

SPECIAL EDUCATION EVALUATIONS

The State and Federal special education laws require that the school districts in SAU 50 evaluate children with disabilities who are in need of special education and related services. The districts evaluate children upon referral for Special Education and re-evaluates educationally disabled children at least once every three years or when conditions warrant a re-evaluation.

The districts in SAU 50 are committed to ensuring that each student's IEP team bases its decision on high quality, reliable and educationally sound Special Education evaluations.

As a result, the district has established the following list of criteria for all special education evaluations the district conducts, obtains or funds.

Unique circumstances may justify deviation from these criteria. If a parent or the district staff member is aware of such unique circumstances, they should inform the student's Special Education teacher, building LEA or district Special Education Director immediately.

1. The evaluation must comply with the relevant provisions of the State and Federal Special Education laws, including 34 C.F.R. §§ 300.301–300.311 (formerly C.F.R. 300.350–300.356), and N.H. Code of Administrative Rules Ed 1107.
2. 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.
3. The evaluator must hold a valid license 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 the 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.
4. 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 education level of the child and measure the same cognitive, motoric, and achievement skills as district tests, and meet the same standards of technical adequacy for reliability and validity.



5. The cost of the evaluation shall not exceed the usual and customary rate for such evaluations. The school district will not pay for an evaluation until it receives the evaluator's report.
6. The evaluator must review relevant educational records located in the student's local public school and other relevant educational records.
7. Unless otherwise determined by the members of the student's IEP team, the evaluator must either: a) observe the student in one or more educational settings; or b) make at least one contact with the student'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.
8. The evaluator must be permitted to directly communicate and share information with members of the IEP team, the district's special education director, and the director's designees. The evaluator must also release the assessments and results, including any parent and teacher questionnaires, to members of the IEP team, the district's Special Education Director or director's designees.
9. All evaluation reports will include the appropriate standardization and reporting methods as designed by the test publishers.
10. The district shall be entitled to inspect and obtain copies of the evaluator's records, including any records created by third parties. However, those 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.

Parents have a right to request an independent educational evaluation at public expense when the parent disagrees with the school district's evaluation. The provision for independent educational evaluation cannot be invoked by a parent who had refused to consent to a district evaluation.

The districts in SAU 50 may deny a request for an independent evaluation at public expense and initiate a due process hearing to demonstrate that the district's evaluation was appropriate.

A parent 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:

NH Code of Administrative Rules, Ed 1107.01, *Standards for the Education of Students with Disabilities: Evaluation*

NH Code of Administrative Rules, Ed 1107.02, *Standards for the Education of Students with Disabilities: Evaluation Requirements for Children with Specific Learning Disabilities*

NH Code of Administrative Rules, Ed 1107.04, *Standards for the Education of Students with Disabilities: Qualified Examiners*

34 CFR 300.301-300.311, *Assistance to States for the Education of Children with Disabilities: Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements*

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