirements is used to determine eligibility for special education.
- In Colorado, to be eligible for special education, (1) the child must have a qualifying disability as defined by the Exceptional Children's Educational Act; (2) the child must experience an adverse educational impact as a result of the disability; and (3) the child must need specially designed instruction to access and benefit from general education.
- If the child is eligible, evaluation information is also used to develop the child's Individualized Education Program (IEP).

When can a parent request an IEE at public expense?

- Parents can request an IEE **at public expense** if they disagree with the AU's evaluation.
- A parent is entitled to only **one** independent educational evaluation at public expense for each time the AU evaluates the child. 34 CFR §300.502(b)(5).
- The parent does **not** have to explain why they disagree with the IEE, but the AU can ask. 34 CFR §300.502(b)(4).
- The parent's request for an IEE does **not** have to be in writing, but it can be helpful to have a record of the request.

What happens when a parent requests an IEE at public expense?

- Once a parent disagrees with the AU's evaluation and asks for an IEE, the AU must, without unnecessary delay, do one of the following:

    1. Tell the parent how to arrange for the IEE and inform the parent of the criteria necessary for the AU to pay for it. The evaluator must meet the AU's criteria that are used for all special education evaluations the AU conducts. This might include a limit on the cost of the IEE, but the limit cannot be used in a way that prevents parents from getting the IEE.
    OR
    2. Request a due process hearing to show that their evaluation is appropriate. If the evaluation is found to be appropriate, the AU does not have to pay for IEE. If the hearing officer determines that the evaluation is not appropriate, they may order the AU to pay for it.

Can a parent be reimbursed for an IEE for which they have already paid?

- If a parent disagrees with the AU's evaluation and already got an IEE, the parent can ask the AU to reimburse them for the cost. The evaluation must meet the AU's criteria for evaluations, including the evaluator's credentials.
- The AU could either pay the parents the cost of the IEE **or** ask for a due process hearing to show either that its evaluation was appropriate or that the IEE obtained by the parent does not meet the AU's criteria.

Can an AU refuse a parent's request for an IEE after they disagree with the AU's evaluation?

- The AU can only refuse a parent's request for an IEE by filing a due process complaint.

Where can I learn more about Independent Educational Evaluations?

- Learn more from the Colorado Department of Education's Parent IEP Training.
- Contact CDE's Office of Special Education.
    - **Phone:** 720-926-1453 / **Email:** Parents_ESSUquestions@cde.state.co.us
- Right to Obtain an Independent Educational Evaluation (Center for Parent Information & Resources)

This CDE resource document is meant for informational purposes only, is not legally binding, and is not to be confused with legal advice. If you are seeking legal advice, please contact your legal counsel.