

October 1, 2022

Re: County Agency Inquiry
What is an Independent Education Evaluation

To Whom it May Concern:

A question was raised in our meeting about Independent Education Evaluations (IEEs) and the response by the school. **The school doesn't have to agree to an IEE but must respond to the IEE request. This letter provides a general statement of the law and is not legal advice.**

Here is a little more information about IEEs:

Parents have the right to request an IEE at public expense if the parent disagrees with an *evaluation* completed by the school. Parents are entitled to only one IEE at public expense each time the school conducts an evaluation with which the parent disagrees.

What is an *evaluation*?: "Evaluation means procedures used to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs." 34 CFR 300.15. Procedures are outlined in detail in 34 CFR 300.304 through 34 CFR 300.311.¹

The law requires that when requesting an IEE the parent must state that they **disagree** with the evaluation but the parent is not required to explain why they object to the current evaluation. 34 CFR 300.502 (b) (4).

Finally, if a parent requests an independent educational evaluation at public expense, the school must, without unnecessary delay, either:

1. File a due process complaint with the Office of Administrative Hearings to show that its evaluation is appropriate; or
2. Ensure that an independent educational evaluation is provided at public expense.

¹ 34 CFR 300.304: <https://www.law.cornell.edu/cfr/text/34/300.304>; 34 CFR 300.305: <https://www.law.cornell.edu/cfr/text/34/300.305>; 34 CFR 300.306: <https://www.law.cornell.edu/cfr/text/34/300.306>; 34 CFR 300.307: <https://www.law.cornell.edu/cfr/text/34/300.307>; 34 CFR 300.308: <https://www.law.cornell.edu/cfr/text/34/300.308>; 34 CFR 300.309: <https://www.law.cornell.edu/cfr/text/34/300.309>; 34 CFR 300.310: <https://www.law.cornell.edu/cfr/text/34/300.310>; 34 CFR 300.311: <https://www.law.cornell.edu/cfr/text/34/300.311>

If the hearing officer reviews the due process complaint and finds that the school's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but **not** at public expense.

Each school must provide to parents, upon request for an IEE information:

1. Where an IEE must be obtained; and,
2. The criteria for an IEE. 34 CFR 300.502 (b); 34 CFR 300.502 (a)(2).

Sincerely,

/s/ Laura E. Isenor

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