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### IEE CHECKLIST

- Under the Individuals with Disabilities Education Act, the parents of an eligible child may request an Independent Educational Evaluation at public expense if they disagree with an evaluation completed by the school district. 34 C.F.R. § 300.502.
- School district must respond by either filing a due process complaint to request a hearing to show that its evaluation is appropriate or provide the IEE at public expense. 34 C.F.R. § 300.502(b)(2).
- The school district may request, but not require, a reason for the objection to the district evaluation. 34 C.F.R. § 300.502(b)(4).
- The school district may not delay the response by requiring an IEP meeting. “The decisions about whether a school district will accept or challenge an IEE are left, by the IDEA regulations, to the district itself.” *Letter to Anonymous* (8/13/2010).
- The parents, not the school district, choose the independent evaluator. *Letter to Parker* (OSEP 2/20/2004).
- Upon parental request for an IEE, the school district provides criteria for evaluators to the parents. *These criteria must be the same as that required for school district’s own evaluator.*
  - School district may establish reasonable cost criteria. This cost limit is meant only to exclude unreasonable fees. *Letter to Thomas* (OSEP 2/5/1990) and *Letter to Anonymous* (OSEP 1/4/2010). The imposition of cost criteria that result in no available evaluators violates the IDEA.
  - A public agency may not establish licensure requirements that would result in the denial of an IEE to parents. “For example, children suspected of having a particular disability may require evaluations performed by clinical psychologists who would not meet the requirement of the SEA for school psychologists to be licensed.” *Letter to Anonymous* (OSEP 8/13/2010). Additionally, the qualifications may not unreasonably exclude evaluators affiliated with private schools or who have testified against school districts. *Letter to Petska* (OSEP 9/10/2001).
  - If the school district has completed an evaluation but failed to assess in a particular area, it does not get an opportunity to conduct its own further evaluation prior to granting an IEE. *Memorandum to McDonald* (OSEP 2012) and *Letter to Baus* (OSEP 2/23/2015).
- Parents do not have to provide advance notice to the school district that they are obtaining an IEE to be reimbursed for the evaluation. *Letter to Rambo* (OSEP 6/22/1990), *Letter to Fields* (OSEP 9/18/1992) and *Letter to Anonymous* (OSEP 1/4/2010).
- If a public agency conducted an observation as part of an evaluation, the independent evaluator must have the opportunity to observe. *Letter to Wessels* (OSEP 3/9/1990).
- To receive reimbursement for the IEE, parents must provide consent for release of the evaluation to the school district. *Letter to Anonymous* (OSEP 1/4/2010)
- If the school district neither files for a hearing in a timely manner nor grants the IEE, parents may use any of IDEA’s dispute resolution, filing for due process or mediation, or filing a complaint with the state Department of Education.

If you need copies of any of the above-referenced OSEP letters, email [diane.willcutts@gmail.com](mailto:diane.willcutts@gmail.com).