

POLICY COMMITTEE MEETING

TUESDAY, OCTOBER 20, 2026

6:00 PM

NHS NORTH BOARD ROOM

Meetings are broadcast live on Channel 22 via Comcast or

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[time subject to change]

AGENDA

COMMITTEE MEMBERS: H. Raymond, R. Johnson, R. Lamphier, and J. Lewis (Alt.)

CALL TO ORDER

ROLL CALL

- ACE - Procedural Safeguards: Non-Discrimination on the Basis of Handicap/Disability
- IHBA - Programs for Pupils with Disabilities
- IHBA-R1 - Programs for Pupils with Disabilities Section 504 – Notice of Parent & Student Rights
- IHBA - Criteria for Special Education Evaluations
- IHBA - Special Education Evaluations

NONPUBLIC SESSION, IF NEEDED:

- RSA 91 A:3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests an open meeting in which case the request shall be granted.
- RSA 91 A:3 II (b) The hiring of any person as a public employee.
- RSA 91 A:3 II (c) Matters which, if discussed in public, likely would affect adversely the reputation of any person, other than a member of the BOE, unless such person requests an open meeting.
- RSA 91 A:3 II (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the body or agency or any subdivision thereof, or against any member thereof, because of his membership in such body or agency, until the claim or litigation has been fully adjudicated or otherwise settled....
- RSA 91 A:3 III Minutes of the meetings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. Minutes and decisions reached in nonpublic session shall be publicly disclosed within 72 hours of the meeting, *unless, by recorded vote of 2/3 of the members present taken in public session, it is determined that divulgence of the information likely would affect adversely the reputation of any person other than a member of the public body itself, or render the proposed action ineffective, or pertain to terrorism....*

ADJOURNMENT

NONMEETING FOR NEGOTIATIONS, IF NEEDED

NONMEETING WITH COUNSEL, IF NEEDED

Mario Andrade, Ed. D.
Superintendent



James O'Rourke, M. Ed., CAGS
Assistant Superintendent

Krystal De Gray, MBA
Chief Operating Officer

141 Ledge Street, Nashua, New Hampshire 03060
T: (603) 966-1000 www.nashua.edu

Jennifer Scarpati, Ph. D.
Assistant Superintendent

MEMORANDUM

TO: Board of Education, Policy Committee

FROM: Jim O'Rourke, Assistant Superintendent

DATE: October 20, 2026

SUBJ: Policy Recommendations

Attached please find the following policies requiring review and approval/rescission:

	POLICY	POLICY NAME	STATUS	DISPOSITION REQUESTED
1	ACE	Procedural Safeguards: Non-Discrimination on the Basis of Handicap/Disability	Update	Approval
2	IHBA	Programs for Pupils with Disabilities	Proposed	Approval
3	IHBA-R1	Programs for Pupils with Disabilities Section 504 – Notice of Parent & Student Rights	Proposed	Approval
4	IHBAA	Criteria for Special Education Evaluations	Update	Approval
5	IHBAB	Special Education Evaluations	Proposed	Approval

**PROCEDURAL SAFEGUARDS: NON-DISCRIMINATION ON THE BASIS OF
HANDICAP/DISABILITY**

The school district will ensure that all students with a handicap or disability are provided all necessary procedural safeguards as are required by law. Such procedural safeguards are found in pertinent federal and state laws and regulations. In addition, all staff, students, parents and other interested persons are directed to the New Hampshire Department of Education Procedural Safeguards Handbook.

Free or Low-Cost Assistance / Resources

There are free and low-cost services available to help you understand and access their rights under special education and the special education process. Listed below are some agencies that can provide this assistance.

Director of Special Education for the School District
(School districts must maintain a listing of free or low-cost legal resources, which may include local resources)

Bureau of Special Education
New Hampshire Department of Education
101 Pleasant Street
Concord, New Hampshire 03301-3860
Telephone: (603) 271-3741
Fax: (603) 271-1099

Disabilities Right Center, Inc.
P.O. Box 3660
Concord, New Hampshire 03301
Telephone: (603) 228-0432 or 1-800-834-1721
Fax: (603) 225-2077
E-mail: advocacy@drcnh.org

New Hampshire Bar Association/Pro Bono
112 Pleasant Street
Concord, New Hampshire 03301
Telephone: (603) 224-6942 or 1-800-852-3799
(Intake is through the Disabilities Rights Center)

Parent Information Center (PIC)
54 Old Suncook Road
Concord, New Hampshire 03301
(603) 224-7005 or 1-800-947-7005
Fax: (603) 224-4365
Web Site (connects to staff e-mail): www.parentinformationcenter.org

Parent Information Center offers a free booklet called “Steps in the Special Education Process” which provides details about the special education process and the laws.

Note: Additional information may be obtained by contacting your local school district, the NH Department of Education at (603) 271-3741 or on the NH Department of Education’s website: http://www.education.nh.gov/instruction/special_ed/index.htm

Legal References:

RSA 354-A:27 Opportunity for Public Education without Discrimination a Civil Right

NH Department of Education Administrative Rules, Ed 1120, Procedural Safeguards

34 C.F.R. Part 104, Nondiscrimination on the Basis of Handicap

29 U.S.C. 794~~*Section 504 of The*~~ *Rehabilitation Act of 1973 - Section 504*

Legal References Disclaimer: *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

Board Approved: 12/22/2008 (Replaces POPPS 8410), 03/27/2023, 06/26/2023

PROGRAMS FOR PUPLS WITH DISABILITIES**A. PROGRAMS AND SERVICES**

The District shall provide a free appropriate public education and necessary related services to all children with disabilities residing within the district, required under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans With Disabilities Act (Title II), and New Hampshire Law. These laws include procedures for identification, evaluation, placement, and delivery of services to children with disabilities.

Disabilities are defined differently under the IDEA than under Section 504 and Title II. While the IDEA focuses on special educational services for children with disabilities and the related rights afforded to eligible students and their parents, Section 504 and Title II focus on the nondiscrimination rights of students as well as other individuals with disabilities who are not students, such as family members with disabilities and members of the public with disabilities seeking information from, or access to, the services, programs, and activities of the public school. Such rights can include the provision of regular or special education and related aids and services that are designed to meet the individual educational needs of students with disabilities as adequately as the needs of non-disabled students are met.

While all students who are eligible for special education and related services under the IDEA are protected by Section 504 and Title II, not all students protected by Section 504 and Title II are eligible for services under the IDEA. In other words, students may be disabled within the meaning of Section 504 and Title II even though they do not require services and specially designed instruction pursuant to the IDEA.

An IDEA-eligible student is entitled to receive special education and related services when the student reaches three years of age and continues until the student's 22nd birthday or until such time as he/she receives a regular high school diploma, whichever occurs first, or until the student's Individualized Education Program (IEP) Team determines that the student no longer requires special education in accordance with federal and state law. At the discretion of the Superintendent and/or his/her designee, students who reach the age of 22 during the academic year may be allowed to complete the remainder of the school year.

B. NOTICE OF PROCEDURAL SAFEGUARDS

1. **IDEA SAFEGUARDS.** For IDEA-eligible students, the District utilizes the New Hampshire Special Education Procedural Safeguards, which can be accessed through the New Hampshire Department of Education website or obtained from the District's Special Education Office.

The District will provide a copy of New Hampshire Procedural Safeguards in Special Education to the parents/guardians of a child with a disability one time per year. This is typically done at each annual IEP team meeting. A copy shall also be given to the parents:

- a. Upon initial referral or parent request for evaluation;
- b. Upon receipt of the first request for a due process hearing filed in a school year;
- c. Upon receipt of the first State complaint in a school year;
- d. Upon request by a parent; and
- e. In accordance with the discipline procedures in §300.530(h).

Further information regarding special education procedures and services is available through the District Special Education Office, and in the District's Special Education Policy and Procedures Manual, a copy of which is available through that office.

2. **SECTION 504 SAFEGUARDS.** For procedural safeguards relative to Section 504, the District utilizes the "Notice of Parent and Student Rights Under Section 504", an administrative document coded as IHBA-R.

The Superintendent or Superintendent's designee shall assure that the Notice of Parent and Student Rights Under Section 504 is updated annually to reflect current contact information consistent with the annual update of policy AC-E. The District shall provide a copy of the Notice of Parent and Student Rights Under Section 504 to the parents/guardians of a child with a disability one time per year. This is typically done at each Section 504 team meeting.

Legal References:

RSA 186-C, Special Education

RSA 186-C:10-a, Retention of Individualized Education Programs

N.H. Code Admin. Rules Ed 1100, Standards for the Education of Students with Disabilities

34 CFR 104, Nondiscrimination on the Basis of Handicap

34 CFR 300 et seq., Assistance to the States for the Education of Children with Disabilities

20 U.S.C. §§1400 et seq., Individuals with Disabilities Education Law

20 U.S.C. §1400-1417, Individuals with Disabilities Education Act (IDEA)

29 U.S.C. 794, Rehabilitation Act of 1973 (Section 504)

42 U.S.C. 12101, et seq., Title II of The Americans with Disabilities Act of 1990

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Board Approved:

**PROGRAMS FOR PUPILS WITH DISABILITIES - SECTION 504
NOTICE OF PARENT & STUDENT RIGHTS****Notice of Parent and Student Rights under Section 504 Rehabilitation Act of 1973**

The Rehabilitation Act of 1973, commonly referred to as “Section 504,” is a nondiscrimination statute enacted by the United States Congress. The purpose of the act is to prohibit discrimination and to ensure that disabled students have educational opportunities and benefits comparable to those provided to non-disabled students.

An eligible student under Section 504 is a student who (a) has, (b) has a record of having, or (c) is regarded as having a physical or mental impairment that substantially limits a major life activity such as, but not limited to learning, self-care, walking, seeing, hearing, speaking, breathing, working, and performing manual tasks.

Dual Eligibility: Many students will be eligible for education services under both Section 504 and the Individuals With Disabilities Education Act (IDEA). Students who are eligible under IDEA have many specific rights that are not available to students who are eligible solely under Section 504. An explanation of procedural safeguards for New Hampshire students eligible for services under the IDEA may be found in the "New Hampshire Special Education Procedural Safeguards Handbook available through the school district's Special Education Department and sets out the rights assured by IDEA.

It is the purpose of this notice to set out the rights assured by Section 504 to those disabled students who do not qualify under IDEA. The enabling regulations for Section 504 as set out in 34 CFR Part 104 provides parents and/or students with the following rights:

1. You have a right to be informed by the school district of your rights under Section 504. (34 CFR §104.32)
2. Your child has the right to an appropriate education designed to meet his/her individual educational needs as adequately as the needs of non-disabled students are met. (34 CFR §104.33)
3. Your child has the right to free educational services except for those fees that are also imposed on non-disabled students or their parents. Insurers and similar third parties are not relieved from an otherwise valid obligation to provide or to pay for services provided to a disabled student. (34 CFR §104.34)
4. Your child has a right to placement in the least-restrictive environment. (34 CFR §104.34)
5. Your child has a right to facilities, services, and activities that are comparable to those provided for non-disabled students. (34 CFR §104.34)
6. Your child has a right to an evaluation prior to an initial Section 504 placement and prior to any subsequent significant change in placement. (34 CFR §104.34)
7. Testing and other evaluation procedures must conform to the requirements of 34 CFR §104.35 as to validation, administration, areas of evaluation, etc. The district shall consider information from a variety of sources, such as assessment, aptitude and achievement tests, teacher recommendations, physical condition or medical reports, student grades, progress reports, parent observations, and anecdotal reports. (34 CFR §104.35)

8. Placement decisions must be made by a group of persons (i.e., the Section 504 Committee) including persons knowledgeable about your child, the meaning of the least-restrictive environment, and comparable facilities. (34 CFR §104.36)
9. If eligible under Section 504, your child has a right to periodic reevaluations, generally every three years. (34 CFR §104.35). You have the right to notice prior to any action by the district in regard to the identification, evaluation, or placement of your child. (34 CFR §104.36)
10. You have the right to examine relevant records. (34 CFR §104.36)
11. You have the right to an impartial hearing with respect to the district's actions regarding your child's identification, evaluation, or educational placement, with the opportunity for parental participation in the hearing and representation by an attorney. (34 CFR §104.36)
12. If you wish to challenge the actions of the district's Section 504 Committee in regard to your child's identification, evaluation, or educational placement, you should file a written Notice of Appeal with the district's Section 504 Coordinator within 30 calendar days from the time you receive written notice of the Section 504 Committee's action(s).

Director of Special Education
603-966-1000

A hearing will be scheduled before an impartial hearing officer, and you will be notified in writing of the date, time, and place for the hearing.

13. If you disagree with the decision of the impartial hearing officer, you have a right to a review of that decision by a court of competent jurisdiction. (34 CFR §104.36)
14. On Section 504 matters other than your child's identification, evaluation, and placement, you have a right to file a complaint with the district's Section 504 Coordinator (or designee), who will investigate the allegations to the extent warranted by the nature of the complaint in an effort to reach a prompt and equitable resolution.
15. You also have the right to file a complaint with the Office of Civil Rights. The address of the Regional Office with jurisdiction in New Hampshire is:

Office for Civil Rights
U.S. Department of Education,
5 Post Office Square
Boston, Massachusetts 02109-3921
Tel: (617) 289-0111
TTY: (877) 521-2172
FAX: (617) 289-0150
OCR.Boston@ed.gov
Web Contact: www.ed.gov

Legal References:

RSA 186-C Special Education
RSA 186-C:10-a, Retention of Individualized Education Programs
N.H. Code Admin. Rules Ed 1100, Standards for the Education of Students with Disabilities
34 CFR 104, Nondiscrimination on the Basis of Handicap

34 CFR 300 et seq., Assistance to the States for the Education of Children with Disabilities

20 U.S.C. §§1400 et seq., Individuals with Disabilities Education Law

20 U.S.C. §1400-1417, Individuals with Disabilities Education Act (IDEA)

29 U.S.C. 794, Rehabilitation Act of 1973 (Section 504)

42 U.S.C. 12101, et seq., Title II of The Americans with Disabilities Act of 1990

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Board Approved:

CRITERIA FOR SPECIAL EDUCATION EVALUATIONS

State and Federal special education laws require the Nashua School District to evaluate students who are suspected of having an educational disability or have an established educational disability to determine whether they may be or continue to be eligible to receive special education and related services. In order for a student to be eligible for special education and/or related services, the evaluations must demonstrate that the student (1) has a disability, and (2) the disability negatively impacts the student's education. The district evaluates students upon referral for special education and re-evaluates educationally disabled students at least once every three years or when conditions warrant a re-evaluation.

The district is committed to ensuring that each student's special education or multi-disciplinary team bases its decision on high quality, reliable and educationally sound special education evaluations.

As a result, the district has established the following list of criteria for all special education evaluations conducted, obtained, or funded by the district. Unique circumstances may justify deviation from these criteria. If a parent/guardian or district staff member is aware of any extenuating circumstances, they should inform the student's case manager or the district's special education director immediately.

All evaluations conducted or funded by the Nashua School District must meet the following criteria:

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 Special Education Standards for the Education of Children with Disabilities (2017).
2. The evaluation must be conducted within 75 miles of the Nashua School District, by an evaluator whose principal office is located in New Hampshire, unless there is no qualified examiner in New Hampshire.
3. 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 accordance with NH Special Education Standards Ed 1107.04 and Table 1100.1. 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.
4. 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 education level of the student and measure the same cognitive, motoric, and achievement skills as the district tests, and meet the same standard of the technical adequacy for reliability and validity.
5. All evaluation reports will include the appropriate standardization and reporting methods as designed by the test publishers.
6. For evaluations funded by the district, the cost of the evaluation shall not exceed the usual and customary rate for such evaluations. The evaluator will provide an itemized estimate of cost of the proposed evaluation prior to the start of the evaluation. The school district will not pay for an evaluation until it receives the evaluator's report.
7. The evaluator must review the student's relevant educational records.
8. Unless otherwise determined by the IEP team, the evaluator must either:
 - a. Observe the student in one or more educational settings; or
 - b. Make at least one contact with the student's general education teachers for the purpose of determining how the student is progressing in the general curriculum. Additionally, evaluators are encouraged to make additional contacts with other involved general and special education teachers and related service providers.
9. The evaluator must be permitted to directly communicate and share information with members of the IEP team, the district's special education director, and the director's designees. The evaluator must also release the assessments and results, including any parent/guardian and teacher

questionnaires, to members of the IEP team, the district's special education director, and the director's designees.

10. The evaluator will participate in the evaluation review meeting, in person or virtually. When the evaluator is unable to participate, an individual who can interpret the instructional implications of the evaluation results may attend.
11. The district shall be entitled to inspect and obtain copies of the evaluator's records, 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/guardians have a right to request an Independent Educational Evaluation (IEE) at public expense when the parent/guardian disagrees with the school district's evaluation. The provision for independent evaluation cannot be invoked by a parent/guardian who has previously refused to provide consent to a district evaluation.

The Nashua School District may deny a request for an IEE at public expense and initiate a due process hearing to show that the district's evaluation is appropriate. If the parent/guardian requests an IEE, the district may ask for the parent's/guardian's reason for objection to the district's evaluation. However, the parent/guardian is not required to provide an explanation and the district may not unreasonably delay the process of obtaining an IEE or filing a due process complaint. The district is unable to impose timelines related to obtaining an IEE at public expense.

Parents/Guardians have the right to obtain an IEE at his/her own expense. The team must consider the results of any IEE, regardless of who funds it, if the evaluation meets the district's criteria in decisions about the provision of a Free Appropriate Public Education (FAPE) for the student.

All staff, students, parents/guardians and other interested persons are directed to the New Hampshire Department of Education Special Education Standards for the Education of Children with Disabilities (3/24/2017) for further details regarding special education evaluations. The Nashua School District is committed to ensuring the rights of students and parents/guardians to receive appropriate Special Education evaluations.

Legal References:

[RSA 186-C:10-a, Retention of Individualized Education Programs](#)

[RSA 200:59, Screening and Intervention for Dyslexia and Related Disorders](#)

NH Code of Administrative Rules, Section Ed 1107.02(b), Evaluation Requirements for Children with Specific Learning Disabilities

[34 CFR 300.307-.309, Additional Procedures for Identifying Children with Specific Learning Disabilities](#)

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Board Approved: 01/25/2021

SPECIAL EDUCATION EVALUATIONS

A. Statement of Policy

State and Federal special education laws require that the District, as the local educational agency (“LEA”), shall find, identify, and evaluate all children suspected to be children with disabilities. The District is committed to ensuring that each child’s IEP team bases its decisions on high quality, reliable, and educationally sound special education evaluations.

The availability, steps, timelines, and other procedures for requesting, initiating a referral, 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*, a current copy of which may be obtained from the child’s building Special Education Coordinator, the District Special Education office, or from the New Hampshire Department of Education. This policy establishes the criteria for those evaluations.

B. Evaluation Criteria

To assure high quality, reliable, and educationally sound evaluations, and consistency among those evaluations, the District has established the following list of criteria for all special education evaluations the district conducts, all evaluations the District asks outside contractors to conduct, and all individual educational evaluations (“IEE”) parents expect the District to review, consider and/or fund.

1. 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, building LEA or district special education administrator immediately. The District’s Director of Special Education is authorized to grant a waiver.
2. Evaluator Credentials:
 - a. The evaluation must be conducted in New Hampshire, by an evaluator whose principle office is located in New Hampshire, or in a state that is contiguous to New Hampshire, unless there is no qualified evaluator in New Hampshire or its contiguous states.
 - b. 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. Test Protocol Requirement: All tests administered shall 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. Student Educational Record Review: The evaluator must review educational records located in the student’s local public school and other relevant educational records.
5. Communications 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, and to the Director of Special Education or designees. The evaluator should have access to current evaluation and current IEP if applicable.

The evaluator is required to release the assessments and results, including any parent and teacher questionnaires, to members of the IEP team, and to the Director of Special Education/Building Special Education Coordinator or their designees.

Additionally, the District shall be entitled to inspect and obtain copies of the evaluator's records, including any records created by third parties. However, for purposes of the federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g(a)(4)(B)(i), 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.

Accordingly, parents/guardians must authorize a release of information to allow for the sharing of such information as well as the records indicated in paragraph B.4.

6. Student Observation: In the absence of a contrary determination by the child's IEP team, 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 Compliance: The evaluation must comply with the relevant provisions of the State and Federal Special Education Laws, including, without limitation, 34 C.F.R. 300.530-300.536 and New Hampshire Dept. of Education Rules Ed 110
8. Evaluation Reports: All evaluation reports will include the appropriate standardization and reporting methods as designed by the test publishers.
9. Cost & Payment: The cost of the evaluation 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.

C. Information to Provide to Parents

The Director of Special Education or designee shall provide a copy of this policy to parents who indicate they are considering obtaining an IEE, and shall make available upon parent/guardian request information about where an IEE may be obtained.

Legal References:

RSA 186-C Special Education

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 - <https://www.education.nh.gov/who-we-are/division-of-learner-support/bureau-of-student-support/special-education/procedural-safeguards>
(As of August, 2022)

34 CFR 300.300 - 300.502

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

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