

**SAMPLE LOCAL CRITERIA FOR INDEPENDENT  
EDUCATIONAL EVALUATIONS (IEEs) UNDER IDEA**

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**LOCAL CRITERIA FOR INDEPENDENT EDUCATIONAL  
EVALUATIONS CONDUCTED AT DISTRICT EXPENSE**

1. Parents of children eligible for services under the Individuals with Disabilities Education Act (IDEA, at 20 U.S.C.A. §1401, et seq.) are entitled to an Independent Educational Evaluation (IEE) of their child if the parent disagrees with an evaluation obtained by the District. 34 C.F.R. §300.502(b).
2. An IEE is defined as an evaluation conducted by a qualified examiner who is not employed by the school district responsible for the education of the child in question. 34 C.F.R. §300.502(a)(3)(i).
3. Parents may obtain an IEE at the expense of the school district (public expense) or at their own expense. As stated above, the right to request an IEE is dependent upon a parent's disagreement with an existing evaluation performed by the District. If the District has not performed its own evaluation in a particular area of disability, the parent does not have a right to an IEE with respect to that area until after the District performs an assessment in that disability area. Only one IEE may be funded for each evaluation obtained by the District. In addition, parents may be asked to explain what areas of the District's assessment they disagree with, but the parents are not required to answer specifically as a pre-condition to District funding of the IEE.
4. If the school district wishes to deny a request for a district-funded IEE, it must initiate a special education due process hearing within a reasonable time to show that the evaluation objected to by the parent is appropriate. If the final decision of the proceeding is that the district evaluation is appropriate, the parents still have a right to an IEE, but not at district expense. 34 C.F.R. §300.502(b)(2)(i) & (b)(3).

5. An IEE, whether funded by the parents or the District, must be considered by the IEP Team in any decision made with respect to the provision of a free appropriate public education to the child, and may be presented as evidence at a special education due process hearing regarding that child. 34 C.F.R. §300.502(c)(1). The fact that an IEP Team reviews and considers an IEE, however, does not automatically render the District liable for the costs of such evaluation.
6. If a special education hearing officer requests an IEE as part of a hearing, the evaluation must be funded by the school district. 34 C.F.R. §300.502(d).
7. A reasonable time after the request for a district-funded IEE is received, the district will provide the parents with a list of professionals qualified to perform the IEE. Parents do not have to choose any of the listed professionals. If they choose to have the IEE performed by a professional outside the district-approved list, the criteria specified below in paragraph 8 will apply. Arrangements for the IEE to be performed will be undertaken by the District.
8. Whenever an IEE is to be funded by the school district, the criteria under which the evaluation is obtained must be the same as the criteria which the public agency uses when it initiates an evaluation itself. 34 C.F.R. §300.502(e). The following criteria shall be applied to parent-requested IEEs at school district expense:
  - a. The district limits the travel distance to obtain an IEE to the general local geographic area (not more than 120 miles from the district);  
  
(OR)  
  
The district limits the travel distance to obtain an IEE to the general local geographic area (no further than \_\_\_\_\_ or \_\_\_\_\_ {list specific cities});
  - b. The district will only pay a reasonably comparable rate for IEEs (not more than \_\_\_% above the average cost of comparable district-initiated evaluations) [*or, the District could have cost caps depending on the type of evaluation*];

- c. The qualifications of the evaluators chosen to perform IEEs must comport with the qualifications required of evaluators chosen by the district for district-initiated evaluations, in accordance with all applicable Federal regulations, state laws, and state regulations.
9. If a parent obtains an IEE that does not comply with the above criteria, the district may refuse to reimburse the parent for the costs of the IEE. This result may be avoided if the parent contacts the district prior to obtaining an IEE, and allows the district to undertake the necessary arrangements to perform the IEE in accordance with these criteria.
10. An IEE that does not comply with all criteria set forth above will only be funded by the district if the parent is able to show the district that extraordinary or unique circumstances exist that call for an exception to be made. A final decision in such a situation shall be made by the district on a case-by-case basis, in light of the child's existing evaluation data and other relevant information.
11. If approved, payment for the evaluation will be made directly to the independent evaluator, who must agree to provide an original typed report to the District within thirty (30) calendar days from the date that the IEE is approved by the District, unless the evaluator and the District agree otherwise in light of exigent circumstances. The report must comply with the District's preferred format for assessment reports (a copy of the format will be provided to the evaluator). Assessment protocols must be made available for District review, and the report must contain original signatures, as well as the titles of all assessment personnel involved in the evaluation. The report must also comply with all requirements of state and Federal regulations (the District will provide assistance with these matters, as necessary). An agreement by an independent evaluator to perform an IEE obligates the evaluator to comply with these requirements, which shall be communicated to the evaluator prior to the IEE appointment date. The District may deny payment for an IEE report that does not meet the above requirements.
12. District funding of an IEE may also include reasonable related costs (such as transportation costs at the District rate), upon approval of the District. If necessary, the District may provide funds for these expenses prior to the

IEE appointment(s), or the District can reimburse these expenses after the appointment(s)..

13. Independent evaluators selected by the parents may engage in reasonable observation of the student in the classroom environment. Any such observation must be conducted in a manner that is not disruptive of the learning environment either with respect to the length or frequency of the observation and must not interfere with the teacher's ability to teach. Prior to observations, the independent evaluator must discuss their plans for observation with campus administration and the special education director.
14. A District agreement to waive a portion of the above requirements or criteria in any particular case should not be interpreted to mean that the District will not impose that requirement or criterion in other or subsequent cases.