

POLICY

NORTHVALE
BOARD OF EDUCATION
PROGRAMS

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2468.1 – INDEPENDENT EDUCATIONAL EVALUATIONS

School districts may not limit the parents' right to an IEE by first conducting an assessment in an area not already assessed by the initial evaluation or re-evaluation before the parents' request is granted. 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 to it 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 qualifications of the examiner and reasonable cost criteria, shall be the same as the criteria that the 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 Supervisor of Special Education. The Superintendent and Supervisor of Special Education shall promulgate regulations consistent with this Policy and 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 of 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. Notwithstanding the foregoing, where the parent/guardian seeks an evaluation that exceeds the cost criteria, the parent/guardian may nevertheless request the alternate



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evaluator provided that he/she agrees to pay the costs of the evaluation in excess of the established maximum allowable cost.

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

Adopted: August 26, 2015

