Merchantville Board of Education
130 South Centre Street
Merchantville, NJ 08109

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Independent Educational Evaluations

An independent educational evaluation (lEE) 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 (lEE) 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.

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.

Criteria for an Independent Educational Evaluation:

A. An independent evaluators must be certified by the New Jersey Department of Education or possess license, certification and/or academic degree from an accredited educational institution, organization or agency appropriate to their profession that are recognized within the state;

B. Independent evaluators must meet the qualifications and training requirements to administer, score and interpret the evaluation instrument(s) utilized during the IEE, as specified by the test publisher;

C. Parents must provide written consent for the evaluation, and give their written consent for an exchange of information between the district and independent evaluator(s), including the release to the district of the evaluation report and results of all assessment data collected by the independent evaluator(s);

D. The independent evaluator(s) shall use only the most current version of each assessment instrument utilized for the IEE;

E. The independent evaluator(s) shall review the student record, including the results of evaluations conducted by the district;

F. The district may require the IEE include classroom observations and interviews with school staff, if appropriate;

G. The independent evaluator(s) shall provide a written report of findings to the parent(s) and district. That report shall contain:

1. Student and parent/guardian information (names, contact information, date of birth, school grade);
2. Dates when evaluation activities were conducted;
3. The evaluations administered;
4. The scores, along with subtest scores, of the tests administered;
5. A discussion and interpretation of test results;
6. A diagnosis of the student's condition, as appropriate; and
7. Recommendations, based on evaluation data, for the district's evaluation team to consider.

H. Payment for the IEE shall occur only after the district has received the final written report of findings from the evaluator(s);

I. Upon request, the independent evaluator(s) shall be available in person or electronically (i.e. telephone conference call, interactive video, etc.) to discuss results of the IEE with the district team.

Consideration of the Results of an Independent Educational Evaluation

The district will consider the findings and recommendations provided by an IEE completed in accordance with these procedures. However, the district continues to be responsible for making decisions regarding your child's eligibility and need for special education services, and when the student is eligible and needs special education, for determining placement and services to be provided.

Location Limitations for Evaluators

Evaluators will be located within a 25 mile radius of Merchantville School. Evaluators outside of this area will be approved only on an exceptional basis, providing parents/guardians can demonstrate the unique circumstances that necessitate using and evaluator outside the specified area in order to obtain an appropriate evaluation. If a qualified evaluator is available within the above physical boundaries, such request may be denied. Any expenses beyond that directly related to preparation of the evaluation (i.e., food, lodging, transportation, etc.) shall not be covered in the cost of the independent evaluation when a qualified evaluator exists within the geographical area.

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

N.J.A.C. 6A:30-1.1 et seq.	Evaluation of the Performance of School Districts
N.J.A.C. 6A:32-7.1 et seq.	Student Records
N.J.A.C. 6A:32-8.3	School attendance
N.J.A.C. 6A:32-12.1	Reporting requirements
N.J.A.C. 6A:32-14.1	Review of mandated programs and services

No Child Left Behind Act of 2001, Pub. L. 107-110, 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

PossibleCross References:

*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.