

NW SELPA

Parent Information Sessions: Eligibility

Presented by Namita Maunder, Coordinator
[NorthWest SELPA](#), 12/6/2024

NW SELPA

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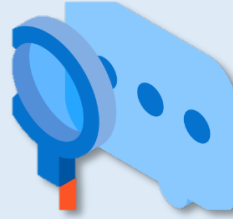
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Introduction



Goal



- To share general special education process related to eligibility.



- Please wait for questions till the end of the presentation.

Understanding Eligibility in Special Education

Today's Agenda



- Overview: Assessment Process in special education
- Role of Parent in the Assessment Process
- Eligibility Considerations during IEP
- IEP Forms related to Eligibility
- What happens in case of Disagreement about Eligibility?
- [Feedback Survey](#)

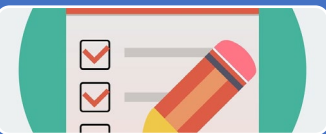
Special Education Assessment Overview

Special Education Assessment Process Overview in California : EC 56043*

REFERRALS



The special education assessment begins with the written request by parents



Following the written request, a LEA has 15 days* to develop an assessment plan the areas in which it proposes to assess



Parents have 15 days* to review, consider and consent the assessment plan.



LEA has 60 days* to complete the assessments and hold an IEP to discuss them

Assessment Report considerations:

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RIOT
Review of Records | Interview & Input | Observation | Test



Review of Records

Reviewing records will help the IEP team understand and document a historical perspective of the student in the educational setting, including past concerns. Important data related to exclusionary factors and previous interventions are also found in student records, which may include:

- The cumulative file (e.g. report cards, attendance data, state testing information, and pre-referral documentation)
- Reports previously conducted by the school or outside of the school
- Work samples and data from benchmark assessments and intervention programs



Interview & Input

Interviewing helps the IEP team gather information about the student and may be conducted via an interview format or through input forms from the following sources:

- Parents/adult student
- Teacher(s)/service provider(s)
- Student, as appropriate
- Outside providers



Observation

Students must be observed in an appropriate setting with time, date, location, and duration of observations documented in the assessment report. Appropriate settings for observation include:

- General education classroom
- Various school environments
- Full group/small group/individual activities
- Unstructured/structured activities
- During the assessment process



Testing

Testing involves a series of assessments designed to evaluate a student's strengths, challenges, and specific needs. These assessments may include any combination of the following:

- Standardized, norm-referenced as well as criterion-referenced tests
- Standardized, norm-referenced and informal rating scales
- Formative and summative assessment data
- Examples from the teacher(s)

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Role of Parent in the Assessment Process

- The parent provides unique perspective about their child and discuss their child's strengths and challenges.
- Making the child available for assessment at the specified date/ time.
- Answering interview questions and filling out assessment questioners.
- Parents can share information, work samples, other reports or activities they do with their child.
- Asking for any clarification on the assessment process or reports.


Other Key considerations

- Is it the first IEP the parent is attending?
- Do the parents have a draft copy of the assessment report or is it the first time they are getting the information?
- In addition to the concerns noted in the evaluation, ensure that strengths, interests and preferences are discussed.
- Make sure to consider any reports and records that are shared by the parents and incorporate visuals (graphs) to explain results.

Best Practices before the IEP meeting

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FAMILY EDITION
BEFORE, DURING & AFTER the IEP



Parent Checklist For IEP Meetings

As a parent/guardian you are a valuable and required member of the Individualized Education Program (IEP) team. This checklist offers ideas to support you before, during, and after an IEP team meeting.


Why is this important?
The Individuals with Disabilities Education Act (IDEA) requires that the IEP team include the parent(s) of the child with a disability. Likewise, "each public agency must take steps to ensure that one or both of the parents are present" and are "afforded the opportunity to participate." CFR § 300.321 and 300.322

Before


- Review the invitation to the IEP team meeting. Return the signed invitation to your child's case manager. If you have any questions about scheduling, reach out to your case manager.
- If there is anyone else you would like to include in the meeting (friend, family member, other person(s) who work with your child, etc.), reach out to them to see if they can attend. Bring anything that may help you feel comfortable during the meeting.
- Read and understand the parents' rights/procedural safeguards.
- Be prepared to discuss your child's strengths and needs. If asked, fill out any teacher requests for input about your child. Consider using the Building on My Child's Strengths protocol and share with your child's teacher.
- Review the goals and services from last year's IEP to give your input as to your child's progress. Write notes/bring work samples that show your child's progress on those goals. This will give you the opportunity to participate when reviewing the report of progress on previous goals.
- Gather any other relevant records from the past year about your child (e.g. private assessments, doctor visits, information about other groups or activities your child is a part of) that you think are relevant and would like to share with the IEP team.
- Prepare and send any questions, concerns, recommended goals, etc. to the case manager before the meeting. Ask the case manager to include them in the IEP agenda.
- If there are any requests to excuse IEP team members who cannot attend the meeting, consider the excusal, and if you agree, sign and return the Excusal Form. If you are not in agreement, discuss rescheduling with your child's case manager.
- Ask for an interpreter, if needed.

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FAMILY EDITION
BEFORE, DURING & AFTER the IEP



During

- Review the agenda together with the IEP team and ensure it includes everything you want to be discussed.
- If jargon or acronyms are used that you need clarification on, be sure to ask for clarification.
- During the meeting you will be asked for your input and concerns. Share the information you've gathered. Remember your input is valuable as an IEP team member.
- Throughout the meeting, ask any questions that may come up. If the IEP team doesn't have an answer right away, ensure a plan is made to follow up.
- Ensure that your concerns, if applicable, are noted and addressed.
- If time runs out during the meeting, make a plan to continue the meeting on another day.
- If there are unresolved concerns or any disagreements, make a plan with the IEP team for next steps.
- If you are in agreement with the IEP offer, sign for consent. If you need time to review, you can take it home for consideration. Make a plan for following up with the team if needed.
- At the conclusion of the meeting, be sure you receive a copy of the IEP documents and reports to take with you.

After

- Review all the documents you receive and ensure everything is accurately recorded. If you have questions or concerns, contact your child's IEP case manager.
- Complete any follow up steps agreed to during the IEP.
- As a member of the IEP team, work collaboratively with the team to ensure all components of the IEP are implemented. If you are unsure, contact your IEP case manager right away.
- Work with your child to make progress on their IEP goals.

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Eligibility Considerations during IEP

When do you discuss eligibility?

At the Initial IEP meeting when you discuss results of assessment

Triennial

Re- Evaluation

Who determines eligibility for special education?

Assessment reports document student's eligibility or not, but the final decision is made at the IEP meeting.

A group of qualified professional and the parent(s). No one team member makes final decision.

IEP team meeting discussion is led by psychologist or SLP.

Eligibility: A Three- prong Approach

1. The student has a disability.

2. The disability must have an educational impact.

3. The disability and educational impact must require special education and related services for student to access core curriculum.

To ensure parent understanding and informed consent following is recommended:

- Share the criteria for each area of eligibility being considered by the team, using definitions from the [California Code of Regulations](#) and family-friendly language.
- Respond to any questions IEP team members may have about the eligibility criteria.
- Explain why student meet or does not meet the criteria for disability.
- Explain how the student disability has an educational impact, the team will discuss if special education and related services are required.
- All decisions about eligibility are made by the IEP team.

13 Disability Conditions

1. Autism (AUT)
2. Deafness (D)
3. Deaf/Blind (D/B)
4. Emotional Disability (ED)
5. Deaf/Hard of Hearing (DHH)
6. Intellectual Disability (ID)
7. Other Health Impaired (OHI)
8. Orthopedic Impairment (OI)
9. Specific Learning Disability (SLD)
10. Speech Language Impaired (SLI)
11. Traumatic Brain Injury (TBI)
12. Visually Impaired (VI)
13. Multiple Disability (MD)

The disability categories and enrollment breakdown in California for individuals (newborn through twenty-two years of age) who received special education services in 2023–24 are as follows:

- **Autism (AUT): 169,430**
- Deaf Blindness (DB): 95
- Deafness (DEAF): 2,815
- Emotional Disturbance (ED): 21,764
- Hearing Impairment (HI): 9,534
- **Intellectual Disability (ID): 40,298**
- Multiple Disability (MD): 8,872
- Orthopedic Impairment (OI): 6,146
- **Other Health Impairment (OHI): 126,685**
- **Specific Learning Disability (SLD): 280,122**
- **Speech or Language Impairment (SLI): 181,375**
- Traumatic Brain Injury (TBI): 1,331
- Visual Impairment (VI): 2,528

IEP FORMS Related to Eligibility



Santa Clara SELPAs (4310/4311)

Review of Criteria for Eligibility

Student: _____ Date of Birth: _____ Date: _____

School: _____

Area of Possible Eligibility: Specific Learning Disability (severe discrepancy)

CRITERIA:

A specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may have manifested itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The basic psychological processes include attention, visual processing, auditory processing, sensory-motor skills, phonological processing, cognitive abilities including association, conceptualization and expression.

Section I. Instructions: Select Option A, B, or C below.

The decision as to whether or not a severe discrepancy exists takes into account all relevant material, which is available on the pupil. No single score or product of scores, test or procedure shall be used as the sole criterion for the decisions of the IEP team as to the pupil's eligibility for special education.

- ☐ A. The IEP team finds a severe discrepancy between intellectual ability and achievement based on valid standardized tests.
- ☐ B. The IEP team finds a severe discrepancy based on alternative measures as specified on the assessment plan.
- ☐ C. The IEP team finds a severe discrepancy between intellectual ability and achievement as a result of a disorder in one or more of the basic psychological processes. (Complete and attach the Specific Learning Disability Discrepancy Documentation Form)

Area/s in which the pupil meets criteria under Option A, B, or C:

- ☐ Oral Expression ☐ Listening Comprehension ☐ Written Expression
☐ Basic Reading Skills ☐ Reading Comprehension ☐ Mathematical Calculation
☐ Mathematical Reasoning

Section II. The discrepancy identified above is directly related to a processing disorder: ☐ Yes ☐ No

Check appropriate area(s): ☐ Sensory Motor Skills ☐ Visual Processing ☐ Phonological Processing
☐ Auditory Processing ☐ Attention
☐ Cognitive Abilities (including association, conceptualization and expression)

Section III. Specific learning disabilities do not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disability, or of environmental, cultural, or economic disability. If any of the items below (A-H) are checked "Yes", the student may not be identified as having a learning disability.

- A. Visual, hearing, or motor disability ☐ Yes ☐ No
- B. Intellectual disability ☐ Yes ☐ No
- C. Emotional disturbance ☐ Yes ☐ No
- D. Cultural factors ☐ Yes ☐ No
- E. Environmental or economic disadvantage ☐ Yes ☐ No
- F. Limited English proficiency ☐ Yes ☐ No
- G. Limited school experience or poor school attendance ☐ Yes ☐ No
- H. Lack of appropriate instruction in reading or math ☐ Yes ☐ No
- a. The IEP team considered data that demonstrate that prior to, or as a part of, the referral process, the pupil was provided appropriate instruction in regular education settings, delivered by qualified personnel, and
- b. The IEP team considered data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the pupil's parents

IEP 2C (6/2015)



Santa Clara SELPAs (4310/4311)

IEP – Specific Learning Disability Eligibility

Student: _____ Date of Birth: _____ Date: _____

Section IV. Additional Relevant Information:

Basic for determination of eligibility:

- ☐ Psychoeducational Evaluation utilizing multiple measures (see attached psychoeducational report).
- ☐ Other (specify) _____

Section IV. Relevant behavior related to academic functioning, noted during observation:

Section V. Educationally relevant medical findings, if any:

Section VI. Conclusion:

The pupil has a specific learning disability.
The degree of the pupil's impairment requires special education.

☐ Yes ☐ No
☐ Yes ☐ No

I agree with the conclusions stated above:

School Psychologist/Date

Special Ed. Admin./Designee/Date

Special Education Teacher/Date

General Education Teacher/Date

LSH Specialist/Date

Reading Teacher/Date

Parent/Guardian/Date

Other/Date

My assessment of this student differs from the above report as follows: Statement (attach additional pages as necessary)

Signature and Title/Date

IEP 2C (6/2015)



Santa Clara SELPAs (4310/4311)

Review of Criteria for Eligibility

Student: _____ Date of Birth: _____ Date: _____

School: _____

Area of Possible Eligibility: Autism

CRITERIA (All 3 elements must be met to establish eligibility)

The following information is based upon current assessment data considered by the IEP team in making the final decision to establish eligibility pursuant to CCR, Title V, Sec. 3030.

- ☐ 1. The student exhibits a developmental disability that significantly affects all of the following areas:
- ☐ Verbal communication,
 - ☐ Nonverbal communication, and
 - ☐ Social interaction

The student may exhibit the following characteristics often associated with autism:

- ☐ Engagement in repetitive activities
- ☐ Engagement in stereotyped movements
- ☐ Resistance to environmental change
- ☐ Resistance to change in daily routines
- ☐ Unusual responses to sensory experiences

- ☐ 2. The student's developmental disability adversely affects educational performance.
- ☐ 3. The adverse effect on the student's educational performance is not primarily due to an emotional disability.



Santa Clara SELPAs (4310/4311)
Review of Criteria for Eligibility

Student: _____ Date of Birth: _____ Date: _____

School: _____

Area of Possible Eligibility: Speech or Language Impairment - Articulation Disorder

CRITERIA (All 5 elements must be met to establish eligibility.)

The following information is based upon current assessment data considered by the IEP team in making the final decision to establish eligibility pursuant to 5 CCR §3030.

- ☐ 1. The student exhibits reduced intelligibility or an inability to use the speech mechanism.
- ☐ 2. The student's reduced intelligibility or an inability to use the speech mechanism significantly interferes with communication (that is the student's production of single or multiple speech sounds on a developmental scale of articulation competency is below that expected of his or her chronological age or developmental level).
- ☐ 3. The student's reduced intelligibility or an inability to use the speech mechanism attracts adverse attention.
- ☐ 4. The student's reduced intelligibility or an inability to use the speech mechanism adversely affects educational performance.
- ☐ 5. By reason of the disability, the student needs special education and related services.

Note:

The student does not meet criteria for articulation disorder if the sole assessed disability is an abnormal swallowing pattern.

RPT 1 SLI-A (6/15)



Santa Clara SELPAs (4310/4311)
Review of Criteria for Eligibility

Student: _____ Date of Birth: _____ Date: _____

School: _____

Area of Possible Eligibility: Speech or Language Impairment - Fluency Disorder

CRITERIA (All 3 elements must be met to establish eligibility.)

The following information is based upon current assessment data considered by the IEP team in making the final decision to establish eligibility pursuant to 5 CCR §3030.

- ☐ 1. The student exhibits a disorder in the flow of verbal expression, including rate and rhythm.
- ☐ 2. The flow of verbal expression adversely affects communication between the student and listener.
- ☐ 3. By reason of the disability, the student needs special education and related services.

11-10-2014



Santa Clara SELPAs (4310/4311)

Review of Criteria for Eligibility

Student: _____ Date of Birth: _____ Date: _____

School: _____

Area of Possible Eligibility: _____ **Speech or Language Impairment - Abnormal Voice**

CRITERIA (Both elements must be met to establish eligibility.)

The following information is based upon current assessment data considered by the IEP team in making the final decision to establish eligibility pursuant to 5 CCR §3030.

- ☐ 1. The student exhibits an abnormal voice characterized by persistent, defective voice quality, pitch, or loudness.
- ☐ 2. By reason of the disability, the student needs special education and related services.



Santa Clara SELPAs (4310/4311)

Review of Criteria for Eligibility

Student: _____ Date of Birth: _____ Date: _____

School: _____

Area of Possible Eligibility: _____ **Speech or Language Impairment - Language Disorder**

CRITERIA (Both elements must be met to establish eligibility.)

The following information is based upon current assessment data considered by the IEP team in making the final decision to establish eligibility pursuant to 5 CCR §3030.

- ☐ 1. The student scores at least 1.5 standard deviation below the mean, or below the 7th percentile, for his or her chronological age or developmental level on two or more standardized tests in one or more of the following areas of language development: morphology, syntax, semantics, or pragmatics.
or
The student scores at least 1.5 standard deviation below the mean, or below the 7th percentile, for his or her chronological age or developmental level on one or more standardized tests in one of the following areas of language development: morphology, syntax, semantics, or pragmatics and displays inappropriate or inadequate usage of expressive or receptive language as measured by a representative spontaneous or elicited language sample of a minimum of 50 utterances.
- ☐ 2. By reason of the disability, the student needs special education and related services.

Note:

The language sample must be recorded or transcribed and analyzed, and the results included in the assessment report. If the student is unable to produce the sample, the speech-language and hearing specialist shall document why a 50-utterance sample was not obtainable and the contexts in which attempts were made to elicit the sample.

When standardized tests are considered to be invalid for the specific student, the expected language performance level shall be determined by alternative means as specified on the assessment plan.


What happens if there is more than one area of eligibility?

- The primary disability identified is the area of eligibility most impactful to student's learning and the reason for special education services.
- It is also important to note that eligibility does not drive service, and all the student's need will be addressed regardless of the primary disability chosen by the IEP team.

Specific Learning Disability (SLD) Discrepancy Documentation


- SLD qualification involves multiple steps based on the model in practice at the LEA.
- The LEA may qualify using the discrepancy, patterns of strengths and weakness, or
- Response to Intervention (RTI)
- Best is to consult with the LEA

Even if the student has a medical diagnosis, the child may not qualify for special education services.




Autism Identification and Supports


Medical Diagnosis	Educational Eligibility
<p>Who: A pediatrician can make a referral for an evaluation. Typically a clinical psychologist, neurologist, or developmental pediatrician diagnose.</p>	<p>Who: An IEP team consisting of school-based professionals and parent(s)/caregiver(s).</p>
<p>What Criteria: Based on criteria outlined in the Diagnostic Statistical Manual, currently in the 5th Edition, (DSM-V).</p>	<p>What Criteria: California Education Code, 5 CCR § 3030(b) (1) definition of Autism (impact on educational performance and need for special education required). Medical diagnosis alone is not sufficient.</p>
<p>When: As young as 18 months.</p>	<p>When: Beginning at age 3 (educational services may be provided through age 22).</p>
<p>How Long: A medical diagnosis of Autism is considered life-long.</p>	<p>How Long: Until exited from special education; re-evaluation occurs every 3 years to determine continued eligibility.</p>
<p>What Services Can Be Accessed: Services outside of the educational system including supports provided at home, after-school, or during school breaks and for respite. Services funded through health insurance or Regional Centers, etc. Services can include Applied Behavior Analysis (ABA) therapy, speech therapy, occupational therapy, social skills groups, etc.</p>	<p>What Services Can Be Accessed: School-based supports may include speech therapy, specialized academic instruction, occupational therapy, or other services based on each child's unique needs.</p>
<p>When: Outside of school hours.</p>	<p>When: During school year and school hours.</p>
<p>Where Services Happen: At home, a clinic, or in the community.</p>	<p>Where Services Happen: At school. (School-based.)</p>




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Where is the eligibility discussion in the IEP document?

- It is best practice to capture which areas of eligibility were considered by the team and the decision related to each of those areas, typically captured in the notes.
- If there is disagreement or need for clarification it is important to document that discussion.

What happens in case of disagreement about eligibility?

- The notes should describe the specific question or disagreement reasons on eligibility.
- If no agreement can be reached about eligibility, summarize the conversation within the IEP and follow up with the LEA's procedures for next steps.

Feedback Survey

Thank You
For Your Attention!

Any Questions



Resources:

