



Education Law Center

*Making sure that all of Pennsylvania's children  
have access to quality public schools*

## GETTING YOUR CHILD AN INDEPENDENT EDUCATIONAL EVALUATION

**IMPORTANT:** ELC's publications are intended to give you a general idea of the law. However, each situation is different. If, after reading our publications, you have questions about how the law applies to your particular situation, contact us for a referral, or contact an attorney of your choice.

### WHAT IS AN "INDEPENDENT EDUCATIONAL EVALUATION?"

An independent educational evaluation (IEE) is an evaluation of a child that is done by a person who does not work for the child's school district, public charter school, or intermediate unit (IU).

### WHEN IS IT A GOOD IDEA TO GET AN INDEPENDENT EDUCATIONAL EVALUATION FOR YOUR CHILD?

It's a good idea to get an independent evaluation whenever you need more information, different information, or a second opinion about your child's disability and special education needs. An independent educational evaluation is most important when you believe the school's evaluation is not "appropriate." For example, you may want an independent evaluation if:

- The school's evaluation is not accurate (the wrong tests were used or the results do not seem correct to you); or
- The school's evaluation is not complete (important testing was not done or the evaluation report does not give you enough information to

decide if the child has a disability and to talk to the Individualized Education Program (IEP) Team about what services she needs).

You may also want to get an independent evaluation because you are about to go to a Special Education Hearing and you need information about what would be an appropriate program for your child (but you probably can't get the school district to pay for this evaluation unless the evaluation the school district completed did not meet the "appropriateness" standard).

### **WHO SHOULD DO THE INDEPENDENT EVALUATION?**

If you want the school to consider the results of the independent evaluation, you need to make sure that the person you hire has the same "credentials" and that the evaluation meets the same "criteria" the school would use to evaluate your child. Ask the school what "credentials" and "criteria" it uses to hire evaluators and conduct evaluations. For example, schools usually use psychologists with a certificate in school psychology (called **certified school psychologists**) to test special education children.

If you hire someone who has the right credentials, the school will have to consider the independent evaluation whenever an IEP Team makes decisions about what services or placement will help the child receive a "free appropriate public education." This does not mean that the school has to follow all of the suggestions in the independent evaluation report - the school just has to "consider" the information. The independent evaluation report may also be used as evidence in a Special Education Hearing (although it is always better to have the evaluator testify in person if you can).

### **DOES MY SCHOOL HAVE TO PAY FOR THE INDEPENDENT EDUCATIONAL EVALUATION?**

It depends. Parents can always pay for their own independent evaluations. But, you can ask the charter school or school district to pay for the independent educational evaluation if you disagree with the school's most recent evaluation (or reevaluation) of your child. There is a limit: You only have the right to ask for one free independent evaluation for each school evaluation (or reevaluation) of your child. The school can ask you why you disagree with its evaluation, but it cannot make you provide an answer or delay responding to your request for an independent evaluation.

If you ask the school to pay for the independent evaluation, the school has two choices. It may either (1) immediately agree to pay for the independent evaluation, or (2) immediately request a Special Education Hearing. If the school requests a Hearing, it will have to prove to a Hearing Officer that its evaluation was appropriate. Two outcomes are possible:

- If the Hearing Officer decides that the school's evaluation was not appropriate, the school may be ordered to pay for your independent educational evaluation.
- If the Hearing Officer decides that the school's evaluation was appropriate, it will not order the school to pay for your independent evaluation. You can still have an independent evaluation conducted (and the school must consider the results), but you will have to pay for it yourself. You should also find out if your health insurance will cover some or all of the cost of an evaluation.

Remember, the school has a right to evaluate your child before deciding whether she has a disability and what services she needs. Only if that evaluation is not appropriate will the school have to provide the independent evaluation at public expense. This means that you can't refuse to let the school evaluate your child and force it to pay for an outside evaluation instead.

## **WHERE CAN I FIND AN INDEPENDENT EVALUATOR?**

When you ask for an independent educational evaluation, your school should tell you the criteria it uses to conduct a similar evaluation. It should also tell you where you can get an independent educational evaluation -- schools usually do this by giving parents a list of the qualified evaluators that work nearby. However, the school cannot limit you to the evaluators on its list; you can pick any person in your area that meets the school's criteria.

Asking other parents of children with disabilities for referrals may also help you find an independent evaluator. Certain groups, such as the International Dyslexia Association (IDA), may be able to provide referrals for independent evaluators. (The website for the Pennsylvania branch of the IDA is <http://www.pbida.org/>. For a list of psychologists, click on "Resources" and then "Professionals Who Can Help.")

## WHAT SHOULD I EXPECT FROM MY INDEPENDENT EVALUATOR?

That depends on the question you want the independent evaluator to answer:

- If you want to know whether your child has a disability and needs special education, you will want the evaluator to write a report that focuses on that question. You will probably also want the evaluator to include suggestions on the type of IEP services that he believes will help your child.
- Another question might be whether your child's current IEP is appropriate or whether changes should be made? If this is your question, be sure to give the evaluator a copy of your child's IEP. Ask the evaluator to write in his report which parts of the IEP need to be changed, how those parts can be changed, and why.
- You may want to ask whether your child can be educated in a regular classroom with supports. If so, ask the evaluator to write a report explaining why your child can (or cannot) be educated in a regular classroom, and ask him to give clear information on what kinds of supports your child will need to succeed in the regular classroom. (For example, if your child needs a one-to-one behavioral aide, ask the evaluator to write that in his report and to explain why this is needed).

**It is very important that the evaluator help you to understand what your child needs to make meaningful progress.** The more detailed the recommendations (for example, what exactly should my child's IEP say), the more useful the evaluation report will be. You need to be clear with the evaluator about what kind of information and/or assistance you are looking for, such as a written report, attendance at an IEP Team meeting, testimony at a hearing, etc. Remember that the school district must pay for the evaluation and written report, but it is not required to pay for the evaluator's attendance at meetings or testimony at a hearing.

## HOW DO I REQUEST THAT THE SCHOOL PAY FOR MY CHILD'S INDEPENDENT EDUCATIONAL EVALUATION?

You should write a letter to your school with the following information:

- Tell the school that you think its evaluation (or reevaluation) of your child was inappropriate, and that you are requesting "an independent evaluation at public expense." For a *Sample Letter Requesting an Independent Educational Evaluation*, see [www.elc-pa.org](http://www.elc-pa.org).
- Although you are not required to do so, we recommend that you give the reasons why you think the school's evaluation is not appropriate.
- Explain what kind of independent evaluation you want (educational assessment, neuropsychological assessment, functional behavioral assessment, etc.). If you do not know what kind of evaluation would be best, ask the school, an advocate, another professional who is working with your child, or your child's doctor.

Ask the school for information on where an independent evaluation can be obtained and the school's criteria for evaluations.

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**Disability Rights Network of Pennsylvania (DRN), pursuant to the Developmentally Disabled Assistance and Bill of Rights Act, P.L. 101-496, and the P&A for Mentally Ill Individuals Act, P.L. 99-319. DRN is located at 1414 N. Cameron Street, Suite C, Harrisburg, PA 17103. Telephone: 800-692-7443 or 717-236-8110. Website: [www.drnpa.org](http://www.drnpa.org).**

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