



Special education series

Know your Rights:



Educational Evaluations

When you or the school believe your child may have an educational disability, the first step towards getting him or her help is to refer your child to the school for a thorough evaluation. You, your child's doctor, teacher, or anyone else can make the referral to the school district's special education team for an evaluation. If the school suspects that your child has a disability, the school must refer your child. The purpose of the evaluation is to determine whether your child needs special education and related services, and to determine your child's present levels of academic achievement and related developmental needs. The school district is responsible for the costs of the evaluation.

Once the school receives a referral, it must immediately notify you. Within 15 days of the referral, the team must meet to consider whether an evaluation is necessary. As the parent, you are a part of the team. The team must decide whether the concerns raised by the referral can be addressed using existing educational services available to all children, whether additional information is required, and what testing, if any, is needed to address any unresolved concerns. Within 15 days of the referral, the team must give you written notice of its decisions.

What does the evaluation consist of?

The school district must use multiple measures and assessments, not just one test, to determine if your child is eligible for special education and related services. The team shall consider aptitude and achievement tests, parent input, teacher input, assessment of adaptive behavior, and any independent evaluations. The school must assess your child in all areas related to the suspected disability, such as health, vision, hearing, social and emotional status, general intelligence, academic performance, communication, and motor abilities. The evaluation must be thorough enough to identify all of the child's special education and related services needs, whether or not those needs are related to the disability category in which the child has been referred.

What are the timelines for evaluations?

In New Hampshire, an initial evaluation, including the written report, must occur within 45 days of receiving parental consent for the evaluation. (note: if the evaluation is court-ordered, it must occur within the timelines set by the court, or if not set, within 60 days.) The report must include the results of each evaluation, procedure, test, record, or report and a written summary of the findings of the procedure, test, record, and/or report. The time can be extended by no more than 15 days if the parent and the school district agree in writing. Note: You don't have to agree to an extension!



Disabilities Rights Center
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Fax: (603) 225-2077
advocacy@drcnh.org
www.drcnh.org

This brochure is not meant to be legal advice. For specific legal advice, you should talk to a lawyer.

What if I don't consent to an evaluation?

If you do not consent to an initial evaluation, or you don't respond to the school district's request to evaluate your child, the school district may initiate a due process hearing and ask the hearing officer to require the evaluation.

Access to Your Child's Evaluations

If you ask for them, the school district must give you your child's test results and other relevant educational records at least 5 days before the team meeting.

Reevaluations

Once your child is receiving special education, the school district must ensure that a reevaluation of your child is conducted, if it determines that a reevaluation is needed, or if you or the teacher requests a reevaluation. Reevaluations must be conducted at least once every three years and are not permitted more than once a year. These timelines can be changed if the parent and the district agree to do so.

Independent Educational Evaluations

You have the right to obtain an independent educational evaluation of your child. At your request, the school must provide you with information about where an independent evaluation may be obtained. You may have to pay for the independent evaluation yourself. If you ask the school district to pay for the evaluation, the school must promptly either initiate a hearing to show that its own evaluation is appropriate (and therefore an independent evaluation is not needed), or pay for the evaluation. The school district does not have to pay for the evaluation if it can show, in a hearing, that the evaluation you obtained did not meet agency criteria. The criteria the agency uses in making this determination must be the same as those it uses for its own evaluations. If the public agency initiates a hearing, and the final decision is that the agency's evaluation is appropriate, the parent still has the right to an independent evaluation, but not at public expense. If the evaluation meets agency criteria, it must be considered in any decision made regarding your child's education. The school may not unreasonably delay either providing the independent evaluation or initiating a due process hearing.

