



TIP SHEET

Independent Education Evaluation



A referral for a special education evaluation is the first step in determining if a child has a disability and is eligible for special education. This evaluation must be completed before a child can receive special education or related services. The evaluation process is outlined in federal and state law.

Information provided by the parents during the special education evaluation process is important and must be considered by the Multidisciplinary Team (MDT). The MDT is the group of professionals (including parents) that conducts the evaluation and gathers information used to determine if the child is eligible for special education and related services. If you have information from sources outside the school district, consider sharing it with the MDT as part of the evaluation process. Potential outside sources with knowledge of your child may include a doctor or other medical specialists, mental health counselors, probation officers, community support workers, and occupational, physical and speech therapists providing medical interventions. For more information on special education evaluations, see the evaluation tip sheet at <https://www.education.ne.gov/sped/parent-information/>.

Many times, the school district and the parents agree with the results of the special education evaluation. However, there are instances in which the parents do not agree with the school district's evaluation findings.

What should I do if I do not agree with the results of my child's special education evaluation

If you, as a parent of a child with a disability, do not agree with the results of the school district's evaluation of your child, you have the right to obtain what is known as an *Independent Educational Evaluation (IEE)*. This means that you may ask that a professional, competent evaluator who is not employed by the school district conduct another evaluation of your child. If you request an IEE of your child, the school must provide you with information about where you can obtain such an evaluation. Sometimes, school districts request an IEE if they want an evaluation that requires a professional with special expertise.

Who pays for the independent evaluation?

Some IEE's are conducted at public expense (meaning, the school system pays for the evaluation), and others are paid for by the parents. You have the right to request an IEE at public expense. This means that the school system would pay for an entirely new and independent evaluation of your child.

The school may grant your request and pay for the IEE, or it must file due process. Due process allows the school district to request a due process hearing to demonstrate that its own evaluation was appropriate. The school may ask why you object to its evaluation, but it may not require that you explain, or cause unreasonable delays in providing the IEE at public expense or in initiating due process to defend its evaluation.

If the school initiates due process, and the final decision of the due process hearing officer is that the evaluation of the school was appropriate, you still have the right to an IEE *but not at public expense*. If you want your child to have an IEE, you will have to pay for it yourself.

Sometimes, as part of a due process hearing, the hearing officer will ask that an IEE be conducted. If this happens, the evaluation must *always* be conducted at public expense.

When an IEE is paid for with public funds, it must comply with the same criteria that the school system uses when conducting an initial evaluation of a child. The school must tell parents what those criteria are—such as the location of the evaluation and the qualifications of the examiner. These criteria must be the same as those used by the school system for its own evaluation to the extent that these are consistent with the parents' right to an IEE. Nonetheless, the school system may not impose other conditions or deadlines with respect to conducting the IEE at public expense.

What else should a parent know about IEEs?

As a parent of a child with a disability, you should know that you have a right to only one IEE at public expense each time the school conducts an evaluation of your child and you disagree with the findings of that evaluation. Of course, you always have the right to have your child evaluated independently at your own expense. (Note: When the same tests are repeated in a short period of time, the validity of the results decreases, so caution must be taken to ensure evaluation results are accurate.)

Key Points

- Parents may request an IEE be conducted at public expense if they do not agree with the results of the school district's evaluation
- The request for an IEE at public expense may be approved or denied by the school district or a neutral hearing officer
- Parents always maintain the right to obtain an IEE at their own expense. If a parent pays for an IEE, the school district must consider the information included in the evaluation, however, it does not have to agree or accept those findings.
- Once an IEE is conducted, the results must be considered by the school district or approved cooperative.

For more information about an independent education evaluation, contact your child's special education teacher, a PTI Nebraska parent/professional at (800) 284-8520 and [pti-nebraska.org](https://www.pti-nebraska.org), or the Nebraska Department of Education at (402) 471-2471 and education.ne.gov/sped/.

The Individuals with Disabilities Education Act (IDEA) is a law that makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children. See <https://sites.ed.gov/idea/> for more information on IDEA.

Rule 51 is the document that outlines regulations and standards for special education programs in Nebraska. Rule 51 can be found on the Nebraska Department of Education's website: https://cdn.education.ne.gov/wp-content/uploads/2017/10/Rule51_2017.pdf.

Rule 55 is the document that outlines rules of practice and procedure for due process hearing in special education contest cases. Rule 55 can be found on the Nebraska Department of Education's website: https://cdn.education.ne.gov/wp-content/uploads/2017/10/Rule55_2012.pdf

SOURCES

Center for Parent Information & Resources - Adapted with Permission

<https://www.parentcenterhub.org/iee/>

<https://www.parentcenterhub.org/evaluation/#disagree>