



VIRGINIA DEPARTMENT OF
EDUCATION

Guidance on
Evaluation and Eligibility
for the
Special Education Process

Division of Special Education and Student Services
October 2009

Copyright © 2009

This document can be reproduced and distributed for educational purposes.

No commercial use of this document is permitted.

Contact the Division of Special Education and Student Services prior to
adapting or modifying this document for non-commercial purposes.

Virginia Department of Education Division of Special Education and Student Services

Web site: www.doe.virginia.gov/VDOE/sess

The Virginia Department of Education does not discriminate
on the basis of race, sex, color, national origin, religion, sexual orientation, age, political affiliation, veteran status, or
against otherwise qualified persons with disabilities in its programs and activities.

Introduction

This document is intended to assist teams of educators and parents as they work to address student needs related to the referral, evaluation, and identification of students with disabilities in Virginia public schools. This Guidance Document provides information on the regulatory requirements and best practices for the evaluation and eligibility process under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA) and the related federal and Virginia special education regulations. These guidelines should be used in conjunction with existing state regulations and federal laws and are not intended to replace any existing regulation or policy.

Table of Contents

<i>Evaluation Process</i>	4
Parental Rights and Procedural Safeguards	4
Prior Written Notice	5
<i>Referral for Evaluation</i>	5
Suspicion of a disability	5
Review of existing data:	7
Gathering Additional Data	8
Parental Consent for Evaluation	9
Assessment Tools	9
Administration and Interpretation of Assessments	15
Administration Factors to Consider	16
Interpretation of Results	18
65 Day Timeline	20
<i>Eligibility</i>	20
Group Composition	20
Eligibility Process	21
Data	21
Criteria	22
Exclusions	22
Other Considerations	22
Recommendations to IEP Team or School Staff	24
Documentation of Eligibility	25
Prior Written Notice	25
<i>References</i>	26
<i>Appendix A Sample Evaluation and Eligibility Documentation Forms</i>	27
<i>Appendix B Virginia Department of Education Technical Assistance and Guidance Documents</i>	52

Evaluation Process

There are common questions surrounding evaluation and subsequent eligibility for students suspected of having a disability. Educators and families must navigate specific steps in the process required by federal law, Virginia special education regulations, and local policies or procedures. The process for determining whether a student is eligible for special education involves reviewing information and observations about the student, determining the need for individual assessments and observations, reviewing and interpreting the results of any assessments, and making an eligibility determination. Documentation of the process is required and school staff must follow all regulations and policies.

School staff and families should collaborate during the evaluation and eligibility process. Discussions with families and reports provided to families should minimize technical and specialized language. It is important to clearly explain procedures and criteria and address parental concerns. The Virginia Department of Education (VDOE) *Parent's Guide to Special Education* is available online at www.doe.virginia.gov and may assist parents in understanding the special education process. VDOE Training and Technical Assistance Centers, Parent Resource Centers in school divisions, and VDOE's TTAC Online Web site www.ttaonline.org provide additional information and resources for parents and educators.

Parental Rights and Procedural Safeguards

School divisions must be aware of when the referral for evaluation process begins because of the obligations for the school division and procedural safeguards for parents.

Procedural safeguards notice that describes parental rights must be provided to parents at least once per year and then again at specific times. Events that require the school division to provide an additional copy of the procedural safeguards are:

1. at the time of initial referral for special education,
2. when the eligibility team proposes to change the student's identification,
3. when requested by the parents,
4. when the first state complaint is filed during the year,
5. when the first request for due process is made during the year, and
6. when a decision is made to make a disciplinary removal that constitutes a change in placement because of a violation of the code of student conduct.

A copy of *Your Family's Special Education Rights*, Virginia's procedural safeguards document, can be found online at www.doe.virginia.gov and should be readily available within the school division.

Prior Written Notice

The Virginia special education regulations require that parents receive prior written notice within a reasonable time when school divisions propose or refuse to conduct an evaluation, initiate or change a student's identification, educational placement, or the provision of a free appropriate public education (FAPE). There are seven items that must be included in a prior written notice.

Table 1. The Seven Elements of Prior Written Notice

1. Description of the action that the school division proposes or refuses to take.
2. Explanation of why the school division is proposing or refusing to take action.
3. Description of any other options that the team considered and the reasons why those options were rejected.
4. Description of each evaluation procedure, assessment, record or report the school division used as a basis for the proposal or refusal.
5. Description of any other factors that are relevant to the school division proposal or refusal.
6. A statement that the parent(s) of a child with a disability have protection under Virginia's procedural safeguards.
7. Resources for the parent to contact for help in understanding the Individuals with Disabilities Education Act (IDEA) and the related federal and Virginia special education regulations.

This notice must be written in language that is understandable to the general public and provided in the native language of the parent(s) or other mode of communication used by the parent(s). A sample Prior Written Notice form is included in Appendix A. Including a prior written notice form, in the student's education record, documents that the school division met its responsibility to provide the parent with this critical information.

Referral for Evaluation

Suspicion of a disability

The evaluation and eligibility process begins at the point the student is suspected of having a disability that requires specially designed instruction. This suspicion of a disability is usually documented on a "referral for evaluation" form. In Virginia, a referral for evaluation can come from any source or individual. For example, a referral may result when:

- A parent or teacher suspects a disability and contacts the special education administrator.
- The results of a school screening indicate a suspicion of a disability.
- A school team that is working to provide strategies and supports suspects a disability.

- A parent or teacher suspects a disability and contacts the principal who then asks the school-based team to review the information and make a determination if a referral for evaluation is needed.

A referral can be made in writing, orally, or using electronic communication. The referral must be documented and included in the student's education record. Documentation must include the name of the referring source, date, a description of the concerns and information about any strategies attempted. A sample referral form is included in Appendix A. The parent must be provided with a copy of the Procedural Safeguards Notice.

The 65 business day timeline begins when the special education director or designee receives the referral for evaluation. When the referral goes directly to the special education administrator or designee, that individual has three business days to decide upon one of three options. The special education administrator or designee may:

- Begin the initial evaluation procedures,
- Refer the child to the school-based team to review and respond to the request, or
- Deny the request, and provide prior written notice.

If the special education administrator or designee decides to begin the initial evaluation procedures, the first step is to document the decision in the student's education record. The next step is to hold a meeting to review existing data.

If the special education administrator or designee's decision is to refer the request to the school-based team, that group then has ten business days to meet. The team may determine that it does not suspect a disability and an evaluation is not warranted. In this case, the team must provide prior written notice to the parents and the process stops. If the team does suspect a disability, they make a referral to the administrator of special education within three business days. It is important to note that if the team met as a result of a request from the administrator of special education, the 65 business day timeline began when the special education director or designee received the initial request.

In the event the special education administrator or designee decides that an evaluation is not warranted, prior written notice must be provided to the parent. The prior written notice must contain all of the required elements. It should focus on the reasons the special education administrator or designee determined that the student is not suspected of having a disability and/or does not require specially designed instruction. The required elements of prior written notice are shown in Table 1., and a sample prior written notice form is provided in Appendix A.

If the referral goes first to a school principal or the principal's designee, such as an assistant principal or the school's student assistance team leader, the school-based team must meet within ten business days from receipt of referral to determine whether an evaluation is necessary. If the team suspects a disability and decides an evaluation is warranted, it has three business days to forward the referral to the special education administrator or designee. In this situation, the 65 business day timeline would begin when the special education administrator receives the referral for evaluation from the school team.

Review of existing data:

As part of an initial evaluation or re-evaluation, the team must complete a review of existing data. The team, including the parent, reviews:

1. information provided by the parent(s) of the child,
2. the student's education record, and
3. observations by teachers and related services providers.

Based on the review of this existing data and input from the child's parent(s), the team determines if any additional data is needed to determine whether the child is, or continues to be a child with a disability and the educational needs of the student.

If the review of existing data, including observations by teachers and related service providers, supports the suspicion of a disability and indicates that further assessment is not required, and parents agree, the team may schedule an eligibility meeting and use the existing data to make a determination. Prior written notice must be provided for parental requests for an initial evaluation, a re-evaluation, and for a triennial. The prior written notice must include all required information, as noted in Table 1.

Examples of situations in which a review of existing data and observations by teachers and related service providers may be sufficient to determine eligibility include situations where:

- reports received from another school or private provider include content that reflects the educational needs and provides information about an observation and needs for specially designed instruction,
- for re-evaluation, a student who was previously found eligible and has multiple, previous evaluations on file, or
- a student who moves into a school division from another state, and the parents share observations and reports from previous eligibility determinations, and the committee determines that no additional information is necessary.

There are many pieces of information that the team should consider when reviewing existing data. Common examples of existing data that teams may review are provided in Table 2. Parent input may be gathered through interviews, questionnaires, or during meetings. Information provided by parents should be documented and included in the summary of the review of existing data.

The team should also review the student's school experience, data and information from pre-referral interventions, documentation of strategies attempted and the results, and if implemented, any information from a response to intervention (RtI) process.

The team may choose to review the disability categories that are likely to be considered at the eligibility meeting and review the criteria included in the Virginia special education regulations to ensure that existing data are sufficient to satisfy eligibility criteria. After the review of existing data and eligibility criteria, the team must determine if any additional data are required to determine if a child is or continues to be a child with a disability and the educational needs. Documentation of the review and decision for the need of any additional data should be included in the student's education record. A sample form for documenting the review of existing data is included in Appendix A.

Table 2. Sources and Examples of Existing Data

<p>Parents</p> <ul style="list-style-type: none">Developmental and social historyParent perception of the student’s possible disabilityInformation about the student’s learning and any behavioral issuesParent input on the student’s educational experiences and motivationCopies of outside evaluations and reports <p>Student Record</p> <ul style="list-style-type: none">Assessment results (Standards of Learning, Phonological Awareness and Literacy Screening, etc.)Universal screening or progress monitoring data using a Response to Intervention (RtI) processRecord review (attendance, report cards, etc.)Discipline reportsMedical/health recordsDevelopmental assessments for young children <p>Observations</p> <ul style="list-style-type: none">Formal observations conducted to gather information about a student’s response to instructional strategies and the learning environmentInformal observations by teachers and staff working with the student

Gathering Additional Data

If the team determines that additional data are required, they must document the types of data to be gathered and obtain informed parental consent. A sample form is included in Appendix A. A variety of assessment tools and strategies should be used to gather functional, developmental, and academic information and ensure that no single measure or assessment will be the sole criterion for determining whether a child is a child with a disability.

The Virginia special education regulations include both general definitions of the disability categories, as well as specific criteria for determining eligibility in each category. Sample forms in Appendix A include criteria for each disability area. In addition, certain requirements apply to all disability categories, such as determining educational impact, educational needs, and academic and behavioral information from an observation. An eligibility team should consider each of the criteria for the suspected disabilities and should ensure that data collected will be sufficient to determine if a child is or continues to be a child with a disability. School division policies and procedures may require additional assessment components for specific disability areas such as a medical evaluation or use of a specific assessment tool or test.

Additional data may be in the form of an observation of the student, data from strategies implemented with the student, or a formal assessment in one or more areas using standardized, criterion referenced, or other types of measures. Common assessment areas include academic, communication, motor, adaptive functioning, social or behavioral, hearing, vision, vocational, and cognitive or intellectual. Informed parental consent is required prior to completing new assessments.

Parental Consent for Evaluation

Parental consent is necessary when any assessment instrument is administered or formal observation conducted as part of an initial evaluation or re-evaluation. However, parental consent is not required before the review of existing data as part of an evaluation, teacher and related service provider observations for re-evaluations, ongoing classroom evaluation, or the administration of, or review of, the results of assessments that are administered to all children in a class, grade, or school, such as universal screeners like PALS, etc., unless parental consent is required before administration to all students.

Parental consent means the parents have been fully informed of all information related to the evaluation in the parents' native language, or other mode of communication and that they understand and agree, in writing, to the carrying out of the evaluation. The consent form should describe the evaluation components and list the records (if any) that will be requested from medical or other educational providers. Parental consent must also be obtained prior to the release of any information to outside providers.

If a parent refuses consent for an initial evaluation, the child cannot be evaluated. If the school division believes an evaluation is warranted, the school division may request mediation or initiate a due process hearing to resolve the dispute and permit the school division to conduct the evaluation.

A parent who has provided consent for an initial evaluation may revoke that consent any time prior to the evaluation occurring. If parental consent is revoked, the school division can pursue mediation or due process, or stop the evaluation-eligibility process. At this point, the rights and obligations associated with IDEA and Virginia special education regulations no longer apply.

If the evaluation has been completed, a parent can no longer revoke consent for the evaluation and a meeting to consider the results of the evaluation and determine eligibility must be held. Parental consent for evaluation does not give consent for identification, placement or receipt of special education and related services.

Assessment Tools

There are a variety of assessment tools that can be used during an evaluation. These tools should be used to gather information about the child in the functional, developmental, and academic areas. Assessment tools include various types of tests, curriculum-based measures, rating scales, inventories, questionnaires and interviews, and dynamic assessment methods. Virginia special education regulations require that assessments be technically sound and administered by qualified professionals. Groups should consider using measures from both the standardized and informal

(structured or unstructured) categories, as well as additional sources of information for eligibility decision making.

Assessment tools should be selected and administered so as not to be discriminatory on a racial or cultural basis and provided and administered in the student’s native language and the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally. Assessment tools should be used for the purpose for which they were designed.

Although all norm referenced test scores should be considered estimates, some tests and score types provide more reliable information than others. Each assessment type has advantages and disadvantages that should be considered prior to use. Assessment tools may provide multiple types of scores that may be reported (standard scores, percentile ranks, developmental ages, etc.). Certain test scores are only useful for certain purposes, and not for others. For example, percentile ranks and standard scores, are not intended to measure student growth, but rather to compare a student’s performance to that of same-age peers taking the same test, while curriculum-based measures and skill inventories may be used to document student progress.

Table 3. Types of Assessment Tools

	Provides or Measures
Standardized Test	Uses the same tasks or questions, given under the same conditions, with the same directions or instructions to all test takers and scored the same way. Examples include Norm Referenced and Criterion referenced tests.
Norm Referenced	Compares the test performance of individuals with a group of individuals with known characteristics who have taken the test.
Criterion Referenced Tests	Compares an individual’s performance to a criterion to measure a student’s mastery of specific information. These tests do not compare or rank students.
Curriculum-Based Measure	Measures a student’s performance on specific skills, that are part of the curriculum, on a regular schedule (ex. weekly).
Inventory or Checklist	This assessment tool requires that the assessor report observations or impressions of a child’s behavior. Some are standardized.
Dynamic Assessment	Uses testing limits or test-teach-retest methods to determine learning potential for a student who may not have had previous exposure to information.
Rating Scales	A standardized way of collecting observations and/or impressions that allow for comparisons across content areas, settings, and behaviors.
Questionnaires & Interviews	Structured format for asking questions provides a systematic way to gather and compare responses.
Formal and Informal Observation	Documents information about a student’s educational and behavioral performance in a specific setting, use of strategies or supports, and a comparison to peers.

When using commercially available assessment tools, the most recent version of assessment should be used. This ensures the most up-to-date test questions are included and that the normative sample used to compare the student's performance to others is current. School staff must be qualified to administer assessments and should ensure that nonstandard administrations are appropriately documented.

Standardized Tests

A standardized test is a test administered and scored in a consistent manner. The questions, conditions for administering, scoring procedures, and interpretations are consistent across administrations. These tests are administered and scored in a predetermined manner. Standardized test may provide a norm-referenced score or a criterion-referenced score. Norm-referenced scores compare test takers to a sample of their peers. Criterion-referenced scores are based on the test takers knowledge of specific information, regardless of the scores of peers. The objective is to determine if the student has learned the information.

Norm-Referenced Tests

Standardized scores may be used when the student closely matches the norming population of the test. Scores should not be reported for nonstandard administrations and for students not represented in the normative sample (ex., students who grow up in poor, rural or inner city communities, in ethnic minority families, or in families who primarily speak a language other than English). Scores obtained by these students may not reflect their true abilities. Evaluators should use additional techniques, such as dynamic assessment or responsive instruction, to assess the students' strengths and weaknesses.

Administer all subtests to obtain a full score and gather as complete a picture as possible of the student's performance. Administering select subtests is not advised unless the administration manual provides specific guidance.

The Stanford group tests of achievement and the Wechsler individual intelligence tests are examples of norm-referenced tests.

Criterion-Referenced Tests

Most tests and quizzes written by school teachers are criterion-referenced tests. Most criterion-referenced tests involve a cut score, where the examinee passes if their score exceeds the cut score and fails if it does not (often called a mastery test). A cut score is the score required to pass the test. The criterion is the subject matter that is being tested. Virginia's Standards of Learning (SOL) tests are criterion-referenced tests.

Curriculum-Based Measurement

Curriculum-based measurement (CBM) can be a reliable and valid way of measuring a child's academic skill attainment over both brief and extended periods of time. Teachers can use CBM to find out how students are progressing in basic academic areas such as mathematics, reading, writing, and spelling by giving a brief test each week. Information

about CBM is included in the VDOE publication *Responsive Instruction: Refining Our Work of Teaching All Children* available online at www.doe.virginia.gov. CBM may be either standardized or informal measure depending on the techniques and tools used.

Informal assessment

Informal assessment techniques can be used at any time without interfering with instructional time. Results can inform the group about the student's performance on the skill or subject of interest. Unlike standardized tests, informal assessments do not provide a comparison to peers. Informal assessments identify the strengths and needs of individual students.

Methods for informal assessment can be divided into two main types: unstructured (e.g., student work samples, journals) and structured (e.g., checklists, observations). The unstructured methods frequently are somewhat more difficult to score and evaluate, but they can provide a great deal of valuable information about the skills of the children, particularly in the areas of language proficiency and behavior. Structured methods can be reliable and valid techniques when time is spent creating the scoring procedures.

Structured

Inventory or Checklists

These tools provide a comprehensive list of student behaviors or skills expected. The items on the checklist may be content or behaviors. A checklist may be completed during an observation or based upon experiences with a student. Checklists generally are reliable and relatively easy to use. Inventories or checklists may be completed by staff or given to parents by an evaluator. These tools are interpreted by a trained evaluator.

Dynamic Assessment

Dynamic assessment measures how a student responds to intervention and the difference between what the student can learn unaided, and what he or she can learn with assistance. There are various methods for conducting dynamic assessment including testing limits, the use of graduated prompting, and the test-teach-retest approach. These methods can help identify learning potential and eliminate bias for students with cultural and linguistic differences or socio-economic risk factors.

Rating Scales

Rating scales are often associated with observation of student work or behaviors. Rather than recording the "presence" or "absence" of a behavior or skill, the observer subjectively rates each item according to a set scale. For example, students might be rated on their on-task behaviors in the classroom. Each item is rated on scale from high to low proficiency. Rating scales may be completed by staff or given to parents by an evaluator. These tools are interpreted by a trained evaluator.

Questionnaires/ Interviews

Questionnaires provide a series of items to gather information. Questions may be forced-choice or open-ended. Questionnaires given orally are

considered interviews. During interviews, it is important to document the responses to questions. If appropriate, student input about their own strengths and needs can be used and may provide valuable information. Student input may be gathered using an interview, questionnaire or self rating tool.

Observation

Virginia special education regulations require an observation for eligibility that provides information about the student's academic functioning and behavior. Evaluation for special education services may include both formal and informal observation. Parental consent is required for observations conducted after the student is referred for initial eligibility determination.

Formal Observation

Conducting a formal observation in the setting where the student experiences difficulty provides valuable information about strategies used, student strengths, and educational needs. This observation should provide both academic and behavioral information. Data from observations can be used to compare a student to peers and is necessary for the group to gain a better understanding of the student's strengths and educational needs. Use of a structured observation tool may assist professionals in gathering necessary information. Appendix A includes a sample observation tool.

Informal Observation

Teacher and parent informal observations provide important information for the group to consider. These informal observations may include specific details or information spanning a longer period of time. Documentation of informal observations can be done using a narrative format or included in the summary of the meeting. When conducting a reevaluation, parental consent is not required before educators' observations or ongoing classroom evaluations.

Unstructured

Unstructured techniques for assessing students may include both written and oral activities. Examples of unstructured methods include work samples, homework, journals, and participation in games and activities. These unstructured methods are more subjective and may be difficult to quantify. However, these methods provide valuable information about the skills of students in specific areas.

Additional Sources of Information

No single test or measure should be used to determine a student's eligibility for special education and related services. Information from teacher reports, parental input, and information from outside sources can provide important information.

Parent Input

Parent input can be gathered through rating scales or interviews or through a socio-cultural assessment conducted by the school social worker or visiting teacher. Parent input should be viewed in the context of the other data collected by the group. It is important for school members of the group to ensure that parents understand that their input is valuable.

Information and Reports from Outside Sources

It is not unusual for parents to share information provided by professionals from outside of the school division. Any information provided by the parents must be considered by the group. Parents should be made aware that while the information must be considered, the group is under no obligation to follow recommendations or adopt a diagnosis provided. The Individuals with Disabilities Education Act (IDEA) and Virginia special education regulations require specific criteria to be met in order for a child to be eligible for special education and related services.

Information and reports may be gathered from outside sources including:

- medical or clinical provider records (physician, social worker, psychologist, etc),
- social service agency records, or
- school records from past educational placements.

A release of information from the parent is required prior to school staff contacting outside professionals to gather information or discuss information provided by the parents. Federal laws and regulations do not require parental consent for a school division to exchange information from other school divisions that the child attended or has enrolled.

Upon receipt of parental consent, if appropriate, letters or faxes requesting information may be sent to individuals and agencies who have had contact with the child. A copy of the signed consent form must be included with the letters and retained in the student's education record.

When requesting additional information, a questionnaire or survey form that allows open-ended responses may be more useful than a checklist or rating scale. School personnel should follow up with the reporting professional if they have questions about the information provided. Professionals outside of the educational setting may address topics that are not the responsibility of school staff.

Table 4. Common Assessment Terms

Standard Score This score compares one student's performance on a test to the performance of other students of the same age. Standard scores estimate whether a student's scores are above average, average, or below average compared to peers. Comparison of a student's scores on different types of tests is also possible using standard scores.

Percentile Rank This score indicates a student's performance compared to others of the same age who took the same test. A student who scores at the 50th percentile performed at least as well as 50 percent of students their age group. This is not the percent of items correct.

Stanine This score has nine groupings with the largest grouping of students falling in the 3-7 range and an average of about 4.5.

Age or Grade Equivalent This score identifies the typical age of those taking the test that scored the same as the student. Age and grade equivalent scores are not on an equal-interval scale and cannot be added or subtracted to show growth, or used for comparisons across different tests or to same age peers.

Sensitivity This is a measure of how well the test detects an issue when one exists; a sensitive test has few false negatives.

Specificity This is a measure of how well the test rules out an issue when one does not exist; a specific test has few false positives.

Reliability This is the degree to which an instrument, used under the same condition with the same subjects, measures the same way each time it is used.

Standard Error of Measurement (SEM) This is an estimate of error to use in interpreting a student's test score. *"If a student were to take the same test repeatedly, with no change in his level of knowledge and preparation, it is possible that some of the resulting scores would be slightly higher or slightly lower than the score that precisely reflects the student's actual level of knowledge and ability. The difference between a student's actual score and his highest or lowest hypothetical score is known as the standard error of measurement."*
(www.doe.virginia.gov)

Validity This is an estimate of the assessment tool's success at measuring what it is supposed to measure.

Administration and Interpretation of Assessments

The administration and interpretation of assessments is a vital step in the evaluation and eligibility process. Virginia special education regulations require that the evaluators be knowledgeable and appropriately trained to administer assessments in accordance with the instructions provided by the producer of the assessments. When selecting and administering assessment components, evaluators

should consider factors such as: selection of tools, possible racial or cultural bias, the need for nonstandard administration based on student needs, features of the assessment or observation environment, and the impact of a student's cultural or linguistic differences.

Administration Factors to Consider

There are a variety of factors to consider prior to and during administration of assessments. Evaluators should refer to administration manuals, professional training, and best practices in their respective field. The following list provides an overview of some factors to consider that are relevant for most types of evaluations.

Environment

Evaluators should consider administration manual requirements and environmental conditions when administering assessments or conducting observations. Although an administration manual may not include precise descriptions, evaluators should ensure that the physical setting has appropriate lighting, is a comfortable temperature, is free from noise and visual distractions and maintains confidentiality.

Nonstandard conditions

Nonstandard administration occurs when procedures, materials, or administration methods included in the test administration manual are not followed. If the administration manual prescribes standard conditions, these requirements must be met to ensure that scores can be used for comparison with peers. Virginia special education regulations require that if an assessment is conducted under nonstandard conditions, a description of the variation be included in the evaluation report. Some examples of nonstandard administration include allowing breaks or multiple test sessions (for tests that are intended to be single session), enlarging images or print for those with visual impairments, use of an interpreter, or providing rewards or reinforcement during the administration.

Students with learning differences or impairments may require a nonstandard administration to have the opportunity to demonstrate knowledge or abilities; however, the normative scores cannot be used for comparison with peers. Information about strengths and weaknesses and descriptions of performance may be reported and helpful for decision making. Virginia special education regulations require that the description of the extent to which it varied from standard conditions must be included in the evaluator's report.

Time

Evaluators must be aware of any requirements related to time prior to beginning a testing session with a student. If the assessment tool requires a timed response, the evaluator must have a clock or watch available to accurately administer the timed items. If an assessment or test is designed to be administered in one session, evaluators must be sure that the testing location will be free and the session will be uninterrupted. In some situations, the evaluator may need to

make arrangements with teachers or parents to secure uninterrupted periods of time. Evaluators should allow ample time for the student to complete the activity.

Materials

Some assessment tools require the use of special materials such as manipulatives, test protocols, or student response forms. Evaluators should ensure that any needed materials are in the testing environment and ready to access prior to beginning an assessment.

Cultural and Linguistic Differences

When working with students, it is important to consider the cultural background of the student and their family. Cultural differences can impact a student’s ability to be measured by assessments designed for and normed on individuals from U.S. mainstream culture. Differences in areas including social, language, behavior, customs, performance, and expectations should be considered. Table 5. includes examples of cultural differences and how they may impact the evaluation of a student.

Table 5. Examples of Cultural Differences That May Impact Evaluations

Cultural Difference	Potential Impact on Student Performance
Higher tolerance for emotional expression	<ul style="list-style-type: none"> ▪ Students may appear disruptive, aggressive or speak loudly. ▪ Student or family may consider behavior appropriate.
Belief that elders should be respected	<ul style="list-style-type: none"> ▪ Student may not offer a needed correction to a stimulus item given by an adult. ▪ Student may not make eye contact with an adult or ask for assistance.
Limited exposure to books and storytelling	<ul style="list-style-type: none"> ▪ Student may have limited knowledge of vocabulary, language comprehension, background knowledge, and ability to infer information. ▪ Student may have limited practice sitting and attending to a story or book reading activity.
Language structure in primary language different from English	<ul style="list-style-type: none"> ▪ Student may misunderstand idioms and figurative language. ▪ Student may apply primary language rules to English and make errors in grammar and usage.

Test items that require a high level of knowledge and experience with mainstream culture are considered to have a high ‘cultural load’. Test items that require a high level of proficiency with English are considered to have a high ‘language load’. Researchers (Ortiz and Ochoa, 2005) report

that students with cultural and linguistic differences may score substantially lower (up to 35 points) than peers due to language and cultural differences.

Virginia special education regulations require that evaluators ensure that materials and assessment procedures used measure the extent to which a child has a disability, rather than measuring English language skills. Furthermore, assessments and other materials must be selected and administered to not discriminate based on race or culture.

The Virginia Department of Education offers additional resources and information on working with students who have cultural or linguistic differences. Visit www.doe.virginia.gov for links to Virginia and national resources such as the *ENGLISH AS A SECOND LANGUAGE Handbook for Teachers and Administrators* and *Increasing Limited English Proficient (LEP) Parent Involvement*.

Socio-Economic Status Considerations

Socio-economic status (SES) factors are equally important to consider when evaluating students. SES factors such as nutrition, reading level, parent availability, family or student mobility, and parental participation can impact a student's educational performance. Some standardized tests are biased against low SES students because they assess a student's knowledge base. Many low SES students have a compromised knowledge base due to their environmental circumstances which can impact performance on assessments, executive functioning, and experience with the structure and routines of school (Roseberry-McKibbin). Evaluators should consider the impact of socio-economic factors when selecting evaluation tools, during assessments, and when interpreting data and observations for decision making.

Impact of Other Factors

Prior to conducting any assessment or observation, the evaluator should consider the impact of other factors on participation or performance for student assessments or observations. Examples of other factors include vision or hearing impairments, behaviors, sensory needs, motor differences, and student motivation.

These other factors require special attention by the evaluator to ensure that the results accurately reflect the student's ability or achievement. For example, a student with vision or hearing impairments may have difficulty participating in assessments that require looking at pictures or listening to a passage. A student with a cultural or linguistic difference may incorrectly answer questions because of their limited language skills or cultural experience.

Interpretation of Results

Although individual evaluators can develop an interpretation of results from assessments administered, information from other evaluators provides information that may alter preliminary impressions. It is vital for the group to review results from all assessments and observations and combine information from multiple sources. This will help the group create a truer picture of a student's strengths and weaknesses and ultimately determine if a student is eligible for special education.

Because each profession or discipline is likely to have its own terminology, it is important for group members, including parents, to feel free to ask for clarification, request additional explanations or

repetition of information. Group members must be able to understand the data presented and synthesize it to make their final determination. Evaluators must be prepared to explain their results so that all group members, including parents, can make informed and responsible decisions.

Group members must view results of assessments and observations and look for consistency among assessment components. Inconsistencies should be examined by the group. For example, if a student performed well on some assessments and poorly on others, the group should examine the reason for the inconsistency. Was the student's performance due to an illness on the day of certain assessment, changing comfort level with the evaluation process, or a true strength in one area and weakness in another?

Consideration of other factors should also be discussed. The group should note if there were factors that could have impacted the student's performance on assessments. For example, if one evaluation reveals a processing delay that requires additional time, did that impact the student's performance on other assessments requiring a timed response? Consideration of the effect of differences such as language ability, cultural differences, and sensory issues should also be reviewed by the group.

Virginia regulations require that no sole source of information be used to determine eligibility for special education and related services. Information from all evaluation components should be synthesized with no single evaluator's interpretation used in isolation for decision making.

When students are aligned with the normative population of a particular assessment, standard scores are considered the most robust for comparison and as a component in decision making. Additionally, standard scores for students who do not fit the normative population of the assessment should be interpreted with caution and considered as a nonstandard administration. Individual evaluators and groups are cautioned against using age and grade equivalent scores to compare students or for decision making. These scores are derived in a way that seriously limits their reliability and validity and should not be used for making diagnostic or placement decisions (Bracken, 1988; Reynolds, 1981).

Evaluation Reports

Professionals who participate in the student's evaluation must carefully document in their reports the results of the evaluation, based upon information gathered. These reports become part of the student's education record and should contain only relevant information that has been carefully reviewed and edited. Reports often include a summary of the assessment activities, descriptions of the student's performance, observation notes, data and norm-referenced scores, a summary of strengths and weaknesses, and recommendations for those working with the student.

The Virginia special education regulations require that evaluation reports be available to a parent no later than two business days before the eligibility meeting. This means that the reports must be complete and that school personnel should know where the reports can be obtained if the parent wants to review them.

The regulations do not specifically require that the evaluation reports be sent to the parent prior to the eligibility meeting; however, providing them in advance allows parents time to review the information. By sending the evaluation reports to the parent prior to the meeting, the school division also satisfies the regulatory requirement to provide the parent with a copy of each

evaluation report at no cost. The parents must be given a copy of each report no later than ten days after the meeting if they were not provided prior to or at the meeting.

65 Day Timeline

Virginia regulations require the eligibility group to meet and make a determination within 65 business days of the referral. The three exceptions to the 65 day timeline are:

1. If a parent fails or refuses to produce the student for the evaluation,
2. If the student enrolls or moves to another division prior to the completion of the evaluation¹,
or
3. If the parents and school agree to an extension in writing (to obtain additional information that is required and cannot be gathered by the due date).

Eligibility

Group Composition

The eligibility group must include, but not be limited to, the following individuals; the parent, the special education administrator or designee, school personnel from disciplines providing the assessments, a special education teacher, the child's regular education teacher (or, if the child does not have a regular education teacher, a regular education teacher qualified to teach a child of the child's age); and a person qualified to conduct diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or teacher of remedial reading.

According to regulations, the school division must ensure that the eligibility group is qualified to:

- Conduct, as appropriate, individual diagnostic assessments in the areas of speech and language, academic achievement, intellectual development and social-emotional development;
- Interpret assessment and intervention data, and apply critical analysis to those data; and
- Develop appropriate educational and transitional recommendations based on the assessment data.

Once the eligibility group has been established, participants must ensure that no one voice or one assessment becomes the major factor in the decision making. The eligibility group must work toward consensus.

¹ This exception only applies if the school division is making sufficient progress to ensure a prompt completion of the evaluation and the parent(s) and school division where the child is enrolled in school agree to a specific time when the evaluation will be completed.

Eligibility Process

The IDEA requires a student to be found eligible as a child with a disability in order to receive special education and related services. Virginia special education regulations require this process to be completed within 65 business days from the receipt of the referral by the special education administrator or designee. A group of qualified individuals, including the parent(s), must consider multiple sources of information and determine if the child has a disability. In order to determine that a child has a disability, the group must find that the child meets the criteria for a specific disability area. This includes documentation of:

1. the presence of an impairment,
2. adverse impact on educational performance, and
3. the need for specially designed instruction.

The group must document their deliberations, including information about the review of data, the specific disability criteria, the exclusionary factors, and any recommendations in the meeting summary.

Although academic progress is one focus of school, groups must not consider grades to be the only demonstration of adverse impact on educational performance. Students with passing grades might still have difficulty in the educational setting interacting with others, forming social relationships, and appropriately interacting with peers and adults. Students may possess characteristics of gifted students and the characteristics of students with disabilities and are known as twice exceptional learners. The characteristic of the disability may mask the giftedness and /or the giftedness may mask the disability. This makes the identification of the exceptionality more difficult, and as a result, current state and national data indicate that twice-exceptional learners are often under identified and underserved in gifted and/or special education programs. The eligibility committees for both gifted and special education identification should be familiar with identification practices and criteria surrounding each area of disability and giftedness. They should examine relevant data accordingly.

If the group believes that a change in disability category is appropriate, the reasons for the change, including supporting documentation, must be carefully documented. A student's educational identification or disability category may not be changed or removed without parental consent.

If a student is found not eligible as a student with a disability, the eligibility committee is required to provide information about the child's educational needs to the student's teachers and any appropriate committee. This information may be helpful in planning for and differentiating instruction.

Data

The eligibility decision must be based on data and information drawn from a variety of sources. Eligibility decisions should not be viewed as a way to provide classroom supports or testing accommodations. There are a variety of supports for the student who needs assistance that are available outside of special education. In order for a child to be found eligible for special education and related services, the student must meet the eligibility criteria and it must be determined that the child is a "child with a disability" and is in need of special education and related services.

To ensure appropriate eligibility decisions, the group must consider:

1. comprehensive data across all areas including academic, cognitive, adaptive, emotional/behavioral, language, social and motor skills;
2. multiple data sources, including intervention data and parent input, in determining and planning for a more intensive level of service; and
3. evidence of appropriate instruction in reading and mathematics instruction

Criteria

Each disability category is defined by the IDEA. In addition to these federal definitions, Virginia's special education regulations include specific criteria for each disability category. In order to find a student eligible for special education and related services, these specific criteria must be satisfied. Groups must review the federal definition and state criteria and determine if a student is or continues to be a child with a disability. Use of a worksheet or form to guide discussion may ensure that all group members are aware of the eligibility criteria. Documentation on criteria forms or worksheets may also provide documentation for the eligibility summary. Sample forms, including the definition and criteria for each disability category, are included in Appendix A.

Exclusions

The IDEA and Virginia's special education regulations require that groups consider exclusionary factors when determining eligibility. A student shall not be determined eligible if the determinant factor is lack of instruction in reading, lack of instruction in mathematics, or limited English proficiency. Although these areas may impact a student's school performance, each must be ruled out as the primary cause of the student's lack of educational achievement. If any of these factors is the determinant factor, the child must not be found eligible as a child with a disability. The eligibility committees should use data from all available records, parents, teachers and other resources to ensure that the student was exposed to high quality instruction and that lack of academic achievement is not primarily due to a lack of instruction in reading or mathematics or limited English proficiency.

Other Considerations

Educational Identification and Medical Diagnosis

A diagnosis included in a report from a medical professional is not sufficient to make an eligibility determination. The group must consider information from multiple sources that documents the presence of an impairment, the adverse impact on educational performance, and the need for specially designed instruction.

When a medical diagnosis is presented, groups should address the difference between educational identification under IDEA and medical diagnosis and review the criteria for the specific disability category mandated by the Virginia special education regulations.

Students may meet the criteria for educational identification as a child with a disability under one of the federal disability categories without having a medical diagnosis. It is also possible for a student to have a medical diagnosis but not meet the criteria for an educational identification as a child with a disability.

Disproportionality

The eligibility committee must consider environmental, cultural, and economic influences prior to determining if a child has a disability. The over or under representation of racially, culturally, and linguistically diverse students in special education has been an issue of concern in the Office of Civil Rights of the United States Department of Education and continues to be an area that is monitored at the state and national levels. The Office of Special Education Programs (OSEP) of the U.S. Department of Education defines disproportionality as the over identification or under identification of the number of students of a particular racial/ethnic group in any given category of special education. Table 6 lists examples of environmental, cultural, and economic disadvantages that may affect student performance.

States are required to submit data to the federal government in their special education performance plan using local data on race, ethnicity and disability area to determine if any group is overrepresented or underrepresented. Data at the state and local level must be examined to determine whether disproportionality on the basis of race and ethnicity is occurring in the identification and placement as children with disabilities, as well as in the incidence, duration and type of disciplinary action.

Division level policies and procedures must be in place to address disproportionality and avoid inappropriate identification. Eligibility groups should be aware of this issue and understand the reasons that misidentification may occur.

Table 6. Exclusionary Factors and Examples

Environmental Disadvantages	<ul style="list-style-type: none"> ▪ limited background experiences ▪ irregular/poor attendance ▪ transiency-especially in elementary school years (ex., at least two moves in a single school year) ▪ home responsibilities interfering with learning activities (ex., caring for siblings while parents work or other major home responsibilities)
Cultural Disadvantages	<ul style="list-style-type: none"> ▪ limited experiences in majority-based culture (ex., child does not participate in scouts, clubs, other organizations and activities with members of dominant culture) ▪ child has had limited involvement in organizations and activities of any culture ▪ secondary standards in conflict with majority-based culture standards, or geographic isolation
Economic Disadvantage	<ul style="list-style-type: none"> ▪ residence/living in a depressed economic area ▪ low family income at subsistence level ▪ family unable to afford enrichment materials and/or experiences

Recommendations to IEP Team or School Staff

During the evaluation process, group members may identify strengths and weaknesses, educational needs, and opportunities for the student to use strengths to overcome deficits. Information may reflect the results of the assessment components and observations and focus on academic and or behavioral skills. This information is valuable and should be shared with teachers and the IEP team, as appropriate.

When a student is found eligible for special education and related services, the eligibility group may share information in the form of recommendations to the IEP team. These recommendations are documented in the summary of the eligibility meeting or in the individual reports of the evaluators. Virginia regulations require that the eligibility group identify the student’s educational needs in addition to determining if the student has a disability. This information assists the IEP team in developing the student’s IEP.

If a student is found not eligible for special education, information relevant to instruction must be provided to the student’s teachers and any committee that will be working to support the student. Group members should work together to identify instructional strategies and supports that can be provided in the general education setting and share any additional information or resources.

For students who are educated in private schools, parental consent is required before releasing any information.

Documentation of Eligibility

State and federal regulations require documentation of the eligibility process. A copy of completed evaluation reports and a summary of the meeting must be included in the student's education record. The summary of the meeting serves as documentation of the group's discussion and must include the basis for making the determination, information from assessments, any educationally relevant medical findings, classroom observation and behavior noted during the observation and its relationship to academic functioning. Any completed disability worksheets must also be added to the student's education record.

When a student participates in a response to scientific, research-based intervention process the documentation must also include: (1) the instructional strategies used and the student-centered data collected; (2) the strategies that were used to increase the child's rate of learning; and (3) the parent's right to request an evaluation. The group must also provide notification to parents that Virginia's guidance document, *Responsive Instruction, Refining Our Work of Teaching All Children* and monographs are available from the Virginia Department of Education Web site www.doe.virginia.gov.

Parent Notification of RtI, notification of Virginia's guidance document on responsive instruction is available from the Virginia Department of Education Web site and satisfies the notification requirement in Virginia's special education regulations.

If the group does not reach consensus and the decision does not reflect a particular member's conclusion, then the group member must submit a written statement presenting that member's conclusions. The written statement must be attached to the form and placed in the student's record.

Prior Written Notice

Once the evaluation process is completed and the eligibility group has made a determination as to whether or not the student is eligible for special education and related services, the group must develop and provide a prior written notice to the parent. It is important that each item in the prior written notice be addressed, even if the answer is "none" or "not applicable." The group must make sure to address any items that the parent requested that the school division determined not to grant, as well as any disagreement among the group members. The prior written notice must be provided to the parent either at the conclusion of the meeting or within a reasonable time thereafter. A best practice would be to ensure that the prior written notice is provided no later than ten days following the meeting.

References

Bracken, B.A. (1988). Ten Psychometric Reasons Why Similar Tests Produce Dissimilar Results. *Journal of Psychology*, 26, 155-166.

Navarete, C., Wilde, J., Nelson, C., Martínez, R., Hargett, G. (n.d.) Informal Assessment in Educational Evaluation: Implications for Bilingual Education Programs. Retrieved from <http://www.finchpark.com/courses/assess/informal.htm>

Network for Instructional TV, Inc. (n.d.) Understanding Test Scores A Primer for Parents. Retrieved from <http://www.teachersandfamilies.com/open/parent/scores2.cfm>

Reynolds, C.R. (1981). The Fallacy of "Two Years Below Grade Level for Age" as a Diagnostic for Reading Disorders. *Journal of School Psychology*, 19 (4), 350-358.

Rhodes, R., Ochoa, S., and Ortiz.S., (2005) Assessing Culturally and Linguistically Diverse Students: A Practical Guide (The Guilford Practical Intervention in Schools Series) (Paperback) Guilford Press

Roseberry-McKibbin, C. (2007) Assessment and Intervention Guidelines for Service Delivery to Low-SES Children, *Perspectives on School-Based Issues*, 8 (3) Retrieved from http://div16perspectives.asha.org/cgi/issue_pdf/fullissue_pdf/8/3.pdf

Virginia Department of Education (n.d.) Standard Error of Measurement (SEM) Retrieved from <http://www.doe.virginia.gov/VDOE/Assessment/sem.html>

Appendix A

Sample Evaluation and Eligibility Documentation Forms and Directions for Use

Sample Eligibility Process Forms and Disability Worksheets

These sample forms are provided to assist Local Education Agencies in documenting eligibility determinations in accordance with the criteria contained in the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, effective July 7, 2009 (the Virginia Regulations). Use of these forms and worksheets is optional. School divisions may find use of specific forms helpful. These forms and worksheets do not replace the Virginia Regulations, but may be used in conjunction with the Virginia Regulations. Information contained in this packet, but may be useful to document:

- Whether the student meets the eligibility criteria for special education and related services;
- The specific disability category(ies) for which the student has met the criteria;
- The date that initial eligibility and any re-evaluation and continued eligibility is established; and
- That the parent(s) was given an opportunity to participate in the eligibility process and was provided a copy of evaluation report(s), summary of meetings, and procedural safeguards.

Each Local Education Agency, in accordance with its policies and procedures, may require specific or additional measures as part of the evaluation, as long as these requirements do not exclude students from eligibility who would be eligible under the Virginia Regulations. If the team that reviews existing information determines that additional information is required, informed parental consent must be obtained prior to completing any assessments or tests. Any required evaluation components must be provided at no cost to the parent(s).

Sample Forms and Worksheets

Referral Form

Observation Form

Review of Existing Data Form

Prior Written Notice Form

Eligibility Summary Form

Disability Worksheets

- | | | |
|-------------------------|----------------------------------|---|
| 1. Autism | 7. Intellectual Disability | 12. Speech-Language Impairment |
| 2. Deafness | 8. Multiple Disabilities | 13. Traumatic Brain Injury |
| 3. Deaf-Blindness | 9. Other Health Impairment | 14. Visual Impairment including Blindness |
| 4. Developmental Delay | 10. Orthopedic Impairment | |
| 5. Emotional Disability | 11. Specific Learning Disability | |
| 6. Hearing Impairment | | |

Referral Request for a Child Suspected of Having a Disability

This form may be used to document a request for evaluation to determine eligibility for special education and related services. Please note that a referral may be written, electronic, or oral, and that, if in writing it need not be completed on this form. Using the attached form, however, will assist the school division in documenting necessary information.

1. Complete Student Name, Student ID #, Age, Date of Birth, and School.
2. Indicate referring source. List name of parent, school staff, or other individual in blank provided.
3. Describe why the evaluation is being requested. List specific concerns in academic, behavioral, and/or social areas.
4. Describe any efforts made to address the concerns. Include details of remediation efforts, staff involved, duration of efforts, and results.
5. Indicate name of person completing the form and date.
6. Indicate if the referral was given to the principal or special education administrator.
7. Indicate that parent(s) were provided procedural safeguards.

NOTE: Referrals may be given to either the Special Education Administrator or Principal, or their respective designee. The form should be signed and dated upon receipt. The 65 business day timeline for completion of the evaluation and eligibility determination begins on the date the referral is received by the special education administrator or designee.

If the referral form was received by the special education administrator or designee, within three business days after receipt of the form, that individual must either (i) initiate the initial evaluation process, (ii) refer the child to the school-based team, or (iii) deny the request and provide prior written notice to the parent(s). If the decision is to refer the child to the school-based team, the team has ten business days after receipt of the referral from the special education administrator or designee to meet and determine if the child should be referred for initial evaluation.

If the referral form was received by the principal or designee, the school-based team shall meet within ten business days of the principal's or designee's receipt of the referral. If the team determines that the child should be referred for initial evaluation, they shall refer the child to the special education administrator or designee within three business days of the meeting.

The completed form must be placed in the student's education record.

Directions for Review of Existing Data Summary

1. Complete Student Name, Student ID #, Age, Date of Birth, Meeting Date, and School.
2. Indicate if this is an initial or re-evaluation.
3. Review existing evaluation data on the child, including evaluations and information provided by the parent(s) of the child; current classroom-based, local, or state assessments and classroom-based observations; and observations by teachers and related services providers.
4. On the basis of that review and input from the child's parent(s), identify what additional data, if any, are needed to determine: (1) Whether the child is, or continues to be, a child with a disability; (2) The present educational needs of the child; (3) The child's present level of academic achievement and related developmental needs; (4) Whether the child needs or continues to need special education and related services; and (5) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum.
5. Summarize the discussion and determinations regarding data. Attach additional pages if necessary.
6. Indicate the determination of the group regarding the need for additional data. If additional data is required, obtain informed parental consent.
7. Indicate that parent(s) were provided procedural safeguards.
8. The form should be signed by all members of the team and must be placed in the student's education record.

NOTE: Parental consent is not required for a review of existing data. If the local education agency determines that no additional data are needed, it shall provide prior written notice to the parent, including the reasons for the determination and information regarding the right of the parent(s) to request an evaluation to determine whether the child continues to be a child with a disability and the child's educational needs.

The local educational agency is not required to conduct a re-evaluation to gather additional information to determine whether the child continues to have a disability and to determine the child's educational needs, unless the child's parent(s) requests the evaluation for these specific purposes. The review of existing data may be done without a meeting if the school division provides notice and the parent has an opportunity to participate in the review.

Review of Existing Data Summary

Name: _____ School: _____ Meeting Date: _____
Student ID: _____ D.O.B. _____ Age: _____ Grade: _____

Meeting Type: Initial Re-evaluation

A group that is comprised of the same individuals as an IEP team and other qualified professionals, as appropriate, shall review existing evaluation data on the child, including (check all that apply):

- Evaluations and information provided by the parent(s) of the child;
- Current classroom-based, local, or state assessments and classroom-based observations;
- Observations by teachers and related services providers; or
- Other:

On the basis of that review and input from the child's parent(s), identify what additional data, if any, are needed to determine: (1) Whether the child is, or continues to be, a child with a disability; (2) The present educational needs of the child; (3) The child's present level of academic achievement and related developmental needs; (4) Whether the child needs or continues to need special education and related services; and (5) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum.

Summary of Discussion

The group determines that:

- Additional data are needed to determine whether the child is or continues to be a child with a disability and to determine the child's educational needs and the other matters set forth above. Attach Parental Consent form.
- No additional data are needed to determine whether the child is or continues to be a child with a disability and to determine the child's educational needs and the other matters set forth above. Provide the child's parent(s) with prior written notice, including information regarding the determination and the reasons for it. For re-evaluations, include the right of the parent(s) to request an evaluation to determine whether the child continues to be a child with a disability and to determine the child's educational needs.

Procedural safeguards in determining eligibility and in ensuring the confidentiality of records were provided to the parent.

Signatures of qualified professionals and the parent(s) of the child and student if appropriate.

Parent(s)

Administrator

Special Education Teacher

General Education Teacher

Title:

Title:

Title:

Title:

Directions for Parental Consent to Evaluate Form

1. Complete Student Name, Student ID #, Age, Date of Birth, Meeting Date, and School.
2. Determine **Areas of Evaluation** and list them in the space provided. Examples of areas of assessment include educational, medical, psychological, etc.
3. Enter name of Local Education Agency.
4. Indicate by checking a box if the parent gives or does not give consent for the evaluation.
5. The form must be signed by the parent(s) and placed in the student's education record.

Parental Consent to Evaluate

Name: _____ School: _____ Meeting Date: _____
Student ID: _____ D.O.B. _____ Age: _____ Grade: _____

I understand that parental consent is not required before reviewing existing data as part of an evaluation or administering a test or other evaluation that is administered to all children, unless parental consent is required before administration to all children. Parental consent for initial evaluation shall not be construed as consent for initial provision of special education and related services. (34 CFR 300.300)

I understand that a variety of assessment tools and strategies will be used to gather relevant functional, developmental, and academic information about my child.

Areas of Evaluation:

I consent for _____ (Local Education Agency) to conduct or administer the evaluation components listed above. The results of these evaluations will be used to determine:

1. whether my child is or continues to be a child with a disability
2. my child's educational needs
3. the other matters set forth on the attached Review of Existing Data Summary.

I understand that the evaluation reports will be available to me two business days prior to the eligibility meeting. I understand that the evaluation will be completed at no cost to me and a written copy of the evaluation report(s) shall be provided to me, at no cost, prior to or at the meeting where the eligibility group reviews the evaluation report(s) or immediately following the meeting, but no later than ten days after the meeting.

Procedural Safeguards: I understand my right to withhold consent for the school division to evaluate my child. I understand that my permission is voluntary and may be revoked at anytime.

- I give consent for the evaluation.
- I do not give consent for the evaluation.

Parent Signature

Date

Directions for Eligibility Summary and Disability Worksheets

1. Complete Student Name, Student ID #, Age, Date of Birth, Meeting Date, and School.
2. Indicate if this is an initial or re-evaluation.
3. Include a written summary of the team's review of existing information, including information from the parent(s), the student's cumulative records, previous Individualized Education Programs (IEPs) or Individualized Family Service Plans (IFSPs), state assessment information, other relevant information, and a summary of the completed evaluation components.
4. Complete and attach the specific disability worksheets for all categories that were considered. When completing disability worksheets:
 - a. Complete Student Name, Age, Date of Birth, and School.
 - b. Review the definition of the disability being considered.
 - c. Consider each item on the worksheet.
 - d. Note any additional information considered.
5. Return to the eligibility summary form and indicate that the child was observed in the learning environment or an appropriate environment for the age of the child.
6. Indicate that parent(s), and adult student if appropriate, were provided procedural safeguards.
7. Indicate the determination of the group regarding if the child has or continues to have a disability or does not meet criteria to be found eligible or continue to be eligible for special education and related services. If eligible, list each disability category in the space provided.
8. The form should include names of those present at the meeting and be placed in the student's education record.

NOTE: A copy of completed evaluation reports must be included in the student's education record. If the group does not reach consensus and the decision does not reflect a particular member's conclusion, then the group member shall submit a written statement presenting that member's conclusions. The written statement must be attached to the form and placed in the student's record.

If the child has participated in a response to scientific, research-based intervention process attach: (1) The instructional strategies used and the student-centered data collected; (2) The strategies that were used to increase the child's rate of learning; and (3) The parent's right to request an evaluation. Provide notification to parents that Virginia's guidance document, *Responsive Instruction, Refining Our Work of Teaching All Children* and monographs are available from the Virginia Department of Education Web site www.doe.virginia.gov. Disability Worksheets that indicate a child is not eligible should also be included to document the process.

Notification of Virginia's guidance document *Responsive Instruction, Refining Our Work of Teaching All Children* and monographs can be provided to parents to meet the notification requirement.

Eligibility Summary

Name: _____ School: _____ Meeting Date: _____
Student ID: _____ D.O.B. _____ Age: _____ Grade: _____
Meeting Type: Initial Re-evaluation

This form shall be completed when determining whether the child is, or continues to be, a child with a disability and the educational needs of the child. Attach specific disability worksheets completed during this meeting.

Summary of Discussion: The group shall draw upon information from a variety of sources, including, but not limited to, review of records, 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 from all these sources is documented and carefully considered. Include the basis for making the determination, information from assessments, any educationally relevant medical findings, classroom observation and behavior noted during the observation and its relationship to academic functioning. The team shall consider data that demonstrates that prior to, or as part of the referral process, the child was provided appropriate high-quality, researched-based instruction in general education settings, consistent with § 1111(b)(8)(D) and (E) of the ESEA, including that the instruction was delivered by qualified personnel. There shall be data-based documentation that repeated assessments of achievement at reasonable intervals, reflecting that formal assessment of student progress during instruction was provided to the child's parents. The determinant factor in the eligibility decision is not based on a lack of appropriate instruction in a. reading, including the essential components of reading instruction; b. Lack of appropriate instruction in mathematics; or c. Limited English proficiency. (Attach additional pages as needed)

If the child has participated in a response to scientific, research-based intervention process attach: (1) The instructional strategies used and the student-centered data collected; (2) The strategies that were used to increase the child's rate of learning; and (3) The parent's right to request an evaluation. Provide notification that Virginia's guidance document, *Responsive Instruction, Refining Our Work of Teaching All Children* and monographs, are available from the Virginia Department of Education Web site www.doe.virginia.gov.

- The child was observed in the learning environment or an environment appropriate for a child of that age and the academic performance and behavior in the areas of difficulty was documented. The team has considered information from observations both before and after the child was referred for evaluation as required by the Virginia Regulations.
- A hearing screening was conducted prior to the determination of eligibility.

Procedural safeguards in determining eligibility and in ensuring the confidentiality of records were provided. The team provides assurance that the determination has been made in accordance with the applicable provisions of the Virginia Regulations regarding determining eligibility and educational need.

As defined by *Regulations Governing Special Education Programs for Students with Disabilities in Virginia*, the team determined that:

- The child has or continues to have a disability under the disability category(ies) of _____ and by reason of the disability(ies) needs special education and related services,
or
- The child does not meet criteria to be found eligible or continue to be eligible for special education and related services.

Names and roles of qualified professionals and the parent(s) of the student present at the meeting

Parent(s)	Administrator
Special Education Teacher	General Education Teacher
Role:	Role:
Role:	Role:

Attach a written statement from any member whose conclusion differs from the other members' determination.

Autism Worksheet

Name: _____ School: _____ Meeting Date: _____
Student ID: _____ D.O.B. _____ Age: _____ Grade: _____

In application of the Virginia Department of Education's *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, this worksheet may assist the eligibility group in applying criteria for students who are being considered for eligibility under the category of Autism. Review the definition, consider the items below, and note any additional information. Attach this worksheet to the Eligibility Summary Form and include any necessary documentation.

STEP 1.

DEFINITION: "Autism" means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects 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. Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance. A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria in this definition are satisfied.

STEP 2.

There is documentation of any of the Pervasive Developmental Disorders, also referenced as autism spectrum disorder, such as Autistic Disorder, Asperger's Disorder, Rhetts Disorder, Childhood Disintegrative Disorder, Pervasive Developmental Disorder – Not Otherwise Specified including Atypical Autism as indicated in diagnostic references.

Characteristics of Autism:

- Children with Asperger's Disorder** demonstrate the following characteristics:
 - Impairments in social interaction, such as marked impairment in the use of multiple nonverbal behaviors such as eye-to-eye gaze, facial expression, body postures, and gestures to regulate social interaction; failure to develop peer relationships appropriate to developmental level; a lack of spontaneous seeking to share enjoyment, interests, or achievements with other people (i.e., by a lack of showing, bringing, or pointing out objects of interest); or lack of social or emotional reciprocity are noted; and
 - Restricted, repetitive and stereotyped patterns of behavior, interests, and activities such as encompassing preoccupation with one or more stereotyped and restricted patterns of interest that is abnormal either in intensity or focus, apparently inflexible adherence to specific, nonfunctional routines or rituals, stereotyped and repetitive motor mannerisms, persistent preoccupation with parts of objects.
- Children with Autistic Disorder** demonstrate impairments in:
 - Social interaction; and
 - Restricted, repetitive, and stereotyped patterns of behavior as listed above; and
 - Impairments in communication, such as delay in, or total lack of, the development of spoken language (not accompanied by an attempt to compensate through alternative modes of communication such as gesture or mime). In individuals with adequate speech, marked impairment in the ability to initiate or sustain a conversation with others, stereotyped and repetitive use of language or idiosyncratic language, or lack of varied, spontaneous make-believe play or social imitative play appropriate to developmental level is noted.
- Children with Pervasive Developmental Disorder - Not Otherwise Specified or Atypical Autism** may display any of the characteristics listed above without displaying all of the characteristics associated with either Asperger's Disorder or Autistic Disorder.
- Other (Describe):

AND

STEP 3.

The child's educational performance is not adversely affected primarily because the child has an emotional disturbance.

AND

STEP 4.

There is documentation of an adverse effect on educational performance due to one or more documented characteristics of autism.
List and/or describe:

AND

STEP 5.

Due to the identified Autism, the student needs specially designed instruction.

Deaf-blindness Worksheet

Name: _____ School: _____ Meeting Date: _____
Student ID: _____ D.O.B. _____ Age: _____ Grade: _____

In application of the Virginia Department of Education's *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, this worksheet may assist the eligibility group in applying criteria for students who are being considered for eligibility under the category of Deaf-blindness. Review the definition, consider the items below, and note any additional information. Attach this worksheet to the Eligibility Summary Form and include any necessary documentation.

STEP 1.

DEFINITION: "Deaf-blindness" means simultaneous 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.

STEP 2.

There is documentation of Deaf-blindness.

Complete and attach:

Visual Impairment including Blindness Worksheet

Deafness or Hearing Impairment Worksheet

AND

STEP 3.

The combination of the hearing and visual impairments 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.

Deafness Worksheet

Name: _____ School: _____ Meeting Date: _____
Student ID: _____ D.O.B. _____ Age: _____ Grade: _____

In application of the Virginia Department of Education's *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, this worksheet may assist the eligibility group in applying criteria for students who are being considered for eligibility under the category of Deafness. Review the definition, consider the items below, and note any additional information. Attach this worksheet to the Eligibility Summary Form and include any necessary documentation.

STEP 1.

DEFINITION: "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 the child's educational performance.

STEP 2.

There is documentation of Deafness.

The child has (check all that apply):

- a bilateral hearing loss (sensorineural, or mixed conductive and sensorineural),
- a fluctuating or a permanent hearing loss, or
- documented auditory dyssynchrony (auditory neuropathy), and/or cortical deafness.

Describe:

AND

STEP 3.

There is documentation of an adverse effect on educational performance due to the Deafness.

List and/or describe:

AND

STEP 4.

Due to the identified Deafness, the student needs specially designed instruction.

Developmental Delay Worksheet

Name: _____ School: _____ Meeting Date: _____
 Student ID: _____ D.O.B. _____ Age: _____ Grade: _____

In application of the Virginia Department of Education's *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, this worksheet may assist the eligibility group in applying criteria for students who are being considered for eligibility under the category of Developmental Delay. Review the definition, consider the items below, and note any additional information. Attach this worksheet to the Eligibility Summary Form and include any necessary documentation.

DEFINITION: "Developmental Delay" means a disability affecting a child ages two by September 30 through six, inclusive: (34 CFR 300.8(b); 34 CFR 300.306(b))

1. (i) Who is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development, or (ii) who has an established physical or mental condition that has a high probability of resulting in developmental delay;

2. The delay(s) is not primarily a result of cultural factors, environmental or economic disadvantage, or limited English proficiency; and

3. The presence of one or more documented characteristics of the delay has an adverse effect on educational performance and makes it necessary for the student to have specially designed instruction to access and make progress in the general educational activities for this age group.

STEP 1.

STEP 2.

The child will be two by September 30 of the current school year through six, inclusive.

AND

STEP 3.

There is documentation of a Developmental Delay, as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas (check all that apply):

- | | | |
|--|--|--|
| <input type="checkbox"/> Physical Development | <input type="checkbox"/> Cognitive Development | <input type="checkbox"/> Communication Development, |
| <input type="checkbox"/> Social or Emotional Development | <input type="checkbox"/> Adaptive Development | <input type="checkbox"/> Established Physical or Mental Condition that has a high probability of resulting in developmental delay; |

List and/or describe:

AND

STEP 4.

The delay(s) is not primarily a result of cultural factors, environmental or economic disadvantage, or limited English proficiency.

AND

STEP 5.

The presence of one or more documented characteristics of the delay has an adverse effect on educational performance and makes it necessary for the student to have specially designed instruction to access and make progress in the general educational activities for this age group.

List and/or describe:

Emotional Disability Worksheet

Name: _____ School: _____ Meeting Date: _____
Student ID: _____ D.O.B. _____ Age: _____ Grade: _____

In application of the Virginia Department of Education's *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, this worksheet may assist the eligibility group in applying criteria for students who are being considered for eligibility under the category of Emotional Disability. Review the definition, consider the items below, and note any additional information. Attach this worksheet to the Eligibility Summary Form and include any necessary documentation.

DEFINITION: "Emotional Disability" 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: (34 CFR 300.8(c)(4))

STEP 1.

1. An inability to learn that cannot be explained by intellectual, sensory, or health factors;
2. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
3. Inappropriate types of behavior or feelings under normal circumstances;
4. A general pervasive mood of unhappiness or depression; or
5. A tendency to develop physical symptoms or fears associated with personal or school problems.

Emotional disability includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disability as defined in the Virginia Regulations.

There is documentation of an Emotional Disability.

One or more of the following characteristics, exhibited over a long period of time and to a marked degree (check all that apply):

STEP 2.

- 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.

List and/or describe:

AND

There is documentation of an adverse effect on educational performance due to one or more documented characteristics of an Emotional Disability.

STEP 3.

List and/or describe:

AND

STEP 4.

Due to the Emotional Disability, the student needs specially designed instruction.

Hearing Impairment Worksheet

Name: _____ School: _____ Meeting Date: _____
Student ID: _____ D.O.B. _____ Age: _____ Grade: _____

In application of the Virginia Department of Education's *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, this worksheet may assist the eligibility group in applying criteria for students who are being considered for eligibility under the category of Hearing Impairment. Review the definition, consider the items below, and note any additional information. Attach this worksheet to the Eligibility Summary Form and include any necessary documentation.

STEP 1. **DEFINITION:** "Hearing impairment" means an impairment in hearing in one or both ears, with or without amplification, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness contained in the Virginia Regulations.

STEP 2. There is documentation of a Hearing Impairment.
Characteristics include (check all that apply):

- unilateral hearing loss (conductive, sensorineural, or mixed), or
- bilateral hearing loss (conductive, sensorineural, or mixed), or
- a fluctuating or permanent hearing loss, and/or
- auditory dyssynchrony (auditory neuropathy)
- other: _____

List and/or describe:

AND

STEP 3. The hearing loss results in qualitative impairments in communication/educational performance.

AND

STEP 4. There is documentation of an adverse effect on educational performance due to the Hearing Impairment.

List and/or describe:

AND

STEP 5. Due to the identified Hearing Impairment, the student needs specially designed instruction.

Intellectual Disabilities Worksheet

Name: _____ School: _____ Meeting date: _____
Student ID: _____ D.O.B. _____ Age: _____ Grade: _____

In application of the Virginia Department of Education's *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, this worksheet may assist the eligibility group in applying criteria for students who are being considered for eligibility under the category of Intellectual Disability. Review the definition, consider the items below, and note any additional information. Attach this worksheet to the Eligibility Summary Form and include any necessary documentation.

STEP 1.

DEFINITION: "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.

STEP 2.

Significant limitations in adaptive behavior and intellectual functioning (must be present concurrently):

At least 2.0 standard deviations below the mean, on an individually administered, standardized measure of intellectual functioning with consideration given to the standard error of measurement for the assessment.

Standardized instrument used: _____ Score/Results: _____

Significantly impaired adaptive behavior, at least 2.0 standard deviations below the mean on an individual standardized instrument of adaptive behavior.

The following skills represent the three areas of adaptive behavior:

Conceptual Skills - language and literacy, money, time, and number concepts; and self-direction

Social Skills - interpersonal skills, social responsibility, self-esteem, gullibility, social problem solving, and the ability to follow rules, obey laws, and avoid being victimized

Practical Skills - activities of daily living, occupational skills, healthcare, travel/transportation, schedules/routines, safety, use of money, use of the telephone

Standardized instrument used: _____ Score/Results: _____

There is a developmental history (birth through 18) that indicates significant impairment in intellectual functioning and a current demonstration of a significant impairment is present. Age at Identification: _____

AND

STEP 3.

There is documentation of an adverse effect on educational performance due to the documented characteristics of an intellectual disability.

List and/or describe:

AND

STEP 4.

Due to the intellectual disability, the student needs specially designed instruction.

Multiple Disabilities Worksheet

Name: _____ School: _____ Meeting Date: _____
Student ID: _____ D.O.B. _____ Age: _____ Grade: _____

In application of the Virginia Department of Education's *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, this worksheet may assist the eligibility group in applying criteria for students who are being considered for eligibility under the category of Multiple Disabilities. Review the definition, consider the items below, and note any additional information. Attach this worksheet to the Eligibility Summary Form and include any necessary documentation.

STEP 1.

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

STEP 2.

There is documentation of multiple disabilities. Simultaneous impairments (such as intellectual disability with blindness, intellectual disability with orthopedic impairment) are present and individual specific disability worksheets are attached.

List disability worksheets completed: _____

AND

STEP 3.

There is documentation that the combination of impairments causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments.

List and/or describe:

AND

STEP 4.

The student does not have Deaf-blindness.

Orthopedic Impairment Worksheet

Name: _____ School: _____ Meeting Date: _____
Student ID: _____ D.O.B. _____ Age: _____ Grade: _____

In application of the Virginia Department of Education's *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, this worksheet may assist the eligibility group in applying criteria for students who are being considered for eligibility under the category of Orthopedic Impairment. Review the definition, consider the items below, and note any additional information. Attach this worksheet to the Eligibility Summary Form and include any necessary documentation.

STEP 1.

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

STEP 2.

There is documentation of an Orthopedic Impairment (check all that apply):

- Congenital anomaly
- Impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.)
- Impairments from other causes

List and/or describe:

AND

STEP 3.

There is documentation of an adverse effect on educational performance due to the Orthopedic Impairment.

List and/or describe:

AND

STEP 4.

Due to the identified Orthopedic Impairment, the student needs specially designed instruction.

Other Health Impairment Worksheet

Name: _____ School: _____ Meeting Date: _____
Student ID: _____ D.O.B. _____ Age: _____ Grade: _____

In application of the Virginia Department of Education's *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, this worksheet may assist the eligibility group in applying criteria for students who are being considered for eligibility under the category of Other Health Impairment. Review the definition, consider the items below, and note any additional information. Attach this worksheet to the Eligibility Summary Form and include any necessary documentation.

STEP 1.

DEFINITION: "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 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 that adversely affects a child's educational performance.

STEP 2.

There is documentation of an Other Health Impairment. The effect of the Other Health Impairment limits are identified and impacts the students in the area of (check all that apply):

- Strength
- Vitality
- Alertness (including heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment)

Indicate chronic or acute health condition:

- Asthma
- Diabetes
- Hemophilia
- Nephritis
- Tourette syndrome
- Attention deficit disorder or attention deficit hyperactivity disorder
- Epilepsy
- Lead poisoning
- Rheumatic fever
- Other (describe):
- Heart condition
- Leukemia
- Sickle cell anemia

List and/or describe:

AND

STEP 3.

There is documentation of an adverse effect on educational performance due to one or more documented characteristics of the Other Health Impairment.

List and/or describe:

AND

STEP 4.

Due to the identified Other Health Impairment, the student needs specially designed instruction.

Specific Learning Disability Worksheet

Name: _____ School: _____ Meeting Date: _____
 Student ID: _____ D.O.B. _____ Age: _____ Grade: _____

In application of the Virginia Department of Education's *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, this worksheet may assist the eligibility group in applying criteria for students who are being considered for eligibility under the category of Specific Learning Disability. Review the definition, consider the items below, and note any additional information. Attach this worksheet to the Eligibility Summary Form and include any necessary documentation.

STEP 1. **DEFINITION:** "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 such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; of intellectual disabilities; of emotional disabilities; of environmental, cultural, or economic disadvantage.

STEP 2. The student does not achieve adequately for the student's age or to meet Virginia-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's age or Virginia-approved grade-level standards (check all that apply):

<input type="checkbox"/> Mathematics Calculations	<input type="checkbox"/> Oral Expression	<input type="checkbox"/> Listening Comprehension	<input type="checkbox"/> Written Expression
<input type="checkbox"/> Mathematics Problem Solving	<input type="checkbox"/> Reading Fluency Skills	<input type="checkbox"/> Reading Comprehension	<input type="checkbox"/> Basic Reading Skills

AND

STEP 3. A processing disorder impacts the student in the area or areas of (check all that apply):

<input type="checkbox"/> Mathematics Calculations	<input type="checkbox"/> Oral Expression	<input type="checkbox"/> Listening Comprehension	<input type="checkbox"/> Written Expression
<input type="checkbox"/> Mathematics Problem Solving	<input type="checkbox"/> Reading Fluency Skills	<input type="checkbox"/> Reading Comprehension	<input type="checkbox"/> Basic Reading Skills

List and/or describe:

AND

STEP 4. Evaluation outcomes (check all that apply):

- The student exhibits a pattern of strengths and weaknesses in performance, achievement or both relative to age, Virginia-approved grade-level standards, or intellectual development, or
- Using response to research-based intervention (RtI), the student does not make sufficient progress to meet age or Virginia-approved grade-level standards, or
- Using the discrepancy model, the student obtains scores that demonstrate that a severe discrepancy exists between the student's achievement and intellectual ability in one or more of the area(s) of Specific Learning Disability.

AND

STEP 5. There is documentation of an adverse effect on educational performance due to one or more documented characteristics of a specific learning disability.
List and/or describe:

STEP 6. The student needs specially designed instruction.

AND

STEP 7. The student's learning problems are not primarily the result of: 1. a visual, hearing, or motor impairment, 2. an intellectual disability, 3. an emotional disability, 4. cultural factors, an environmental or economic disadvantage, or 5. Limited English proficiency.

AND

STEP 8. The eligibility group shall consider, as part of the evaluation, data that demonstrates that prior to, or as part of the referral process, the child was provided appropriate high-quality, researched-based instruction in general education settings, consistent with § 1111(b)(8)(D) and (E) of the Elementary and Secondary Education Act, including that the instruction was delivered by qualified personnel. There shall be data-based documentation that repeated assessments of achievement at reasonable intervals, reflecting that formal assessment of student progress during instruction, was provided to the child's parents. 34CFR §300.309 (b) (1-2)

Speech-Language Impairment Worksheet

Name: _____ School: _____ Meeting Date: _____
Student ID: _____ D.O.B. _____ Age: _____ Grade: _____

In application of the Virginia Department of Education's *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, this worksheet may assist the eligibility group in applying criteria for students who are being considered for eligibility under the category of Speech-Language Impairment. Review the definition, consider the items below, and note any additional information. Attach this worksheet to the Eligibility Summary Form and include any necessary documentation.

STEP 1.

DEFINITION: "Speech-Language Impairment" means a communication disorder, such as dysfluency (stuttering), impaired articulation, expressive or receptive language impairment or a voice impairment that adversely affects a child's educational performance.

STEP 2.

There is documentation of a significant discrepancy from typical communication skills in one of the areas below (check all that apply):

- Fluency
- Receptive or expressive language
- Articulation
- Voice

List and/or describe:

AND

STEP 3.

The student does not demonstrate Limited English Proficiency (LEP) and/or is not a speaker of a sociocultural dialect that is the primary reason for the speech-language impairment.

AND

STEP 4.

There is documentation of an adverse effect on educational performance due to one or more documented characteristics of Speech-Language Impairment.

List and/or describe:

AND

STEP 5.

Due to the identified Speech-Language Impairment, the student needs specially designed instruction.

Traumatic Brain Injury Worksheet

Name: _____ School: _____ Meeting Date: _____
Student ID: _____ D.O.B. _____ Age: _____ Grade: _____

In application of the Virginia Department of Education's *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, this worksheet may assist the eligibility group in applying criteria for students who are being considered for eligibility under the category of Traumatic Brain Injury. Review the definition, consider the items below, and note any additional information. Attach this worksheet to the Eligibility Summary Form and include any necessary documentation.

STEP 1.

DEFINITION: "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. Traumatic brain injury 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. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

STEP 2.

There is documentation of a Traumatic Brain Injury.

List and/or describe:

AND

STEP 3.

There is documentation of impairments in one or more areas including (check all that apply):

- | | | | | |
|---|---|--|------------------------------------|--|
| <input type="checkbox"/> Cognition | <input type="checkbox"/> Language | <input type="checkbox"/> Memory | <input type="checkbox"/> Attention | <input type="checkbox"/> Reasoning |
| <input type="checkbox"/> Abstract thinking | <input type="checkbox"/> Judgment | <input type="checkbox"/> Problem-solving | <input type="checkbox"/> Speech | <input type="checkbox"/> Psychosocial behavior |
| <input type="checkbox"/> Physical functions | <input type="checkbox"/> Information processing | <input type="checkbox"/> Sensory | | |
| <input type="checkbox"/> Perceptual | <input type="checkbox"/> Motor abilities | | | |

List and/or describe:

AND

STEP 4.

The brain injury is not congenital, degenerative, or induced by birth trauma. (34 CFR 300.8(c)(12))

AND

STEP 5.

There is documentation of an adverse effect on educational performance due to one or more documented characteristics of traumatic brain injury.

List and/or describe:

AND

Due to the identified Traumatic Brain Injury, the student needs specially designed instruction.

Visual Impairment including Blindness Worksheet

Name: _____ School: _____ Meeting Date: _____
Student ID: _____ D.O.B. _____ Age: _____ Grade: _____

In application of the Virginia Department of Education's *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*, this worksheet may assist the eligibility group in applying criteria for students who are being considered for eligibility under the category of Visual Impairment. Review the definition, consider the items below, and note any additional information. Attach this worksheet to the Eligibility Summary Form and include any necessary documentation.

STEP 1.

DEFINITION: "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.

STEP 2.

There is documentation of a visual impairment and the child demonstrates the characteristics of blindness or visual impairment (check all that apply):

A child with blindness has (check all that apply):

- Visual acuity in the better eye with best possible correction of 20/200 or less at distance or near; or
- Visual field restriction in the better eye of remaining visual field of 20 degrees or less.

A child with a visual impairment demonstrates the following (check all that apply):

- Visual acuity better than 20/200 but worse than 20/70 at distance and/or near; or
- Visual field restriction in the better eye of remaining visual field of 70 degrees or less but better than 20 degrees.

List and/or describe:

AND

STEP 3.

The child has any of the conditions, which may in the future, have an adverse effect on educational performance, or a functional vision loss where field and acuity deficits alone may not meet the aforementioned criteria (check all that apply).

- Oculomotor apraxia
- Cortical visual impairment
- A progressive loss of vision
- Other: _____

List and/or describe:

AND

STEP 4.

There is documentation of an adverse effect on educational performance due to the visual impairment.

List and/or describe:

AND

STEP 5.

Due to the identified visual impairment, the student needs specially designed instruction.

Observation Form

Name: _____ School: _____
 Student ID: _____ D.O.B. _____ Age: _____ Grade: _____

The purpose of this evaluation is to provide information regarding this student's classroom performance and behaviors in the area(s) of difficulty. Observe the student and provide the requested information. Attach additional sheet if necessary.

Date of Observation:	Start Time of Observation:	End time of Observation:
Setting of Observation:		
Describe the lesson/activities of the class during this observation session (e.g., lecture, discussion, independent seatwork, small group work) and the observed student level of participation and engagement. Include any special supports or conditions during this observation (e.g., student seated away from group, uses interpreter, etc.):		
Identify any instructional strategies and/or behavior supports used during the instruction <input type="checkbox"/> wait time <input type="checkbox"/> repetition <input type="checkbox"/> visual supports <input type="checkbox"/> graphic organizers <input type="checkbox"/> rephrasing <input type="checkbox"/> manipulatives <input type="checkbox"/> positive reinforcement <input type="checkbox"/> re-direction <input type="checkbox"/> teacher proximity <input type="checkbox"/> other _____		
Describe the student's reaction to instructional strategy(ies) and/or the behavior supports provided:		
Describe the student's behavior during the observation session and how the behavior compares to that of other students in the class at the same time:		
Describe the student's academic performance during the observation session and how the performance compares to that of other students in the class at the same time:		
Summary of additional comments or concerns:		

 Signature of Person Completing Observation

 Job Title

PRIOR NOTICE

Name: _____ School: _____ Meeting date _____
Student ID: _____ D.O.B. _____ Age: _____ Grade: _____

Describe the action that the school division proposes or refuses to take:

Explanation of why the school division is proposing or refusing to take action:

Description of each evaluation procedure, assessment, record or report the school division used in deciding to propose or refuse the action:

Description of any other choices that the team considered and the reasons why those choices were rejected:

Description of other reasons or other factors relevant as to why the school division proposed or refused the action:

Resources for the parent to contact for help in understanding the Individuals with Disabilities Education Act (IDEA) and the related federal and Virginia Regulations:

If this notice is not the initial referral for evaluation, explain how the parent was provided a copy of the procedural safeguards:

Appendix B Virginia Department of Education Technical Assistance and Guidance Documents

The following technical assistance and guidance documents are available from the Virginia Department of Education Web site www.doe.virginia.gov.

VDOE's Division of Special Education and Student Services has revised or developed or is in the process of revising or developing the following technical assistance documents on matters related to implementing the Virginia special education regulations. These documents are or will be posted to VDOE's Web site at: <http://www.doe.virginia.gov/VDOE/SESS>

- Guidance Document on Autism
- Guidance Document on Brain Injury and the Schools
- Educational Interpreter Qualifications in Virginia Public Schools, Frequently Asked Questions
- Speech-Language Pathology Services in Schools: Guidelines for Best Practice
- Revised VDOE Model IEP Form, Standards-based IEP form, Secondary Transition IEP form
- Revised VDOE's Model Procedural Safeguards Document
- Model Policies and Procedures Document for LEAs and SOPs
- Guidance Document for Local Screening Requirements in Virginia's Public Schools
- Technical Assistance Document on Matters Related to Residency and FAPE Responsibilities for Virginia's Public Schools
- Revised Technical Assistance Document on Discipline Requirements
- Revised VDOE Complaint Resolution Procedures
- Revised Complaint Appeal Procedures
- Fact Sheets for Parents:
 - Change in category name from MR to ID; Emotional Disturbance to Emotional Disability
 - Phasing out of the SD category
 - Explanation for the age change to the DD category
 - Parent Notification of RtI