

## **ELIGIBILITY**

Upon completing the administration of assessments and other evaluation materials, a team must determine whether the child is a child with a disability and the educational needs of the child.

### **Eligibility Team**

The team must include:

- The parent; and
- Two or more qualified professionals, at least one of whom is knowledgeable and experienced in the evaluation and education of children with the suspected disability.
- This team may be the child's IEP team.

For a child suspected of having a specific learning disability, the team must also include:

- The child's regular classroom teacher; or
- If the child does not have a regular classroom teacher, a regular classroom teacher qualified to teach a child of his or her age.

### **Notice of Team Meeting**

The parent must be invited to participate in the eligibility team meeting. Written notice is provided using the **Notice of Team Meeting**. Document attempts to schedule eligibility meetings on a **Contact Log**. Notify all team members of the meeting.

### **Timelines**

An eligibility meeting must occur no later than 60 school days after the parent signs written consent for an evaluation.

### **Evaluation Report**

Evaluation reports must be presented at the meeting. Reports should include, but are not necessarily limited to:

- A statement describing the purpose of the evaluation.
- Background information, including a review of cumulative records.
- Behavior during testing and a statement of the examiner's impressions of validity of results.
- A description of any non-standard test administration procedures.
- A description of each evaluation procedure or instrument.
- The student's scores (standard scores, percentiles, etc.) from each assessment.
- A statement of the relationship of assessment results and suspected disability.
- Recommendations to assist teacher(s) or parents to help the child benefit educationally from instruction.

### **Written Statement of Eligibility (Eligibility Forms)**

The team must review and complete the written statement(s) of eligibility for each of the suspected disabilities.

The team must determine a child to be eligible under this rule if the child has a disability and needs special education and related services, even though the child is advancing from grade to grade.

### **Exclusionary Statements**

The team may not find a child eligible for special education services if:

- The determinant factor for that eligibility decision is:

- Lack of appropriate instruction in reading, including the essential components of reading instruction, or lack of appropriate instruction in math; or
- Limited English proficiency; and
- The child does not otherwise meet the specific eligibility criteria.

### **Multiple Disabilities**

For a child who may have disabilities in more than one category, the team need only qualify the child under one disability category. However, the child must be evaluated in all areas related to the suspected disability or disabilities, and the child's IEP must address all of the child's special education needs.

### **Dissenting Opinion**

If any member of the team disagrees with the eligibility determination, they may provide a dissenting opinion using the **Dissenting Opinion** form.

### **Copy of Evaluation Report and Written Statement of Eligibility**

Copies of evaluation reports and written statements of eligibility must be given to parents. Documentation that the parent has received the evaluation report(s) and statement(s) of eligibility is required on the bottom of each eligibility statement form.

### **Initial Provision of Special Education**

**The Prior Notice of Consent for Initial Provision of Special Education Services** *must* be signed by the parent before the student can receive special education services. The parent has the right to refuse special education services. No special education services will be provided until this form affirming parent consent for special education services is signed by the parent.

## **DEFINITIONS OF DISABILITY CONDITIONS**

**Children with disabilities** or “students with disabilities” means children or students who require special education because of: autism; communication disorders; deafblindness; emotional disturbances; hearing impairments, including deafness; mental retardation; orthopedic impairments; other health impairments; specific learning disabilities; traumatic brain injuries; or visual impairments, including blindness.

- **Autism (82)** means a developmental disability significantly affecting verbal and nonverbal communication and social interaction that adversely affects a child's educational performance. Other characteristics that may be associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. Essential features are typically but not necessarily manifested before age three. Autism may include autism spectrum disorders such as but not limited to autistic disorder, pervasive developmental disorder -- not otherwise specified, and Asperger's syndrome. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance. However, a child who qualifies for special education under the category of autism may also have an emotional disturbance as a secondary disability if the child meets the criteria under emotional disturbance.
- **Communication Disorder (50)** means the impairment of speech articulation, voice, fluency, or the impairment or deviant development of language comprehension and/or expression, or the impairment of the use of a spoken or other symbol system that adversely affects educational performance. The language impairment may be manifested by one or more of the following components of language: morphology, syntax, semantics, phonology, and pragmatics.

- **Deafblindness (43)** means having both hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that the child cannot be accommodated in special education programs designed solely for students having hearing or visual impairments
- **Emotional Disturbance (60)** means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:
  - An inability to learn that cannot be explained by intellectual, sensory, or health factors;
  - An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
  - Inappropriate types of behavior or feelings under normal circumstances;
  - A general pervasive mood of unhappiness or depression; or
  - A tendency to develop physical symptoms or fears associated with personal or school problems;
  - The term includes schizophrenia but does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.
- **Hearing Impairment (20)** means a hearing condition, whether permanent or fluctuating, that adversely affects a child's educational performance. The term includes those children who are hard of hearing or deaf.
- **Intellectual Disability (10)** means significantly impaired general intellectual functioning, and includes a student whose intelligence test score is two or more standard deviations below the mean on a standardized individual intelligence test, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, and that adversely affects a child's educational performance.
- **Orthopedic Impairment (70)** means a motor disability that adversely affects the child's educational performance. The term includes impairments caused by an anomaly, disease or other conditions (e.g., cerebral palsy, spinal bifida, muscular dystrophy or traumatic injury).
- **Health Impairment (80)** means limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment, that:
  - Is due to chronic or acute health problems (e.g. a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, attention deficit disorder, attention deficit hyperactivity disorder, leukemia, Tourette's syndrome or diabetes); and
  - Adversely affects a child's educational performance.
- **Specific Learning Disability (90)** means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations. Specific learning disability includes conditions such as perceptual disabilities, brain injury, dyslexia, minimal brain dysfunction, and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, mental retardation, emotional disturbance, or environmental, cultural, or economic disadvantage.

- **Traumatic Brain Injury (74)** means an acquired injury to the brain caused by an external physical force resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term includes open or closed head injuries resulting in impairments in one or more areas, including cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not include brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.
- **Visual Impairment (40)** means a visual impairment that, even with correction, adversely affects a child's educational performance. The term includes those children who are partially sighted or blind.

## CRITERIA FOR ELIGIBILITY

### Autism Spectrum Disorder (82)

\* Requires CORP Assist [www.hdesd.org/referral](http://www.hdesd.org/referral)

1. If a child is suspected of having an autism spectrum disorder, the following evaluation must be conducted:

- Developmental profile. A developmental profile that describes the child's historical and current characteristics that are associated with an autism spectrum disorder, including:
  - Impairments in communication;
  - Impairments in social interaction;
  - Patterns of behavior, interests or activities that are restricted, repetitive, or stereotypic; and
  - Unusual responses to sensory experiences.
- Observations. At least three observations of the child's behavior, at least one of which involves direct interactions with the child. The observations must occur in multiple environments, on at least two different days, and be completed by one or more licensed professionals knowledgeable about the behavioral characteristics of autism spectrum disorder.
- Communication assessment. An assessment of communication to address the communication characteristics of autism spectrum disorder, including measures of language semantics and pragmatics completed by a speech and language pathologist licensed by the State Board of Examiners for Speech-Language Pathology and Audiology or the Teacher Standards and Practices Commission;
- Medical or health assessment statement. A medical statement or a health assessment statement indicating whether there are any physical factors that may be affecting the child's educational performance;
- Behavior rating tool. An assessment using an appropriate behavior rating tool or an alternative assessment instrument that identifies characteristics associated with an autism spectrum disorder.
- Other.
  - Any additional assessments necessary to determine the impact of the suspected disability on the child's educational performance
  - Any additional evaluations or assessments necessary to identify the child's educational needs.

2. To be eligible as a child with an autism spectrum disorder, the child must meet all of the following minimum criteria:

- The team must have documented evidence that the child demonstrates all of the characteristics. Each of these characteristics must be:
  - Characteristic of an autism spectrum disorder;
  - Inconsistent or discrepant with the child's development in other areas; and
  - Documented over time and/or intensity.

3. For a child to be eligible for special education services as a child with an autism spectrum disorder, the eligibility team must also determine that:

- The child's disability has an adverse impact on the child's educational performance; and
- The child needs special education services as a result of the disability.

4. A child may not be eligible for special education services on the basis of an autism spectrum disorder if the child's primary disability is an emotional disturbance. However, a child with

autism spectrum disorder as a primary disability may also have an emotional disturbance as a secondary disability.

### **Communication Disorder (50)**

1. If a child is suspected of having a communication disorder, the following evaluation must be conducted:

- Speech-language assessment. A speech and language assessment administered by a speech and language pathologist licensed by a State Board of Examiners for Speech-Language Pathology and Audiology or the Teacher Standards and Practices Commission, including:
  - When evaluating syntax, morphology, semantics or pragmatics, a representative language sample and comprehensive standardized tests that assess expression and comprehension;
  - When a voice disorder is suspected, a voice assessment scale; and
  - When a fluency disorder is suspected, an observation in at least two settings;
- Medical or health assessment statement. For a child suspected of having a voice disorder, a medical statement by an otolaryngologist licensed by a State Board of Medical Examiners. For other than a voice disorder, if a medical or health diagnosis is needed, a medical statement or health assessment statement describing relevant medical issues;
- Hearing evaluation or screening. An evaluation or screening of the child's hearing acuity and, if needed, a measure of middle ear functioning;
- Other.
  - An evaluation of the child's oral mechanism, if needed;
  - Any additional assessments necessary to determine the impact of the suspected disability on the child's educational performance
  - Any additional evaluations or assessments necessary to identify the child's educational needs.

2. To be eligible as a child with a specific communication disorder, the child must meet the following minimum criteria:

- Voice disorder:
  - The child demonstrates chronic vocal characteristics that deviate in at least one of the areas of pitch, quality, intensity or resonance;
  - The child's voice disorder impairs communication or intelligibility; and
  - The child's voice disorder is rated as moderate to severe on a voice assessment scale.
- Fluency disorder:
  - The child demonstrates an interruption in the rhythm or rate of speech that is characterized by hesitations, repetitions, or prolongations of sounds, syllables, words or phrases;
  - The child has a fluency disorder that interferes with communication and calls attention to itself across two or more settings; and
  - The child demonstrates moderate to severe vocal dysfluencies or the child evidences associated secondary behaviors, such as struggling or avoidance as measured by a standardized measure.
- Phonological or articulation disorder:
  - The child's phonology or articulation is rated significantly discrepant as measured by a standardized test; and
  - The disorder is substantiated by a language sample or other evaluation(s).
- Syntax, morphology, pragmatic or semantic disorder:
  - The child's language in the area of syntax, morphology, semantics or pragmatics is significantly discrepant as measured by standardized test(s) or other evaluation data; and

- The disorder is substantiated by a language sample or other evaluation(s).
- For a child to be eligible with a syntax, morphology, pragmatic or semantic disorder, the disorder is not the result of another disability.

3. For a child to be eligible for special education services as a child with a communication disorder, the eligibility team must also determine that:

- The child's disability has an adverse impact on the child's educational performance; and
- The child needs special education services as a result of the disability.

### **Deafblindness (43)**

\* Requires CORP Assist [www.hdesd.org/referral](http://www.hdesd.org/referral)

1. If a child is suspected of having deafblindness, the following evaluation must be conducted:
  - The minimum evaluation procedures for hearing impairment and vision impairment, respectively;
  - If the child demonstrates inconsistent or inconclusive responses in an assessment of one sensory area, a functional assessment must be administered by a state licensed educator of the visually impaired, a state licensed educator of the hearing impaired or an audiologist licensed by the State Board of Examiners for Speech-Language Pathology and Audiology.
  
2. To be eligible as a child with deafblindness, the child must meet one or more of the following minimum criteria:
  - The child meets the minimum criteria for both vision impairment and hearing impairment, respectively; or
  - The child meets the minimum criteria for either vision impairment or hearing impairment and demonstrates inconsistent or inconclusive responses in an assessment of the other sensory area; or
  - The child meets the minimum criteria for either vision impairment or hearing impairment and has a degenerative disease or pathology that affects the acuity of the other sensory area.
  
3. For a child to be eligible for special education services as a child having deafblindness, the eligibility team must also determine that:
  - The child's disability has an adverse impact on the child's educational performance; and
  - The child needs special education services as a result of the disability.



## **Emotional Disturbance (60)**

1. If a child is suspected of having an emotional disturbance, the following evaluation must be conducted:

- Social-emotional evaluation. An evaluation of the child's emotional and behavioral status, including a developmental or social history, when appropriate.
- **Medical or health assessment statement.** A medical statement or a health assessment statement indicating whether there are any physical factors that may be affecting the child's educational performance;
- Behavior rating scales. The completion of at least two behavior-rating scales, at least one of which is a standardized behavior measurement instrument;
- Observation. An observation in the classroom and in at least one other setting by someone other than the child's regular teacher;
- Other:
  - Any additional assessments necessary to determine the impact of the suspected disability on the child's educational performance; and
  - Any additional evaluations or assessments necessary to identify the child's educational needs.

2. To be eligible as a child with an emotional disturbance, the child must meet the following minimum criteria:

- The child exhibits one or more of the following characteristics over a long period of time and to a marked degree:
  - An inability to learn at a rate commensurate with the child's intellectual, sensory-motor, and physical development;
  - An inability to establish or maintain satisfactory interpersonal relationships with peers and teachers;
  - Excessive behaviors which may include hyperactive and impulsive responses or depression and withdrawal;
  - Inappropriate types of behavior or feelings under normal circumstances; or
  - A tendency to develop physical symptoms, pains, or fears associated with personal, social, or school problems.

3. For a child to be eligible for special education services as a child with an emotional disturbance, the eligibility team must also determine that:

- The child's disability has an adverse impact on the child's educational performance; and
- The child needs special education services as a result of the disability;

4. A child who is socially maladjusted may not be identified as having an emotional disturbance unless the child also meets the minimum criteria under this rule.

## Hearing Impairment (20)

\* Requires CORP Assist [www.hdesd.org/referral](http://www.hdesd.org/referral)

1. If a child is suspected of having a hearing impairment, the following evaluation must be conducted:

- Audiology assessment. An audiological assessment by an audiologist licensed by the State Board of Examiners for Speech-Language Pathology and Audiology;
- Medical or health assessment statement. A medical statement or a health assessment statement indicating that the hearing loss is sensory-neural or conductive, if the conductive loss has been determined to be untreatable by a physician;
- Other:
  - Any additional assessments necessary to determine the impact of the suspected disability on the child's educational performance; for a school-age child; and
  - Any additional evaluations or assessments necessary to identify the child's educational needs.

2. To be eligible as a child with a hearing impairment, the child must meet one of the following minimum criteria:

- The child has a pure tone average loss of 25 dbHL or greater in the better ear for frequencies of 500 Hz, 1000 Hz, and 2000 Hz, or a pure tone average loss of 35 dbHL or greater in the better ear for frequencies of 3000 Hz, 4000 Hz, and 6000 Hz; or
- The child has a unilateral hearing impairment with a pure tone average loss of 50 dbHL or greater in the affected ear for the frequencies 500 Hz to 4000 Hz; and
- The loss is either sensorineural or conductive if the conductive loss has been determined to be currently untreatable by a physician.

3. For a child to be eligible for special education services as a child with a hearing impairment, the eligibility team must also determine that:

- The child's disability has an adverse impact on the child's educational performance; and
- The child needs special education services as a result of the disability.

### **Intellectual Disability (10)**

1. If a child is suspected of having mental retardation, the following evaluation must be conducted:

- Intelligence test. An individually administered standardized intelligence test meeting the reliability and validity standards of the American Psychological Association and administered by a licensed school psychologist, a psychologist licensed by the State Board of Psychological Examiners, or other individual assigned by a school district who has the training and experience to administer and interpret individually administered intelligence tests;
- (b) Adaptive behavior scale. The administration of a valid adaptive behavior scale;
- (c) **Medical or health assessment statement.** A medical statement or a health assessment statement indicating whether there are any sensory or physical factors that may be affecting the child's educational performance;
- (d) Developmental history. A developmental history of the child;
- (e) Other:
  - Any additional assessments necessary to determine the impact of the suspected disability on the child's educational performance; and
  - Any additional evaluations or assessments necessary to identify the child's educational needs.

2. To be eligible as a child with mental retardation, the child must meet all of the following minimum criteria:

- The child's intelligence test score is 2 or more standard deviations below the mean;
- The child has deficits in adaptive behavior coexistent with the child's impairment in intellectual functioning;
- The child's developmental level or educational achievement is significantly below age or grade norms; and
- The child's developmental or educational problems are not primarily the result of sensory disabilities or other physical factors.

3. For a child to be eligible for special education services as a child with mental retardation, the eligibility team must also determine that:

- The child's disability has an adverse impact on the child's educational performance; and
- The child needs special education services as a result of the disability.

## Orthopedic Impairment (70)

\* Requires CORP Assist [www.hdesd.org/referral](http://www.hdesd.org/referral)

1. If a child is suspected of having an orthopedic impairment, the following evaluation must be conducted:

- **Medical or health assessment statement.** A medical statement or a health assessment statement indicating a diagnosis of an orthopedic or neuromotor impairment or a description of the motor impairment;
- Motor assessment. A standardized motor assessment, including the areas of fine motor, gross motor and self-help, when appropriate, by a specialist knowledgeable about orthopedic or neuromotor development;
- Other:
  - Any additional assessments necessary to determine the impact of the suspected disability on the child's educational performance; and
  - Any additional evaluations or assessments necessary to identify the child's educational needs.

2. To be eligible as a child with an orthopedic impairment, the child must meet all of the following minimum criteria:

- The child has a motor impairment that results in deficits in the quality, speed or accuracy of movement. These deficits must be documented by a score of two or more standard deviations below the mean in fine motor skills, gross motor skills, or self-help skills, or functional deficits in at least two of these three motor areas; and
- The child's condition is permanent or is expected to last for more than 60 calendar days.

3. For a child to be eligible for special education services as a child with an orthopedic impairment, the eligibility team must also determine that:

- The child's disability has an adverse impact on the child's educational performance; and
- The child needs special education services as a result of the disability.

### **Health Impairment (80)**

1. If a child is suspected of having a health impairment, the following evaluation must be conducted:

- **Medical or health assessment statement.** A medical statement or a health assessment statement, indicating a diagnosis of a health impairment or a description of the impairment, and a statement that the child's condition is permanent or is expected to last for more than 60 calendar days;
- Other:
  - Any additional assessments necessary to determine the impact of the suspected disability on the child's educational performance; and
  - Any additional evaluations or assessments necessary to identify the child's educational needs.

2. To be eligible as a child with a health impairment, the child must meet all of the minimum criteria:

- The child exhibits limited strength, vitality or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment;
- The child's limited strength, vitality or alertness is due to a chronic or acute health problem; and
- The child's condition is permanent or expected to last for more than 60 calendar days.

3. For a child to be eligible for special education services as a child with a health impairment, the eligibility team must also determine that:

- The child's disability has an adverse impact on the child's educational performance; and
- The child needs special education services as a result of the disability.

### **Specific Learning Disability (90)**

1. If a child is suspected of having a specific learning disability, the following evaluation must be conducted:

- Academic assessment. An assessment of the child's academic achievement toward Oregon grade-level standards;
- Review. A review of cumulative records, previous IEPs or IFSPs and teacher collected work samples;
- Observation. An observation of the child in the child's learning environment (including the regular classroom setting) to document the child's academic performance and behavior in the areas of difficulty, which must consist of:
  - Information from an observation by a qualified professional in routine classroom instruction and monitoring of the child's performance before the child was referred for an evaluation; or
  - An observation conducted by a qualified professional (who is a member of the evaluation team) of the child's academic performance in a regular classroom after the child has been referred for an evaluation and parent consent obtained; or
  - For a child who is out of school, an observation in an age-appropriate environment.
- Progress monitoring data, including:
  - Data that demonstrate that before, or as part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
  - Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress that is directly linked to instruction.
- For a student evaluated using a response to intervention model as part of a comprehensive evaluation process to determine if the child has a specific learning disability, the evaluation must include documentation of:
  - The type, intensity, and duration of scientific, research-based instructional intervention(s) provided in accordance with the district's response to intervention model;
  - The student's rate of progress during the instructional intervention(s);
  - A comparison of the student's rate of progress to expected rates of progress.
  - Progress monitoring on a schedule that:
    - (i) Allows a comparison of the student's progress to the performance of peers;
    - (ii) Is appropriate to the student's age and grade placement;
    - (iii) Is appropriate to the content monitored; and
    - (iv) Allows for interpretation of the effectiveness of intervention.
- For a student evaluated using a model that is based on the student's strengths and weaknesses, the evaluation must include an assessment of the student's strengths and weaknesses in classroom performance and academic achievement, relative to age, Oregon grade-level standards, or intellectual development.
- Other:
  - If needed, a developmental history;
  - If needed, an assessment of cognition, fine motor, perceptual motor, communication, social or emotional, and perception or memory if the child exhibits impairment in one or more these areas;
  - If needed, a medical statement or health assessment indicating whether there are any physical factors that may be affecting the child's educational performance; and

- Any other assessments required to determine the impact of the suspected disability:
    - (i) On the child's educational performance for a school-age child; or
    - (ii) On the child's developmental progress for a preschool child.
2. For consideration of eligibility in the area of specific learning disabilities, the eligibility team must include:
- A group of qualified professionals and the parent;
  - The child's regular classroom teacher or, if the child does not have a regular classroom teacher, a regular classroom teacher qualified to teach a child of his or her age;
  - A person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or other qualified professional.
3. To be eligible as a child with a specific learning disability, the child must meet the following minimum criteria:
- The child does not achieve adequately for the child's age or to meet Oregon grade-level standards in one or more of the following areas when provided with learning experiences and instruction appropriate for the child's age or Oregon grade-level standards:
    - Basic reading skills;
    - Reading fluency skills;
    - Reading comprehension;
    - Mathematics calculation;
    - Mathematics problem-solving;
    - Written Expression;
    - Oral expression; or
    - Listening comprehension.
  - For a student evaluated using a response to intervention model, the student does not make sufficient progress to meet age or Oregon grade-level standards based on the student's response to scientific, research-based intervention.
  - For a student evaluated using a model that is based on the student's strengths and weaknesses, the student exhibits a pattern of strengths and weaknesses in classroom performance, academic achievement, or both, relative to age, Oregon grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability.
  - The child's rate of progress or pattern of strengths and weaknesses is not primarily the result of:
    - A visual, hearing, or motor impairment; mental retardation or emotional disturbance;
    - Cultural factors;
    - Environmental or economic disadvantage; or
    - Limited English proficiency.
4. For a child to be eligible for special education services as a child with a specific learning disability, the eligibility team must also determine that:
- The child's disability has an adverse impact on the child's educational performance; and
  - The child needs special education services as a result of the disability.
5. The eligibility team must prepare an evaluation report and written statement of eligibility documenting its findings, including:
- The evaluation data considered in determining the child's eligibility;
  - A determination of whether the child meets the minimum criteria for a specific learning disability;

- The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning;
- The educationally relevant medical findings, if any;
- If the child participated in a response to intervention process, documentation that the parents were notified in a timely manner about: the state's policies regarding the amount and nature of student performance data that would be collected, and the general education services that would be provided, as part of the response to intervention process; strategies for increasing the child's rate of learning; and the parent's right to request an evaluation.
- The determination of the team concerning the effects of a visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the child's achievement level; and
- A determination of whether the primary basis for the suspected disability is a lack of appropriate instruction in reading or math; or Limited English proficiency;
- A determination of whether the child's disability has an adverse impact on the child's educational performance;
- A determination of whether, as a result of the disability, the child needs special education services; and
- The signature of each member of the team indicating agreement or disagreement with the eligibility determination.



## Traumatic Brain Injury (74)

\* Requires CORP Assist [www.hdesd.org/referral](http://www.hdesd.org/referral)

1. If a child is suspected of having a traumatic brain injury, the following evaluation must be conducted:

- **Medical or health assessment statement.** A medical statement or a health assessment statement indicating that an event may have resulted in a traumatic brain injury;
- Psychological assessment. A comprehensive psychological assessment using a battery of instruments intended to identify deficits associated with a traumatic brain injury administered by a licensed school psychologist, a psychologist licensed by a State Board of Psychological Examiners, or other individuals who have the training and experience to administer and interpret the tests within the battery;
- Other.
  - Other assessments including, but not limited to, motor assessments if the child exhibits motor impairments; communication assessments if the child exhibits communication disorders; and psychosocial assessments if the child exhibits changed behavior. These assessments must be completed by educators knowledgeable in the specific area being assessed;
  - Other information relating to the child's suspected disability, including pre-injury performance and a current measure of adaptive ability;
  - An observation in the classroom and in at least one other setting;
  - Any additional assessments necessary to determine the impact of the suspected disability on the child's educational performance; and
  - Any additional evaluations or assessments necessary to identify the child's educational needs.

2. To be eligible as a child with a traumatic brain injury, the child must meet all of the following minimum criteria:

- The child has an acquired injury to the brain caused by an external physical force;
- The child's condition is permanent or expected to last for more than 60 calendar days;
- The child's injury results in an impairment of one or more of the following areas:
  - Communication;
  - Behavior;
  - Cognition, memory, attention, abstract thinking, judgment, problem-solving, reasoning, and/or information processing;
  - Sensory, perceptual, motor and/or physical abilities.

3. For a child to be eligible for special education services as a child with a traumatic brain injury, the eligibility team must also determine that:

- The child's disability has an adverse impact on the child's educational performance; and
- The child needs special education services as a result of the disability.

4. Students with brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma, are not eligible under the category of traumatic brain injury but may be eligible under a different category under this rule.

### **Vision Impairment (40)**

\* Requires CORP Assist [www.hdesd.org/referral](http://www.hdesd.org/referral)

1. If a child is suspected of having a vision impairment, the following evaluation must be conducted:
  - **Medical statement.** A medical statement by an ophthalmologist or optometrist licensed by a State Board of Examiners indicating whether the child has a vision impairment;
  - Vision assessment. An assessment by a teacher of the visually impaired to identify the child's educational and compensatory needs, including a functional assessment of the child's residual visual acuity or field of vision.
  - Other: Any additional assessments necessary to determine the impact of the suspected disability on the child's educational performance.
  
2. To be eligible as a child with a vision impairment, the child must meet one or more of the following minimum criteria:
  - The child's residual acuity is 20/70 or less in the better eye with correction;
  - The child's visual field is restricted to 20 degrees or less in the better eye;
  - The child has an eye pathology or a progressive eye disease which in the opinion of the ophthalmologist is expected to reduce either residual acuity or visual field according to the criteria; or
  - The assessment results of a licensed ophthalmologist or optometrist are inconclusive, and the child demonstrates inadequate use of residual vision.
  
3. For a child to be eligible for special education services as a child with vision impairment, the eligibility team must also determine that:
  - The child's disability has an adverse impact on the child's educational performance; and
  - The child needs special education services as a result of the disability.

### Procedures for Initial Eligibility Meeting

**TIMELINE NOTE:** Eligibility meeting must occur within 60 school days from written parent consent to evaluate.

- ❑ Once Eligibility Meeting time has been determined; send meeting notice to all team members; remembering to include a district representative
- ❑ Review written reports, data, observations
- ❑ Determine eligibility as a team, using **Eligibility Forms**
- ❑ Parent signs **Prior Notice of Consent for Initial Provision of Special Education Services**
- ❑ Provide Parents with copies of Evaluation Report(s) and **Eligibility Report(s)**
- ❑ Follow with IEP meeting either at the same time or within 30 calendar days of Eligibility determination