
Family Training Series

Referral to Special Education and the Eligibility Process

Accommodations

- **Translator – English to Spanish**
- **Interpreter – ASL**
- **Captions/Subtitles**



Zoom Housekeeping (2 of 2)

A few final reminders before we begin:

- This Webinar is being recorded and will be shared with you following the presentation. Please make sure we have your email address.
- You can ask questions throughout the webinar using the chat panel or by speaking up.
- This webinar will last 60 minutes.
- We encourage your participation and engagement, so please jump in!

Meet the Team



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Family Training Series Topics

Session 1: Building Knowledge and Nurturing Relationships

Session 2: Referral to Special Education and the Eligibility Process

Session 3: IEPs, Service Delivery & Behavior Interventions

Session 4: Addressing Concerns and Dispute Resolution



Objectives

By the end of the session, participants will develop an understanding of the:

1. **Purpose of an initial evaluation**
2. **How to request an evaluation**
3. **Parental consent process**
4. **Process of conducting an initial evaluation**
5. **Eligibility determination**

Purposes of an Initial Evaluation

1. To determine if the child is eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA).
2. To gather information to help determine a child's educational needs.
3. To guide decision making about appropriate educational programming for the child.



Requesting an Initial Evaluation

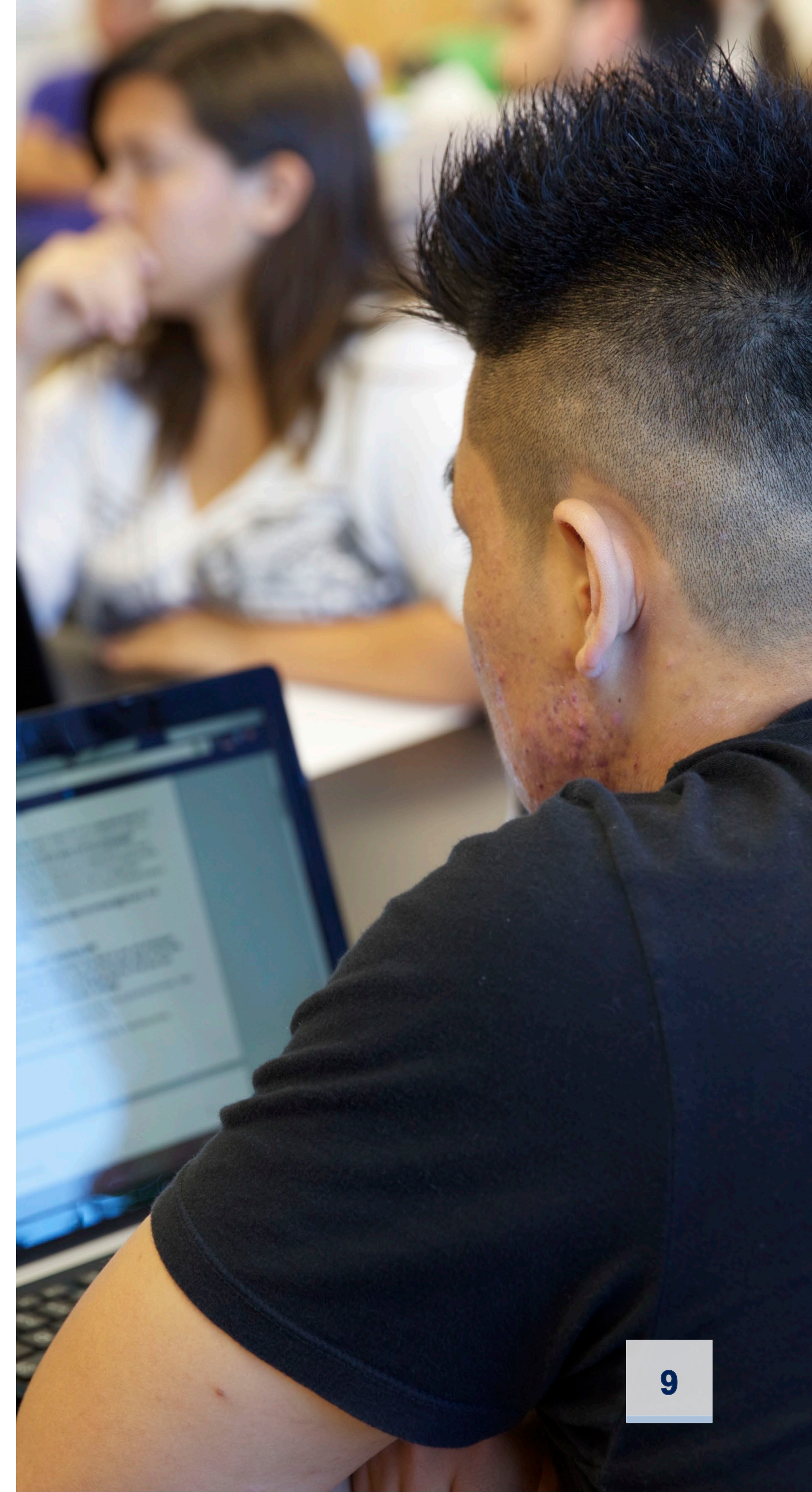
- **A parent or Local Education Agency (LEA) staff can ask for an initial evaluation for a child.**
- **The LEA must obtain consent from the parent prior to conducting an initial evaluation.**



Before an Initial Evaluation

IDEA Requires LEAs to:

1. Provide parent with prior written notice.
2. Provide parent with procedural safeguards notice.
3. Provide parents notice that describes any evaluation procedures the LEA proposes to conduct.
4. Obtain parental written consent.



Parent Consent for an Initial Evaluation (1 of 2)

What are the LEA's obligations if the parent does not provide consent or does not respond to a request to provide consent?

- The public agency may, but is not required, to pursue the evaluation by using means available per the procedural safeguards, i.e., mediation or due process procedures.
- However, the public agency would not be considered in violation of its obligation for Child Find if it declines to pursue the evaluation under these circumstances.

Parent Consent for an Initial Evaluation (2 of 2)

What are the LEA's obligations once the parent provides consent for an initial evaluation?

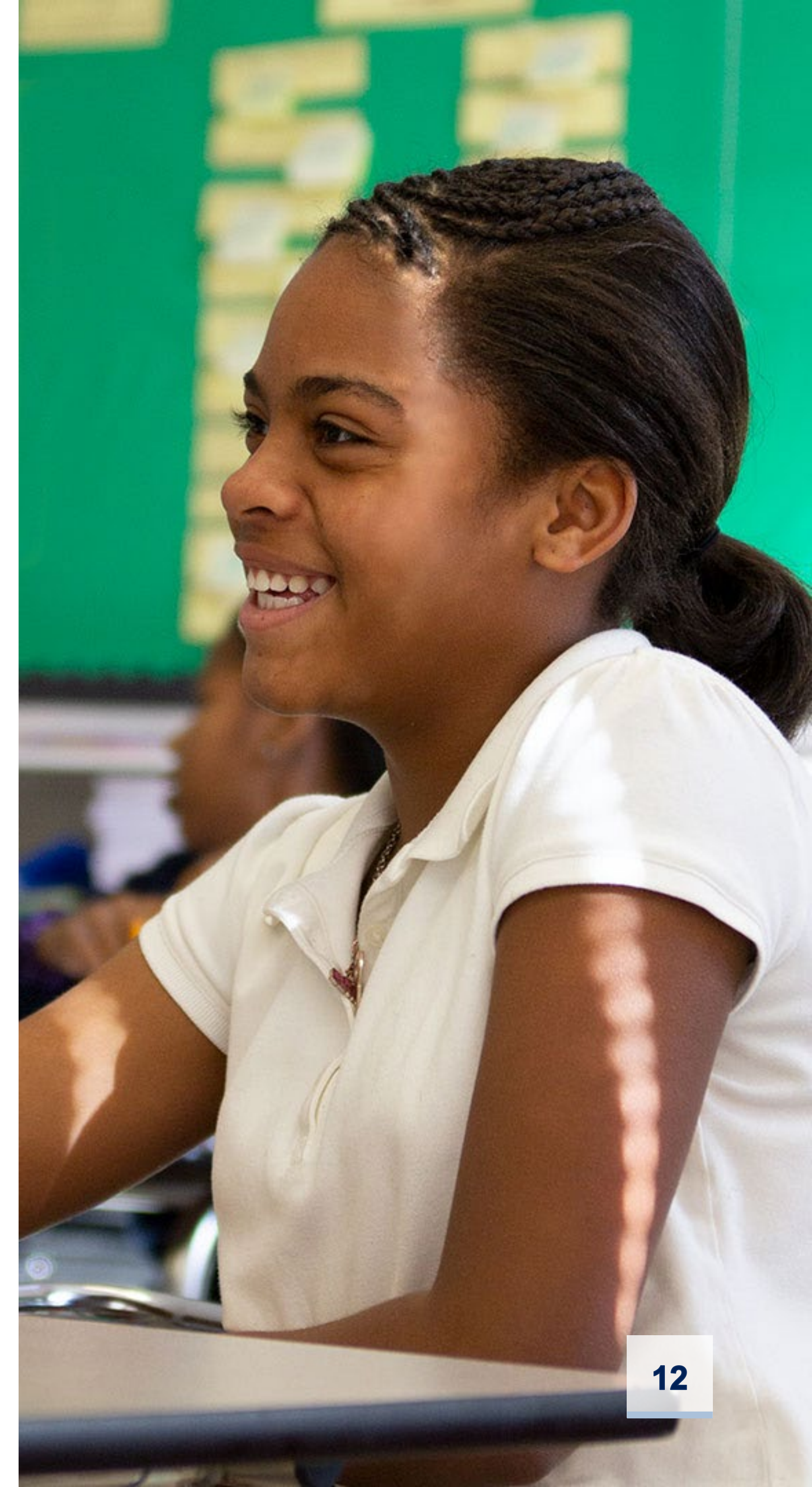
The initial evaluation *must*:

- be conducted within 60 days of receipt of consent.
- be comprehensive and individualized.
- use a variety of assessments.

Conducting an Evaluation (1 of 3)

As part of an initial evaluation, if appropriate, the IEP team and other qualified professionals (as needed) must gather and review evaluation data on the child, including:

1. Information and evaluations provided by the parent(s).
2. Observations by teachers and related service providers.
3. Current assessments (classroom, local, or State).
4. Functional, developmental, and academic data.



Conducting an Evaluation (2 of 3)

The public agency must ensure all sources are documented and considered.

Including information about the child's:

- Physical condition
- Social or cultural background
- Adaptive behavior



Conducting an Evaluation (3 of 3)

The team identifies whether additional data (if any) is needed to determine:

- If the child is a “child with a disability”;
- The child’s educational needs;
- The child’s present level of performance (academic and developmental);
- Whether the child requires special education and related services to access their education; and
- Whether any additions or modifications are needed.



Determining Eligibility (1 of 4)

A group of qualified professionals and the parent determines whether the child is a “child with a disability.”

Factors involved in making this determination:

- Variety of data sources.
- IDEA’s definition of a “child with a disability”.
- IDEA’s special rule for eligibility determination.



Determining Eligibility (2 of 4)

The public agency must use a variety of data sources, including:

- Aptitude tests
- Achievement tests
- Parent input
- Teacher recommendations



Determining Eligibility (3 of 4)

IDEA Definition:

§300.8 (a) Child with a disability means a child evaluated in accordance with §§300.304 through 300.311 as having an intellectual disability, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance (referred to in this part as “emotional disturbance”), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.



Determining Eligibility (4 of 4)

§300.306 (b) Special rule for eligibility determination.

A child must not be determined to be a child with a disability under this part—

(1) If the determinant factor for that determination is—

(i) Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the ESEA as such section was in effect on the day before the date of enactment of the Every Student Succeeds Act (December 9, 2015));

(ii) Lack of appropriate instruction in math; or

(iii) Limited English proficiency; and

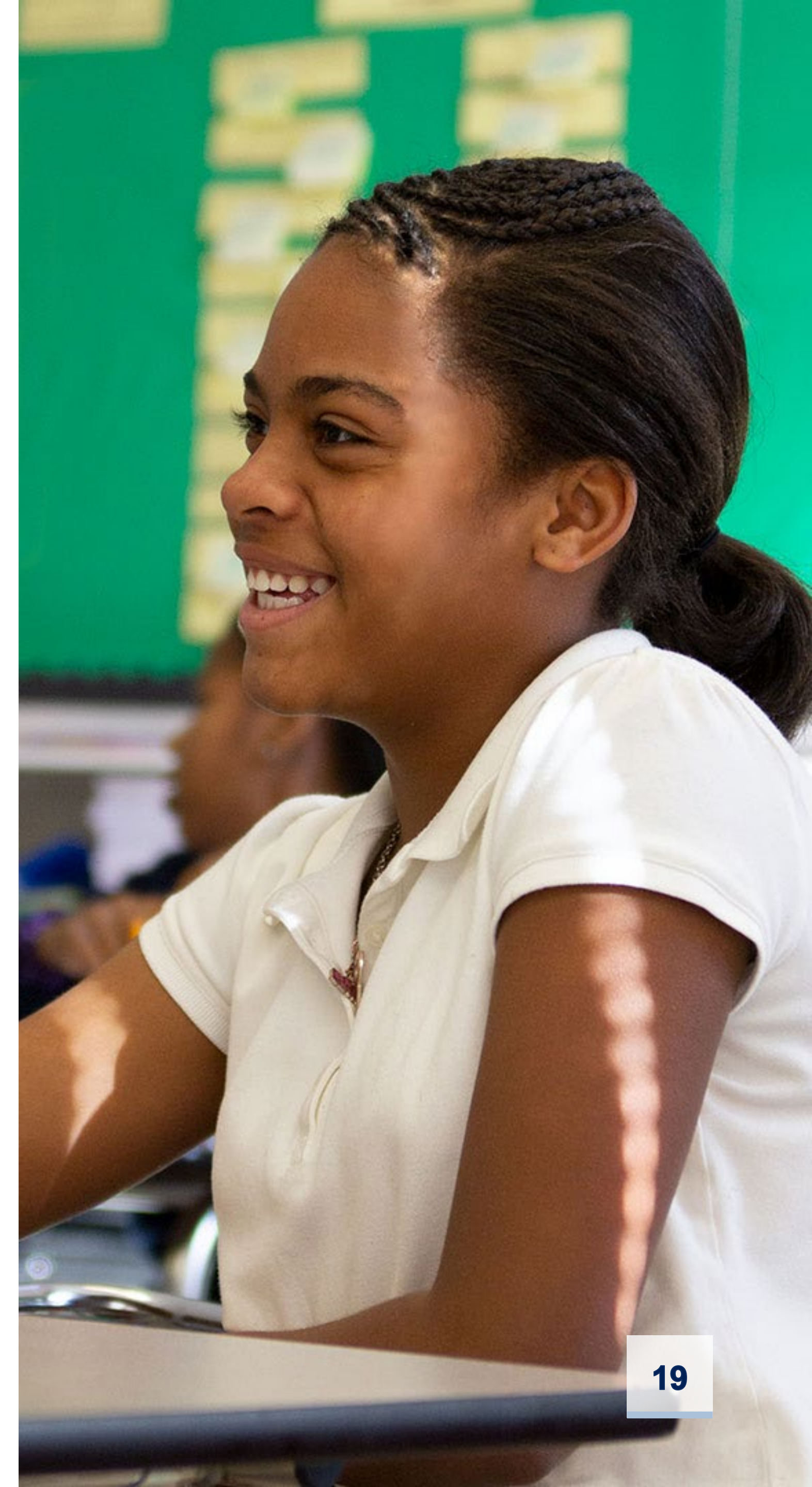
(2) If the child does not otherwise meet the eligibility criteria under §300.8(a).



Eligibility Determination and Notification

Regardless of the eligibility determination, the public agency must provide the parent with, at no cost:

1. A copy of evaluation report; and
2. Determination of eligibility and reasoning.



Eligibility Categories (1 of 4)

The LEA must conduct an evaluation in accordance with §§300.304-300.311 to determine whether that child meets the criteria for specific learning disability or any of the other disabilities listed in §300.8, which implements IDEA’s definition of “child with a disability.”



Eligibility Categories (2 of 4)

A child with a disability means a child evaluated in accordance with §§300.304 through 300.311 as having at least one of the following:

Disability Categories	Disability Categories
Intellectual Disability	Autism
Hearing Impairment (including Deafness)	Traumatic Brain Injury
Speech or Language Impairment	Other Health Impairment
Visual Impairment (including Blindness)	Specific Learning Disability
Emotional Disturbance	Deaf-Blindness
Orthopedic Impairment	Multiple Disabilities

Eligibility Categories (3 of 4)

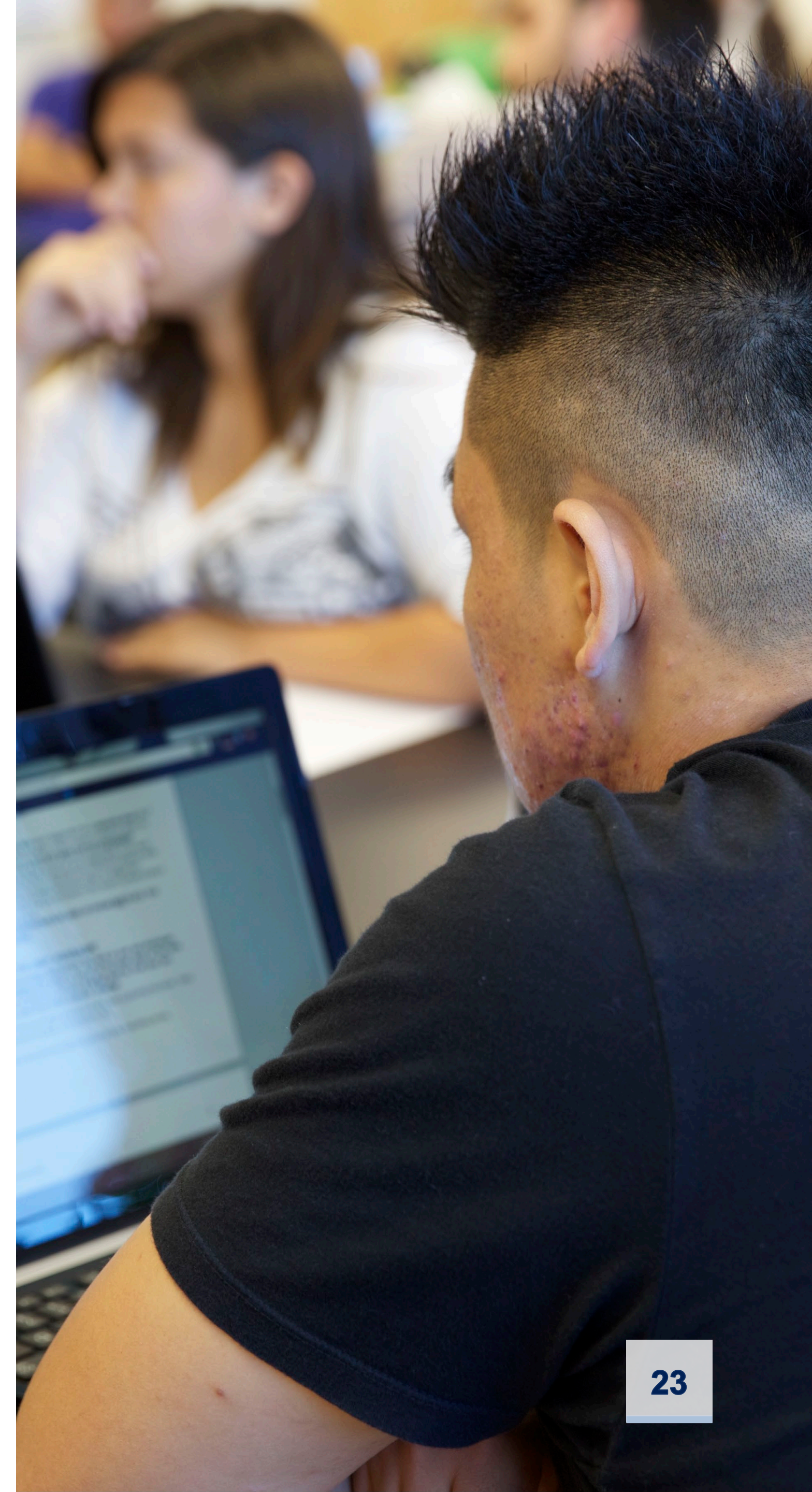
Specific Learning Disability (SLD): §300.8 (c) (10) (i)

- 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 manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.



Eligibility Categories (4 of 4)

In implementing the IDEA requirements, public agencies should consider situations where it would be appropriate to use the terms dyslexia to describe and address the child's unique, identified needs through evaluation, eligibility, and IEP documents.



Reevaluation

Students eligible for services under IDEA are entitled to a reevaluation.

May not occur more than once a year –

- Unless parent and public agency agree otherwise.

Must occur at least once every 3 years –

- Unless parent and public agency agree a reevaluation is not necessary.



What Information Must be Shared with Parents for an Initial Evaluation or Reevaluation?

- Its purpose
- Prior written notice
- Procedural safeguards notice
- Review of existing evaluation data
- Parent consent
- Additional data (if needed)
- Parent involvement evaluation and eligibility determination
- Reporting to parents

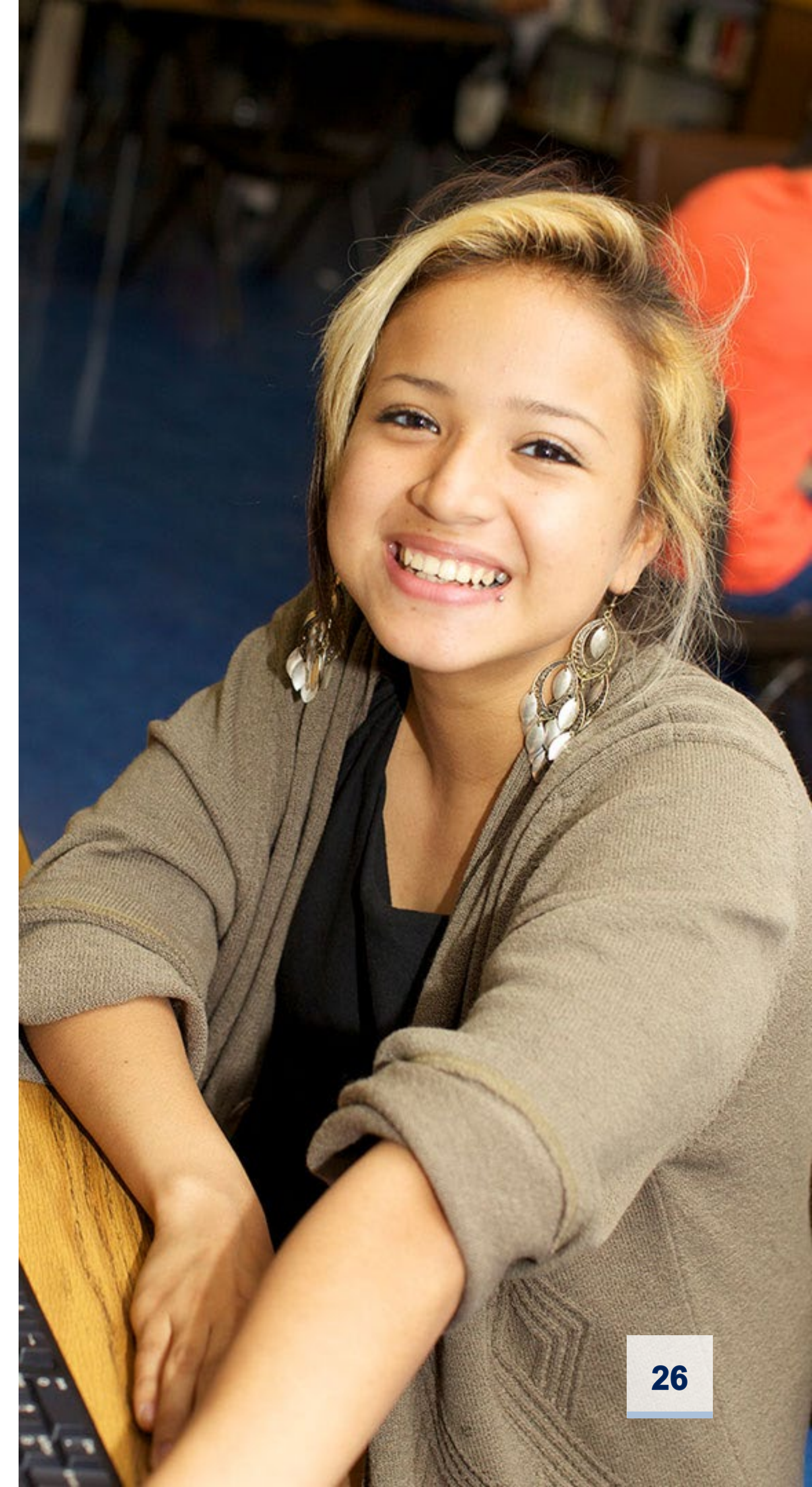
Other Evaluation Provisions

Evaluation is required before determining a child is no longer a “child with a disability” except:

- When a child’s eligibility under Part B ends.

When a student is no longer eligible for services under IDEA, the public agency must provide child with:

- A summary of child’s academic achievement and functional performance.
- Recommendations on how to assist child in meeting his or her own postsecondary goals.





Helpful Tools & Resources

- **Center for Parent Information and Resources (CPIR):**
<https://www.parentcenterhub.org/>
- **Individuals with Disabilities Education Act (IDEA):**
<https://sites.ed.gov/idea/>
- **Policy guidance on IDEA / IEP terms (dyslexia, dyscalculia, and dysgraphia):**
<https://sites.ed.gov/idea/files/idea/policy/speced/guid/idea/memosdcitrs/guidance-on-dyslexia-10-2015.pdf>



Mississippi Resources

- **Mississippi Parent Training & Information Center:**
<http://www.mspti.org/>, (601) 969-0601 or 1-800-721-7255
- **MDE Parent Hotline:** 1-877-544-0408
- **MDE Website – Information for Families:**
<https://www.mdek12.org/OSE/Information-for-Families>
- **Disability Rights Mississippi:** <http://www.drms.ms/>
or 1-800-772-4057

Questions & Answers



Contact WestEd:

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For information regarding your District's procedures and processes:

District's Special Education Department

Directory: <https://www.mdek12.org/OSE/SES>



Thank you!