

SPECIAL EDUCATION EVALUATIONS

A. Statement of Policy.

State and Federal special education laws require that the District evaluate children suspected of being children with disabilities. The District is committed to ensuring that each child's Individualized Education Plan ("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 New Hampshire Department of Education. This policy establishes the criteria for those evaluations.

B. Evaluation Criteria.

To ensure 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 independent educational evaluations ("IEE") parents expect the District to review, consider and/or fund.

Unique Circumstances may justify deviation 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 Local Education Agency (LEA) or district special education administrator immediately.

1. 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.
2. Evaluator Credentials:
 - a. The evaluation must be conducted in New Hampshire by an evaluator whose principal office is located in New Hampshire, or in a state that is contiguous to New Hampshire, unless there is no qualified evaluator in New Hampshire or its contiguous states.
 - 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. Student Observation: 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. 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 the Director of Special Education & Counseling Services or designees. The evaluator should have access to the current evaluation(s) 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 Special Education & Counseling Services or their designees.

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 the release of information to allow for the sharing of such information as well as the records indicated in item 4.

7. Evaluation Reports: All evaluation reports will include the appropriate standardization and reporting methods as designed by the test publishers.

8. 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 which meets the criteria of this policy.

C. Information To Provide to Parents. The Director of Special Education & Counseling 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)

Adopted: **1/09/2023**