



**DEPARTMENT OF EXCEPTIONAL STUDENT EDUCATION**

# Independent Education Evaluation

**Fast Facts # 9 (3/10)**

***What is an Independent Educational Evaluation?***

An independent educational evaluation (IEE) is an evaluation that is conducted by a qualified examiner who is not employed by the school district responsible for the education of the child. Parents may request that the IEE be conducted at public expense.

***What does it mean to have an IEE conducted at public expense?***

Evaluations conducted at public expense means that the school district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent.

***What are a parent's rights with regards to an IEE?***

Parents have a right under federal law and regulations to an independent educational evaluation (IEE) at the district's expense if they disagree with an evaluation obtained by the district. If a parent requests an IEE, the district may ask for the reason why the parent disagrees. However, the district may not require an explanation or unnecessary delay responding to the parent's request.

When parents obtain an independent evaluation at private expense and share the results of that evaluation with the district, the district must consider that evaluation in any decision made with respect to identification, educational placement, and/or the provision of FAPE (free appropriate public education) provided that the private evaluation meets district criteria for evaluations, including criteria regarding qualified evaluators.

***Does the school district have to conduct a publicly funded IEE at parent's request?***

The district must provide the parents information about the district's criteria (such as adherence to the *Jessica Lunsford Act*) that apply to IEEs and where an IEE may be obtained. If a parent requests that an IEE be conducted at the district's expense, the district must, without unnecessary delay, either:

- ☞ initiate an impartial due process hearing to show that its evaluations are appropriate, or
- ☞ ensure that an independent educational evaluation is conducted.

A parent is entitled to only one IEE at public expense each time the school district conducts an evaluation with which the parent disagrees.

NOTE: The district cannot refuse to conduct an IEE in accordance with the provisions of the procedural safeguards without immediately requesting a due process hearing.

***What happens once an IEE is conducted?***

Results of the IEE must be considered by the Eligibility Staffing Committee and/or the IEP Team. However, IEEs cannot be the sole determining factor for eligibility or other decisions. Other methods are also used by the committee/team members to assist with eligibility determination and/or other decisions. These include review of existing data and the collection of any additional data that may be needed for decision making.

**Must the district agree to the results of an IEE and implement all recommendations contained in the IEE?**

The district must thoroughly consider and discuss the results of an IEE (whether publicly or privately funded); however, decisions must be based on all available data and not solely on the results of one evaluation. Some private evaluations are predicated on a medically-based model, rather than an educationally-relevant model. The team should explain the basis of decision making to the parents and the reasons that some recommendations of the private evaluation may not be implemented for the child, or may not be followed precisely as described in the private report.

**Who should consider the results of an IEE?**

The personnel who will meet to consider the results of an IEE will vary depending on the nature of the evaluation and the needs of the student. Personnel with expertise in a particular area should be asked to provide their input when the evaluation is related to their area of expertise. Depending on the particular situation, the following personnel may be appropriate for convening with the parents to discuss and consider an IEE:

- *Child Study Team*
- *Problem Solving Leadership Team*
- *Eligibility Staffing Committee*
- *IEP Team*
- *504 Plan Team*

**What happens if a parent has not consented to a district evaluation?**

The right of a parent to obtain an IEE is triggered if the parent disagrees with the district's evaluation. If the parent refuses to give consent for a district evaluation, then an independent educational evaluation would not be available since there is no district evaluation with which the parent disagrees.

**What should school personnel do if a parent requests an IEE?**

If a parent has questions or would like to request an independent educational evaluation (IEE), school personnel must immediately forward the request to their Staffing Specialist, Staffing Coordinator, the Supervisor for ESE Staffing, or the Supervisor for ESE Compliance. Information that should be provided includes student name, parent name, telephone number, the type of evaluation(s) being requested, and a copy of the district evaluation with which the parent disagrees. School personnel may also offer any information that will assist the district with making a determination as to whether the district will request a due process hearing to establish the appropriateness of the district's evaluation(s) or proceed with payment for an IEE. There is a form titled "Request for Independent Educational Evaluation" that may be requested from the ESE Compliance Office (273-7060).

**Who can parents and school personnel contact for additional information regarding independent educational evaluations (IEEs)?**

- ESE Staffing and ESE Compliance Personnel in the Velasco Student Services Center
- Area Office ESE Supervisors
- ESE Supervisors and Administrators
- Guidance Supervisors
- Staffing Coordinators and Staffing Specialists
- ESE District Resource Teachers

References:

- *Individuals with Disabilities Education Act (IDEA 2004)*
- *Federal Register 34 C.F.R. Parts 300 and 301*
- *Florida Statutes and State Board of Education Rules*