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CHAPTER 6

SPECIAL EDUCATION CRITERIA AND IEP PLANNING GUIDELINES

6.1 PURPOSE AND SCOPE

The purpose of this document is to define the specific processes and procedures involved in determining a student’s need to receive special education and related services. It is not meant to determine instructional setting or placement. Those determinations are made by the IEP Team based on identified student needs.

The determination of eligibility must be based on the findings of a multi-disciplinary assessment where no single test or single observer is the sole determining factor. The IEP Team must assure that the student's academic needs cannot be met through modifications of the regular education program and that the disability, even with corrections and modifications, adversely affects the individual’s educational performance. The IEP Team must also assure that all areas of suspected disability have been assessed. There shall be further documentation that race, cultural differences, economic disadvantage, language background, limited school experience and poor attendance are not primary contributing factors to the results of the assessment. The IEP Team will determine eligibility, present levels of performance, areas of need and goals that address each area of need. Goals and (objectives if required) will be supported by appropriate services in the least restrictive environment as determined by the IEP Team for the child to receive educational benefit.

6.2 PRIOR TO REFERRAL FOR SPECIAL EDUCATION

The Student Study Team, or the referring instructional personnel, shall document that academic interventions and accommodations/modifications of the regular program and research-based interventions have been attempted and that the results of those strategies have not been effective in meeting the student's need for an appropriate education. Students shall be referred for special education and related services only after the resources of the regular education program have been considered and, where appropriate, utilized. The Student Success Team (SST) is a regular education function. It is a process of reviewing individual student issues pertaining to educational performance and planning instructional interventions to be implemented in the regular education classroom.

Although specialists, such as school psychologists, speech/language pathologists, and resource specialists may be involved in the SST process, the SST is not a special education function and is not subject to the associated restrictions and timelines. A special education referral may be appropriate after interventions have been implemented, reviewed and revised.

NOTE: Timelines related to special education assessment apply even if a student is engaged in the SST or RtI process. Applicable timelines commence any time an evaluation request is received by the LEA. Parents and the LEA may mutually agree to
extend the timeline for special education assessment, if it is determined that the IEP team requires additional time to evaluate the student. However, such agreement must be in writing signed by the parent and the LEA. (34 CFR 300.309(c); 71 Fed. Reg. 46657-46659 (August 14, 2006.)

6.3 REFERRAL

All referrals for special education and related services shall initiate the assessment process and shall be documented. When a verbal referral for assessment is made, staff of the school districts, Special Education Local Plan Area, or SCCOE shall offer to assist the individual to make a request in writing, and shall assist the individual if the individual requests such assistance.

All school staff referrals shall be written and include:
1. A brief reason for the referral.

2. Documentation of the resources of the regular education program that have been considered, modified, and when appropriate, the results of intervention. This documentation shall not delay time lines for responding to requests with prior written notice, completing the assessment plan or assessment. (C.C.R., Title 5, Sec. 3021)

6.4 ASSESSMENT

The personnel who assess the pupil shall prepare a written report, or reports, as appropriate, of the results of each assessment. The report shall include, but not be limited to, all the following:
(a) Whether the pupil may need special education and related services.

(b) The basis for making the determination.

(c) The relevant behavior noted during the observation of the pupil in an appropriate setting.

(d) The relationship of that behavior to the pupil's academic and social functioning.

(e) The educationally relevant health and development, and medical findings, if any.

(f) A determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate.

(g) The need for specialized services, materials, and equipment for the pupils with low incidence disabilities, consistent with guidelines established pursuant to Section 56136.
Assessments shall be administered by qualified personnel who are competent in both the oral or sign language skills and written skills of the individual’s primary language or mode of communication and have a knowledge and understanding of the cultural and ethnic background of the pupil. If it clearly is not feasible to do so, an interpreter must be used, and the assessment report shall:

(a) Document this condition and note that the validity may have been affected and;

(b) The normal process of second-language acquisition, as well as manifestations of dialect and sociolinguistic variance shall not be diagnosed as a disabbling condition.

The assessment of a student, including a student with a suspected low incidence disability, shall be conducted by persons knowledgeable of that disability. Special attention shall be given to the unique educational needs, including, but not limited to, skills and the need for specialized services, materials, and equipment. (EC 56136)

6.5 ELIGIBILITY CRITERIA

A student qualifies as an individual with exceptional needs, if the results of the assessment demonstrate that the student meets eligibility criteria as an individual with a disability and degree of the student’s impairment requires special education and related services. The decision as to whether or not the student qualifies for special education and related services shall be made by the IEP team, including assessment personnel. The IEP team shall take into account all the relevant information that is available on the student. No single score or product of scores shall be used as the sole criterion for the decision of the IEP team as to the student's eligibility for special education. (EC 56220 (a) 56026, 56320, 5CCR 3030 (a-j) 56361 56341 (d))

Eligibility Criteria are separated into thirteen federal classifications. Students need only to meet eligibility under one of these federal classifications. (34 C.F.R., Part 300.7.)

6.5.A. Three Primary Factors Must Be Considered

Three primary factors must be met when making this determination:

1. Does the student meet the eligibility criteria as an individual with a disability?
2. Does the severity of the disability have an adverse effect on the student’s educational performance?
3. Does the student require special education and services to achieve a free appropriate public education?

6.5.B. Special Rule for Eligibility Determination

In making a determination of eligibility, a child shall not be determined to be a child with a disability if the determinant factor for such determination is:

1. Lack of appropriate instruction in reading, including the essential components of reading instruction.
2. Lack of instruction in math; or
3. Limited English proficiency

(EC 56333-56339; 5 CCR 3030; 34CFR 300.27, 300.534)
6.5.C. Evaluations before Change in Eligibility
The district shall evaluate a student with a disability before determining that the student is no longer a child with a disability and before exiting him/her from special education services.

Exception: The evaluation shall not be required before the termination of a student’s eligibility due to graduation from high school with a regular diploma, or due to exceeding the age eligibility for a free appropriate public education. However a Prior Written Notice is required in these situations.

6.6. SEVERE DISABILITIES AND NON-SEVERE DISABILITIES

Students meeting eligibility under some of the above federal classifications are considered to be severely disabled as follows:

"Severely disabled" means individuals with exceptional needs who require intensive instruction and training in programs serving pupils with the following profound disabilities: autism, blindness, deafness, severe orthopedic impairments, emotional disturbances, severe intellectual disability, and those individuals who would have been eligible for enrollment in a development center for handicapped pupils under Chapter 6 (commencing with Section 56800) of this part, as it read on January 1, 1980. (EC 56030.5)

6.7 ELIGIBILITY CATEGORIES

In July 2014, California adopted amended regulations to align eligibility criteria with federal regulations. (CCR Title 5, section 3030 and CFR 300.8)


(1) Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, and adversely affecting a child’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.

(a) Autism does not apply if a child’s educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in subdivision 6.7A (1) of this section.

(b) A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria in subdivision (1) of this section are satisfied.
6.7.B **DEAF-BLINDNESS (DB):** A severely disabling condition.

Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

6.7.C **DEAFNESS (D):** A severely disabling condition.

Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child’s education performance.

6.7.D **HEARING IMPAIRMENT (HI):** A severely or non-severely disabling condition.

Hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child’s educational performance but that is not included under the definition of deafness in this section.

6.7.E **INTELLECTUAL DISABILITY (ID):** A severely or non-severely disabling condition.

Intellectual Disability means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child’s educational performance.

6.7.F **MULTIPLE DISABILITIES (MH):** A severely disabling condition.

Multiple disabilities means concomitant impairments (such as intellectual disability-blindness, intellectual disability, orthopedic impairment, etc.), the combination of which causes such severe educational problems that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blindness.

6.7.G **ORTHOPEDIC IMPAIRMENT (OI):** A severe or non-severe disabling condition.

Orthopedic impairment means a severe orthopedic impairment that adversely affects a child’s educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, poliomyelitis, bone tuberculosis, etc.) and
impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

6.7.H OTHER HEALTH IMPAIRMENT (OHI): A severe or non-severe disabling condition.

Other health impairment means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that
(a) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia; and Tourette Syndrome, and
(b) adversely affects a child’s educational performance.

6.7.I EMOTIONAL DISTURBANCE (ED): A severely or non-severely disabling condition.

Emotional disturbance 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 education performance:
(a) An inability to learn that cannot be explained by intellectual, sensory, or health factors.
(b) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
(c) Inappropriate types of behavior or feelings under normal circumstances.
(d) A general pervasive mood of unhappiness or depression.
(e) A tendency to develop physical symptoms or fears associated with personal or school problems.
(f) Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.


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, cognitive abilities including association, conceptualization and expression.
(a) Specific learning disabilities do not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

(b) In determining whether a pupil has a specific learning disability, the public agency may consider whether a pupil has a severe discrepancy between intellectual ability and achievement in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning. The decision as to whether or not a severe discrepancy exists shall take 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. In determining the existence of a severe discrepancy, the IEP team shall use the following procedures:

1. When standardized tests are considered to be valid for a specific pupil, a severe discrepancy is demonstrated by: first, converting into common standard scores, using a mean of 100 and standard deviation of 15, the achievement test score and the intellectual ability test score to be compared; second, computing the difference between these common standard scores; and third, comparing this computed difference to the standard criterion which is the product of 1.5 multiplied by the standard deviation of the distribution of computed differences of students taking these achievement and ability tests. A computed difference which equals or exceeds this standard criterion, adjusted by one standard error of measurement, the adjustment not to exceed 4 common standard score points, indicates a severe discrepancy when such discrepancy is corroborated by other assessment data which may include other tests, scales, instruments, observations and work samples, as appropriate.

2. When standardized tests are considered to be invalid for a specific pupil, the discrepancy shall be measured by alternative means as specified on the assessment plan.

3. If the standardized tests do not reveal a severe discrepancy as defined in subdivisions 1. or 2. above, the IEP team may find that a severe discrepancy does exist, provided that the team documents in a written report that the severe discrepancy between ability and achievement exists as a result of a disorder in one or more of the basic psychological processes. The report shall include a statement of the area, the degree, and the basis and method used in determining the discrepancy. The report shall contain information considered by the team which shall include, but not be limited to:
(i) Data obtained from standardized assessment instruments;
(ii) Information provided by the parent;
(iii) Information provided by the pupil's present teacher;
(iv) Evidence of the pupil's performance in the regular and/or special education classroom obtained from observations, work samples, and group test scores;
(v) Consideration of the pupil's age, particularly for young children; and
(vi) Any additional relevant information.

4. A severe discrepancy shall not be primarily the result of limited school experience or poor school attendance.

(c) Whether or not a pupil exhibits a severe discrepancy as described in subdivision (b)(10)(B) above, a pupil may be determined to have a specific learning disability if:

1. The pupil does not achieve adequately for the pupil’s age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the pupil's age or State-approved grade-level standards:
   (i) Oral expression.
   (ii) Listening comprehension.
   (iii) Written expression.
   (iv) Basic reading skill.
   (v) Reading fluency skills.
   (vi) Reading comprehension.
   (vii) Mathematics calculation.
   (viii) Mathematics problem solving, and

2. 
   (i) The pupil does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified in subdivision (b)(10)(C)(1) of this section when using a process based on the pupil's response to scientific, research-based intervention; or
   
   (ii) The pupil exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with 34 C.F.R. sections 300.304 and 300.305; and
3. The findings under subdivisions of this section are not primarily the result of:

   (i) A visual, hearing, or motor disability;
   (ii) Intellectual disability;
   (iii) Emotional disturbance;
   (iv) Cultural factors;
   (v) Environmental or economic disadvantage; or
   (vi) Limited English proficiency.

4. To ensure that underachievement in a pupil suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group making the decision must consider:

   (i) 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

   (ii) 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.

5. In determining whether a pupil has a specific learning disability, the public agency must ensure that the pupil is observed in the pupil’s learning environment in accordance with 34 C.F.R. section 300.310. In the case of a child of less than school age or out of school, a qualified professional must observe the child in an environment appropriate for a child of that age. The eligibility determination must be documented in accordance with 34 C.F.R. section 300.311.

**CFR Sec. 300.311 Specific documentation for the eligibility determination.**

A. For a child suspected of having a specific learning disability, the documentation of the determination of eligibility, as required in Sec. 300.306(a)(2), must contain a statement of--

1. Whether the child has a specific learning disability;

2. The basis for making the determination, including an assurance that the determination has been made in accordance with Sec. 300.306(c)(1);

3. The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning;
4. The educationally relevant medical findings, if any;

5. Whether—
   (i) The child does not achieve adequately for the child's age or to meet State-approved grade-level standards consistent with Sec. 300.309(a)(1); and
   (ii) (A) The child does not make sufficient progress to meet age or State-approved grade-level standards consistent with Sec. 300.309(a)(2)(i); or
       (B) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards or intellectual development consistent with Sec. 300.309(a)(2)(ii);

6. The determination of the group 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

7. If the child has participated in a process that assesses the child's response to scientific, research-based intervention—
   (i) The instructional strategies used and the student-centered data collected; and
   (ii) The documentation that the child's parents were notified about—
       (a) 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;
       (b) Strategies for increasing the child's rate of learning; and
       (c) The parents' right to request an evaluation.

B. Each group member must certify in writing whether the report reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions.

For a pupil suspected of having a specific learning disability, at least one member of the individualized education program team shall be qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher. At least one team member shall observe the pupil’s academic performance and behavior in the areas of difficulty in the pupil’s learning environment, including in the regular classroom setting. In the case of a child who is less than schoolage or out of
school, a team member shall observe the child in an environment appropriate for a child of that age.


A pupil has a language or speech disorder as defined in Education Code section 56333, and it is determined that the pupil's disorder meets one or more of the following criteria:

(A) Articulation disorder

1. The pupil displays reduced intelligibility or an inability to use the speech mechanism which significantly interferes with communication and attracts adverse attention. Significant interference in communication occurs when the pupil's production of single or multiple speech sounds on a developmental scale of articulation competency is below that expected for his or her chronological age or developmental level, and which adversely affects educational performance.

2. A pupil does not meet the criteria for an articulation disorder if the sole assessed disability is an abnormal swallowing pattern.

(B) Abnormal Voice. A pupil has an abnormal voice which is characterized by persistent, defective voice quality, pitch, or loudness.

(C) Fluency Disorders. A pupil has a fluency disorder when the flow of verbal expression including rate and rhythm adversely affects communication between the pupil and listener.

(D) Language Disorder. The pupil has an expressive or receptive language disorder when he or she meets one of the following criteria:

1. The pupil scores at least 1.5 standard deviations 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. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified on the assessment plan, or

2. The pupil scores at least 1.5 standard deviations below the mean or the score is below the 7th percentile for his or her chronological age or developmental level on one or more standardized tests in one of the areas listed in subdivision (A) 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. The language sample must be recorded or transcribed and analyzed, and
the results included in the assessment report. If the pupil is unable to produce this sample, the language, speech, and hearing specialist shall document why a fifty 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 pupil, the expected language performance level shall be determined by alternative means as specified in the assessment plan.

6.7.L TRAUMATIC BRAIN INJURY (TBI): A severe or non-severe disabling condition.

Traumatic brain injury" 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 applies to open or closed head injuries resulting in impairments in one or more areas, such as 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 apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma.

6.7.M VISUAL IMPAIRMENT INCLUDING BLINDNESS (VI): A severe or non-severe disabling condition.

Visual impairment including blindness means an impairment in vision that, even with correction, adversely affects a child’s educational performance. The term includes both partial sight and blindness.
APPENDIX
ELIGIBILITY SUMMARY FORMS

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Autism (AUT)
IEP Team Review of Criteria for Eligibility

Pupil’s Name ___________________________ Birth Date ____________
School ___________________________ Date ______________

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 disturbance.
Deaf-Blindness (DB)
IEP Team Review of Criteria for Eligibility

Pupil’s Name ___________________________  Birth Date ________________

School ___________________________  Date ________________

CRITERIA (All 4 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 severe hearing impairment as determined by a qualified audiologist.

☐ 2. The student exhibits a severe visual impairment as determined by a qualified ophthalmologist.

☐ 3. The student’s concomitant severe hearing and visual impairments cause severe communication, developmental, and other educational needs.

☐ 4. The student’s severe communication and other developmental and educational needs cannot be accommodated in special education programs solely for students with deafness or blindness.
Deafness (D)
IEP Team Review of Criteria for Eligibility

Pupil’s Name  ___________________________  Birth Date  ______________
School  ___________________________  Date  ______________

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 severe hearing impairment as determined by a qualified audiologist.

☐ 2. The student’s severe hearing impairment adversely affects the processing of linguistic information through hearing, with or without amplification.

☐ 3. The student’s severe hearing impairment adversely affects educational performance.
Emotional Disturbance (ED)
IEP Team Review of Criteria for Eligibility

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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.

Emotional Disturbance means a condition exhibiting one or more of the following characteristics:

- [ ] 1. Inability to learn that cannot be explained by intellectual, sensory, or health factors.
- [ ] 2. Inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- [ ] 3. Inappropriate types of behavior or feelings under normal circumstances exhibited in several situations.
- [ ] 4. General pervasive mood of unhappiness or depression.
- [ ] 5. Tendency to develop physical symptoms or fears associated with personal or school problems.

All elements listed below must be met in order to establish eligibility under Emotional Disturbance:

- [ ] 1. The characteristics have been exhibited over a long period of time.
- [ ] 2. The characteristics have been exhibited to a marked degree.
- [ ] 3. The characteristics adversely affect educational performance.

Note:
Emotional Disturbance includes Schizophrenia.

The term “Emotional Disturbance” does not apply to students who are socially maladjusted, unless it is determined that they have an emotional disturbance under CCR, Title V Section 3030 (b)(4).
Hearing Impairment
IEP Team Review of Criteria for Eligibility

Pupil’s Name ___________________________ Birth Date _______________
School _______________________________ Date _______________

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 has a permanent or fluctuating hearing impairment as determined by a qualified audiologist.

☐ 2. The student’s hearing impairment adversely affects educational performance.

☐ 3. The student’s needs cannot be solely met within the regular classroom setting.
Intellectual Disability
IEP Team Review of Criteria for Eligibility

Pupil’s Name ____________________________  Birth date__________

School ________________________________  Date__________

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 CCR, Title V, Sec 3030.

☐ 1. The student demonstrates significantly subaverage general intellectual functioning.

☐ 2. The student demonstrates concurrent deficits in adaptive behavior.

☐ 3. The student’s deficits were manifested during the developmental period.

☐ 4. The student’s disability adversely affects educational performance.

☐ 5. The student’s needs cannot be solely met within the general classroom setting.
Multiple Disabilities
IEP Team Review of Criteria for Eligibility

Pupil’s Name ___________________________ Birth Date ________________
School ____________________________ Date ________________

CRITERIA (All 4 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 demonstrates concomitant impairments.
   Impairment: ______________________________________________
   Impairment: ______________________________________________

☐ 2. The combination of concomitant impairments causes severe educational needs that cannot be accommodated in special education programs solely for one of the impairments.

☐ 3. The student’s disability adversely affects educational performance.

☐ 4. The student’s needs cannot be solely met within the general classroom setting.
Orthopedic Impairment
IEP Team Review of Criteria for Eligibility

Pupil’s Name ___________________________  Birth Date _________________
School ___________________________  Date _________________

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 has a severe orthopedic impairment due to congenital anomaly, disease, or other causes.

☐ 2. The student’s disability adversely affects educational performance.

☐ 3. The student’s needs cannot be solely met within the general classroom setting.
Other Health Impairment
IEP Team Review of Criteria for Eligibility

Pupil's Name ___________________________  Birth Date ________________

School _______________________________  Date ________________

CRITERIA (All 4 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 has limited strength vitality, or alertness, including a heightened alertness
to environmental stimuli, due to chronic or acute health problems.

☐ 2. The student’s disability results in limited alertness with respect to the educational
environment.

☐ 3. The student’s disability adversely affects educational performance.

☐ 4. The student’s needs cannot be solely met within the general classroom setting.
STATE SELPA IEP TEMPLATE
SPECIFIC LEARNING DISABILITY
TEAM DETERMINATION OF ELIGIBILITY - DISCREPANCY

Student Name _____________________  Date of Birth ___/___/________  IEP Date ___/___/________

School __________________________

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 included attention, visual processing, auditory processing, sensory-motor skills, phonological processing, and 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):

☐ Cognitive Abilities (including association, conceptualization and expression)

☐ Sensory Motor Skills  ☐ Visual Processing

☐ Auditory Processing  ☐ Attention

☐ Phonological Processing

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 disadvantage, 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

Section IV. Additional Relevant Information:

Basis for determination of eligibility:

☐ Psychoeducational Evaluation utilizing multiple measures (see attached psychoeducational report).

☐ Other (specify) ________________________________
Section V. Relevant behavior related to academic functioning, noted during observation:

____________________________________________________________________________

____________________________________________________________________________

Section VI. Educationally relevant medical findings, if any:

____________________________________________________________________________

____________________________________________________________________________

Section VII. Conclusion:
The pupil has a specific learning disability. The degree of the pupil’s impairment requires special education.

Yes  No

I agree with the conclusions stated above:

Parent/Guardian/Surrogate/Adult Date  Parent/Guardian/Surrogate/Adult Date
LEA Representative/Admin. Designee Date  General Education Teacher Date
Special Education Specialist Date  Additional Participant/Title Date
Additional Participant/Title Date  Additional Participant/Title Date
Additional Participant/Title Date  Additional Participant/Title Date
Additional Participant/Title Date  Additional Participant/Title Date

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

_________________________________________________  
Signature and Title/Date
STATE SELPA IEP TEMPLATE
SPECIFIC LEARNING DISABILITY DISCREPANCY DOCUMENTATION REPORT
(INDIVIDUALIZED EDUCATION PROGRAM TEAM CERTIFICATION)

Student Name ______________________  Date of Birth ___/___/________  IEP Date ___/___/________

This form is to be completed and attached to the IEP Team Certification identification of Specific Learning Disability Form in order to document the presence of a Specific Learning Disability in instances when the student does not exhibit a severe discrepancy between ability and achievement as measured by standardized test.

Statement of the area, the degree, and the basis and method used in determining the discrepancy:

1. Data from assessment instruments (ability and achievement):

2. Information provided by the parent:

3. Information provided by the pupil’s present teacher:

4. Summary of the pupil’s classroom performance:
   a. Observations:
   b. Work Samples:
   c. Group Test Scores:

5. Consideration of the pupil’s age:

6. Additional Relevant Information:

Revised 09/2015  Form 11B
Speech or Language Impairment -
Abnormal Voice
IEP Team Review of Criteria for Eligibility

Pupil’s Name ____________________________  Birth Date ________________

School ____________________________  Date ________________

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 an abnormal voice characterized by persistent, defective voice
   quality, pitch, or loudness.

☐  2. The student’s disability adversely affects educational performance.

☐  3. The student’s needs cannot be solely met within the general classroom setting.
Speech or Language Impairment - Articulation Disorder  
IEP Team Review of Criteria for Eligibility

| Pupil’s Name | __________________________ | Birth Date | _______________
| School       | __________________________ | Date       | _______________

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 CCR, Title V, Sec. 3030.

☐  1. The student exhibits reduced intelligibility or an inability to use the speech mechanism.

☐  2. The student’s disability significantly interferes with communication – the student’s production of single or multiple speech sounds on a developmental scale of articulation competency is below chronological age or developmental level.

☐  3. The student’s disability significantly attracts adverse attention.

☐  4. The student’s disability adversely affects educational performance.

☐  5. The student’s needs cannot be solely met within the general classroom setting.

Note:  
A student does not meet criteria for articulation disorder if the sole assessed disability is an abnormal swallowing pattern.
Speech or Language Impairment – Fluency Disorder
IEP Team Review of Criteria for Eligibility

Pupil’s Name ____________________________ Birth Date ________________
School ____________________________ Date ________________

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 disorder in the flow of verbal expression, including rate and rhythm.

☐ 2. The student’s disability adversely affects communication between the student and listener.

☐ 3. The student’s needs cannot be solely met within the general classroom setting.
Speech or Language Impairment – Language Disorder
IEP Team Review of Criteria for Eligibility

Pupil’s Name ____________________________________________ Birth Date __________
School ____________________________________________ Date __________

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 scores at least 1.5 standard deviation below the mean, or below the 7th percentile, for his or her chronological age or developmental level in **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 in **one** or more standardized tests in one or more of the following areas of language development: morphology, syntax, semantics, or pragmatics and displays inappropriate or inadequate usage of receptive or expressive language as measured by a representative spontaneous or elicited language sample of a minimum of 50 utterances.

☐ 2. The student’s disability adversely educational performance.

☐ 3. The student’s needs cannot be solely met within the general classroom setting.

Note:
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.

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 heading specialist shall document why a 50-utterance sample was not obtainable and the contexts in which attempts were made to elicit the sample.
Traumatic Brain Injury
IEP Team Review of Criteria for Eligibility

Pupil’s Name .............................................. Birth Date ................................

School .................................................. Date ...................................

CRITERIA (All 4 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 has an acquired injury to the head caused by an external physical force.

☐ 2. The student’s disability resulted in total or partial functional disability or psychosocial
   impairment, or both.

☐ 3. The student’s disability adversely educational performance.

☐ 4. The student’s needs cannot be solely met within the general classroom setting.

Note:
Traumatic Brain Injury applies to open or closed head injuries resulting in impairments in or
more areas, such as cognition, language, memory, attention, reasoning, abstract thinking,
judgment, problem-solving, sensory, perceptual, and motor abilities, psychosocial behavior,
physical functions, information processing, and speech.

Traumatic Brain Injury does not apply to brain injuries that are congenital or degenerative, or to
brain injuries induced by birth trauma.
Visual Impairment
IEP Team Review of Criteria for Eligibility

Pupil’s Name ____________________________  Birth Date ________________
School ________________________________  Date ________________

CRITERIA (All 4 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 has an impairment in vision, including blindness.

☐ 2. The student’s visual impairment, even with correction, adversely educational performance.

☐ 3. The student’s needs cannot be solely met within the general classroom setting.