

# Disability Rights Nebraska

Protection and Advocacy for People with Disabilities

This is basic information and does not constitute legal advice.

## Independent Educational Evaluation (IEE)

### What is an Independent Educational Evaluation (IEE)?

If you are dissatisfied with the school district's initial MDT Evaluation (see "Multidisciplinary Team Evaluation" material) you have a right to obtain an Independent Educational Evaluation (IEE)<sup>1</sup>. An IEE is an evaluation of your child by a qualified professional who is not employed by the school district that your child attends.

### When can I request an IEE?

You can request an IEE when you disagree with the result of the school district's initial MDT Evaluation. If you request an IEE, the school district must give you information about where an IEE may be obtained and the school district's criteria for an IEE.

You may also request an IEE if you disagree with the school district's reevaluation of your child.

### Do I have to pay for an IEE?

Maybe. You have a right to request an IEE at public expense<sup>2</sup>. This means that the school district pays for the full cost of the evaluation or ensures that the evaluation is provided at no cost to you<sup>3</sup>.

However, upon an IEE request, the school district must either have a hearing to show that its evaluation is appropriate or insure that an IEE is provided at public expense. If the school's evaluation is determined to be appropriate, you are still entitled to an IEE, but not at public expense<sup>4</sup>.

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<sup>1</sup> Rule 51 sec. 006.07 (2010)

<sup>2</sup> Rule 51 sec. 006.07C (2010)

<sup>3</sup> Rule 51 sec. 006.07C1 (2010)

<sup>4</sup> Rule 51 sec. 006.07E (2010)

You can always obtain an IEE at your own expense. If the evaluation meets the school district's criteria, it must be considered when any decision is made relating to the child's special education<sup>5</sup>.

### **Can anyone else request an IEE?**

Yes. A hearing officer, the person overseeing the hearing, may request an IEE. In this case, the cost of the IEE must be at public expense<sup>6</sup>.

### **Is there any criteria that must be met if the IEE is conducted at public expense?**

Yes. The location of the IEE and the qualifications of the person doing the IEE must meet the same criteria that the school district uses when it does its own evaluations<sup>7</sup>.

### **How do I obtain the criteria?**

Each school district is required to provide you with the information about where an IEE may be obtained as well as the criteria the district uses for IEEs. You may wish to ask for this information in writing when you submit your request for an IEE to the school district<sup>8</sup>.

### **Do I need to tell the school district why I disagree with its evaluation?**

No. The school district may ask for an explanation, but you are not required to give one. If you choose not to give an explanation, the school district may not unnecessarily delay providing the IEE at public expense or initiating a hearing<sup>9</sup>.

### **Is there a timeline by which the IEE must be completed?**

No. A school district cannot impose conditions or require that you obtain an IEE at public expense by a certain time.

### **How do I request an IEE?**

It is a good idea to put all communications regarding your child's special education services between you and school administrators and staff in writing. Be sure to write down conversations and events that affect your child's schooling. Note the date, who was involved, what was said, and the resolution. You may want to create and maintain a file with all of your child's school information such as report cards, evaluation reports, and Individual Education Programs (IEPs).

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<sup>5</sup> Rule 51 sec. 006.07G1 (2010)

<sup>6</sup> Rule 51 sec. 006.07H (2010)

<sup>7</sup> Rule 51 sec. 006.07I (2010)

<sup>8</sup> Rule 51 sec. 006.07B

<sup>9</sup> Rule 51 sec. 006.07F (2010)

All requests for evaluations or meetings should be made in writing to your child's school principal. You should keep a copy for your own records. Send your written request to the school via certified, return receipt requested mail. Attach the return receipt to your copy of the request and keep this in your file.

## **Additional resources:**

- Multidisciplinary Team Evaluation - Disability Rights Nebraska
- Nebraska State Resources. NICHCY 2006. This is a list of organizations in Nebraska that you can contact for more information and to advocate for your child with a disability.
- *Parental Rights in Special Education*. Nebraska Department of Education Special Populations Office (August 2007).

## Sample Letter

You may wish to use similar language when requesting an Independent Educational Evaluation (IEE) for your child:

[Principal's Name]  
[School's Name]  
[School Address]  
[City, State, Zip code]

Re: [Your child's name] – Request for a Independent Educational Evaluation

Dear [Principal's Name]:

Please consider this letter as a formal request for an Independent Educational Evaluation (IEE) for my child, [Your child's name]. It is my understanding that I have a right to obtain an evaluation pursuant to the provisions of 92 NAC 51-006.07 (Nebraska Department of Education, Rule 51).

These provisions state that this evaluation is to be provided at no cost to the child's parent (92 NAC 51-006.07C1). The provisions also state that the school district must, without unnecessary delay, either initiate a hearing under 92 NAC 55 to show that its evaluation is appropriate; or insure that an IEE is provided at public expense (92 NAC 51-006.07D1; 92 NAC 51-006.07D2). Absent such a hearing, it is my understanding that you do not have the right to deny or limit the scope of my child's IEE so long as the provisions of 92 NAC 51-006.07 are satisfied.

I appreciate your prompt attention to this matter. The evaluator I have selected for the IEE is [name of evaluator]. Please provide the proper authorization to this evaluator to have the IEE completed. Please respond to this request in writing by [insert a date two (2) weeks from the time mailed]. Thank you.

Sincerely,

[Your Name]  
[Your Address]  
[Your City, State, Zip]  
[Your Phone number]