



State of New Jersey
 DEPARTMENT OF EDUCATION
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CHRIS CHRISTIE
 Governor

KIM GUADAGNO
 Lt. Governor

DAVID C. HESPE
 Commissioner

July 7, 2015

TO: Chief School Administrators
 Charter School and Renaissance School Project Lead Persons
 Directors of Special Education
 Administrators of a State Facility
 Administrators of an Approved Private School for the Disabled
 Administrators of a College-Operated Program
 Statewide Special Education Advisory Council
 Agencies or Organizations Concerned with Special Education

FROM: Peggy McDonald, Director *Peggy McDonald*
 Office of Special Education Programs

SUBJECT: Guidance with Respect to Federal Regulations Implementing the Individuals with Disabilities Education Act of 2004 – Independent Educational Evaluations

I am writing to provide clarification regarding a parent’s right to an independent educational evaluation (IEE). Changes to Chapter 14 of the Administrative Code, Special Education were effective on February 2, 2015. Among the changes was the requirement that parents specify the assessment or assessments they are seeking in a request for an IEE (N.J.A.C. 6A:14-2.5(c)). This language was included in an attempt to facilitate the district’s response to a parental request, by providing clarification to the district regarding the requested assessments. However, it must be stressed that while it is not unreasonable to ask a parent to specify the assessment(s) they are seeking, the school district may not delay provision of an IEE or filing a request for a due process hearing, to show that its evaluation is appropriate, solely because the parents did not specify the assessment(s) they are seeking as part of the independent evaluation. **If the request for an IEE does not specify the assessment(s) being sought, the district should immediately inquire as to what assessment(s) the parent is seeking and either arrange for provision of the assessment(s) or file for a due process hearing to seek to deny the request.** If the district does not file a request for a due process hearing, it must ensure that the IEE is provided at public expense and without undue delay.

Should you have any questions or require additional information, please contact John Worthington or Kathy Ehling at 609-292-7602.

PM/JW/ke

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| c: Members, State Board of Education | Executive County Superintendents |
| Commissioner David C. Hespe | Executive Directors for Regional Achievement Centers |
| Senior Staff | Executive County Business Officials |
| Diane Shoener | County Supervisors of Child Study |
| John Worthington | Garden State Coalition of Schools |
| Kathy Ehling | NJ Lee Group |