

## **3565 (IHBAB) Special Education Evaluations 3565 (IHBAB)**

### **A. Statement of Policy.**

The State and Federal special education laws require that the Milford School District (“District”), as the local education agency (“LEA”), shall find, identify, and evaluate all children suspected to be children with disabilities. The District evaluates children upon referral for special education and reevaluates educationally disabled children at least once every three years or when conditions warrant a reevaluation. The District is committed to ensuring that each child’s Individual Education Program (IEP) team bases its decision on high quality, reliable, and educationally sound special education evaluations.

### **B. Eligibility for Special Education Services/Timelines.**

The availability, steps, timelines, and other procedures for initiating a referral, requesting, 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, updated December 20, 2024. Parents will receive a copy at the initial referral or parent request for an evaluation. A current copy of the handbook may be obtained from the Milford School District’s Executive Director of Student Support Services, or from the New Hampshire Department of Education. This policy establishes the criteria for those evaluations.

A referral for a special education evaluation may be initiated at any time by a parent, guardian, adult student, teacher, or other person who has reason to suspect that a child may have a disability. If the referral comes from someone other than the parent, including the child’s teacher, the parent will be immediately notified, in writing, that a referral has been made. The IEP team shall meet within 15 business days of receiving the referral to determine how the concerns may be addressed. Although not required by law, making the referral in writing and explaining why you believe a child may have a disability that requires special education will help to ensure that concerns are understood and addressed appropriately.

If the IEP Team decides that additional evaluation is necessary, the District will arrange evaluations, at no cost to a parent, to be conducted by trained and knowledgeable, certified or licensed evaluators. After the District has received a parent’s written consent for the evaluations, initial evaluations must be completed within 60 calendar days.

For reevaluations, the evaluation process shall be completed within 60 days after parent consent (unless a parent agrees to extend the timeline for up to an additional 30 days).

The Local Education Agency (LEA) shall provide parents with copies of each

examiner's evaluation and assessment report(s) at least 5 days prior to the meeting of the IEP team at which the evaluation and assessment report(s) will be discussed.

If a parent disagrees with the evaluation conducted by the District, they may request the school district provide an independent educational evaluation at no cost to the parent.

The IEP Team will use the evaluations to determine whether or not a child is eligible for special education. To be eligible, a child must have a disability and require special education or related services to access a free and appropriate public education ("FAPE").

Within 30 days after a child is found eligible for special education, the IEP Team will meet to develop an individualized education program (IEP) for the child. The IEP does not become effective until parental consent is received. The IEP team must meet at least once every three years to determine eligibility for special education.

### **C. Evaluation Criteria.**

The District has established the following criteria for all special education evaluations. These criteria apply to all evaluations conducted by District personnel, 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.

1. Evaluation Compliance: 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, and N.H. Code of Administrative Rules Ed 1107.
2. Evaluator Credentials:
  - a. The evaluation must be conducted in New Hampshire or a contiguous state, 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 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" exists, the District must be satisfied that the evaluator has extensive training and experience related to the known or suspected disability.

- c. An evaluator shall maintain the highest standard of professional ethics and adhere to the standards of their professional association.
- 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. 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 Executive Director of Student Support Services, or the administrator's designees. The evaluator should have access to the current evaluation and current IEP, if applicable. The evaluator is also required to release the assessments and results, including parent and teacher questionnaires, to members of the IEP team, the Executive Director of Student Support Services or the administrator's designees.

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 section C.5 of this policy.

- 5. Student Educational Record Review: The evaluator must review educational records located in the student's local public school and other relevant educational records.
- 6. Student Observation: Unless the child's IEP team determines otherwise, 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.
- 7. Evaluation Reports: All evaluation reports will include the appropriate standardization and reporting methods as designed by the test publishers.
- 8. Cost and Payment: There is no cost for evaluations conducted by District staff or individuals who are under contract with the District. The

cost of the independent evaluation will be established prior to the independent evaluation being conducted. The District will not pay for the evaluation until it receives the evaluator's completed report.

9. 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, or Executive Director of Student Support Services immediately. The District's Executive Director of Student Support Services or designee is authorized to grant a waiver.

#### **D. Information to Provide to Parents when an IEE is Requested**

The Executive Director of Student Support 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.

#### **E. Confidentiality.**

Evaluators who review student records and observe students in the District's classrooms must sign a separate agreement governing the terms of such review and observation that maintains the confidentiality of all reviewed materials and observations.

NH Statutes Description

RSA 186-C Special Education

NH Dept of Ed Regulation Description

N.H. Code Admin. Rules Ed 1107.03 Independent Educational Evaluations

N.H. Code Admin. Rules Ed 1120.07 Independent Educational Evaluations

N.H. Dept of Ed.'s Procedural Safeguards Handbook

Federal Regulations Description

34 CFR 300.300 - 300.502 34 C.F.R. 300.300 - 300.502

Federal Statutes Description

20 U.S.C. §1232g(a)(4)(B)(i) Family Educational Rights and Privacy Act

Adopted: 8/2012

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