

2468 INDEPENDENT EDUCATIONAL EVALUATIONS

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Special education law permits a parent/guardian to request an independent educational evaluation (IEE) for their child if there is disagreement with any evaluation provided by the Board of Education. 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. Such IEEs shall be provided at no cost to the parent/guardian unless the school district initiates a due process hearing in accordance with the provisions of 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 school district's expense.

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

1. Any IEE paid for with public funds shall:

a. Be conducted according to the provisions of N.J.A.C. 6A:14-3.4; and

b. 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:

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- 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 2. below;
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- c. The independent evaluator must be free from any conflict of interest;
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- d. The independent evaluator and members of the Child Study Team must be permitted to directly communicate and share information with each other. The independent evaluator must also agree to release the assessment information, results, and report(s) to the school district prior to receipt of payment for services;
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- e. For any independent evaluation, whether paid for with public or private funds, the school district shall permit the evaluator to observe the student in the classroom or other educational setting, as applicable; and
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- f. The independent evaluator shall make at least one contact with the student's case manager for the purpose of determining how the student is progressing in their current programming.
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- 2. The maximum allowable cost for an independent evaluation will be limited to the reasonable and customary rate, 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 shall be provided to the parent/guardian upon their request for an IEE. The Board shall not be responsible for any costs beyond the IEE, such as transportation, lodging, food, etc.
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- 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 may agree to fund the IEE up to the school district's maximum allowable cost with the parent/guardian responsible for any remaining costs. In the alternative, the Board may request a due process hearing to enforce its established maximum allowable cost.

- Upon receipt of a request for an IEE, the school district shall take steps to ensure the IEE is provided without undue delay or not later than twenty calendar days after receipt of the request, the school district shall request a due process hearing in accordance with the provisions of N.J.A.C. 6A:14-2.7 et seq. to show that its evaluation is appropriate.

- If a parent/guardian requests an IEE, the school district may ask the parent/guardian to explain why they object to the school district's evaluation. However, the school district shall not require such an explanation and shall not delay either providing the IEE or initiating a due process hearing to defend the school 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 of Education shall pay the cost of the IEE in accordance with the provisions of this Policy.

- A parent/guardian is entitled to only one IEE paid for by the Board each time the school district conducts an evaluation with which the parent/guardian disagrees.

- N.J.A.C. 6A:14-2.5; 6A:14-2.7  
CFR Section 300.502

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Initial Adoption: