

IDEA 2004 Parental Rights to an Independent Educational Evaluation (IEE)

Parents have always had the right to obtain their own evaluations privately and the results of those evaluations must be taken into consideration by their school districts. Parents also have the right to obtain a second opinion evaluation at district expense when dealing in matters related to the education of school age children who are suspected of having a disability ***when the parent disagrees with the results of the district's evaluation.*** In field of education law this is referred to as the right to an Independent Educational Evaluation (IEE).

When a parent disagrees with a district's evaluation, then the parent has the right to request an independent educational evaluation (IEE). The parent may choose the evaluator and the district must either agree to pay for the evaluation or state that its evaluation is appropriate and file for a hearing to contest the parental request (34 CFR 300.502).

Congress approved sweeping changes to the *Individuals with Disabilities Education Act (IDEA) of 1997* which increases the accountability for school districts in meeting the needs of children who require special education and aligns IDEA with the *No Child Left behind Act (NCLB)*. The following summarizes the changes and revisions in the *Individuals with Disabilities Education Improvement Act of 2004* regarding IEE's:

Independent Educational Evaluations (IEE)

*Public Law 108-446
Individuals with Disabilities Educational Improvement Act of 2004*

118 STAT. 2716 PUBLIC LAW 108-446—DEC. 3, 2004

SEC. 615. PROCEDURAL SAFEGUARDS

(a) ESTABLISHMENT OF PROCEDURES.—Any State educational agency, State agency, or local educational agency that receives assistance under this part shall establish and maintain procedures in accordance with this section to ensure

that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free appropriate public education by such agencies.

(b) TYPES OF PROCEDURES.—The procedures required by this section shall include the following:

20 USC 1415.118 STAT. 2716 PUBLIC LAW 108-446—DEC. 3, 2004

(1) An opportunity for the parents of a child with a disability to examine all records relating to such child and to participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such child and to obtain an **independent educational evaluation** of the child...

The procedural safeguards notice shall include a full explanation of the procedural safeguards, written in the native language of the parents (unless it clearly is not feasible to do so) and written in an easily understandable manner, available under this section and under regulations promulgated by the Secretary relating to—

- (A) **independent educational evaluation**;
- (B) prior written notice;
- (C) parental consent;
- (D) access to educational records;
- (E) the opportunity to present and resolve complaints...