**INITIAL ELIGIBILITY IEP MEETINGS**

**Purpose of Eligibility IEP Meetings**

An Eligibility IEP Meeting is conducted as a result of a referral for evaluation of a possible disability of a student for which special education and related services might be required.

It is the responsibility of the Eligibility IEP team members to:

1. determine if the student has one or more disability,

2. identify the effects the disability has on educational performance, and

3. identify the special educational needs that results from the adverse effect caused by the student’s disabling condition(s).

*Timelines for Eligibility IEP Meetings*

The conference to determine eligibility must be held no later than 60 school days after the date of parent consent. If the student is found eligible, the IEP meeting shall be conducted within 30 calendar daysafter the date of that determination but still within the 60 school day time limit. If there were less than 60 school days left in the school year, the Eligibility IEP meeting must be held before the first day of the next school year.

For evaluations for which no additional information is needed, the team may proceed into the Eligibility conference as long as parental consent has been obtained, and the parent has waived the 10-day written notice for the meeting.

*Format of Meeting*

The IEP team shall designate a person to facilitate the meeting. This person should understand the special education eligibility process and be able to handle any conflicts which may arise.

Conferences should begin with a statement indicating that the purpose of the meeting is to determine the existence of a disability, to determine if the disability adversely affects the child’s educational performance, and if the child is eligible for special education services. These three separate steps for determining eligibility should be made clear to all participants.

The team members then review the evaluation results relevant to the purpose of the meeting. If information is not relevant to the disability in question, then it is not necessary to share the information at the meeting.

The team may either choose to have each person share their individual evaluation reports, have one spokesperson review all evaluation results, or have each person share results as they relate to each of the criteria for the disability in question.

Regardless of how the team chooses to present evaluation results, decisions regarding identification of the disability shall be made by reviewing the criteria checklists contained in Appendix A.

Following the identification of a disability, the team must determine if the disability adversely affects the student’s educational performance.

If there is an adverse effect, then the team must determine if special education and related services are required to address the adverse effect. Eligibility conferences will include discussion of the type and intensity of specialized instruction needed, but all final decisions regarding the type and intensity of instruction that will be provided will be determined at the IEP meeting.

*Forms To Be Completed*

*Parent/Guardian Notification of Conference*

Prior to holding an eligibility meeting, the Notification of Conference Form must be completed and sent to parents 10 days prior to the meeting and participating staff members. Directions for completing the Notification of Conference form are located in the Parent Notifications section.

*Conference Summary Report*

The purpose of the meeting on this form shall include “Initial Evaluation.”

At the beginning of the meeting make sure parents confirm the identifying information on the Conference Summary Form.

All team members should sign in to indicate their attendance at the meeting. The box “Eligibility IEP” shall be checked next to each participant’s name. Complete directions for this form are located in the IEP section.

*Documentation of Evaluation Results – All Categories except Specific Learning Disability*

This form is completed for any meeting in which the results of a recent evaluation are being discussed for the purpose of determining eligibility. Thus, it should not be completed for each IEP review.

This form should be completed PRIOR to the Eligibility IEP meeting. Each person who has completed a component of the evaluation shall complete any section for which he/she has information to include. If information came from a review of records only, the person most closely associated with the component shall be responsible for completing the section (e.g., Communicative Status completed by Speech Therapist) even if no new data was collected.

It is recommended that the person completing the section denotes their name after their information. More than one person can submit information in a section; however, team members should be mindful of the limited space available.

For any area which was deemed “not relevant” at the domain meeting, the section can be marked “N/A.”

For all eligibility categories other than Specific Learning Disability, this form must be completed. This includes Developmental Delay, Intellectual Disability, Autism, Emotional Disability, Deafness, Deaf-Blind, Visual Impairment, Hearing Impairment, Traumatic Brain Injury, Other Health Impairment, Multiple Disabilities, Speech or Language Impairment, and Orthopedic Impairment.

If the parent(s) obtained an outside evaluation, the team must document consideration of the evaluation.

For all assessments, describe how procedures were modified to be culturally and linguistically nondiscriminatory, or adapted because of sensory and/or physical disabilities, if needed.

For all relevant domains, strengths and/or deficits in the student’s functioning should be described including narratives and scores from evaluation reports. In particular, any information that is used as a basis for determining a student’s eligibility should be included. Indicate N/A if the area was not assessed. “See Attached Report” may be used only if the final typed report is provided to all IEP team members at the time that eligibility is determined and is attached to ALL copies of the forms.

Academic Achievement*:* This section provides a narrative summary of data of the student’s academic achievement in the general education curriculum and indicates the student’s instructional level based on the assessment results. Information related to the current assessment results are to be reported in clear, concise, and understandable terms. Incorporate information and/or observations by the parent(s) and others who have regular contact with the student. The narrative summary must be sufficient to provide a foundation for planning. Academic achievement could include the classroom grades, instructional level, strengths and weaknesses observed by the teachers and parents, informal and formal test results, etc. (This section is typically completed by a school psychologist, special education teacher, or educational diagnostician.)

Functional Performance*:* This section provides a narrative summary of data of the student’s functional performance in the educational setting. Information related to the current assessment results should be reported in clear, concrete terms. Functional performance should describe how the student is managing daily activities to participate in the general education setting. This may include study skills, organization, attention, self-help skills, independent functioning, etc. Incorporate information and/or observations by the parent(s) and others who have regular contact with the student. (This section is typically completed by the school social worker, school psychologist, special education teacher, or related service providers.)

Cognitive Functioning*:* This section provides a narrative summary of data of the student’s general cognitive ability. Information provided here should address the student’s assessment results overall, as well as subtest results. Test/Procedures and dates of assessments should be included in this section. The narrative summary must be sufficient to provide an understanding of the student’s general intelligence. (This section is typically completed by the school psychologist.)

Communicative Status*:* This section provides a narrative summary of data of the student’s communication needs. Consideration should be given to the modes of communication used by the student to receive and provide information to others. This section should be used to indicate if the student has limited English proficiency and current status in English language acquisition. Information should be provided on how the student’s communication affects participation in the general education setting. For ELL students, explain ELL STATUS and whether ELL Status has changed. (This section is typically completed by the speech-language therapist.)

Health*:* This section provides the results of the student’s most recent health update. If the student has an existing condition, medical information and the source(s) from where the information was obtained should be included. Documentation of existing health issues discussed in this section should include any effect the current health status has on the student’s participation in the general education curriculum and school setting. (This section is typically completed by the school social worker, school nurse, or OT/PT staff.)

Hearing/Vision*:* This section provides the results and date of the most recent hearing/vision screening. Indicate who performed the hearing/vision screening. For students with a visual and/or hearing disability, provide a narrative summary of evaluation results. (This section is typically completed by the school social worker, school psychologist, special education teacher, school nurse, or speech therapist.)

Motor Abilities*:* This section provides a narrative summary of the data of the student’s motor abilities in the educational setting. The narrative should include a statement of how the student’s mobility impacts progress in the general education curriculum. (This section is typically completed by the occupational therapist, physical therapist, or adapted PE teacher.)

Social Emotional Status/Social Functioning*:* This section provides a narrative summary of data of the student’s social/emotional status and/or social functioning. The narrative should include information about the student’s interpersonal relationships (development and maintenance, behavior toward others, compliance with rules, etc.). (This section is typically completed by the school social worker, school psychologist, or special education teacher.)

*Eligibility Determination – All Categories except Specific Learning Disability*

For all eligibility categories other than Specific Learning Disability, this form must be completed. This includes Developmental Delay, Intellectual Disability, Autism, Emotional Disability, Deafness, Deaf-Blind, Visual Impairment, Hearing Impairment, Traumatic Brain Injury, Other Health Impairment, Multiple Disabilities, Speech or Language Impairment, and Orthopedic Impairment.

This form is also used for related services that are provided when the service is not related to a Specific Learning Disability. If the related service is related to a Specific Learning Disability, then it is listed on the LD Eligibility Determination page.

If Specific Learning Disability is being considered in addition to another disability, it is recommended that the determination of LD eligibility occur first. This will assist the team when it needs to make a decision between primary and secondary disabilities.

*Determinant Factors*

For all disability areas, the evaluation team must FIRST consider if the determinant factor for the suspected disability is either:

1. a lack of reading instruction in the essential components of reading instruction (The essential components of reading instruction include phonemic awareness, phonics, fluency, vocabulary, and comprehension.),

2. a lack of appropriate math instruction, or

3. limited English proficiency.

The team must list evidence to support its findings. The evidence statement should include information on the type of instruction, amount of instruction, student response to instruction, etc.

Examples:

No/(Rule Out): The Michael Heggerty program was used in the general education classroom and intensive reading instruction with K-PALS showed little to no progress (May be reason why team can consider Cognitive Disability, for example)

No/(Rule Out): Betty’s ISAT scores indicate she has met or exceeded expectations in the core curriculum. (May be reason why team can consider existence of Emotional Disability, for example)

Yes/(Can’t Rule Out): Tom has not been provided any reading interventions other than the core curriculum. FBA shows “asked to read” as primary antecedent to behavior outbursts. (May be reason why team can’t consider existence of Emotional Disability)

No/(Rule Out): Sandy participated in language groups on a daily basis during the past two years in the at-risk preschool program, but continues to struggle with language. (May be reason why team can consider Speech/Language or Hearing Impairment)

No/(Rule Out): Saxon Math has been used in all grades. Student participates in math class.

Yes/(Can’t Rule Out): John did not attend the at-risk preschool program as recommended. He has not had exposure to phonemic awareness instruction. (May be reason why can’t make eligible for speech-language impairment)

Evidence to rule out Limited English Proficiency might be “all assessments were provided in the student’s native language.”

All three determinant factors must be ruled out for all disabilities. For example, if a student is to be eligible for services for an emotional disability, it must be clear that the reason the student becomes emotional is not because of academic frustration resulting from lack of instruction in math or reading or because of a language barrier. Or, if a student is eligible for language services due to vocabulary weaknesses, it must be clear that the student has had adequate vocabulary instruction in general education.

*If lack of instruction in reading or math or limited English proficiency cannot be ruled out as the primary cause of the disability, then the team CANNOT identify the student as a student with a disability.*

*Steps in Determining Eligibility*

Step 1 – Identification of a Disability

Based on the evaluation results, and using the Eligibility Criteria Checklists, the team must identify a disability. These checklists must be completed at the Eligibility IEP meeting and not in advance.

If the criteria for the Identification of a Disability are not met, then the team must mark “No Disability Identified.”

It is important to clarify with parents that we are identifying disabilities based on our educational criteria. It is likely that some students may have a medical diagnosis for a disability but not meet educational criteria and vice versa.

If more than one disability is identified, then the team must determine which disability is primary and which is secondary. This is based on the degree to which the disability adversely affects the student’s educational functioning. It should not be based on WHO the case manager will be.

Speech/language Impairment would be considered either a Primary or Secondary Disability if the disability is not related to the student’s other identified disability. If the speech/language impairment is related to the disability, then services would be provided on a related service basis. In those cases, speech/language services are considered a supportive service to assist the student in achieving educational benefit from their other special education services.

Reminders:

1. The Primary and Secondary Disabilities can only be added or changed at an Eligibility IEP meeting following a Request for an Evaluation.

2. Special education case managers should ensure that the Disabilities listed on the Conference Summary Report are consistent with the most recent Eligibility IEP.

3. To terminate eligibility for services for a Primary or Secondary Disability, an Eligibility IEP must be held. This requires a Referral for a Re-Evaluation.

4. Related services may be terminated at any IEP meeting or annual review.

Step 2 – Adverse Effects

For each disability identified, describe the adverse effect that disability has on the student’s educational performance. This involves documenting how the student’s functioning in the school environment is negatively impacted by the disability. This includes how the disability affects the student’s academic achievement and/or social functioning (i.e., acquisition, retention, or demonstration of academic and behavior skills).

Examples:

Johnny’s emotional disability adversely affects his anger management skills. When angered, he is unable to focus on classroom instruction.

Autism adversely affects Sally’s educational performance by impairing: 1) her social interactions with peers and adults, 2) her ability to communicate her wants and needs, 3) her acquisition and demonstration of pre-readiness skills, and 4) her ability to handle transitions.

Danny’s speech/language impairment adversely affects his ability to effectively communicate in an understandable manner. He understands information presented to him, but is unable to demonstrate his knowledge verbally.

Kelly’s ADHD (Other Health Impairment) adversely affects her ability to sit still without fidgeting which may disrupt others seated near her but she is able to take in information and complete grade level work without assistance. (No Adverse Effect on her performance – Mark Not Eligible)

Although Tommy has a speech-language impairment (i.e., unable to produce the “r” sound), he is progressing adequately in the general curriculum and is able to communicate his wants and needs in an understandable manner to familiar adults. (No Adverse Effect - Mark Not Eligible).

Step 3 – Educational Needs

For each disability identified, describe the specialized instruction, if any, the student will require, to address the adverse effects on his/her educational performance related to the disability. There should be a clear link between the adverse effect and the need for special education and related services.

For students who will need related services in addition to their special education services, justification for the need for the related service should be indicated.

The statement of need for specialized instruction forms the basis for the development of the student’s IEP. This does not mean list every academic subject or every possible behavior that could require services. The statement will most likely be broad in nature. Once the IEP is developed, the needs will be specified more clearly in the annual goals and objectives. Any need identified in this section should be addressed in the annual goals. There should be a clear link between the educational needs and the IEP goals and services listed on the IEP. Goals should be tailored to the student’s identified disability.

Examples:

Johnny requires specialized instruction in anger management. (IEP Goals could then address anger management as well as ability to focus on classroom instruction since these needs were addressed in Step 2.)

Sally requires speech therapy and social work to address her needs in communication and social interactions. She requires an adapted curriculum to address academic and functional needs. Occupational therapy is required to address sensory needs. (IEP goals could address language, social skills, academics, functional skills, and sensory skills since all were addressed in Step 2 and 3).

Danny requires speech therapy to address articulation errors. (IEP goals would address articulation skills and may address language concerns if the goals are in relation to improving communication of wants and needs.)

Tommy requires specialized instruction and related services to address the intensity of his academic needs, communication needs, and social needs associated with Autism.

Step 4 – Eligibility Determination

If Step 1 indicates that there is No Disability Identified, then the student is Not Eligible.

If Step 2 indicates there is NOT an adverse effect on educational performance, then the student is Not Eligible.

If Step 3 indicates that there is not a need for specialized instruction (special education and related services), then the student is Not Eligible.

If Step 1 indicates that a Disability is identified AND Step 2 indicates an adverse effect AND Step 3 indicates the need for specialized instruction, then the student is Eligible for Special Education.

If the student is found eligible, the IEP team must convene an IEP meeting within 30 calendar days to develop and/or review the child’s IEP. This IEP meeting could be held immediately following the eligibility meeting as long as the Notification of Conference indicated this may occur. Please note that although this meeting can be convened at a later date, it must still occur within 60 school days from the time of signed consent for the evaluation.

If the student is found eligible, the IEP team must develop the IEP prior to obtaining parental consent for services. The Parent/Guardian Initial Consent for Special Education Services Form should be completed following the IEP meeting, NOT at the Eligibility meeting. If it has been made clear at the time of the Eligibility meeting that the parent does not plan to provide consent, the team may refrain from writing an IEP, but must clearly document that an IEP was not developed per parental request.

*Documentation of Intervention/Evaluation Results – Specific Learning Disability*

Complete after an initial evaluation, reevaluation, or review of an independent or outside evaluation when a specific learning disability is suspected.

As part of the evaluation process, relevant behavior noted during observation in the student’s age appropriate learning environment, including the general education setting for school age children, the relationship of that behavior to the student’s academic functioning, and educationally relevant medical findings (if any) must be documented.

Multiple sources of data are required to complete this form. The focus of the RtI model is data-based decision making with ongoing requirements for supporting evidence.

Problem Identification/Statement of Problem

Using baseline data, provide an initial performance discrepancy statement for all identified areas of concern (i.e., Basic Reading Skills, Reading fluency, Reading Comprehension, Mathematical Calculation, Mathematical Problem-Solving, Written Expression, Oral Expression, Listening Comprehension). Statements of the problem should be specific, observable, measurable, and within control of the educational setting and must include information about the student’s performance discrepancy prior to intervention.

Discrepancy is the difference between the individual’s level of performance compared to peers’ level of performance, or other scientifically based standards, at a single point in time. Discrepancy data helps the team determine the significance of concerns about a student.

Evidence to include (please report for each identified area of concern):

* Standard of comparison: The standard of comparison is selected and used to evaluate the individual’s performance as compared to peers’ performance on the same standard. The standard chosen must be relevant to the targeted area of concern. It is not limited to, but may include:
  + Local district norms or national norms;
  + District measure of peer performance;
  + Scientifically-based standards and benchmarks (e.g., DIBELS);
  + Developmental norms
* Expected level of performance: This should be based on the standard of comparison.
* Current level of performance: This is the student’s performance prior to intervention (baseline data).
* Statement of discrepancy: This is the difference between the student’s current level of performance and the expected level of performance. (Expected level of performance – Current level of performance = Discrepancy).
* Date: This is the date that the discrepancy was noted.

Examples:

On the Fall 2006 DIBELS, \_\_\_\_\_\_received a Nonsense Word Fluency score of \_\_\_\_\_. The median score for students in his classroom was \_\_\_\_\_ and the cut-off score according to the DIBELS manual was \_\_\_\_\_. During the classroom observation, the student seemed to prefer drawing over reading.

On the Developmental Reading Assessment given in September 2007, \_\_\_\_\_\_\_ was reading at Level \_\_. Level \_\_\_ is the expected level for a student beginning grade \_\_\_. This is \_\_\_ grade levels below \_\_\_\_\_\_\_\_\_\_’s grade.

Student could compute basic addition problems up to sums of 10. He could not add sums beyond 10 and could not complete any subtraction. 90% of students in the classroom were able to complete subtraction with regrouping with 100% accuracy.

Problem Analysis/Strengths and Weaknesses

Describe student’s skill strengths and weaknesses in the identified areas of concern and include evidence of skills deficit versus performance deficit (e.g., low decoding skills versus work completion difficulties). For students 14½ and older, describe student strengths and weakness within the context of his/her post-school goals.

Identification of skill strengths and weaknesses in the areas of concern assist the team in planning for the student’s educational needs, including what interventions and resources will result in student progress. All information reported should be from multiple sources and directly support student instructional and intervention planning.

Examples of Evidence should include:

* interviews of students, parents, teachers, etc.
* observations including setting analyses, systematic observations, anecdotal recording of checklist, etc.
* tests or direct assessments of student skills, such as Curriculum-Based Measurement, Curriculum-Based Evaluation, criterion-referenced assessments, classroom tests, functional analysis, etc.
* reviews of records, permanent products, etc.

Example:

On the DIBELS Oral Reading Fluency subtest, Johnny struggled with multi-syllabic words, often substituted long vowels for short vowels, sometimes substituted whole words, and omitted an entire line. The student read fast but made many errors. In the classroom, the student wrote so quickly that some letters were illegible. This indicates that some errors may be due to working too quickly and not paying attention to details.

Plan Development/Intervention(s)

Describe the previous and current intervention plans (core/Tier 1, supplemental programming/Tier 2, and intensive/Tier 3) including evidence that the intervention was scientifically-based and implemented with integrity.

Evidence of the Intervention Plan should include:

* a description of the intervention or instruction,
* the frequency and length of time it was provided,
* the materials that were used,
* the person responsible for implementation,
* description of how progress was monitored, and
* the goals stated in observable and measurable terms.

Evidence of a scientifically-based plan should include:

* a reliable source has identified the intervention as scientifically based and
* objective research that has found the intervention to have positive effects on student outcomes.

Evidence of a plan developed with integrity should include:

* direct observations using integrity checklists or intervention scripts,
* self-report/implementation logs, and
* evaluation of permanent products.

Example:

Johnny participated with his classroom 60 minutes per day in guided reading, 15 minutes per day in “word work” using a word wall, and 15 minutes per day in fluency instruction using reader’s theater. From 9/15/09 – 11/20/09, he received an additional 20 minutes per day of small group instruction using the REWARDS program. From 11/20/09 – 1/30/10, he received intensive instruction 5 times per week for 30 minutes using the SRA Corrective Reading program.

Plan Evaluation/Educational Progress

Provide documentation of student progress over time as a result of the intervention(s). Progress is improved performance over time. In addressing progress, the team considers data that have been collected about the student’s performance over time in relationship to the assistance that has been provided.

To be determined eligible for special education, students must exhibit significant deficiencies in their rate of learning based on progress monitoring data. The student’s progress is compared to his or her performance during baseline data collection, to the learning required to close his or her performance gap with typical peer.

Evidence of plan evaluation/progress to include:

* identification of the progress monitoring methods used,
* actual rate of skill acquisition compared to the expected rate of skill acquisition displayed on a progress-monitoring graph,
* description of the frequency, intensity, and duration of the behavior, (This may not apply to some concerns, but would apply for a behavioral concern.)
* identification of the conditions that enable the most growth for the student, and
* multiple sources of data to substantiate conclusions.

Example:

Using the DIBELS Progress Monitoring system for Oral Reading Fluency for grade 2, Johnny was assessed every 10 days. His reading fluency only increased from \_\_\_\_wpm to \_\_\_\_\_wpm when the REWARDS program was implemented. When the SRA Corrective Reading program was used, skills increased from \_\_\_\_ to \_\_\_\_.

Plan Evaluation/Discrepancy

Report the current/continued existence of performance discrepancy (i.e., the discrepancy that exists after intervention).

Discrepancy is the difference between the individual’s level of performance compared to peers’ level of performance, or other scientifically based standards of expected performance for individuals of the same age or grade, at a single point in time. Discrepancy data help the team determine the significance of concerns about a student.

Evidence of plan evaluation/discrepancy should include (please report for each identified area of concern):

* Standard of comparison: The standard of comparison is selected and used to evaluate the individual’s performance as compared to peers’ performance on the same standard. The standard chosen must be relevant to the targeted area of concern. It is not limited to, but may include:
  + Local district norms or national norms,
  + District measure of peer performance,
  + Scientifically-based standards and benchmarks (e.g., DIBELS), and
  + Developmental norms.
* Expected level of performance: This should be based on the standard of comparison.
* Current level of performance: This is the student’s current performance, or performance after an intervention has been applied.
* Statement of discrepancy: This is the difference between the student’s current level of performance and the expected level of performance, (Expected level of performance – Current level of performance = Discrepancy).

Procedures will then be applied in determining if the existing discrepancy after intervention is significant. The following are examples that may be used when determining magnitude of discrepancy:

* When a measure is utilized that provides the opportunity to identify a percentile rank, a score near or below the 10th percentile may be considered to be significantly discrepant.
* When standard scores are available at least one standard deviation may represent a significant discrepancy.
* When using a classroom-based measure (e.g., CBM, systematic observations, record reviews, work samples, etc.), a score that is two times discrepant from peers, at/below ½ the normative median, or two or more years behind grade level peers. (Survey Level Assessment) may be considered significantly discrepant.
* Quantifiable standards set by respectable sources within a specific discipline.

Example:

On the grade 4 DIBELS Benchmark Assessments, Johnny increased from \_\_\_\_\_\_ wpm on the Fall Benchmark to \_\_\_\_\_\_ wpm on the Winter Benchmark. The classroom Winter Benchmark median was \_\_\_\_\_ and the DIBELS cut-off score was \_\_\_\_\_\_. Despite making progress, as seen by the 2nd grade DIBELS progress monitoring results above, Johnny continues to fall significantly below grade level peers.

Plan Evaluations/Instructional Needs

Summarize the student’s needs in the areas of curriculum, instruction, and environment. Needs are the services, activities, supports, accommodations, and modifications required in order for a student to make curricular or developmental progress, to advance toward meeting goals set in an individualized plan (intervention plan, individualized family service plan, or individualized education program), and to participate in activities appropriate to the student’s age or grade.

Conclusions regarding student needs and how the student best learns are to be based on an integration of information including an analysis of the student’s response to various instructional strategies and intervention.

Evidence of plan evaluations/instructional needs should include:

* a statement of the student’s needs in the areas of curriculum (what the student is taught),
* a statement of the student’s needs in the area of instruction (how the student should be taught),
* a statement of the student’s needs in the area of changes to the learning environment (This section includes recommendations for accommodations and modifications.) and
* a statement of what the student needs to be successful (i.e., materials, planning, and personnel) is significantly different from general education peers.

Example:

Johnny requires intensive instruction using a program that targets phonics and fluency. He responds better in smaller groups where he can be redirected when he begins to work too fast for accuracy.

Additional Information Necessary for Decision Making

Include any educationally relevant information necessary for decision making, including information regarding eligibility exclusionary and inclusionary criteria. It is acceptable that no additional information be added here if all relevant criteria have been addressed.

Examples of evidence of additional information should include:

* evidence of absence of educational opportunity or lack of instruction,
* results of screening measures,
* results of standardized, norm-referenced tests of intelligence, and
* assessments of adaptive behavior.
* Related service evaluation data

*Eligibility Determination – Specific Learning Disability*

This form is completed at ANY Eligibility meeting in which Specific Learning Disability is considered. All sections of this form must be completed.

*Determinant Factors*

The evaluation team must consider if any of the following factors are the primary reason why the child is suspected of having a Specific Learning Disability:

1. a lack of reading instruction in the essential components of reading instruction (The essential components of reading instruction include phonemic awareness, phonics, fluency, vocabulary, and comprehension.),

2. a lack of appropriate math instruction, or

3. limited English proficiency.

The team must list evidence to support its findings. Evidence should include research-based instruction. The evidence statement should include information on the type of instruction, amount of instruction, student response to instruction, etc.

Examples:

Johnny responded well to the Michael Heggerty program offered in the gen education classroom.

Betty’s ISAT scores indicate she has met or exceeded expectations in the core curriculum.

Records show that Tommy has received special education services for reading since 2nd grade, etc.).

Evidence to rule out Limited English Proficiency might be “all assessments were provided in the student’s native language.”

All three determinant factors must be ruled out as the primary reason for the suspected Specific Learning Disability. If lack of instruction or limited English proficiency cannot be ruled out as the primary cause of the disability, then the team cannot identify the student as a student with a Specific Learning Disability.

Exclusionary Criteria

The team must determine if the factors listed below are the primary basis for the student’s learning difficulties. While the factors may contribute to the difficulties, the team must determine if the difficulties are the result of any of the factors.

Evidence to support each determination must be provided.

For ruling out a vision, hearing, or motor disability, evidence would include results of the vision and hearing screening. Evidence might include other information from the health history, OT screenings or evaluations, or classroom observations. Evidence may be stated as “student passed screenings; no motor disability present.”

For ruling out cognitive disability, evidence might include academic test results, adaptive behavior results, or intellectual assessment. Evidence may be stated as “student possesses average intelligence.”

For ruling out emotional disability, evidence might include information obtained from the social developmental study, student interview, discipline record, etc. Evidence might be stated as “SDS indicates student is well-adjusted socially and emotionally” or “Although emotional disability exists, this is not the primary reason for the lack of reading progress.”

For ruling out cultural factors, evidence might include information obtained from the social developmental study, data comparing same age peers, non-biased assessment techniques, comparisons with subgroups on state or district tests, etc. Evidence might be stated as “SDS indicates parents have same expectations for academic performance” or “Child’s culture is same as classmates.”

For ruling out environmental or economic disadvantage, evidence might include information from the social developmental study, attendance records, and comparisons with SES subgroups on state or district tests, etc. Evidence might be stated as “Low income status not primary reason; difficulties remain despite intensive reading instruction” or “Lack of exposure to books outside of school, minimal communicative interaction in the home, and missed instruction in intervention groups.” The latter would EXCLUDE a student from being identified as having a Specific Learning Disability.

If any of the above factors cannot be ruled out as the primary factor affecting the student’s then the student is NOT eligible.

Inclusionary Criteria

Just as there are factors that could exclude a student from being eligible for services for a Specific Learning Disability, there are factors that the student must meet in order to INCLUDE them in services. The three factors relate to the student’s rate of progress over time, the student’s performance compared to peers, and the student’s need for instructional supports.

1) Educational Progress

Based on the data provided under the Documentation of Evaluation Results Plan Evaluation/Educational Progress, the team must determine if the student is progressing at a slower rate than expected.

Educational progress MUST be based on systematic progress monitoring data. The evaluation reports must contain copies of the progress monitoring graphs. Educational progress might also be supported pre/post assessment data, classroom assessments, standardized test scores, a review of IEP goal progress, etc.

Progress monitoring graphs must clearly show that the student’s rate of progress will not “close the gap” between the student’s performance and his/her peers’ performance, except in the case where students are making progress, but the reason for the progress is that the level of instruction is so intensive that it cannot be sustained without special education services.

Academic areas in which the student is not progressing must be listed.

2) Discrepancy

Based on the data provided under the Documentation of Evaluation Result Plan Evaluation/Discrepancy, the team must determine if the student’s performance is significantly discrepant from peers.

Discrepancy MUST be based on a comparison of expected level of performance based on grade/age level norms and the student’s level of performance. This discrepancy must be verified using progress monitoring and benchmark assessments and/or other available data.

Evaluation reports must contain copies of graphs showing how the student’s performance remains discrepant from peers despite the implementation of research-based interventions.

Academic areas in which the student’s performance is significantly discrepant from peers must be listed.

3) Instructional Need

Based on what was listed in the Documentation of Evaluation Results, the team must determine if the student’s needs are significantly different from peers AND are of a type or intensity that is beyond general education resources.

Academic areas in which the student requires specialized instruction must be listed.

Optional Criteria

This is the traditional severe discrepancy between the student’s intellectual ability and academic achievement based on a standardized intellectual test and a standardized academic test. The results of these tests should have been included on the Documentation of Evaluation Results if they were administered.

This criterion must be met if a district requires this criterion in addition to the other three inclusionary criteria listed above. VASE does NOT require this criterion if progress monitoring data has been systematically collected.

*Steps in Determining Eligibility*

Step 1 – Disability Adversely Affecting Educational Performance

If all determinant factors AND all exclusionary factors were ruled out AND if all inclusionary factors were met AND if the student had a severe discrepancy if one was required, then the team can determine the student has a Specific Learning Disability.

If all determinant factors OR all exclusionary factors were not ruled out OR if all inclusionary factors were not met OR if the student did not have a severe discrepancy if one was required, then the team cannot determine that the student has a Specific Learning Disability AND the student is NOT ELIGIBLE.

If it is determined that the student has a Specific Learning Disability, then the area(s) which the student is not progressing in, and is below peers in, should be marked.

Step 2 – Special Education and Related Services

If specialized instruction is required, then the student is ELIGIBLE. If any factor was not met OR if no specialized instruction is required, then the student is NOT ELIGIBLE.

Signatures

All team members must sign and indicate if they agree with the decision made regarding eligibility for services under the category of Specific Learning Disability. For a person to agree, they must be made aware of the evaluation data and the criteria for which the decision is based upon. If any team member disagrees with the decision, they must attach a report describing their reasons for disagreeing. Decisions are based on team consensus, meaning the majority of team members can live with the decision made. It does not mean that all persons involved in the meeting must agree.

Specific Learning Disability is the only category for which persons sign to indicate agreement. At this point, the parent is only agreeing to the eligibility. Parent/Guardian Initial Consent for Services should not be obtained until after the IEP is developed.

**Filemaker Corrections**

Immediately following the Eligibility IEP, one of the IEP team members must be assigned to enter into Filemaker any additional information which was not previously typed onto the Filemaker forms.

**Copies of Forms**

Copies of all special education forms should be given to the parent and placed in the student’s temporary folder in the district. Team members present at the meeting may also request copies of the forms. Copies should be provided as soon as they are completed, but no later than 2 weeks following the meeting. **Original forms should be sent to VASE with the appropriate Forms Checklist attached to the front of the packet.**

Upon receipt of the original forms, the VASE Technical Assistant for Records will review the packet of forms to verify accurate completion. The Technical Assistant will finalize the Referral Tracking Menu. The packet will then be forwarded to the VASE Technical Assistant for State Reporting to enter the information into the FACTS system. Forms may be forwarded to the VASE Director for review. If corrections are needed, personnel will be notified via email by VASE personnel.