

November 17, 2020

Re:
ID#:

Dear _____ :

This letter is in response to your request, made in your email on August 25, 2020, for an independent educational evaluation (IEE) at public expense for your son, _____ for a Learning Media Assessment (LMA) and Developmental Vision Evaluation (DVE).

The *Individuals with Disabilities Education Act, 2004*, requires that a school division provide written notice to parents when the school division proposes or refuses to initiate or change the identification, evaluation, or educational placement of a child, or the provision of a free appropriate public education (FAPE).

Your request required a review of the pertinent portions of _____ s scholastic record. The review yielded that on June 8, 2018, at an individualized education program (IEP) meeting, you provided a parent funded private DVE, which is not a Functional Vision Assessment. These two evaluations are different from each other in purpose/function, evaluator, assessment plan, tools and measures. The DVE you submitted, May 9, 2018, was completed by Dr. Tod R. Davis. The IEP team reviewed the report and at an IEP meeting on October 17, 2018, recommended accommodations that _____ may benefit using during his academic day.

While parents have a right to IEEs when the school division has completed an evaluation with which they disagree, parents are entitled to only one IEE at public expense each time FCPS conducts an evaluation component with which they disagree (34 CFR 300.502 (b) and (e)). Given the fact that FCPS has not completed an LMA or a DVE, your request for an educational IEE at public expense is respectfully denied.

After careful review of the scholastic record, the documents noted below, and the fact that FCPS has not completed the evaluations noted above, and in accordance with Virginia Department of Education (VDOE) regulations, there is no requirement for FCPS to provide an LMA or DVE IEE at public expense.

Given the applicable regulations and the review of the scholastic record, no other options were considered regarding the denial of your request for an LMA and DVE IEE at public expense.

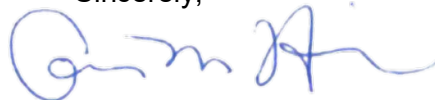
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The following documents were considered in making the decision to deny the request for an LMA and DVE IEEs at public expense: your request of August 25, 2020; pertinent portions of the scholastic record, including, but not limited to, the June 8, 2018 and October 17, 2018, IEPs and DVE private report from Dr. Davis, received June 8, 2018.

An additional relevant factor related to the refusal to grant the LMA and DVE IEEs at public expense is the fact that decisions regarding the need for evaluations are made by consensus of the reevaluation or IEP team, of which you are equal members. You may request that the reevaluation or IEP team convene to consider the need for an LMA and DVE evaluations if you believe _____ needs these assessments. Should it be the consensus of the reevaluation or the IEP team that an evaluation is warranted, your consent would be required before the evaluation could be conducted. Should FCPS complete an evaluation, you may reinstate your request for an IEE at public expense if you disagree with the results of the completed LMA and DVE evaluations.

Parents of a child with a disability have protection under the procedural safeguards. A copy of the revised *Your Family's Special Education Rights (Virginia Procedural Safeguard Notice)* is enclosed. If you have questions regarding this document or need assistance understanding the provisions of these safeguards, please contact Due Process and Eligibility at 571-423-4470.

Sincerely,



Cameron M. Hibshman, M.Ed.
Specialist, Due Process and Eligibility

Enclosures

cc: Student scholastic record,
Mary McGreevy, procedural support liaison,