Eligibility for IDEA Services: Understanding Diagnosis, Eligibility and IEP Development Decisions

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Agenda

• Diagnosis and Eligibility Determination
• IEP Development Decisions
  – Related Services
  – Supplemental Services
IDEA Disability Categories

IDEA lists 13 different disability categories under which 3- through 21-year-olds may be eligible for services. The disability categories listed in IDEA are:

- autism;
- deaf-blindness;
- deafness (Deaf/Hard of Hearing in SC);
- emotional disturbance (Emotional Disability in SC);
- hearing impairment (Deaf/Hard of Hearing in SC);
- intellectual disability (Intellectual Disabilities in SC);
- multiple disabilities;
- orthopedic impairment;
- other health impairment;
- specific learning disability (Specific Learning Disabilities in SC);
- speech or language impairment (Speech-Language Impairment in SC);
- traumatic brain injury; or
- visual impairment (Including blindness).

Developmental Delay is also a category of disability in SC.
What are the Qualifications of the People Completing the Assessment?

• Each assessment must be given and interpreted by a licensed or certified professional in the area being assessed (e.g., speech and language, motor, behavior, or other area).

• Certain test developers/suppliers also have specific requirements with regard to training and qualifications that must be considered. Assessments during initial evaluations encompass much more than test administration, however.

• When planning to collect the data for an evaluation, teams should determine which individuals have the most appropriate skills to obtain whatever data is needed.
Qualifying Evaluation Components

• The Local Education Agency (LEA) must administer such assessments and other evaluation measures as may be needed to produce the data to determine:
  – if the child is a child with a disability (Prong 1);
  – whether the child needs special education and related services; and
  – the educational needs of the child (Prong 2);
  – the present levels of academic achievement and functional performance (related developmental needs) of the child; and
  – whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable goals set out in the IEP and to participate, as appropriate, in the general education curriculum. (34 CFR § 300.305(a)(2))
Evaluation Procedures

During the evaluation process, the child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities (34 CFR § 300.304(c)(4)).
Assessment Tools

- When conducting an evaluation, no single measure or assessment shall be used as the sole criterion for determining whether the child is a child with a disability and for determining an appropriate educational program for the child.
Outside Diagnoses and Prescriptions

Any information provided must be carefully considered.

Additional evaluation tools must be used to meet requirements.

Prescriptions for IEP eligibility and placement are not applicable but may initiate the process because a disability may then be suspected.
Interpreting Evaluation Data

When interpreting evaluation data for the purpose of making these determinations, the team must:

– draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child’s physical condition, social or cultural background, and adaptive behavior; and

– ensure that information obtained from all of these sources is documented and carefully considered (34 CFR § 300.306(c)(1)(i) and (ii))
Assessment Tools

Those conducting the evaluation must also ensure the following requirements are met (34 CFR § 300.304(b) and (c)):

– Use a variety of assessment tools and strategies.
– Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
– Materials and procedures used to assess a child with limited English proficiency shall be selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child’s English language skills.
When determining eligibility under IDEA, there are two steps to the eligibility decision. These are represented by two questions.

The parents and other qualified professionals review the results of the initial evaluation to determine:

Prong 1: whether the child is a child with a disability as defined in federal and state laws and regulations and

Prong 2: the educational needs of the child (34 CFR § 300.306(a)).
Federal and state regulations are very clear with regard to the fact that a child must NOT be determined to be a child with a disability if the determinant factor is:

- Lack of appropriate instruction in reading, including the essential components of reading instruction (defined in § 1208(3) of the ESEA as phonemic awareness, phonics, vocabulary development, reading fluency including oral reading skills, and reading comprehension strategies);

- Lack of appropriate instruction in math; or

- Limited English proficiency; and o the child does not otherwise meet the eligibility criteria as a child with a disability (34 CFR § 300.306(b)).
AUTISM SPECTRUM DISORDER

Definition: Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a student’s educational performance. Other characteristics often 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.

DOCUMENTATION OF IMPAIRMENT

Required Evidence:
Developmental history does indicate impairments in social interaction, patterns of behavior, or lack of communication that are significantly different from peers.

Diagnostic Interview(s) with parent/teacher(s) does provide evidence of impairments in social interaction, patterns of behavior, or communication that are significantly different from peers.

Standardized instrument designed to measure autistic characteristics, administered and interpreted in consultation with a certified or licensed teacher/psychologist with experience in autism, does provide evidence of impairments in social interaction, patterns of behavior, or communication that are consistent with the characteristics of autism.

Adaptive behavior scales completed by the parent/caregiver and teacher(s) do provide evidence of atypical communication, social skills, or behavior.

Multiple observations do provide evidence of impairments in social interaction, patterns of behavior, or communication significantly different from peers that are consistent with Autism.

A measure(s) of academic achievement (e.g., norm-referenced assessments and curriculum based measures) does provide evidence that the student’s disability adversely impacts his/her educational performance.
Additional requirements for Autistic Disorder and Pervasive Developmental Disorder-Not Otherwise Specified:

- Communication assessment conducted by a Speech-Language Pathologist
- Developmental or cognitive assessment including verbal and nonverbal components

Additional information which may yield evidence, but is not required:

- Fine and gross motor assessments
- Visual-motor skills assessments
- Sensory processing measures
- additional options can be added here.

The characteristics identified as consistent with Autism cannot be attributed to an emotional disturbance. No
**DETERMINATION FOR AUTISM SPECTRUM DISORDER**

Definition: Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three that adversely affects a student's educational performance. Other characteristics often 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.

*Based on information from a variety of sources that have been documented and carefully considered, the team has determined:*

- Anna does meet criteria for Autism Spectrum Disorder.
- This disability does have an adverse effect on Anna's educational performance.
- As a result of this disability, Anna does require specially designed instruction.

*Documentation of evidence that the student requires specially designed instruction would be inserted here.*
Prong 2 - Determining Whether the Child Needs Special Education and Related Services

It is helpful for teams to remember that by definition special education means specially-designed instruction (34 CFR § 300.39(a)(1)), and, that specially-designed instruction means adapting the content, methodology or delivery of instruction to address the unique needs of a child that result from the child’s disability to ensure access of the child to the general education curriculum in order to meet the educational standards that apply to all children (34 CFR § 300.39(b)(3)(i) and (ii)).
Prong 2

- This implies that in order to have a need for special education services, the child has specific needs which are so unique that they require specially designed instruction in order to access the general education curriculum.

- It is only through the discussion of data that the team can determine whether or not the child’s need for having adapted content, methodology, or delivery of instruction is so great that it cannot be provided without the support of special education.

- If the team determines that the child’s need for having adapted content, methodology, or delivery of instruction is so great that it cannot be provided in regular education without the support of special education, the team may determine that the child needs special education and related services (Prong 2 of the eligibility test).
Can a Child with a Disability not be Eligible for Special Education Services?

If the data suggests the child’s needs for instruction can be provided within the regular education setting without the support of special education and related services, the team must determine that the child is not in need of special education and related services.
"Specially Designed Instruction" means adapting, as appropriate to the needs of an eligible child, the content, methodology or delivery of instruction to address the child's unique needs resulting from the disability and ensuring the child's access to the general curriculum so that he or she can meet the educational standards that apply to all children within jurisdiction of the public agency. 34 CFR 300.39 (b)(3).

It involves providing instruction that is different from that provided to children without disabilities, based upon the eligible child’s unique needs.
Related Services

The IEP team will discuss the child’s needs and decide whether a related service is needed to help the child accomplish an instructional goal on the IEP.
What are Related Services?

Related services help children with disabilities benefit from their special education by providing extra help and support in needed areas, such as speaking or moving. Related services can include, but are not limited to, any of the following:

- speech-language pathology and audiology services
- interpreting services
- psychological services
- physical and occupational therapy
- recreation, including therapeutic recreation
- early identification and assessment of disabilities in children
- counseling services, including rehabilitation counseling
- orientation and mobility services
- medical services for diagnostic or evaluation purposes
- school health services and school nurse services
- social work services in schools
- parent counseling and training transportation [Section 300.34]
Related Services

§300.320(a)(4) and stipulates that each child’s IEP must contain: (4) A statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided to enable the child—

(i) To advance appropriately toward attaining the annual goals;

(ii) To be involved in and make progress in the general education curriculum in accordance with paragraph (a)(1) of this section, and to participate in extracurricular and other nonacademic activities; and

(iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section...

[§300.320(a)(4)]
Private Setting Speech, OT and PT

• Medical model versus school model related services in order to support the progress toward meeting IEP goals and objectives
If a Child has an Impairment, but only Needs Related Services, is that Child Eligible under IDEA?

Must meet the two prong test

If a child has one of the impairments, but needs only related services and does not need special education, the child is not a child with a disability (see 34 CFR §300.8(a)(2)(i)).
Questions

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