

Q&A: The Right to an Independent Educational Evaluation (IEE)

What is an IEE?

According to the Individuals with Disabilities Education Act (IDEA), an IEE is an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question. The IEE requirement is specific to students who are eligible under the IDEA because Section 504 does not have a similar provision.

When can I request an IEE?

A parent has the right to an IEE for their child if the parent disagrees with an evaluation obtained by the public agency or school.¹ If a parent requests an IEE, the school must ensure that an IEE is provided. If the school refuses a request for an IEE, the school must file a due process complaint to request a hearing. During the hearing, the school must prove either:

- that its evaluation was appropriate, or
- that the evaluation obtained by the parent did not meet appropriate criteria.

A parent has the right to request an IEE each time the school conducts an evaluation of their child and the parent disagrees with the findings of the evaluation.

Who pays for the IEE?

A parent has a right to an IEE at public expense. This means that the school or public agency either:

- Pays for the full cost of the evaluation, or
- Ensures that the evaluation is otherwise provided at no cost to the parent.

If an IEE is ordered by an independent hearing officer as part of a hearing on a due process complaint, the cost of the evaluation must also be at public expense.

Can the school require certain criteria for the IEE?

Yes. A school may establish certain criteria for an IEE, such as the location of the evaluation and the qualifications of the examiner. The school must inform you what the evaluation criteria are, and generally the criteria must be the same as that used by the school when they initiate an evaluation.

Schools often have a list of pre-approved independent evaluators who meet the school's criteria. You can use an evaluator from this list, or you may find your own evaluator. Note, however, that the school needs to approve your chosen evaluator before you have them conduct an evaluation to ensure the evaluator meets the school's criteria and will therefore need to be paid for by the school. If you pay for a private evaluation and the evaluator does not meet the school's criteria, the school may not have to reimburse you for that expense.

¹ In this document, "school" is a term used to include public K-12 schools, including charter schools.

What if my school denies my request for an IEE?

A school can only deny an independent educational evaluation if the school files a due process complaint and the decision from the hearing officer finds that the school's evaluation was appropriate **or** that the evaluation obtained by the parent did not meet appropriate criteria.

If the school's evaluation was appropriate, the parent still has a right to an independent evaluation, but not at public expense. If a parent obtains an evaluation at private expense, the results of the evaluation:

1. Must be considered by the school in any decision made with respect to the provision of a free appropriate public education (FAPE) so long as the evaluation meets appropriate criteria, and
2. May be presented by any party as evidence at a hearing on a due process complaint.

What can I do if I believe my right to an IEE is violated?

If you need help or have questions about your rights, you can contact [Disability Law Colorado](#).

If you believe your rights concerning an IEE have been violated, you have a right to file a state complaint with the [Colorado Department of Education](#) (within 1 year of the alleged violation).

Where can I go for more information?

- [Section 300.502](#) of the IDEA
- [Parent and Child Rights in Special Education: Procedural Safeguards Notice](#) (starting at page 5)
- [Center for Parent Information and Resources](#)