



State of New Jersey
DEPARTMENT OF EDUCATION
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March 10, 2015

TO: Chief School Administrators
Charter School 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
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 as a follow-up to my [February 10, 2015](#) memorandum informing you that changes to Chapter 14 of the Administrative Code, Special Education, were published in the New Jersey Register on February 2, 2015. The new regulations are available on the Department's website at: <http://www.state.nj.us/education/code/current/>.

Please be aware, among the changes to Chapter 14 is the elimination of a provision which limited the parents' right to an Independent Educational Evaluation (IEE). Pursuant to the regulations effective February 2, 2015, 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 reevaluation before the parents' request is granted. When a parental request for an independent evaluation is received, a district must provide the evaluation at no cost to the parent, unless the school district initiates a due process hearing to show that its evaluation is appropriate and a final determination to that effect is made following the hearing. N.J.A.C. 6A:14-2.5(c)1. Therefore, the regulations are now consistent with the guidance memoranda issued by this office on May 14, 2012, October 1, 2013, and September 9, 2014 regarding IEEs.

Pursuant to my memorandum dated [December 16, 2014](#), because the new regulations have been officially adopted, districts are no longer asked to attach the guidance regarding independent evaluations, issued by me on [September 9, 2014](#), to every IEP developed for a student with a disability.

Should you have any questions or require additional information, please refer to the question and answer document on the Department website at:

<http://www.state.nj.us/education/specialed/memos/100113iee.pdf>.

PM/JW/ke

c: Members, State Board of Education
Commissioner David C. Hesse
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Diane Shoener
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Kathy Ehling

Executive County Superintendents
Executive Directors for Regional Achievement Centers
Executive County Business Officials
County Supervisors of Child Study
NJ LEE Group
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