

**Policy**

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INDEPENDENT EDUCATIONAL EVALUATION

An independent educational evaluation (IEE) for a potential educational disability is an assessment conducted by a skilled and qualified examiner who is not employed by the school district.

A parent/guardian or an adult pupil may request an independent educational evaluation (IEE) if there is a disagreement with any assessment conducted as part of an initial evaluation, or a reevaluation for identifying potential educational disabilities.

An independent educational evaluation shall be conducted at no cost to the parent/guardian and funded by the district when:

- A. The qualifications of the evaluator are at a minimum, the same as the qualifications the district uses when conducting of the evaluation;
- B. The cost of the IEE is reasonable and/or comparable to other similar service providers in the geographical area;
- C. The evaluator is chosen from the district list of qualified evaluators.

A parent/guardian or adult student is entitled to only one IEE at the districts expense. The IEE, however, may include multiple assessments.

The board directs that the chief school administrator or his or her designee shall provide parents/guardians and adult students requesting an IEE, a choice (no less than three options) of skilled and qualified evaluation service providers within the district geographical area so that a fair and accurate independent educational evaluation may be acquired. Skilled and qualified evaluation service providers may include another public school district, educational services commission, jointure commission, a clinic or agency, or a private practitioner. The chief school administrator or his or her designee shall ensure that district recommended service providers are adequately qualified according to law and this board policy and procedure to conduct the evaluation and the assessments requested by the parent/guardian or adult pupil requesting the IEE.

A copy of the district policy, procedures, service provider list and criteria for independent educational evaluations will be provided to parents/guardians or adult pupils who requests an independent educational evaluation.

The board believes that it is in the best interest of the student that the district and the parents/guardians cooperate in the evaluation process. Therefore, parents/guardians and adult students are encouraged to notify the district if they disagree with the outcome(s) of the evaluation or reevaluation and request an IEE. A parent/guardian or adult student, however, is not required to notify the district of his/her disagreement with the evaluation or reevaluation prior to obtaining an IEE.

Cost Containment Criteria

The district may establish maximum allowable charges that it allows for an IEE to ensure that the cost of an IEE is reasonable. The maximum fee shall be established so that it allows parents to choose from among the qualified professionals in the area and only eliminates unreasonably excessive fees.

If an evaluator selected by the parent exceeds the maximum allowable charges, the parent/guardian or adult student shall be given an opportunity to demonstrate that unique circumstances justify going above the fee criteria. If the parent/guardian or adult student does demonstrate unique circumstances, the district shall fund the IEE.

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If the district finds that there is no justification for the excess cost, the district shall fund the evaluation to the extent of the maximum allowable charge. Additionally, if the requested IEE exceeds the district's maximum allowable costs and the district does not support the justification for the excess cost, the district shall, without unnecessary delay, initiate a due process hearing to demonstrate that the evaluation obtained by the parent did not meet the district's cost criteria.

Selection of the Independent Evaluator

- A. This district may require a parent/guardian or adult student to choose an evaluator from the district list when:
1. The child's needs can be appropriately evaluated by an evaluator on the list; and
  2. All the qualified examiners in the geographic location are included on the list;
- B. If the district fails to list all qualified evaluators the parent/guardian or adult student may select an evaluator as long as they meet the minimum district criteria for qualifications of the evaluator;
- C. A parent who selects an evaluator who is not on the district's list and/or fails to meet the district's criteria for the minimum qualifications of the evaluator shall be given the opportunity to demonstrate the unique circumstances that justify the selection of the evaluator. If the district accepts the justification and the cost is within the reasonable criteria the district shall fund the IEE.

Due Process

- A. The district may file for due process when the unique circumstances do not justify the selection of the evaluator and/or meet the reasonable cost criteria. The district may file for due process rather than pay for the IEE, for one or more of the following reasons including:
1. The child's needs cannot be appropriately evaluated by the independent evaluator;
  2. The evaluator selected does not possess the minimum qualifications required by the district;
  3. The IEE exceeds the reasonable cost containment;
- B. The parent/guardian or adult student may challenge the district's decision to deny funding by filing for due process and appeal through the administrative law judge if he/she does not agree with the district's determination that:
1. The child's needs cannot be appropriately evaluated by the independent evaluator;
  2. The evaluator selected does not possess the minimum qualifications required by the district;
  3. The IEE exceeds the reasonable cost containment.

Adopted: April 29, 2015  
 NJSBA Review/Update: January 2019  
 Readopted: December 11, 2019

Key Words

IEE, Independent Educational Evaluation, Reasonable Cost, Cost Containment

**Legal References:** N.J.S.A. 10:5-1 et seq. Law Against Discrimination  
N.J.S.A. 18A:46-1 et seq. Classes and Facilities for Handicapped Children  
 See particularly:  
N.J.S.A. 18A:46-13  
N.J.S.A. 18A:46A-1 et seq. Auxiliary Services  
N.J.A.C. 6A:7-1.7 Equality in school and classroom practices  
N.J.A.C. 6A:8-1.2 Scope

INDEPENDENT EDUCATIONAL EVALUATION (continued)

<u>N.J.A.C.</u> 6A:8-1.3	Definitions
<u>N.J.A.C.</u> 6A:8-3.1	Curriculum and instruction
<u>N.J.A.C.</u> 6A:14-1.1 <u>et seq.</u>	Special Education
<u>See particularly:</u>	procedures
<u>N.J.A.C.</u> 6A:14-2.5(c)	Independent evaluation
<u>N.J.A.C.</u> 6A:14-3.4	Evaluation
<u>N.J.A.C.</u> 6A:14-5.1	General requirements
<u>N.J.A.C.</u> 6A:15-1.4	Bilingual programs for limited English proficient
students	
<u>N.J.A.C.</u> 6A:23A-1.1 <u>et seq.</u>	Fiscal accountability, efficiency and budgeting
<u>See particularly:</u>	procedures
<u>N.J.A.C.</u> 6A:23A-17.4 to -17.7,	
-18.1 <u>et seq.</u>	
<u>N.J.A.C.</u> 6A:26-6.1 <u>et seq.</u>	Planning and Construction Standards for School
Facilities	
<u>N.J.A.C.</u> 6A:30-1.1 <u>et seq.</u>	Evaluation of the Performance of School Districts
<u>N.J.A.C.</u> 6A:32-7.1 <u>et seq.</u>	Student Records
<u>N.J.A.C.</u> 6A:32-8.3	School attendance

Every Student Succeeds Act, Pub. L. 114-95, 20 U.S.C.A. 6301 et seq.

20 U.S.C.A. 1400 et seq. - 1990 Individuals With Disabilities Education Act, P.L. 101-476 (formerly Education for All Handicapped Children Act--Part B)

29 U.S.C.A. 794 et seq. - Section 504 of the Rehabilitation Act of 1973

34 CFR 76.1 et seq. - General Administrative Regulation EDGAR

34 CFR 77.1 et seq. - General Administrative Regulation EDGAR

34 CFR 300 - Assistance to States for the Education of Children with Disabilities (IDEA Regulations)

34 CFR 300.502 - Independent Educational Evaluation

**Possible**

<b><u>Cross References:</u></b>	*1120	Board of education meetings
	*4112.2	Certification
	*4131/4131.1	Staff development; inservice education/visitations/conferences
	*5114	Suspension and expulsion
	*5120	Assessment of individual needs
	*5125	Pupil records
	*5131	Conduct/discipline
	*5200	Nonpublic school pupils
	*6121	Nondiscrimination/affirmative action
	*6145	Extracurricular activities
	*6151	Class size
	*6164.2	Guidance services
	*6164.4	Child study team
	*9322	Public and executive sessions

\*Indicates policy is included in the Critical Policy Reference Manual.