

SPECIAL EDUCATION EVALUATIONS

A. Statement of Policy.

State and Federal special education laws require that the District, as the local educational agency ("LEA"), shall find, identify, and evaluate all children suspected to be children with disabilities. The District is committed to ensuring that each child's Individualized Education Program (IEP) team bases its decisions on high quality, reliable, and educationally sound special education evaluations.

The availability, steps, timelines, and other procedures for requesting, initiating a referral, or conducting an educational evaluation relative to a determination of whether a child is a child with a disability, are as set forth in the *New Hampshire Department of Education Special Education Procedural Safeguards Handbook*, a current copy of which may be obtained from the District's Director of Pupil Services' office or from the New Hampshire Department of Education. This policy establishes the criteria for those evaluations.

B. Evaluation Criteria.

To assure high quality, reliable, and educationally sound evaluations, and consistency among those evaluations, the District has established the following list of criteria for all special education evaluations the district conducts, all evaluations the District asks outside contractors to conduct, and all individual educational evaluations ("IEE") parents expect the District to review, consider and/or fund.

1. Evaluation Criteria Waiver: Unique circumstances may justify deviation or waiver, in whole or in part, from these criteria. If a parent or district staff member is aware of such unique circumstances, they should inform the student's special education teacher, building LEA or district special education administrator immediately. The District's Director of Pupil Services is authorized to grant a waiver.
2. Evaluator Credentials:
 - a. The evaluation must be conducted in New Hampshire, by an evaluator whose principal office is located in New Hampshire unless there is no qualified evaluator in New Hampshire.
 - b. The evaluator must hold a valid license or certification from the State of New Hampshire in the field related to the known or suspected disability. The evaluator must have extensive training and experience in evaluation in the area(s) of concern and be able to interpret the instructional implications of evaluation results. In instances where no "applicable license or certification" exists, the District must be satisfied that the evaluator has extensive training and experience related to the known or suspected disability.
3. Test Protocol Requirement: All tests administered shall be the current version of the test. The test must be norm-referenced for the individual evaluation appropriate for the age and educational level of the child and measure the same skills, and meet the same standards of technical adequacy for reliability and validity.
4. Student Educational Record Review: The evaluator must review educational records located in the student's local public school and other relevant educational records.
5. Communications and Shared Information Between Evaluator and District: The evaluator must be permitted to directly communicate with and is required to provide information to members of the IEP

team, and to Director of Pupil Services or designees. The evaluator should have access to current evaluation and current IEP if applicable.

The evaluator is required to release the assessments and results, including any parent and teacher questionnaires, to members of the IEP team, and to the Director of Pupil Services or their designees.

Additionally, the District shall be entitled to inspect and obtain copies of the evaluator's records, including any records created by third parties. However, for purposes of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g(a)(4)(B)(i), records will not be deemed accessible to any school district personnel other than the evaluator, unless and until the district exercises its right to inspect or obtain copies of those records from the evaluator.

Accordingly, parents/guardians must authorize a release of information to allow for the sharing of such information as well as the records indicated in paragraph B.4.

6. **Student Observation:** In the absence of a contrary determination by the child's IEP team, the evaluator must either: a) observe the child in one or more educational settings; or b) make at least one contact with the child's general education teacher for the purpose of determining how the student is progressing in the general curriculum. In addition, evaluators are encouraged to make additional contacts with other involved general and special education teachers and related service providers.
 7. **Evaluation Compliance:** The evaluation must comply with the relevant provisions of the State and Federal Special Education Laws, including, without limitation, 34 C.F.R. 300.530-300.536 and New Hampshire Dept. of Education Rules Ed 1107.
 8. **Evaluation Reports:** All evaluation reports will include the appropriate standardization and reporting methods as designed by the test publishers.
 9. **Cost & Payment:** The cost of the evaluation shall not exceed the usual and customary rate for such evaluations. The school District will not pay for the evaluation until it receives the evaluator's report.
- C. Information To Provide to Parents.** The Director of Pupil Services or designee shall provide a copy of this policy to parents who indicate they are considering obtaining an IEE, and shall make available upon parent/guardian request information about where an IEE may be obtained.

Legal References:

34 C.F.R. 300.300 - 300.502

20 U.S.C. §1232g(a)(4)(B)(i) Family Educational Rights and Privacy Act

RSA 186-C, Special Education

N.H. Dept. of Ed. Admin. Rule – Ed. 1107.03 Independent Educational Evaluations.

N.H. Dept. of Ed. Admin. Rule – Ed. 1120.07 Independent Educational Evaluations.

Additional Resources:

N.H. Department of Education's Procedural Safeguards Handbook

<https://www.education.nh.gov/who-we-are/division-of-learner-support/bureau-of-student-support/special-education/procedural-safeguards> (As of August, 2022)

Legal References Disclaimer: *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a*

complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

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