



Guidance

Independent Educational Evaluation

Michigan Department of Education Office of Special Education
November 2023

What is an Independent Educational Evaluation (IEE)?

An IEE means an evaluation conducted by a qualified examiner who is not employed by the district responsible for the education of the student.

Federal and State Requirements

The requirements for conducting an IEE are found in the [Individuals with Disabilities Education Act \(IDEA\)](#) at [34 CFR §300.502](#) and the [Michigan Administrative Rules for Special Education \(MARSE\)](#) at [R 340.1723c](#). Citations of both IDEA and MARSE are found throughout this document.

How Does a Parent Request an IEE?

A parent has the right to an IEE at public expense if the parent disagrees with an evaluation obtained by the district. A parent is entitled to only one IEE at public expense each time the district conducts an evaluation with which the parent disagrees. The parent may submit this request either in writing or verbally to any district staff member. Districts should have documented procedures for staff to follow for the timely processing of verbal and written IEE requests.

How Does a District Respond to a Request for an IEE?

When a parent makes either a verbal or written request for an IEE to the district, the district shall respond with written notice consistent with 34 CFR §300.503 within seven calendar days.

In accordance with R 340.1723c, the district's response to the parent(s) request must:

- Be in writing.
- Indicate the district's intention to honor the request or to initiate a due process hearing under [R 340.1724f](#).
- Include a copy of the [Procedural Safeguards](#).

Failure to respond to a request for an IEE in a timely manner could result in noncompliance. A district may ask for the parent's reason for objecting to the public evaluation; however, the district may not require the parent to provide an explanation and may not unreasonably delay either providing the IEE at public expense or requesting a due process hearing to defend the public evaluation. [Letter to Anonymous January 4, 2010 \(Office of Special Education Programs, OSEP\)](#)

Honor the Request for an IEE

As required by [R 340.1723c\(1\)](#), when a district intends to honor a parent(s) request for an IEE, the district shall provide the parent(s) with information about IEEs at public expense. The information must include all the following:

- Criteria regarding credentials for qualified examiners.
- Suggested sources and locations.
- Procedures for reimbursement.
- Reasonable expected costs.
- Notification the parent is not restricted to choose from sources suggested by the district.

Do Not Honor the Request for an IEE and Initiate a Hearing

When a district refuses to conduct an IEE, the district must file a due process complaint to request a hearing to show its evaluation is appropriate. If the final decision issued by the administrative law judge (ALJ) determines the agency's evaluation:

- Is appropriate, then the parent still has the right to an IEE, but not at public expense.
- Is not appropriate, then the ALJ will order an IEE at public expense.

Who Conducts the IEE and What is the Criteria of Evaluators?

When a district honors a parent's requests for an IEE the district will provide the parent with criteria regarding qualified evaluators and a list of suggested sources. The parent may choose an evaluator from the suggested list, or the parent may locate their own evaluator. To the maximum extent possible, the criteria for the IEE, including qualification of evaluators and location of evaluation, must be the same as the criteria the district used when conducting the evaluation, the parent disagrees with. Independent educational evaluators may not be employees of the district.

When a parent has selected an evaluator to conduct the IEE, the district must notify the parent before the evaluation is started, if the evaluator is someone who provides or has provided services to the district. Unless the parent agrees, an evaluator who regularly contracts with the district shall not conduct an IEE.

Can a Parent Obtain Their Own IEE?

A parents can obtain and pay for an IEE at their own expense and share the results with the district for consideration. The IEP Team must consider the results of the IEE and determine what, if any, impact the results have on the student's current eligibility and/or special education and related services that make up the district's offer of a free appropriate public education (FAPE).

Can the District Limit the Costs of an IEE?

Individual districts may set maximum allowable cost for approved IEEs. However, if the total cost of an IEE exceeds a district's maximum allowable costs and the district believes there is no justification for the excess cost, the district cannot in its sole judgment determine it will pay only the maximum allowable cost and nothing further. Rather, the district must, without unnecessary delay, initiate a hearing to demonstrate the evaluation obtained by the parent did not meet the agency's cost criteria and that unique circumstances of the student do not justify an IEE at a rate higher than normally allowed. [Letter to Anonymous, October 9, 2002, OSEP](#)

How Many IEEs Can a Parent Request?

A parent is entitled to only one IEE at public expense each time the district conducts an evaluation with which the parent disagrees.

Under [34 CFR §300.502](#), parents of a child with a disability have a right to seek an IEE at public expense, if the parents disagree with the evaluation conducted by the district. An IEE can be requested when the evaluation did not assess the student in all areas of suspected disability. The district cannot resolve the disagreement with the evaluation in question before either granting the parents' request for an IEE at public expense or filing a due process complaint to show that its evaluation was appropriate. [Letter to Carroll, October 22, 2016 \(OSEP\)](#).

The IEE is Complete: Now What is the District's Responsibility?

When the parent obtains an IEE at public expense or shares the results of an evaluation, which meets agency criteria, and that was obtained at private expense, then the results of the evaluation—

- Must be considered by the IEP Team in any decision made with respect to the provision of Free Appropriate Public Education (FAPE) to the student; and
- May be presented by any party as evidence at a hearing on a due process complaint regarding the student.

A district must issue prior written notice when proposing or refusing to make a change to a student's identification, evaluation, placement, or provision of FAPE, which includes consideration of evaluations obtained by the parent at either public expense or private expense.

Additional Resources

- [Procedural Safeguards](#): The IDEA includes a set of procedural safeguards designed to protect the rights of students with disabilities and their parents. The document is available in English and several other languages. Family Matters also has a [Procedural Safeguards Fact Sheet](#).
- [Independent Educational Evaluation Fact Sheet](#) describes parental rights when there is disagreement with the results of a school educational evaluation. Includes information regarding who conducts and pays for an IEE.
- [MARSE With Related IDEA Federal Regulations](#): Michigan rules are aligned to federal regulations. This document contains the Michigan rules and relevant federal regulations.