
SPECIAL EDUCATION -- INDEPENDENT EDUCATIONAL EVALUATIONS

Special education law permits a parent/guardian to request an independent educational evaluation for their child if there is disagreement with any evaluation provided by the Board. For purposes of this Regulation, an "independent educational evaluation" is an evaluation conducted by a qualified examiner who is not an employee of the public school district responsible for the education of the child in question.

As required by applicable Federal and State law and regulation, an independent educational evaluation ("IEE") shall be provided at no cost to the parent/guardian unless the school district initiates a due process hearing in accordance with N.J.A.C. 6A:14-2.7 et seq. to show that its evaluation is appropriate and a final determination to that effect is made following the hearing. If it is determined the school district's evaluation is appropriate, the parent/guardian still has the right to an IEE, but not at the District's expense.

Upon receipt of a request for an IEE, the District shall provide the parent/guardian with information about where an IEE may be obtained and the criteria for an IEE according to N.J.A.C. 6A:14-2.5(c) 3 and (c) 4, respectively, and the additional criteria outlined below in this Regulation:

1. Any IEE paid for with public funds shall:
 - Be conducted according to the provisions of N.J.A.C. 6A:14-3.4; and
 - Be obtained from another public school district, educational services commission, jointure commission, a clinic or agency approved under N.J.A.C. 6A:14-5, or private practitioner, who is appropriately certified and/or licensed, where a license is required.
2. An independent medical evaluation may be obtained according to N.J.A.C. 6A:14-5.1(e).

Additional criteria for an IEE shall be as follows:

1. The Board will not pay for an IEE unless it complies with the following criteria unless the parent/guardian can show that unique circumstances warrant deviation from same:
 - a. The independent evaluator must be appropriately certified and/or licensed in the State of New Jersey. In instances where no applicable certification/license exists, the evaluator must provide the Board with documentation of extensive and recent training and experience related to the assessment of the known or suspected disability;

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- b. The independent evaluator may only charge fees for educational evaluation services that, in the judgment of the Board, are reasonable in accordance with provision number 2 below;
 - c. The independent evaluator must be free from any conflict of interest;
 - d. The independent evaluator and members of the Child Study Team must be permitted to directly communicate and share information with each other. To that end, the parent/guardian must execute any appropriate and necessary releases/authorizations that are necessary for the disclosure and sharing of such information between the Child Study Team and the independent evaluator.
 - e. The independent evaluator must agree to release the assessment information, results, and report(s) to the District prior to receipt of payment for services, as well as agree to comply with the timelines established by the Department of Education for the completion of an IEE;
 - f. For any independent evaluation, whether paid for with public or private funds, the District will permit the evaluator to observe the pupil in the classroom or other educational setting, as applicable; and
 - g. The independent evaluator shall make at least one contact with the pupil's case manager for the purpose of determining how the pupil is progressing in his/her current educational program and/or placement.
2. The maximum allowable cost for an independent evaluation will be limited to the reasonable and customary rate of \$800 per evaluation, as determined and approved by the Board annually. This rate shall be in the range of what it would cost the Board to provide the same type of assessment through either another public school district, educational services commission, jointure commission, a clinic or agency approved under N.J.A.C. 6A:14-5, or private practitioner, who is appropriately certified and/or licensed, where a license is required. This Board-approved rate, to be reviewed as needed, shall be provided to the parent upon their request for an IEE. The Board shall not be responsible for any costs beyond the IEE, such as transportation, lodging, food, etc.
- a. The parent/guardian may provide documentation to the Board demonstrating unique circumstances to justify an IEE that exceeds the maximum allowable cost established by the Board. If, in the Board's judgment, there is no justification for the excess cost, the Board will request a due process hearing to enforce its established maximum allowable cost.

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Upon receipt of a parental/guardian request for an IEE, if the District is granting the request, the District shall take steps to ensure that the IEE is provided without undue delay. If the District is not granting the request for an IEE, the District shall request a due process hearing within twenty (20) calendar days of receipt of the request for the IEE.

If a parent/guardian requests an IEE, the District may ask the parent/guardian to explain why he or she objects to the District's evaluation. However, the District shall not require such an explanation and shall not delay either providing the IEE or initiating a due process hearing to defend the District's evaluation.

Any IEE submitted to the District, including an IEE obtained by the parent/guardian at private expense, shall be considered in making decisions regarding special education and related services.

If an Administrative Law Judge orders that an IEE be conducted, the IEE shall be obtained by the District in accordance with the decision or Order of the Administrative Law Judge, and the Board shall pay the cost of the IEE in accordance with the provisions of this Policy.

A parent is entitled to only one IEE paid for by the Board each time the District conducts an evaluation with which the parent disagrees.

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