

August 13, 2020

Re:

Dear _____ :

This letter is in response to your request, made in your email on August 5, 2020, for an independent educational evaluation (IEE) at public expense for your son, _____ for the “direct assessment of _____’s independent narrative, expository, and persuasive writing across all curriculum based standards.” This request is considered to be a request for an educational IEE, as an educational evaluation assesses academic achievement in areas such as writing.

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 _____’s scholastic record. The review yielded that psychological, educational, and assistive technology services evaluations were proposed on June 19, 2017, during an IEP meeting. On June 19, 2017, you provided consent for those specific assessments and they were completed by FCPS staff. On August 22, 2017, you requested psychological and educational IEEs to be conducted at public expense for your son, _____. On December 22, 2017, FCPS received a report from Dr. Lisa Horowitz, who completed the psychological and educational IEEs at your request. On September 6, 2019, your request was denied for a “complete reading evaluation” and “comprehensive reading and writing IEE” given you had already received an IEE for the educational evaluation conducted on July 10, 2017. Most recently a reevaluation meeting was held on November 20, 2019, at which educational testing was proposed by the FCPS reevaluation committee; however, no response was received from you.

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 you have already received an IEE for the educational evaluation conducted on July 10, 2017, and the FCPS reevaluation committee proposed educational testing on November 20, 2019, and no response was provided, your request for an educational IEE at public expense is respectfully denied.

Mr. and Mrs.
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After careful review of the scholastic record, the documents noted below, and the fact that FCPS has already granted an educational IEE, and in accordance with Virginia Department of Education (VDOE) regulations, there is no requirement for FCPS to provide an educational 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 educational IEE at public expense.

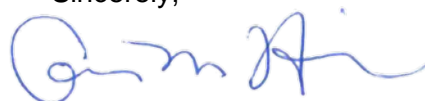
The following documents were considered in making the decision to deny the request for an educational IEE at public expense: your request of August 5, 2020; pertinent portions of the scholastic record, including, but not limited to, the June 19, 2017, IEP and *Notice and Consent for Evaluation*, the July 10, 2017, FCPS educational evaluation, the November 20, 2019, reevaluation and *Notice and Consent for Evaluation*; and the psychological and educational IEE report from Dr. Horowitz, received December 22, 2017.

An additional relevant factor related to the refusal to grant the educational IEE 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 educational evaluation if you believe _____ needs this assessment. 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 educational evaluation.

You have the right to pursue an educational evaluation at your expense, and FCPS will consider those results and any other information you provide in conjunction with other available data and information in consideration of _____ educational needs. Regulations require that a parent be provided a list of examiners who conduct IEEs when a request for an IEE is received. Thus, a list of private evaluators who provide educational IEEs is also enclosed but, as noted above, FCPS has not agreed to fund that IEE at this time.

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,