



# Determination of Eligibility

After all special education evaluations have been completed, an eligibility meeting is held to determine if the child is or continues to be a child with a disability and in need of special education and related services.

## Eligibility Timeline

Eligibility for special education and **related services** must be determined within 65 business days after the special education administrator receives the referral for evaluation, unless the parent and the eligibility group agree in writing to extend the 65-business day timeline to obtain additional data that cannot be obtained during the initial 65 business days.

### Related services

are developmental, corrective, or supportive services required for a child with a disability to benefit from special education.

## Eligibility Team

An Eligibility Team consists of parents and additional members who can conduct, interpret, and analyze information from assessments.



If the child currently has an Individualized Education Program (IEP), this group may include members of the IEP Team.

## Eligibility Process

For a child to be found eligible as a child with a disability, they must meet the specific criteria adopted by the Virginia Department of Education. The child's disability must affect their educational performance and require specially designed instruction. Criteria for these disability categories are included in the Regulations Governing Special Education Programs for Children with Disabilities in Virginia.

The school will give the parents copies of the evaluation reports, and the eligibility team will meet to review the data and make the eligibility determination.

## Eligibility Determination

If the Eligibility Team determines that a child meets the criteria for special education, parents must agree to this decision in writing. Once written parental consent for the eligibility decision is received, a summary of the findings from the eligibility meeting will be provided to the IEP Team and considered in the development of the child's IEP.

If the Eligibility Team determines that the student is not eligible for special education, an IEP will not be developed to support your child. Information that was obtained during the eligibility process will be provided to your child's teachers for instructional planning purposes.

Parents have the right to appeal eligibility decisions through a due process hearing.

