

## Independent Educational Evaluations (§ 300.502)

### General

As described below, you have the right to obtain an independent educational evaluation (IEE) of your child if you disagree with the evaluation of your child that was obtained by your LEA. If you request an IEE, the LEA must provide you with information about where you may obtain an IEE and about the LEA's criteria that apply to IEEs.

### Definitions

- (i) **Independent educational evaluation** means an evaluation conducted by a qualified examiner who is not employed by the LEA responsible for the education of your child
- (ii) **Public expense** means that the LEA either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with the provisions of Part B of the IDEA, which allow each State to use whatever State, local, Federal and private sources of support are available in the State to meet the requirements of Part B of the Act.

### Parent right to evaluation at public expense.

You have the right to an independent educational evaluation at public expense if you disagree with an evaluation obtained by your LEA, subject to the conditions: 5 July 2018

- 1) If you request an independent educational evaluation at public expense, your LEA must, without unnecessary delay, either –
  - a. File a due process complaint to request a hearing to show that its evaluation of your child is appropriate; or
  - b. Ensure that an independent educational evaluation is provided at public expense, unless the LEA demonstrates in a hearing that the evaluation of your child obtained did not meet LEA's criteria.
- 2) If the LEA files a due process complaint notice to request a hearing and the final decision is that the LEA's evaluation is appropriate, you still have the right to an independent educational evaluation, but not at public expense.
- 3) If you request an independent educational evaluation of your child, the LEA may ask why you object to the evaluation of your child obtained by your LEA. However, the LEA may not require an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a due process complaint to request a due process hearing to defend the LEA's evaluation of your child.
- 4) You are entitled to only one independent educational evaluation at public expense each time your LEA conducts an evaluation of your child with which you disagree.
- 5) LEA criteria if an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the LEA uses when it initiates an evaluation (to the extent those criteria are consistent with your right to an IEE). Except for the criteria described above, a LEA may not impose conditions or timelines related to obtaining an independent educational evaluation at public expense.