

CRITERIA FOR SPECIAL EDUCATION EVALUATIONS

State and Federal special education laws require the Nashua School District to evaluate students who are suspected of having an educational disability or have an established educational disability to determine whether they may be or continue to be eligible to receive special education and related services. In order for a student to be eligible for special education and/or related services, the evaluations must demonstrate that the student (1) has a disability, and (2) the disability negatively impacts the student's education. The district evaluates students upon referral for special education and re-evaluates educationally disabled students at least once every three years or when conditions warrant a re-evaluation.

The district is committed to ensuring that each student's special education or multi-disciplinary 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 conducted, obtained, or funded by the district. Unique circumstances may justify deviation from these criteria. If a parent/guardian or district staff member is aware of any extenuating circumstances, they should inform the student's case manager or the district's special education director immediately.

All evaluations conducted or funded by the Nashua School District must meet the following criteria:

1. The evaluation must comply with the relevant provisions of the State and Federal special education laws, including 34 C.F.R. §300.530-300.536 and NH Special Education Standards for the Education of Children with Disabilities (2017).
2. The evaluation must be conducted within 75 miles of the Nashua School District, by an evaluator whose principal office is located in New Hampshire, unless there is no qualified examiner 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 accordance with NH Special Education Standards Ed 1107.04 and Table 1100.1. In instances where no "applicable license" 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 student and measure the same cognitive, motoric, and achievement skills as the district tests, and meet the same standard of the technical adequacy for reliability and validity.
5. All evaluation reports will include the appropriate standardization and reporting methods as designed by the test publishers.
6. For evaluations funded by the district, the cost of the evaluation shall not exceed the usual and customary rate for such evaluations. The evaluator will provide an itemized estimate of cost of the proposed evaluation prior to the start of the evaluation. The school district will not pay for an evaluation until it receives the evaluator's report.
7. The evaluator must review the student's relevant educational records.
8. Unless otherwise determined by the 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 teachers for the purpose of determining how the student is progressing in the general curriculum. Additionally, evaluators are encouraged to make additional contacts with other involved general and special education teachers and related service providers.

9. 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/guardian and teacher questionnaires, to members of the IEP team, the district's special education director, and the director's designees.
10. The evaluator will participate in the evaluation review meeting, in person or virtually. When the evaluator is unable to participate, an individual who can interpret the instructional implications of the evaluation results may attend.
11. 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/guardians have a right to request an Independent Educational Evaluation (IEE) at public expense when the parent/guardian disagrees with the school district's evaluation. The provision for independent evaluation cannot be invoked by a parent/guardian who has previously refused to provide consent to a district evaluation.

The Nashua School District may deny a request for an IEE at public expense and initiate a due process hearing to show that the district's evaluation is appropriate. If the parent/guardian requests an IEE, the district may ask for the parent's/guardian's reason for objection to the district's evaluation. However, the parent/guardian is not required to provide an explanation and the district may not unreasonably delay the process of obtaining an IEE or filing a due process complaint. The district is unable to impose timelines related to obtaining an IEE at public expense.

Parents/Guardians have the right to obtain an IEE at his/her own expense. The team must consider the results of any IEE, regardless of who funds it, if the evaluation meets the district's criteria in decisions about the provision of a Free Appropriate Public Education (FAPE) for the student.

All staff, students, parents/guardians and other interested persons are directed to the New Hampshire Department of Education Special Education Standards for the Education of Children with Disabilities (3/24/2017) for further details regarding special education evaluations. The Nashua School District is committed to ensuring the rights of students and parents/guardians to receive appropriate Special Education evaluations.

Legal References:

NH Code of Administrative Rules, Section Ed 1107.02(b), Evaluation Requirements for Children with Specific Learning Disabilities

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