

ADVOCACYDENVER

providing active voice and supporting civil rights
for people with disabilities



NAVIGATING INDEPENDENT EDUCATION EVALUATIONS

Empowering Families to Advocate Effectively



the center for
SPECIAL
EDUCATION
LAW



APPLICABLE LAW

Individuals with Disabilities Education Act



What's the Individuals with Disabilities Education Act?



A federal law that supports special education by...

- 1 Ensuring students aged 3-21 have the right to a free, appropriate public education (**FAPE**) AND
- 2 Ensuring students learn in the typical classroom or least restrictive environment (**LRE**) as much as possible

ELIGIBILITY and EVALUATIONS

IDEA



Qualifying Disabilities

1. Autism
2. Deaf-Blindness
3. Deafness
4. Emotional disturbance
5. Hearing impairment
6. Intellectual disability
7. Multiple disabilities
8. Orthopedic/other health impairment
9. Specific learning disability
10. Speech or language impairment
11. Traumatic brain injury
12. Visual impairment, including blindness
13. Developmental delay (for ages three-eight)

Special Education + Related Service

when the student requires specialized instruction in order to benefit from the general education curriculum

Evaluations are the foundation of special education!

- 1 Drive and determine eligibility for services/supports.
- 2 Identify a child's unique needs.
- 3 Basis for developing an appropriate Individualized Education Program (IEP).



HOW DO IEEs AFFECT ME?

If a school has evaluated your child and found that they do/do not meet the requirements for determining eligibility...

AND YOU DISAGREE

 You have the right to request an IEE!

There is no requirement to explain why you disagree! However, you must act without unnecessary delay.



When should you request an IEE?

1

Disagreement with school results.

2

Incomplete/inaccurate school evaluations.

3

Bias or concerns about evaluator qualifications.

4

Changes in the child's needs not reflected.


An Independent Education Evaluation is...

An assessment conducted by a.....

1. Qualified professional *not employed* by the school
2. Requested when parents *disagree* with the school's evaluation
3. Paid for by the school district (*at public expense*) in many cases



Unbiased



Needs-focused



PAYING FOR THE IEE



Using the IEE Results at the IEP Table

- Must be considered by the IEP team
- May support additional services, accommodations, or placements.
- Strengthens advocacy for appropriate programming.



Make sure to request that the school district pay for an evaluator to attend the meeting and present the IEE.



**Parents have the
right to an IEE at
public expense...**

The school must...

- ➊ Pay for the full cost of the evaluation OR
- ➋ Ensure that the evaluation is otherwise provided at no cost to the parent.



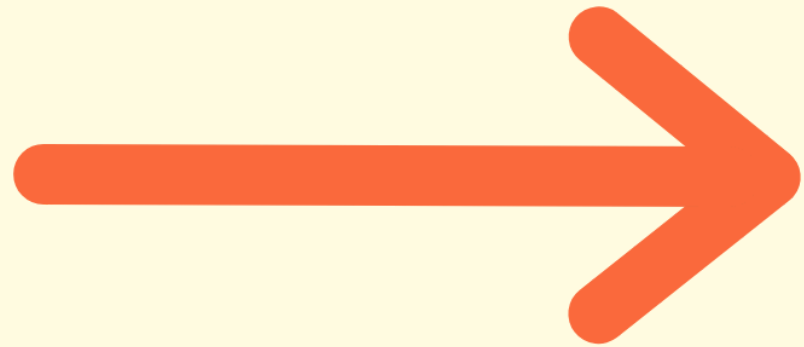
WHAT TO EXPECT WHEN ASKING FOR AN IEE

- You should receive prior written notice of district-established criteria! This could include....
 - qualifications of the examiner
 - location of examination
 - a fee schedule

You can choose your own evaluator, but they must be approved by the district for you to be reimbursed.



DENIAL OF AN IEE

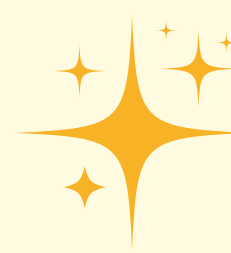


- 1 District must file due process complaint
AND
- 2 The due process hearing officer must find that the school's evaluation was appropriate in order to refuse payment.

If the school's evaluation is found to be
appropriate...

parent still has a right to an independent evaluation, but **NOT** at
public expense.





Results must be...

If a parent obtains a private evaluation

- 1 considered by the individualized education program team in any decision made with respect to the provision of a free appropriate public education **(FAPE)**
AND
- 2 may be presented by any party as evidence in the event of a due process complaint.



IN ALL...

IEEs can be useful tools!

- Can help if disagreements arise between parents and the individualized education program team
- May prevent lengthier dispute resolution procedures





Learn more at

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THANK YOU!

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