

INDEPENDENT EDUCATION EVALUATION

This is a sample Standard Operating Procedure. If you are interested in obtaining access to the linked documents and resources within this sample, we would love to set up a time to connect with you! Please contact us at Hello@Project-Idea.org or [schedule a call](#).

PURPOSE

This Standard Operating Procedure informs school teams the steps to take when a parent or guardian requests an Independent Educational Evaluation (IEE).

LEGAL CONNECTION

- [Statute/Regs Main](#) > [Regulations](#) > [Part B](#) > [Subpart E](#) > [Section 300.502](#)

GUIDELINES

General Guidelines

- An IEE is an evaluation conducted by a qualified examiner who is not employed by the district responsible for the child's education.
- A parent has the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the District, unless the district proves in a due process hearing that:
 - ◆ The district's evaluation is appropriate; or
 - ◆ The IEE obtained by the parent did not meet the District's required criteria.
- The District may ask for the parent's reason why they disagree with the evaluation, but parents can decline to share.
- A parent is entitled to only one IEE at public expense each time the District conducts an evaluation with which the parent disagrees.
- The District must be given an opportunity to perform an Initial Evaluation and Eligibility Determination before the parent/guardian can request an IEE.
- The U.S. Court of Appeals, Second Circuit has held that an FBA is not an "evaluation" for which a parent can seek a publicly funded IEE.

Timeline Guidelines

- Once a parent requests an IEE, the District must respond within a reasonably prompt time.
- The District cannot unreasonably delay either providing the IEE at public expense, or filing a due process complaint to request a due process hearing to defend the public evaluation.
- Unless your state provides a different time frame, parents must generally request an IEE within two years of the evaluation because of the IDEA two-year statute of limitations.

Fee Guidelines

- The district must pay for the IEE, either in advance or through reimbursing the parent. A district might be able to access the parent's insurance benefits to help cover the cost if the parents give consent and other specific requirements are met. If the district believes the IEE does not meet its criteria, however, it may seek to avoid paying on that basis by filing a due process complaint.
- If the district elects to include a monetary cap on IEEs, there should be exceptions for unique circumstances; in these cases, ensure to communicate that parents have the opportunity to demonstrate why that cap should be waived for their child's unique circumstance.
- If a hearing officer requests an IEE as part of a hearing on a due process complaint, the cost of the IEE must be at public expense.

Criteria Guidelines

- Districts are required to provide parents/guardians with the IEE criteria. Failure to do so is a violation of IDEA. This includes providing parents/guardians with the following criteria:
 - ◆ IEE evaluator qualifications requirements;
 - ◆ Names, addresses and phone numbers of possible IEE evaluators who meet the district's criteria;
 - ◆ IEE fees (see above [Fee Guidelines](#) section).
- The 4th U.S. Circuit Court of Appeals has held that a district may not compel the use of a particular evaluator for an IEE.
- Parents must be informed that they may select evaluators not included on the district's list of possible IEE evaluators, provided they fully satisfy all of the IEE evaluator qualifications set forth by the district.

PROCESS

Step 1: Address the Request with the Parent(s) / Guardian(s)

1. Case-manager calls the parent(s) to communicate the IEE process. See the [IEE Parent Script Talking Points](#) for support communicating with parents.
 - a. Acknowledge that the school has received and will promptly consider the IEE request.
 - b. Explain that the district will respond to the request with a Prior Written Notice by X date.

- c. Ask the parent why she/he/they wants an IEE (*Note: While the district can ask for the parent(s)/guardian(s) reason, it may **not** require it).

Step 2: Determine if the IEE will be granted

1. Convene the school's IEP team to include your district's Director Designee (and/or Local Education Agent) and school administrator(s), within a reasonably prompt time without unreasonable delay.
2. Review the student's most recent Evaluation Report and Eligibility Determination.
3. Use the Guiding Questions within the [IEE Response Note-catcher](#) to determine if the district's evaluation was appropriate.
4. Based on the findings from the team's discussion, determine if the district will provide the IEE at public expense.

If the District will provide the IEE:

1. The case-manager will complete the [PWN of IEE Acceptance](#). Use the Note-Catcher to describe the data and information that served as the basis for this determination in sufficient detail. Among the other information contained in the PWN, the PWN must specify the following (failure to do so is a violation of IDEA):
 - a. Inform the parent where and how to obtain an IEE.
 - b. In the Appendix templates of the PWN, document in detail the IEE criteria. Be sure to specify the following:
 - i. Appendix A: IEE Fees
 - ii. Appendix B: IEE Required Provider Qualifications
 - iii. Appendix C: Possible Qualified IEE Evaluators (i.e., names, addresses and phone numbers of possible IEE evaluators who meet the district's criteria;
2. Provide the PWN of IEE Acceptance to the parent/guardian
3. Upload the finalized PWN into the district's Special Education management system.
4. Continue to [Step 3: Consider the Results once the IEE is completed](#)

If the District rejects the IEE:

1. The case-manager will complete the [PWN of IEE Rejection](#). Use the Note-Catcher to describe the data and information that served as the basis for this determination in sufficient detail.
2. Provide the PWN of IEE Rejection to the parent/guardian.
3. The district is to file a due process complaint to request a hearing to show that the District's evaluation is appropriate. The process ends here.

Step 3: During the IEE process

1. Develop criteria for classroom observations for when an independent evaluator observes a student in school.
 - a. Have a district staff member with the same or similar credentials accompany the independent evaluator while in the school building, to ensure accuracy of reporting as well as general supervision.
 - b. Observation time by the independent evaluator should not be limited, unless the district imposes a similar limitation on their own evaluation's observations.
 - c. The observation should occur at least in part within the classroom setting.
 - d. Determine what evaluation activities are to occur at the school in advance (e.g., observation of the student; interviews of the teachers and related services providers).
2. Complete a Release of Information between the evaluator(s) for the IEE and the district, and request parent signed consent.

Step 4: Once the IEE is completed

1. Schedule an IEP meeting with the multidisciplinary team. It is recommended to include your district's Director Designee (and/or Local Education Agent) and school administrator(s).
 - a. Send the parent(s)/guardian(s) a formal written Notice of Meeting.
2. At the IEP meeting, the multidisciplinary IEP team must consider the IEE and its recommendations according to the independent evaluator's findings. Use the [Guiding Questions](#) to support your discussion.
3. If the IEE does not meet the requirements set forth in the district's criteria, the district is to file a due process complaint to request a hearing.

IEE RESOURCES:

- [IEE Response Note-catcher](#)
- [IEE Parent Script Talking Points](#)
- [PWN of IEE Acceptance](#)
 - ◆ [Appendix A: IEE Fees](#)
 - ◆ [Appendix B: IEE Required Provider Qualifications](#)
 - ◆ [Appendix C: Possible Qualified IEE Evaluators](#)
- [PWN of IEE Rejection](#)

RELATED RESOURCES:

- [IEP Template](#)
- [Evaluation Report Template](#)

RELATED STANDARD OPERATING PROCEDURES:

- [Strategies to Increase Meaningful Parent Participation](#)
- [Proactive Considerations to Resolve Evaluation Disagreement](#)
- [Body of Evidence Guidelines](#)