

## SPECIAL EDUCATION EVALUATIONS

### A. Statement of Policy

The State and Federal special education laws require that the District, as the local education agency (LEA), find, identify, and evaluate all children suspected to be children with disabilities. The District is committed to ensuring that each child's IEP team bases its decision 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 federal and state law and regulations and are summarized in the New Hampshire Department of Education Special Education Procedural Safeguards Handbook. A current copy of the handbook may be obtained from the child's Special Education teacher, Special Education Building Coordinator, Principal, Director of Student Services, 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 Principal or Director of Student Services immediately. The Director of Student 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. The evaluator must be a "qualified examiner" for

the assessment(s) be administered. See Ed 1107.04, Table 1100.

3. Test Protocol Requirement: All tests administered will 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. A release will be requested from Parents when necessary to provide educational records to third party evaluators.
5. 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.
6. Communication 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, the District's Director of Student Services or the administrator's designees. The evaluator should have access to the current evaluation and current IEP, if applicable. The evaluator also is required to release the assessments and results, including parent and teacher questionnaires, to members of the IEP team, and the Director of Student Services.

Additionally, the District shall be entitled to inspect and obtain copies of the evaluator's records directly pertaining to the student being evaluated, including any records created by third parties. However, for the purposes of the federal Family Educational Rights and Privacy Act (FERPA), records will not be deemed accessible to any 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 B.4.

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. 300.301-300.311 and New Hampshire Department 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 and 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 Student Services or designee shall provide a copy of this policy to parents/guardians who indicate they are considering obtaining an IEE and shall make available upon a parent/guardian's request information about where an IEE may be obtained.

The request for an independent educational evaluation at public expense cannot be invoked by a parent who has refused to consent to a District evaluation.

A parent has the right to request an independent evaluation at public expense if the parent disagrees with an evaluation conducted by the District. If the District denies the request for an independent educational evaluation at public expense, then the District shall initiate a due process hearing to demonstrate that the District's evaluation was appropriate.

A parent always has the right to get an independent educational evaluation at his or her own expense. The team must consider the results of any independent educational evaluation, regardless of who pays for it, if the evaluation meets the District's criteria, in decisions about the provision of a free and appropriate public education for the child.

**Legal References:**

34 C.F.R. 300.301-300.311, 34 CFR 300.502  
N.H. Code of Administrative Rules ED. 1102.03(f), 1107, 1120.07  
N.H. Department of Education's Procedural Safeguards Handbook

**History**

1<sup>st</sup> Reading: December 18, 2024