

INDEPENDENT AND DISTRICT SPECIAL EDUCATION EVALUATIONS

I. District Evaluations

Evaluations of students suspected of being eligible for special education and related services, or as part of a reevaluation, shall be in compliance with the requirements of N.J.A.C. 6A:14-2.5(a) and (b), N.J.A.C. 6A:14-3.4, and N.J.A.C. 6A:14-3.8, as appropriate. The District may utilize an employee of the District, shared services agreement, another public school district, educational services commission, jointure commission, or a clinic or agency approved under N.J.A.C. 6A:14-5, or an independent contractor to conduct the evaluations agreed upon by the evaluation planning committee. Since relevant criteria regarding the evaluations, including the maximum allowable cost, may change, the Board delegates the authority to establish said criteria to the Superintendent and Director of Special Services. The Superintendent and Director of Special Services shall promulgate regulations consistent with this Policy and N.J.A.C. 6A:14 et seq. which shall be reviewed at least annually.

II. Independent Educational Evaluations

The Board of Education recognizes that the special education regulations permit a parent/guardian or an adult pupil to request an independent educational evaluation ("IEE") if there is a disagreement with any assessment conducted as part of an initial evaluation, or a reevaluation, and shall ensure compliance with the requirements of N.J.A.C. 6A:14 2.5(c). An IEE means an evaluation conducted by a skilled and qualified examiner who is not employed by the public agency responsible for the education of the child in question. Such IEE shall be at no cost to the parent/guardian if it is conducted in compliance with the New Jersey Administrative Code, unless the Board initiates a due process hearing to show that its evaluation is appropriate and a final determination to that effect is made following the hearing. If the parent/guardian disagrees with the evaluation conducted by the District, the parent/guardian is entitled to only one (1) IEE. An IEE may include multiple assessments. The Individualized Education Program ("IEP") team shall consider any IEE submitted when making decisions regarding special education and/or related services.

Upon receipt of the parental request, the District shall provide the parent/guardian with information about where the IEE may be obtained and advise that the evaluation must comply with the special education regulations. Specifically, an IEE shall be conducted according to 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 a private practitioner who is appropriately certified and/or licensed, where a license is required. Independent medical evaluations may be obtained pursuant to N.J.A.C. 6A:14-5.1(e). The criteria under which the evaluation is obtained, including the location of the evaluation, the qualifications of the examiner and reasonable cost criteria, shall be the same as the criteria that the

INDEPENDENT AND DISTRICT SPECIAL EDUCATION EVALUATIONS**I. Independent Educational Evaluations (continued)**

District uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's/guardian's right to an IEE. Since the relevant criteria, including the maximum allowable cost, may change, the Board delegates the authority to establish said criteria to the Superintendent and Director of Special Services. The Superintendent shall promulgate regulations consistent with this Policy and the N.J.A.C. 6A:14 et seq., which shall be reviewed at least annually. The District shall provide the parent/guardian with a comprehensive list of approved evaluators and shall take steps to ensure that the IEE is provided without undue delay.

If a parent/guardian identifies an alternate evaluator(s), the parent/guardian should first notify the District prior to scheduling an evaluation so that the District can ensure the individual(s) meets the foregoing criteria and that the cost of the evaluation is not unreasonably excessive. In the event that the parent/guardian is seeking an IEE from an evaluator who does not satisfy the foregoing criteria, the parent/guardian shall be given the opportunity to demonstrate that unique circumstances justify a waiver of the criteria. If unique circumstances do not justify a waiver the criteria, including the cost criteria, the Board may seek due process to demonstrate that the evaluation obtained by the parent/guardian did not meet the requisite criteria for IEEs and/or that there is no justification for selecting such an evaluator.

If a parent requests an IEE, the District may ask the parent/guardian to explain his/her disagreement with the District's evaluation. However, the District shall not require such an explanation and shall not delay in either providing the IEE or initiating a due process hearing to defend the District's evaluation.

Legal References: N.J.A.C. 6A:14-2.5
N.J.A.C. 6A:14-3.4
N.J.A.C. 6A:14-3.8
N.J.A.C. 6A:14-5
N.J.A.C. 6A:14-5.1(e)
34 C.F.R. 300.502(a), (e)

Cross References: *6171.4 Special Education
6171.5 Student Disabilities Pursuant to Section 504

Key Words

Special education evaluations, Independent educational evaluations, SEE, IEE,

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