

The State and Federal special education laws require that the Merrimack School District evaluate children with disabilities who are in need of special education and related services. The District evaluates children upon referral for special education and reevaluates children with educational disabilities at least once every three years or when conditions warrant a re-evaluation.

The Merrimack School District is committed to ensuring that each child's IEP team bases its decision on high quality, reliable and educationally sound special education evaluations. As a result, the Merrimack School 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 District staff member is aware of such unique circumstances, they should inform the student's special education teacher, building LEA or district special education administrator immediately.

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 Code of Administrative Rules Ed 1107.
2. The evaluator must hold a valid license or certification 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 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.
3. 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. These tests must measure the same cognitive, motoric and achievement skills as district tests, and meet the same standards of technical adequacy for reliability and validity.
4. The cost of independent evaluations shall not exceed the usual and customary rate for such evaluations. The School District will not pay for the evaluation until it receives the evaluator's report.
5. The independent evaluator must review educational records located in the student's local public school and other relevant educational records.

7. The independent 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.
8. The independent evaluator must be permitted to directly communicate and share information with members of the IEP team, the district's Special Education Administrator or the administrator's designees. The evaluator must also release the assessments and results, including parent and teacher questionnaires, to members of the IEP team, the Special Education Administrator or the administrator'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 independent evaluator's records directly pertaining to the student being evaluated, 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 [34 C.F.R. 300.502(b)(2)] to request an independent educational evaluation at school district expense when the parent disagrees with the School District's evaluation. The provision for an independent educational evaluation cannot be invoked by a parent who had refused to consent to a District evaluation.

The Merrimack School District may deny a request for an independent educational evaluation at public expense and initiate a due process hearing to demonstrate that the District's evaluation was appropriate.

A parent always 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.

Law Reference: N.H. Code of Administrative Rules Ed. 1105.26, 1107, 1125.07 (Amended 2001); 34 C.F.R. 300.301-300.311, 300.502 (effective Oct. 13, 2006). Formerly 34 C.F.R. 300.502, 300.530-300.536 (1999).

Appendix Reference: