

From Referral to Special Education Eligibility: What It Takes to Get Through the Door



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www.FormedFamiliesForward.org

FORMED FAMILIES **FORWARD**

Housekeeping

- Use the chat box to ask questions or make comments.
- Please mute your microphone when you are not speaking.
- All recordings, slides and handouts will be on FFF website under **RESOURCES: WEBINARS**.
- Email info@formedfamiliesforward.org if you need a **certificate of attendance**.
- Please complete the evaluation at the end of the webinar.



Formed Families Forward - who we are...

- A family-led resource center in Northern Virginia supporting foster, adoptive and kinship families who are raising children, youth & young adults with special needs, and professionals who work with our families.
- We offer free training, consultations to families, events, resources, and systems navigation. Also - peer support groups; webinars; virtual trainings; Resource Directory; videos and other resources.
- Family partner to Virginia Tiered Systems of Supports (VTSS; a VDOE project)

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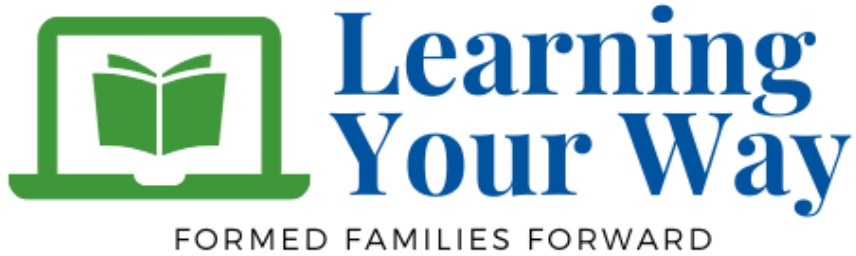
Fall Training Opportunities:

October 4 - The Special Education for Formed Families: Making It Work

October 11 - Communication, Collaboration, & What to Do When You Just Can't Agree

November 15 - Sexualized Behaviors in Children & Teens: When Should Caregivers Be Concerned





- Free, on-line, on-demand learning
- Self-paced & interactive
- Certificates of Completion
- 6 Courses Available:
 - Special Education 101
 - Constructive Communication & Collaboration
 - SPLED Dispute Resolution
 - Trauma 101
 - Kinship Care
 - Other Health Impairment

Register at

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FORMED
FAMILIES **FORWARD**

POLL

Who are you?

- Adoptive parent
- Kinship caregiver
- Foster or resource parent
- Professional
- Birth parent

Chat in any additional roles



Our objective is to answer these questions:

- 1. What is special education?**
- 2. Who “gets” special education?**
- 3. How do you make a referral for special education?**
- 4. What is involved in an evaluation for special education?**
- 5. How long does it take?**
- 6. Should I be concerned with a special education label?**
- 7. When does reevaluation happen?**

What is Special Education?

A program of specialized educational services provided to students with disabilities



Individuals with Disabilities Education Act



- ★ IDEA or I.D.E.A.
- ★ Federal legislation
- ★ Guarantees special education to eligible children with disabilities

IDEA Legislation Guarantees:



- ★ Free and Appropriate Public Education (FAPE)
- ★ Specially designed instruction to meet the unique needs of a child with disabilities
- ★ Placement in the least restrictive environment
- ★ Parent* participation in educational planning

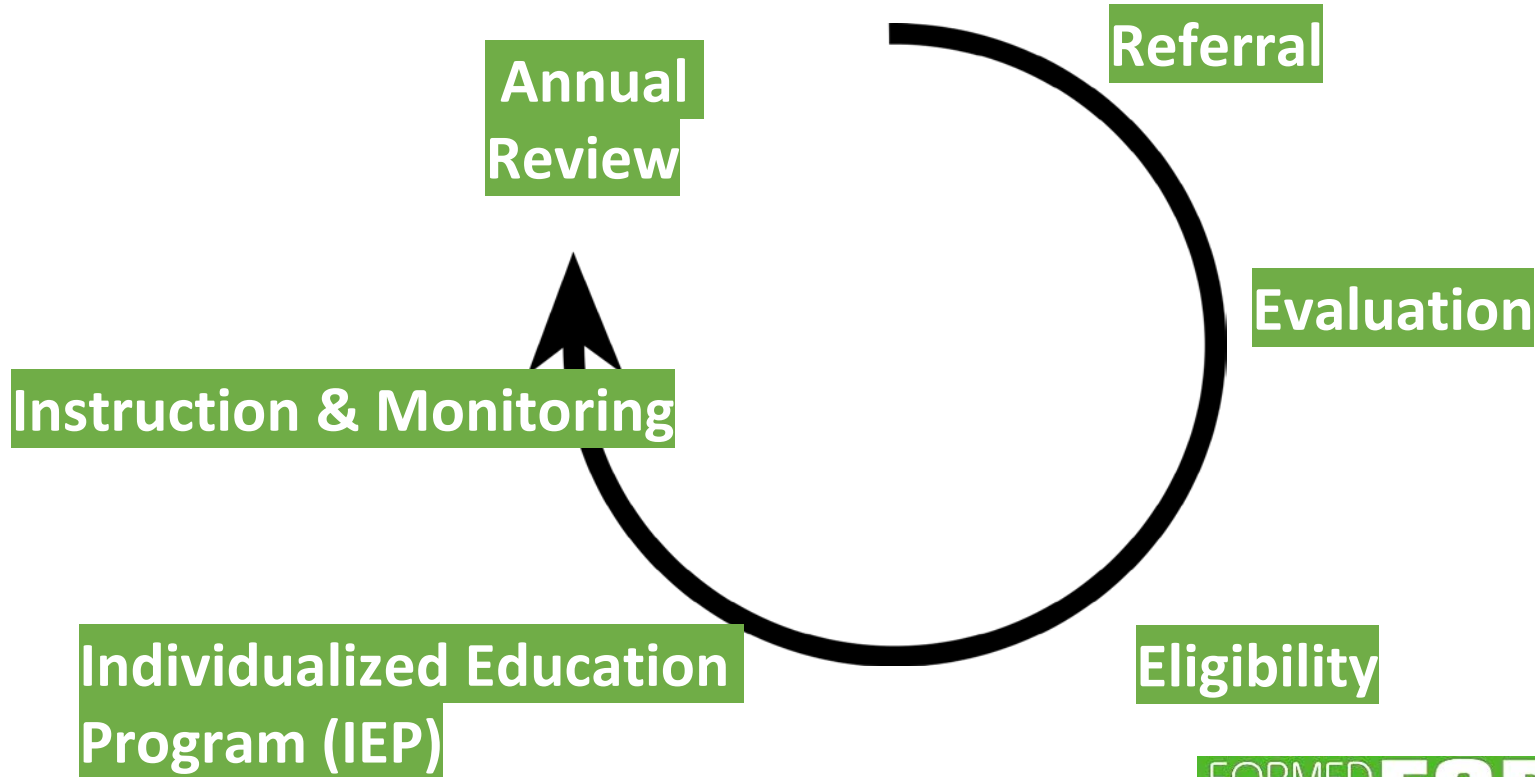
“Parent” is an inclusive term

Who gets Special Education Services?

- ★ Qualify through an evaluation and eligibility process
- ★ Must meet criteria for one of the Federal Disability Categories
- ★ Must demonstrate a need for special education & related services



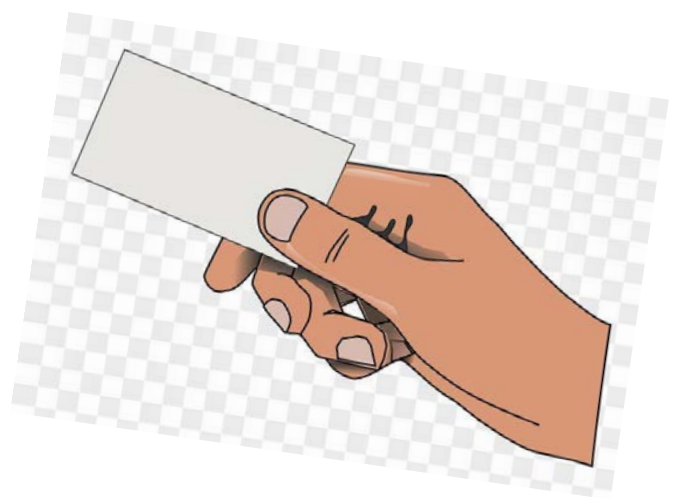
Special Education Cycle



POLL

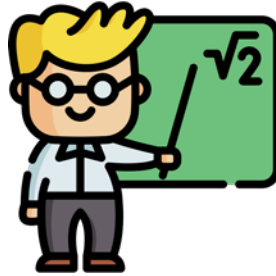
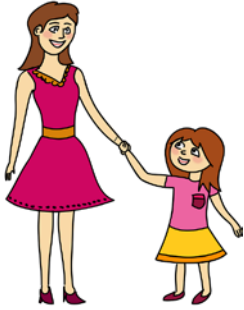
What is your experience with Special Education referrals?

- I have made a referral
- Someone else made a referral for my child
- I have never made a referral, but I am considering making one
- I am not considering a referral at this time



Step 1: Referral

Who can make a referral?



How do I make a referral?



Then what?

Within 3 business days...

1. Deny the request → Provide information on appeal



2. Honor the request → Initiate evaluation immediately

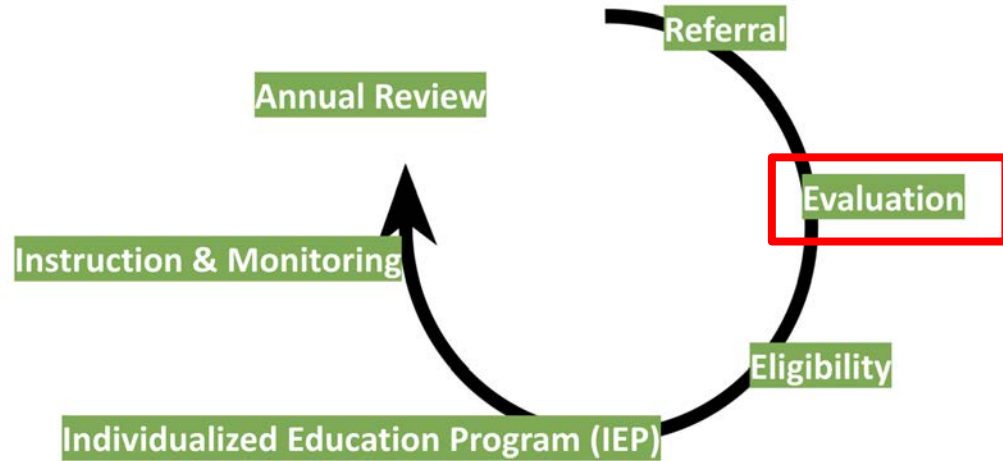


3. Send request to school team



Step 2: Evaluation

- Information is used to determine eligibility
- There is no cost to the family
- Parents/caregivers are team members
- Parents must give content for initial evaluation
- Evaluations complete and decisions made within 65 days of referral
- Written report available 2 days before meeting



Evaluate All Areas of Suspected Disability

- Health
- Vision
- Hearing (*Hearing must be screened during an initial evaluation.)
- Social emotional status
- General intelligence
- Academic performance
- Communicative status
- Motor abilities
- Adaptive behaviors



Areas of Evaluation:

The Sociocultural Assessment

- Written report from a school social worker
- Describes family history, structure and dynamics
- Includes developmental and health history
- Reports on social/adaptive behavior in the home, school, and community



Sharing Information in a Sociocultural Assessment

- Consent is needed for the assessment
- Information collected is private
- Gives insight into the child's struggles and strengths at home or in the community
- In conjunction with other assessments, it may provide evidence of the need for special education services



Areas of Evaluation:

The Educational Assessment



- Determines achievement in reading, writing, and math
- Completed by a special educator (VA)
- Includes:
 - Individually administered, standardized tests of reading, writing, & math (ie. Woodcock Johnson Tests of Achievement)
 - Classroom based assessments
 - School/system wide measures (i.e., SOLs, PALS, iReady)

Areas of Evaluation



The Psychological Assessment

- Determines general ability and specific strengths and weaknesses
- Completed by a school psychologist
- Includes:
 - Individually administered, standardized test of intelligence
 - Tests of processing skills
 - Rating Scales of social-emotional, behavioral and/or adaptive functioning
 - Observations
 - Interviews

More Areas of Evaluation



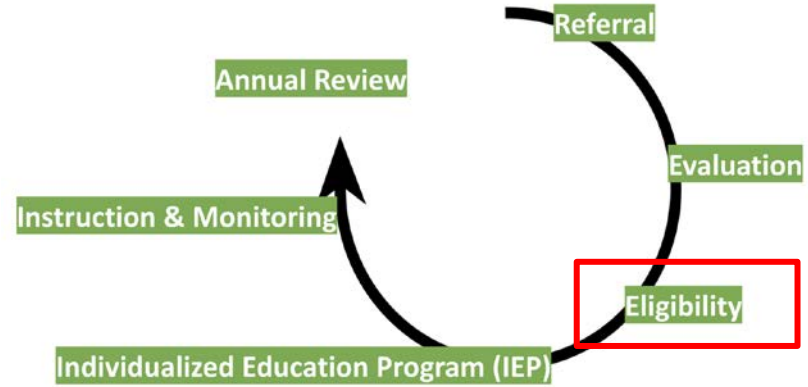
- **Speech/Language Assessment**
- **Vision Screening**
- **Medical Report** completed by a licensed physician to rule out and/or identify any medical problems related to the suspected disability.
- **Occupational Therapy Assessment**
- **Physical Therapy Assessment**
- **Functional Vision Assessment**
- **Observation** (consent required for initial evaluations only)

Independent Educational Evaluation

- Parents/caregivers have the right to request an **independent educational evaluation (IEE)** .
- Parents may request that the school pay for the IEE. However, the school may ask for a due process hearing.
- Even if it is decided that the school does not have to pay for IEE, parents have the right to an IEE.
- If parents pay, they decide whether to share.

Step 3: Eligibility

- Must occur within 65 business days
- Copies of evaluation report available at least 2 days in advance
- Group works toward consensus - not a majority vote
- Child must be identified under one or more categories to receive special education and related services under IDEA



Disability Categories Under IDEA

Children with:

- Autism
- Deafness
- Deaf-blindness
- **Developmental delay** *
- **Emotional disability**
- Hearing impairment, including deafness
- Intellectual disability
- Multiple disability

- Orthopedic impairment
- **Other health impairment**, including ADHD
- Specific learning disability
- Speech or language impairment
- Traumatic brain injury
- Visual impairment, including blindness

Definitions of **each category** are available in regulations: *8VAC20-81-80. Eligibility (J) through (W)*

* Use of DD for children age 3 through 9 is at discretion of state and local school systems.

ARLINGTON PUBLIC SCHOOLS
BASIS FOR ELIGIBILITY DETERMINATION

Name:		School:
ID#:	DOB:	Date of Eligibility:

OTHER HEALTH IMPAIRMENT

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 (i) 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, sickle cell anemia, and Tourette syndrome; and, (ii) adversely affects a child's educational performance.

CRITERIA

A child with an other health impairment who requires special education and related services will meet ALL of the following criteria. In interpreting evaluation data, the committee must document and carefully consider information from a variety of sources. For each criterion indicate **Yes** or **No** and provide additional information as appropriate.

Yes No

1. Impairment

The student has limited strength, vitality or alertness, including a heightened alertness to environmental stimuli that results in limited alertness due to a documented chronic or acute health problem.

Specify chronic or acute health condition and reference documentation:

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)

Yes No

2. Educational Impact

The disability adversely affects the child's educational performance. Document the areas where the disability and not other factors negatively impacts a child's academic and/or functional performance as compared to average same-aged students.

Describe the impacted academic/functional performance:

Yes No

3. Observation

The committee considered the relevant behavior noted during the classroom observation and the relationship of that behavior to the child's academic functioning. Note relevant behavior, if any:

Yes No

4. Medical Findings

The committee considered educationally relevant medical findings if any. Note educationally relevant medical findings, if any:

Yes No

5. Exclusionary Factors

A. Lack of appropriate instruction in reading including the essential components of reading instruction (phonemic awareness; phonics; vocabulary development; reading fluency, including oral reading skills; and reading comprehension strategies) has been ruled out as the determinant factor in the eligibility decision.

Yes No

B. Lack of appropriate instruction in math has been ruled out as the determinant factor in the eligibility decision.

Yes No

C. Limited English proficiency has been ruled out as the determinant factor in the eligibility decision.

Sample Eligibility Worksheet

Yes No

Need for Special Education

Specially designed instruction means adapting, as appropriate to the needs of an eligible child, the content, methodology, or delivery of instruction to address the unique needs of the child that result from their disability and to ensure access of the child to the general curriculum, so that the child can meet the educational standards that apply to all children within APS. Specify/Describe:

ELIGIBILITY DETERMINATION

The disability criteria for **other health impairment** have been met and the child needs special education and related services.

The disability criteria for **other health impairment** have NOT been met.

Should I be concerned with the label?

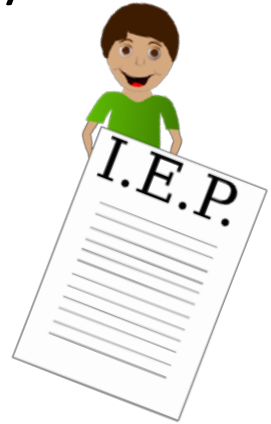
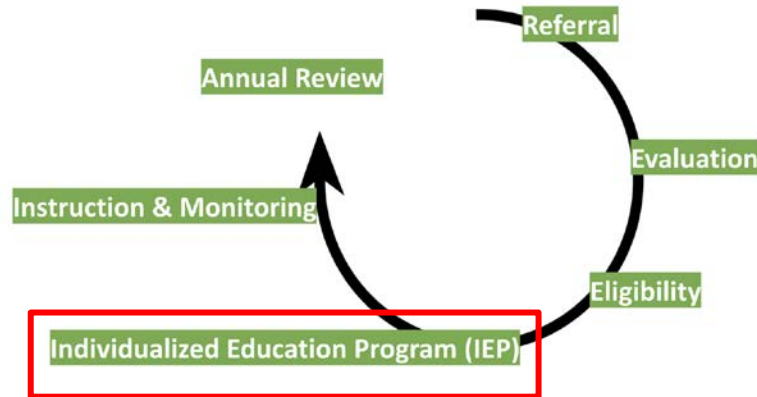
Special education labels are a means to meeting the purpose of ensuring educational success.

- Provides specially designed instruction in line with the student's unique needs
- Reduces barriers to learning (accommodations, supplementary aids & services, adaptive devices)
- Allows child to meet full potential (achieve goals, pursue degrees, attain careers)



Step 4: The IEP

- For students who qualify for special education services, the next step is to develop an **Individualized Education Program or IEP**.
- The IEP must be presented within 30 days of the eligibility meeting.



When does reevaluation occur?

- If school determines that the child's educational or related services needs, including improved academic achievement and functional performance, warrants a reevaluation;
- If the child's **parent(s) or teacher requests a reevaluation**; or
 - *School provides Prior Written Notice if does not agree
- At least **once every three years**, unless the parent and school agree that a reevaluation is unnecessary.
- School shall not conduct a reevaluation **more than once a year** unless the family and school agree otherwise.



Reevaluation Timelines

- “initiated in sufficient time to complete the process prior to the third anniversary of the date eligibility was last determined”.
- If a not a triennial, completed in 65 business days of the referral
- Family and school may agree to extend the 65-day timeline



Who?

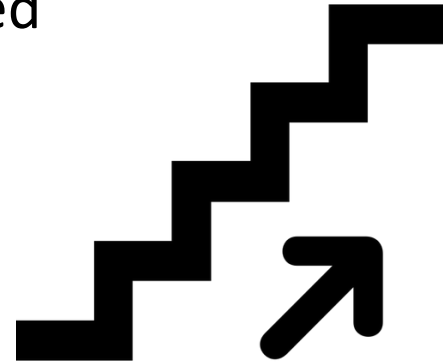
Group = same individuals as an IEP team and other qualified professionals, as appropriate



4 Main Steps of Reevaluation

Does this child continue to be an eligible “Child with a Disability”?

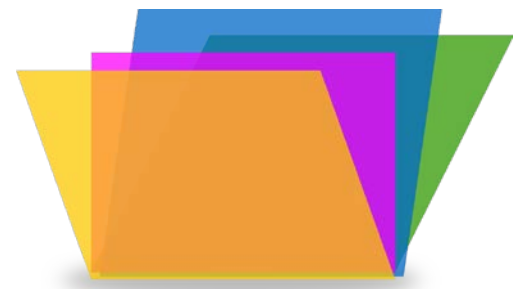
- 1) Review of existing evaluation data
- 2) Determine what additional data, if any, are needed
- 3) Collect data
- 4) Team determines continued or new eligibility



Steps in Reevaluation:

1) Review existing evaluation data

- Evaluations and information provided by the family
- Current classroom-based, local, or state assessments and classroom-based observations; and
- Observations by teachers and related service providers





Side Note

Review of Data without a Meeting

- The group completing the review **may conduct its review without a meeting.**
- School must give notice to ensure that the family has the opportunity to participate in the review.
- If there is a meeting, the school must give notice of the meeting early enough to ensure that the family will have an opportunity to participate.

5 Points to Consider in Review of Data

1. Does child continue to be an eligible “Child with a Disability”;
2. The present educational needs;
3. The 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.

Steps in Reevaluation:

2) Determine what Additional Data, if any, are needed



Consent for Reevaluation

- Informed parental consent required
- If reasonable attempt made, school can proceed without consent
 - Notice to the parent(s) in writing (or by phone or in person with proper documentation)
- If family refuses consent, school may use due process or mediation procedures - *or* - the school may decline to pursue the reevaluation



Consent Not Required for...



- Review of **existing data** as part of an evaluation or reevaluation;
- Teacher's or related service provider's **observations** or ongoing classroom evaluations; or
- Administering a test or other evaluation that is administered to **all children** that does not require consent

If Additional Data are NOT needed

- Team can decide **no additional data** are needed
- School must provide family with **prior written notice**
- School is not required to conduct the evaluation “to gather additional information to determine whether the child continues to have a disability and to determine the child’s educational needs”, unless family requests the evaluation for these specific purposes

Steps in Reevaluation

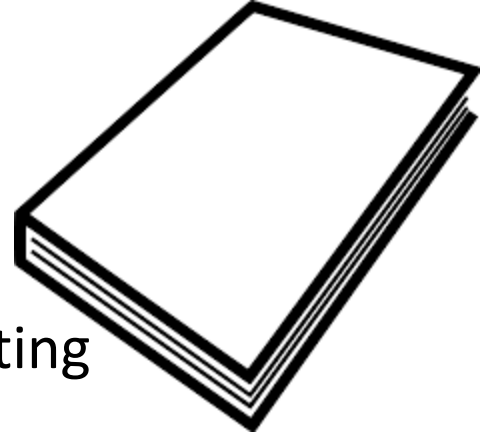
3) Collect data

Assessments and other evaluation materials must:

- Use a **variety** of assessment tools and strategies including information provided by the family
- Administered in the child's **native language**, unless it is clearly not feasible to do so
- **Not be discriminatory** on a racial or cultural basis
- Used for **valid and reliable** purposes
- Administered by **trained and knowledgeable** personnel

Reevaluation Report(s)

- Provided at **no cost**
- Available **at least two business days** before the meeting
- A **written copy** of the **final evaluation** report should be available at the eligibility group meeting or immediately following the meeting, but no later than 10 days after the meeting
- If child **moves from one district to another**, assessments shall be coordinated



Independent Educational Evaluation

- Parents have the right to request an **independent educational evaluation (IEE)** conducted by a qualified person who does not work for the school.
- Parents may request that the school pay for the IEE.
- If parents pay for the IEE, they determine whether or not to share the information in the IEE with the school.

Steps in Reevaluation:

4) Determination of Continued or New Eligibility

- Same process as initial evaluation
- Must review criteria for each potential category



Developmental Delay in Virginia

- District does NOT have to use Developmental Delay as a category
- Can be considered as disability category for preschool children (aged **two years** by September 30 to **six**, inclusive)
- If child meets other category criteria, DD does not have to be used
- **Before or during school year the child turns 6, eligibility must be reconsidered**



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Reevaluation Considerations

- **3 years is a minimal**; families can request an evaluation sooner than the “triennial”.
- **Use Independent Educational Evaluation**, as needed for unique circumstances.
- For older youth, carefully consider timing for last school-completed evaluation.

What if I disagree with the decision?

Options for Dispute Resolution:

- Informal resolution
- Complaint to State VDOE
- Mediation (no cost to family)
- Due Process Hearing



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PLEASE COMPLETE EVALUATION right after we end.

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