



IEE-Independent Education Evaluation

What is it?

If a parent disagrees with an evaluation completed by the FCPS, the parent has the right to have the child evaluated by someone who does not work for the FCPS.

Definitions:

- Independent educational evaluation means tests and assessment procedures conducted by appropriately qualified personnel not employed by FCPS or responsible for the education of the child; and
- Public expense means that the FCPS either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parents.

Parents have the right to obtain an independent educational evaluation of their child under the IDEA subject to the procedures provided below. FCPS shall provide parents, upon request for an independent educational evaluation, information about:

- Where an independent educational evaluation may be obtained; and
- The FCPS's criteria applicable for an independent educational evaluation.

FCPS Agency Criteria:

When an independent educational evaluation is at public expense, the criteria under which the independent educational evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that a public agency uses when it initiates an evaluation, to the extent those criteria are consistent with a parent's right to an independent educational evaluation. Except for the criteria described above, FCPS may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.



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A Parent's Right to Evaluation at Public Expense:

Parents have the right to an independent educational evaluation at public expense if the parents disagree with an evaluation obtained by the FCPS. If parents request an independent educational evaluation at public expense, FCPS must, without unnecessary delay, either:

- Initiate a due process hearing to show that its evaluation is appropriate; or
- Ensure an independent educational evaluation is provided at public expense, unless FCPS demonstrates in a due process hearing that the evaluation obtained by the parents did not meet the FCPS criteria.

If FCPS initiates a due process hearing and the final decision is that the FCPS's evaluation is appropriate, parents still have the right to an independent educational evaluation, but not at public expense.

If parents request an independent educational evaluation, FCPS may ask parents for the reason why the parents object to the public evaluation. However, the parent's explanation is not required and the public agency may not unreasonably delay either providing the independent educational evaluation at public expense or initiating the due process hearing to defend the FCPS evaluation.

Parent Initiated Evaluation:

Parents always have the right to obtain an independent educational evaluation from qualified professionals of their choice, at their own expense. The IFSP/IEP team must consider the information from a parent-initiated evaluation at private expense, if it meets public agency criteria, when making any decisions with respect to the provision of FAPE to the child. The results of parent-initiated private evaluation may also be presented as evidence at a due process hearing regarding the child.



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Request for an Evaluation by an Administrative Law Judge (ALJ):

If an Administrative Law Judge (ALJ) with the Office of Administrative Hearings (OAH) requests an independent educational evaluation as a part of a due process hearing, the cost of the evaluation must be at the public expense.

What does the IEP team do when a parent requests at IEE as part of the IEP process?

IEP Team Considerations & Documentation

- Appropriateness of FCPS assessments available
- Student classroom performance and learning characteristics
- Additional assessments necessary based upon student performance
- IEP team recommendations, as related to the provision of FAPE, are clearly documented in Prior Written Notice (PWN)
- Direct the parents to the Supervisor of Special Education for denial or approval of IEE request

What does the IEP team after a parent has obtained an IEE as part of the IEP process?

IEP Team Considerations & Documentation

- Request that the parent sign a confidential information/record release form allowing FCPS to obtain an original assessment report from the outside agency/examiner.
- Consider the content of the assessment report(s) in educational decision-making
- A FCPS staff member who is qualified in the area(s) assessed should be a member of the IEP team where the IEE is reviewed
- IEP team recommendations or refusals, as related to the provision of FAPE, are clearly documented in Prior Written Notice (PWN)