

LITCHFIELD SCHOOL DISTRICT

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SCHOOL DISTRICT CRITERIA FOR SPECIAL EDUCATION EVALUATIONS

In an effort to ensure that evaluations of students, administered to determine eligibility for special education services and for the identification of educational needs, are of high quality, educationally sound, and respectfully considered the Litchfield School Board establishes this policy.

Further, as a public agency, it is the duty of the School District to adopt local evaluation criteria which meet or exceed the minimum standards recommended by the State of New Hampshire and the federal government. Such policy ensures district compliance with the state regulation which requires a local educational agency (LEA), a school district, to establish a process for referral and evaluation to determine whether or not a child has a disability and, if so, the nature and extent of needed special education and related services, or for the purposes of re-evaluation of identified students. [Ed. 1107.02 (a); 34 CFR § 300.12; Ed. 1102.21; 34 CFR § 300.12, § 300.500(b)(2), § 300.530 – 300.536); Ed.1107.0; 34 CFR § 300.500(a), § 300.500-300.529; 34 CFR § 300.502]

The Litchfield School Board and district personnel are committed to ensuring that all IEP Team eligibility decisions are based on high quality, reliable, scientifically based and educationally sound evaluations. Therefore, the Litchfield School Board has established procedures and criteria for educational evaluations, which apply to: a) evaluations conducted by the school district; and b) independent evaluations at public expense.

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SPECIAL EDUCATION EVALUATION PROCEDURES

These procedures and criteria are established to guide the administration of special education evaluations and the use of such evaluations in planning for the educational needs of students in the Litchfield School District. The language of policy, federal law, and state regulation is often complicated and extensive. Parents are encouraged to use local resources and to ask questions of and talk with school and district staff about the process of identification and determining educational need. Parents can also access local resources, including parent support groups, as well as the New Hampshire Department of Education.

Evaluations:

District personnel evaluate children upon referral for special education or any time conditions warrant or earlier, and re-evaluate identified, educationally disabled children at least once every three years or when conditions warrant a re-evaluation, and when a parent or teacher requests an evaluation. [34 C.F.R. § 300.531; 300.536]

In addition, federal law gives parents a right to an “independent educational evaluation.” Federal law defines an independent evaluation as “an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question.” [34 C.F.R. § 300.502(a)(3)(i) and 34 C.F.R. § 300.22]

Whenever parents obtain an independent evaluation at private expense, federal law requires that “the results of the evaluation . . . must be considered by the public agency if it meets agency criteria.” [34 C.F.R. § 300.502(c)(1)]

Federal law gives parents a “right to an independent educational evaluation at public expense” under certain circumstances “if the parent disagrees with an evaluation obtained by the public agency.” [34 C.F.R. § 300.502(b)(1)]. If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, initiate a hearing to show that its evaluation is appropriate or ensure that an independent educational evaluation is provided at public expense. [34 C.F.R. § 300.502(b)(i)(ii)]. The parent has a right to file for a due process hearing, mediation or neutral conference should the parent disagree with the school district’s determination regarding independent educational evaluations.

“If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as criteria that the public agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent’s right to an independent educational evaluation.” [34 C.F.R. § 300.502(e)(1)]. Public expense means that the independent evaluation is either paid in full or provided at no cost to the parent.

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The District may initiate a due process hearing to demonstrate the appropriateness of its own evaluation. [34 C.F.R. § 300.502(b)(2)(i)]. Even if the District initiates a hearing and the hearing officer upholds a determination in favor of the District's evaluation, the parent still has the right to an independent educational evaluation. However, that right to an evaluation is not at public expense. [34 C.F.R. § 300.502(b)(3)]

The Litchfield School Board has established the following criteria for educational evaluations, which apply to: a) evaluations conducted by the school district; and b) independent evaluations at public expense.

Criteria for Special Education Evaluations

Unique circumstances may justify a waiver of criteria. If a parent or district staff member is aware of such unique circumstances, they should inform the student's case manager or the district's special education director immediately in writing. Only the school district's special education director, superintendent of schools or designated LEA (Local Educational Agency) representative shall have the power to grant a waiver from these criteria.

1. The evaluation shall comply with the relevant provisions of the State and Federal Special Education Laws, including [34 C.F.R. §§ 300.530-300.536] and N.H. Code of Administrative Rules Ed 1107 Procedures for Evaluation and Determination of Educational Disability. For more information about parental rights and the special education process, please review the Parent Information booklet and/or contact the Special Education staff at the school or SAU office. Parents can also access local resources, including parent support groups, as well as the New Hampshire Department of Education.
2. A New Hampshire based evaluator or an evaluator with an office in New Hampshire or in contiguous states shall be used unless unique circumstances justify the selection of an evaluator in another location. In the case of such unique circumstances, such as a child with multiple handicaps," the person seeking an evaluation outside of the designated area shall show (a) that unique circumstances require evaluation outside the designated area; (b) that the costs of the evaluation are not excessive." [34 C.F.R. §§ 300.502(b)(4),(e)]
3. Evaluators shall hold current certification or license if so required by the State in which they are located. The evaluator shall be a "qualified examiner," who meets the criteria for a qualified examiner under Ed. 1107.04 and who is qualified to test for a suspected disability in accord with Table 1100.1 entitled 'Qualified Examiners by Type of Disability.' [Appendix A].

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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. They must be norm referenced 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, as appropriate, evaluators are encouraged to make additional contacts with other involved, general and special education teachers and related service providers.
9. District and Independent Evaluators, the parents, Director of Special Services and/or designees shall be encouraged to directly communicate and share pertinent information with each other.
10. District and Independent Evaluators shall provide written reports to the parents and school district respectively summarizing the results of the evaluation. All evaluation reports will include appropriate standardization and reporting methods as designed by the test publishers. An evaluation shall take place under standard test/evaluation conditions. If 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.

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Costs

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 for unique circumstances has been made), and receipt of an invoice from the evaluator. Should there be a disagreement on payment for an Independent Evaluation the District must without unnecessary delay initiate a hearing to demonstrate that the independent educational evaluation does not meet the District's criteria. [34 C.F.R. § 300.502(2)(ii)]

Statutory Reference:

N.H. Code of Administrative Rules Ed. 1100.1, 1102.21, 1107.0, 1107.04

Code of Federal Regulations Section 34 C.F.R. § 300.12; 300.22; 300.320; 300.500(a)(b); 300.502(a-e); 300.531; 300.530-536

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Table of Assessments Required for Determination of Educational Disabilities
 (as provided by the State of New Hampshire Department of Education)

<u>Education Handicaps</u>	<u>Assessments Required</u>	<u>Qualified Examiners</u>
AUTISM	Academic Performance	Associate School Psychologist
		Certified Educator
		Guidance Counselor
		Psychologist
		S.A.I.F.**
		School Psychologist
	Adaptive Behavior	Associate School Psychologist
		Certified Educator
		Guidance Counselor
		Psychologist
		S.A.I.F.**
		School Psychologist
	Communicative Skills	Speech-Language Pathologist
Speech-Language Specialist		
Speech-Language Therapist*		
Health	Licensed Physician	
DEAF-BLINDNESS	Academic Performance	Associate School Psychologist
		Certified Educator
		Guidance Counselor
		Psychologist
		S.A.I.F.**
		School Psychologist
	Hearing	Audiologist
		Otolaryngologist
		Otologist
	Vision	Ophthalmologist
Optometrist		
DEAFNESS	Academic Performance	Associate School Psychologist
		Certified Educator
		Guidance Counselor
		Psychologist
		S.A.I.F.**
		School Psychologist
	Hearing	Audiologist
		Otolaryngologist
		Otologist

<p>DEVELOPMENTAL DELAY - In order to identify a child as educationally disabled as the result of a developmental delay, the IEP Team must determine that there are clear indicators present that the child may have one of the other educationally disabling conditions. Therefore, the required assessments and qualified examiners are the same as for the suspected disabling condition. Examiners must be qualified to evaluate the specific disabilities suspected of causing the developmental delay.</p>	<p><i>Varies based on the suspected disability</i></p>	<p><i>Varies based on the suspected disability</i></p>
<p>EARLY IDENTIFICATION (BIRTH - 3)</p>	<p><i>At least one assessment by a qualified examiner</i></p>	<p><i>Varies based on the assessment(s) administered</i></p>
<p>EMOTIONAL DISTURBANCE</p>	<p>Academic Performance</p>	<p>Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist</p>
	<p>Social/Emotional Status</p>	<p>Associate School Psychologist Psychiatrist Psychologist School Psychologist</p>
<p>HEARING IMPAIRMENT</p>	<p>Academic Performance</p>	<p>Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist</p>
	<p>Hearing</p>	<p>Audiologist Otolaryngologist Otologist</p>
<p>MENTAL RETARDATION</p>	<p>Academic Performance</p>	<p>Associate School Psychologist Certified Educator Guidance Counselor Psychologist S.A.I.F.** School Psychologist</p>
	<p>Adaptive Behavior</p>	<p>Associate School Psychologist Certified Educator Guidance Counselor Psychiatrist Psychologist S.A.I.F.** School Psychologist Social Worker</p>
	<p>Intelligence</p>	<p>Associate School Psychologist Psychologist S.A.I.F.** School Psychologist</p>

MULTIPLE DISABILITIES - requires at least two concomitant disabilities which are evaluated and documented in the student's evaluation record. This primary disability refers to concomitant impairments which cause severe educational problems (see definition: Ed 1102.31(g))	<i>Varies based on the two or more disabilities suspected</i>	<i>Varies based on the assessments administered</i>
ORTHOPEDIC IMPAIRMENT	Academic Performance	Associate School Psychologist
		Certified Educator
		Guidance Counselor
		Psychologist
		S.A.I.F.**
		School Psychologist
	Health	Licensed Physician
	Motor Ability	Licensed Physician
		Neurologist
		Occupational Therapist
		Physical Therapist
OTHER HEALTH IMPAIRED SPECIFIC LEARNING DISABILITY	Academic Performance	Associate School Psychologist
		Certified Educator
		Guidance Counselor
		Psychologist
		S.A.I.F.**
		School Psychologist
	Health	Licensed Physician
	Intelligence	Associate School Psychologist
		Psychologist
		S.A.I.F.**
		School Psychologist
	Observation	Associate School Psychologist
		Certified Educator
		Guidance Counselor
		Psychologist
		S.A.I.F.**
		School Psychologist
	Hearing	Audiologist
		Otolaryngologist
		Otologist
		School Nurse
Vision	Opthamologist	
	Optometrist	
	School Nurse	

SPEECH-LANGUAGE IMPAIRMENT	Academic Performance	Associate School Psychologist
		Certified Educator
		Guidance Counselor
		Psychologist
		S.A.I.F.**
		School Psychologist
Communicative Skills	Speech-Language Pathologist	
	Speech-Language Specialist	
	Speech-Language Therapist*	
TRAUMATIC BRAIN INJURY	Academic Performance	Associate School Psychologist
		Certified Educator
		Guidance Counselor
		Psychologist
		S.A.I.F.**
		School Psychologist
Health	Licensed Physician	
<i>A minimum of 2 of the following assessments must also be completed:</i>	Adaptive Behavior	Associate School Psychologist
		Certified Educator
		Guidance Counselor
		Psychiatrist
		Psychologist
		S.A.I.F.**
		School Psychologist
		Social Worker
	Communicative Skills	Speech-Language Pathologist
		Speech-Language Specialist
		Speech-Language Therapist*
	Intelligence	Associate School Psychologist
		Psychologist
		S.A.I.F.**
		School Psychologist
	Social/Emotional Status	Associate School Psychologist
Psychiatrist		
Psychologist		
School Psychologist		
VISUAL IMPAIRMENT/BLINDNESS	Academic Performance	Associate School Psychologist
		Certified Educator
		Guidance Counselor
		Psychologist
		S.A.I.F.**
		School Psychologist
	Vision	Ophthalmologist
		Optometrist
	Vocational	Certified Educator
Guidance Counselor		
Vocational Educator		
Rehabilitation Counselor		

Speech-Language Therapist*: <i>Person issued a New Hampshire Department of Education specialist certificate as a speech and hearing therapist before July 1, 1986</i>		
S.A.I.F.**: <i>Specialist in the Assessment of Intellectual Functioning</i>		