

## **3565 Independent Educational Evaluations 3565**

The Milford School District shall ensure that local educational evaluation criteria shall be in compliance with the minimum standards of the state of New Hampshire and the federal government.

District personnel are required to evaluate children upon referral for special education, or any time conditions warrant, and to re-evaluate educationally disabled children at least once every three years or when conditions warrant a re-evaluation.

Federal law gives parents the right to an independent educational evaluation. Such evaluation is defined as one that is conducted by a qualified examiner who is not employed by a school district responsible for the child in question. Whenever parents obtain an evaluation at private expense, the results of the evaluation must be considered by the school district if it meets school district criteria.

Parents have the right to an independent evaluation at public expense under certain circumstances if the parent disagrees with an evaluation obtained by the school district. Should a parent request an independent evaluation at public expense, the school district must, without delay, initiate a hearing to show that its evaluation is appropriate, or ensure that an independent educational evaluation is provided at public expense. If the evaluation is at public expense, the criteria for the evaluation, including location of the evaluation and qualifications of the examiner, must be the same as the criteria that the school district uses. Public expense means that the independent evaluation is either paid in full or provided at no cost to the parent.

Should the District initiate a due process hearing to demonstrate the appropriateness of its evaluation, and the results of the hearing favor the District, parents still have the right to an independent evaluation at their own expense.

Criteria for independent educational evaluations shall be as follows:

1. The evaluation shall comply with relevant provisions of state and federal Special Education laws, including 34 CFR 300.530-300.536 and NH Code of Administrative Rules Ed 1107.
2. A New Hampshire based evaluator or an evaluator with an office in contiguous states shall be used unless unique circumstances justify the selection of an evaluator in another location. In the cases of such unique circumstances the person seeking an evaluation outside of the designated area shall show that a) unique circumstances require evaluation outside the designated area and b) the costs of the evaluation are not excessive.
3. Evaluators shall hold current certification or license if so required by the state in which they are located. The examiner shall be a qualified examiner who meets

the criteria for such under Ed 1107.04 and who is qualified to test for a suspected disability in accordance with Table 1100.0, "Qualified Examiners by Type of Disability".

4. The evaluator shall be able to interpret the instructional implications of the evaluation results if such an evaluation is used to determine educational needs.

5. All tests administered shall be the current version of the test.

6. Tests shall be appropriate for the age, educational level, and disability (or suspected disability) of the child. They must be reliable and valid and norm or criterion referenced.

7. As necessary, the evaluator shall review educational records provided by the student's local public school in addition to any records provided by the parents.

8. As appropriate, the evaluator shall observe the child in one or more educational settings and 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 and as appropriate, the evaluator is encouraged to make additional contacts with other involved general and special education teachers and related service providers.

9. District and independent evaluators, parents, Special Services Directors, and/or designees are encouraged to communicate directly with one another to share pertinent information.

10. District and independent evaluators shall provide written reports to the parents and District representatives summarizing results of the evaluation. All evaluation reports shall include appropriate standardization and reporting methods as designed by test publishers. An evaluation shall take place under standard test/evaluation conditions. If the evaluation cannot take place under standard conditions because of the child's suspected disability, the deviation from standard conditions shall be noted in the report.

11. An evaluator shall maintain the highest standard of professional ethics and adhere to the standards of their professional association.

12. Evaluations of students with limited English proficiency shall be conducted in the student's native language unless the student has a greater proficiency in another language.

Unique circumstances may justify a waiver of any of the above. If a parent or District staff member is aware of a unique circumstance, they shall inform the student's Case Manager or the District's Special Education Director immediately in writing. Only

the Special Education Director or Superintendent of Schools may grant a waiver from the criteria.

When the District has agreed to pay for an independent evaluation at public expense, payment shall be made upon receipt of the evaluator's report, compliance with the District's evaluation criteria (unless a waiver of unique circumstances has been made), and receipt of an invoice from the evaluator. Should there be a disagreement on payment, the District must initiate a hearing without undue delay to demonstrate that the evaluation does not meet the District's criteria.

References:

NH Code of Admin Rules Ed 1100.1, 1102.21, 1107.0, 1107.04.

Code of Federal Regulations Section 34 CFR 300.12, 300.22, 300.320, 300.500 (a)(b), 300.502 (a-e), 300.531, 300.530-536.

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