

SANTA CLARA COUNTY  
NORTH WEST SPECIAL EDUCATION LOCAL PLAN AREA

**INDEPENDENT EDUCATIONAL EVALUATION (IEE)  
POLICY AND PROCEDURES**

This policy sets forth the procedures under which students with disabilities are entitled to an Independent Educational Evaluation (IEE).

Definitions

Independent educational evaluation (IEE): Means an evaluation conducted by a qualified examiner who is not employed by the LEA responsible for the education of the child in question.

Public expense means that the LEA either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with the law.



Parent-initiated Evaluations

If 0.0820 Td (-)2(-)Tj 12(- 2.84i)-2.e

### Requests for Evaluations by Hearing Officers

If a hearing officer requests an IEE as part of a hearing on a due process complaint, the cost of the evaluation must be at public expense.

### LEA Criteria

If an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the LEA uses when it initiates an evaluation, to the extent those criteria are consistent with a parent's right to an IEE. However, a parent shall always have the opportunity to demonstrate that unique circumstances justify the selection of an evaluator outside of these criteria. Except for the criteria described in this policy, a LEA may not impose conditions or timelines related to obtaining an IEE at public expense.

### Observation

If the LEA observed the student in conducting the evaluation with which the parent disagrees, or if its assessment procedures allow class observations, the independent evaluator will be provided an equivalent opportunity to observe the student in the current educational setting, and to observe the LEA's proposed setting, if any. This opportunity shall be provided regardless of whether the independent educational assessment is initiated before or after the filing of a due process hearing proceeding.

The LEA shall define the nature and scope of an independent evaluator's observations consistent with the right to an equivalent opportunity to observe, but also consistent with its obligations to prevent unnecessary disruption in the class and protect the privacy interests of other students. This may include, but is not limited to, identifying the time constraints of such observation, LEA personnel who will participate in the observation and restrictions on student/teacher interactions.

### Location Limitations for Evaluators

Evaluators will be located within the greater Bay Area (counties: Santa Clara, San Mateo, Santa Cruz, San Francisco & Alameda). Evaluators outside of this area will be approved only on an exceptional basis, providing parents can demonstrate the necessity of using an evaluator outside the specified area. Any expenses beyond the evaluation (i.e., food, lodging, transportation, etc.) are not covered in the cost of the independent educational evaluation unless exceptional circumstances are present and reimbursement for such expenses is specifically agreed upon in writing.

### Minimum Qualifications for Evaluators

Type of Assessment	Qualifications
Academic Achievement	Credentialed Special Education Teacher Licensed Educational Psychologist

Assistive Technology

Certificated or Licensed Speech/Language Pathologist  
(S/LP) (AT Certification preferred)

Certified Special Education Teacher (AT Certification preferred)

Licensed Occupational Therapist





