

# Technical Evaluation and Assessment Manual

THE NEW MEXICO T.E.A.M. (REV. DECEMBER 2017)

The New Mexico T.E.A.M.  
New Mexico Public Education Department  
January 2017 (rev. December 2017)



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**Determining Eligibility  
for IDEA Part B Special Education Services**

New Mexico Public Education Department  
Special Education Bureau 120 South Federal Place, Room 206  
Santa Fe, NM 87501  
New Mexico Technical Evaluation and Assessment Manual: Determining Eligibility for IDEA Part B  
Special Education Services January 2017

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# **Section One. New Mexico Technical Evaluation and Assessment Manual Introduction**

## **Vision Statement**

Educational evaluation is processes designed to fairly and systematically explore, document, and communicate the unique learning and functioning of a student. In New Mexico, cultural and linguistic diversity are foundational considerations and must be considered in planning and implementing all aspects of an educational evaluation. The functions of evaluations and assessment are diagnosis (i.e., determining eligibility), classification (i.e., grouping by selected characteristics), and planning supports (i.e., assuring services and determining response to instruction and intervention). In education, assessments are integrally related to the continuous feedback loop of student learning and teaching. This process is necessary to assure that students with disabilities have access to the general curriculum; appropriate instruction and supports for educational success; and active participation in school, home, and community.

## **Introduction**

Throughout the evaluation process, the decisions must be made by a team of professionals, including the parents of the child, and the child, as appropriate. Section 601(c)(5)(B) of Individuals with Disabilities Education Act (IDEA 2004) places special emphasis upon the involvement of parents in special education, stating that "... the education of students with disabilities can be made more effective by strengthening the role and responsibility of parents and ensuring that families of such children have meaningful opportunities to participate in the education of their children at school and at home." The New Mexico Public Education Department (PED) chose the title, New Mexico Technical Evaluation and Assessment Manual (NM TEAM), because it conveys the most basic premise of the evaluation process - that is, the process must be based upon the collective discussion and decision of a team.

## **Project Overview**

All four versions of the NM TEAM have been developed with the assistance of the knowledge and experience of expert panelist teams from across New Mexico. This comprehensive team of professionals convened to: (a) document essential aspects of an educational evaluation, (b) operationalize eligibility requirements in each IDEA Part B disability category, and (c) provide unique characteristics and educational impact for each of the eligibility categories.

In 2004-2005, a group of experts from around the state submitted recommendations for each eligibility category that were integrated into a draft of the NM TEAM. After review by PED and agencies throughout the state, the NM TEAM was finalized and disseminated. Intensive training of stakeholders was conducted across the state in August 2005. In April 2007, the NM TEAM was updated to reflect changes in Federal and State regulations, as well as to address frequently asked questions.

In May 2010, a statewide stakeholder group reviewed and revised the 2007 NM TEAM in order to align the document with current Federal and State regulations and best practices, as well as to ensure consistency throughout the document. This stakeholder group was comprised of professionals from throughout the state who represented a variety of roles, disciplines, and areas of expertise. A core group of stakeholders then completed an in-depth analysis of the recommendations and revised the document to ensure consistency: (a) between the document

and Federal and State regulations and (b) within the manual itself. Revisions were also made in the organization of the content based on feedback from practitioners in the field. The final revisions were presented to the PED for consideration on January 31, 2011 with finalization of revisions occurring in June 2011.

In the fall of 2015 and spring of 2016, another statewide stakeholder group was formed, which included both new and returning members. This group of stakeholders updated information throughout the manual to reflect changes in national trends (e.g., the diagnosis of autism spectrum disorder, the release of new versions of formal assessments, etc.). This group also paid particular attention to formalizing and clarifying the Review of Existing Evaluation Data (REED) process to better support teams across the state.

The NM TEAM presents a sustained effort to standardize evaluation and assessment procedures and eligibility criteria in every IDEA disability category. Local Education Agencies (LEAs) across the state are expected to use and follow the guidelines and recommendations established within this manual.

### **NM TEAM Overview**

In addition to this introduction, the NM TEAM is comprised of sections related to:

Section Two: The Role of the Student Assistance Team in the Eligibility Determination Process

Section Three: Use of Professional Judgment in the Eligibility Determination Process

Section Four: Multilingual Assessment Issues in New Mexico: Guidelines for Assessment of Students Who are Culturally and Linguistically Diverse, including Students Enrolled in Dual-Language Programs

Section Five: Use and Interpretation of Standardized Assessments and Obtained Scores

Section Six: Conducting Initial Evaluations

Section Seven: Eligibility Determination Decisions and Worksheets

Section Eight: Review of Existing Evaluation Data (REED) Process and Form

## Section Two. The Role of the Student Assistance Team in the Eligibility Determination Process

New Mexico Public Education Department's Response to Intervention Framework (NM PED, 2014) provides LEAs with information necessary to develop and implement an effective SAT process within their schools. The manual provides a description of the three-tiered model of student intervention that supports student needs being met in the general education classroom, including considerations to move a child from Tier 2 to Tier 3 for special education supports, when necessary. This model provides appropriate supports for all students, with and without disabilities. In addition, the dual discrepancy method for determining eligibility for a specific learning disability relies heavily upon the SAT documentation of general education instruction and interventions that are scientific, research-based practices implemented with fidelity. The following information is based on the guidance provided in New Mexico Response to Intervention Framework (NM PED, 2014). LEAs are responsible for following the most current guidance from the PED.

### An Introduction to the Response to Intervention Framework

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**NOTE:** The following information is taken directly from The New Mexico Response to Intervention Framework 2014 and was current at the time of publication of this document. Teams should familiarize themselves with the complete Rtl Framework document. The summary presented below is intended to present highlights of the document, not replace it.

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The New Mexico Response to Intervention Framework 2014 manual details the instructional framework and guidance on the Response to Intervention (Rtl) process in New Mexico. This manual includes a section on each of the three instructional tiers, a glossary of key terms, sample forms to assist with the Student Assistance Team (SAT) process, and key resources for teachers.

#### Rtl Framework Essential Understandings

- High-quality instruction and differentiation for all students are essential components of all three tiers.
- Interventions become more targeted and increase in intensity in each successive tier.
- There is a team approach of support for teachers, students and families at each tier.
- Each school and local education agency (LEA) shall have an Rtl implementation plan based on the New Mexico Rtl framework. The implementation of Rtl at each LEA and school may vary based on their individual implementation plan.

**Tier 1** is core instruction and differentiation for all students. This tier is about high-quality teaching using differentiated instruction and data-based targeted interventions to ensure learning for all students. The Tier 1 approach is proactive, preventative, and provides interventions at the earliest point possible when academic or behavioral difficulties first arise. In New Mexico, the goal is for the vast majority of students to respond successfully to high-yield instructional strategies and differentiated instruction in Tier 1. The team supporting this tier includes professional learning communities (PLCs), data teams, grade level teams, content teams, and other school and LEA-based supports aimed at improving core instruction.

The goal of **Tier 2** is to provide supplemental, strategic and individualized support for at-risk (struggling or significantly advanced) students for whom Tier 1 instruction and targeted interventions prove insufficient. A school-based team called the SAT gathers all available data

about a student who is not making sufficient progress in Tier 1, uses that data to hypothesize a possible cause for the difficulty, and then designs an individualized SAT intervention plan and or behavioral intervention plan (BIP), if appropriate. Tier 2 also requires frequent progress monitoring, so that fast adjustments can be made for the at-risk student, if needed. It is important to note that a SAT intervention plan or BIP could be required for a student performing below or above grade level expectations. Students receiving Tier 2 services continue to receive Tier 1 instruction, but with the benefit of more intensive interventions prescribed by the SAT intervention plan or BIP. By identifying students who need more intensive interventions, the SAT process helps students remain and succeed in the general education program and reduces unnecessary or inappropriate referrals for special education and related services.

In New Mexico, **Tier 3** is special education and related services for students with identified disabilities under the Federal Individuals with Disabilities Education Act (IDEA) and the state criteria for gifted students.

At all tiers of intervention, it is important that stakeholders take into consideration individualized student backgrounds, learning styles, and abilities, as those can greatly impact student learning and behavior. Components that should be carefully considered across all tiers include, but are not limited to, learning preferences, educator teaching style, and the possible lack of instruction, mental and behavioral health, English language proficiency, and socioeconomic status. While all of these factors have the ability to affect student learning, it is imperative to remember that regardless of background and experience, all students have the ability to learn. The Rtl framework ensures that all students have the opportunity to learn to their fullest capacity.

This New Mexico Rtl guidance manual is intended to provide support to schools and LEAs in implementing the New Mexico three-tier Rtl framework outlined in Subsection D of 6.29.1.9 of New Mexico Administrative Code (See the following link for official state rule: [http://ped.state.nm.us/ped/Rtl\\_Links.html](http://ped.state.nm.us/ped/Rtl_Links.html)). This manual will be periodically updated to provide the most clear and relevant support to the field.

## **TIER 1: ALL STUDENTS**

### **Universal Screening, Appropriate Core Instruction with Differentiation, and Interventions**

#### Summary

The focus of Tier 1 is universal screening, appropriate delivery of core instruction with differentiated instruction, data-based targeted interventions to support the acquisition of core content, behavioral interventions, and positive supports. In Tier 1, all students are held accountable to standard behavioral expectations and receive core instruction based on the New Mexico content standards and positive behavioral supports in the regular education classroom. This includes the following:

- Culturally and linguistically responsive instruction
- Instruction in a language other than English (bilingual multicultural instruction), as appropriate
- Differentiated instruction
- Research-based strategies and programs
- High-impact instruction

Tier 1 is high-quality teaching using differentiated instruction. The Tier 1 approach is proactive and preventative. It provides early interventions to address academic and behavioral difficulties when they first arise.

## **TIER 2: REFERRED STUDENTS**

### **The Student Assistance Team Process**

#### Summary

The focus of Tier 2 is to provide strategic and individualized support for at-risk students (struggling or significantly advanced) for whom Tier 1 instruction and universal interventions prove insufficient. A school-based team called the Student Assistance Team (SAT) gathers all available data about a student who is not making sufficient progress in Tier 1, develops an hypothesis regarding a possible cause for the problem, and then designs an individualized SAT intervention plan and/or behavioral intervention plan (BIP), as necessary. It is important to note that a SAT intervention plan or BIP could be required for a student performing below or above grade level expectations. By identifying students who could benefit from more intensive interventions, the SAT process helps students remain and succeed in the general education program and reduce unnecessary or inappropriate referrals to special education.

Students receiving Tier 2 services continue to receive Tier 1 instruction, but with the benefit of more targeted, intensive interventions prescribed by the SAT intervention plan or BIP. These interventions should be provided by the classroom teacher or in combination with other appropriate staff in the school to address academic skill or behavioral needs. The individualized SAT intervention plan or BIP increases intensity for a student—that is, they increase frequency and duration of the interventions, reduce group size, and/or use specialists to deliver the intervention. Tier 2 also provides for frequent and specific progress monitoring of interventions, so that timely adjustments can be made for the at-risk student, if needed.

## **TIER 3: IDENTIFIED STUDENTS**

### **Special Education and Gifted Students**

#### Summary

In New Mexico, Tier 3 is special education and related services for students with identified disabilities under the federal Individuals with Disabilities Education Act (IDEA) and special education services in accordance with the state criteria for students identified as gifted.

Students receiving Tier 3 supports and services should also have access to appropriate supports at Tiers 1 and 2. They must demonstrate a need for intensive programming in the form of specially designed instruction in order to be involved in and make progress in the general education curriculum (including academic and nonacademic activities).

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**NOTE:** For preschool children, child find screenings shall serve as interventions under Subsection B of 6.31.2.10 (6.31.2.10(A))

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**Notes:**

## Section Three. Use of Professional Judgment in the Eligibility Determination Process

The overall purpose of professional judgment is to ensure that the team uses their professional expertise to interpret the array of evaluation data and determine eligibility on an individual basis. Professional judgment is a special type of judgment rooted in a high level of professional expertise and experience; it emerges directly from extensive data. It is based on the professionals' explicit training, direct experience with those with whom the professionals are working, and specific knowledge of the person and the person's environment (Schalock & Luckasson, 2005).

In the evaluation and eligibility determination process, professional judgment should be used for every decision from the formation of the eligibility determination team (EDT) through the formal eligibility determination decision, including selection of assessment materials, identification of evaluators, interpretation of test results, etc. Professional judgment provides the foundation for the entire eligibility determination process. The use of professional judgment enhances the precision, accuracy, and integrity of the professionals' decision in that case (Schalock & Luckasson, 2005).

Even though professional judgment is inherent in all aspects of the evaluation process, there are times that professionals will need to rely more heavily on their professional judgment because of the individual child's characteristics and circumstances.

### Models of Professional Judgment

Two models for professional judgment are offered below. The first model focuses specifically on the use of professional judgment in the eligibility determination process (Bagnato, Smith-Jones, Matesa, & McKeating-Esterle, 2006). This model "attempted to isolate what mattered most in terms of accurate decision making using clinical judgment as an assessment practice and procedure."

The second model examines professional judgment strategies across both assessment and intervention (Shalock & Luckasson, 2005). Professional judgment is characterized by being: systematic (i.e., organized, sequential, and logical), formal (i.e., explicit and reasoned), and transparent (i.e., apparent and communicated clearly).

### Cautions Regarding the Use of Professional Judgment

Professional judgment should not be thought of as a justification for abbreviated evaluations, a vehicle for stereotypes or prejudices, a substitute for insufficiently explored questions, an excuse for incomplete or missing data, or a way to solve political problems (Schalock & Luckasson, 2005). When making an eligibility determination decision, the team must follow the regulations in IDEA (2004) and professional judgment must be used within the context of the evaluation findings.

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**NOTE:** For additional guidance regarding the use of evaluations in preschool students transferring from Part C to Part B, please consult the manual titled "New Mexico Guidance: Children transitioning from IDEA Part C to Part B" available on the PED Special Education Bureau website.

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**Key Components of Professional Judgment in the Eligibility Determination Process  
(Adapted from Bagnato, Smith-Jones, Matesa, & McKeating-Esterle, 2006)**

Preparation

- Define the behavior(s) or academic concerns constituting the focus of evaluation.
- Identify the methods and procedures needed to obtain assessment data.

Information Gathering

- Obtain the assessment data using multiple methods and procedures.
- Gather the assessment information across multiple settings and individuals (i.e., professionals, parent(s), and child).

Decision Making

- Analyze and aggregate all of the assessment data from the different tools, people, and settings, using a team-based approach.
- Reach consensus on eligibility determination based on evaluation information.

**Competent Professional Judgment: Six Strategies  
(Adapted from Schalock & Luckasson, 2005)**

1. Conduct a thorough social history that focuses on the individual's strengths and limitations, and provides a context for formulating hypotheses about the individual's present and future behaviors.
2. Align data and its collection to the critical question(s) by working with the eligibility determination team (EDT) to clearly articulate the referral question(s) and to identify the most appropriate data collection methods to answer those questions.
3. Apply broad-based assessment strategies that include standardized and non-standardized measures from a variety of sources across settings.
4. Implement intervention best practices to provide appropriate instruction to children before, during, and after the evaluation and eligibility determination process.
5. Plan, implement, and evaluate supports throughout the evaluation and eligibility determination process to include supports to participate in academic and non-academic activities.
6. Reflect cultural competence and diversity by collecting information about the child's home environment and/or language, examining the relationship between the child's environment and possible disability, using evaluators who are knowledgeable about and sensitive to the child's cultural and linguistic background, and ensure that the evaluation and eligibility determination decision are implemented consistent with legal and ethical guidelines.

## **Section Four. Multilingual Assessment Issues in New Mexico: Guidelines for Assessment of Students Who Are Culturally and Linguistically Diverse, including Students Enrolled in Dual-Language Programs**

Assessment of students who are culturally and linguistically diverse (CLD) is a process that explores language, cultural, and acculturation issues while gathering data from numerous sources, in different contexts, and through a variety of techniques. Specific information should be gathered and analyzed concerning a student's levels of language proficiency and acculturation, as well as information regarding the student's own cultural and sociolinguistic background. A comparison to the development of other students from a similar background is imperative. Language and cultural issues must permeate the multilingual diagnostic evaluation and interpretation of findings. The complexity of these issues should be considered for any student in a dual language instructional program who is being referred for assessment, regardless of whether or not English is the first language of the student.

Bias during the assessment and evaluation process may contribute to too many students who are CLD being identified as having a disability and being in need of special education services. This section is intended to provide evaluators and eligibility determination teams (EDT) with guidelines to reduce bias and provide suggestions for the appropriate assessment of New Mexico's diverse student population. These guidelines are rooted in the nondiscriminatory principles of 34 CFR Sec. 300.532 and Subsections D and E of 6.31.2.10 NMAC.

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**NOTE:** Given the demographics of New Mexico, these issues are exceedingly relevant. New Mexico has a history of over-identification of children from diverse backgrounds as children with disabilities, particularly in the areas of specific learning disability and speech or language impairment. Over-identification can impact special education funding and have detrimental outcomes for a child mislabeled as a child with a disability.

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### **Critical Information for Eligibility Determination**

As part of the evaluation and eligibility determination process the Eligibility Determination Team (EDT) must review and consider information from the SAT including the following:

- Socio-cultural information. Collect information on whether socio-cultural factors are contributing significantly to the suspected learning/behavior problem. This information may include, but is not limited to the following factors:
  1. Family's socio-economic status;
  2. Level of parental education;
  3. Experiential background (e.g., customs/celebrations, religious background, etc.);
  4. Time spent attending an American school;
  5. Family and student's mobility;
  6. Birthplace of student;
  7. Extent of sustained involvement with society or family outside of the U.S.A.;
  8. Family composition (e.g., single-parent families, blended families, etc.);

- and/or
9. Ethnic identity from the student's perspective.
- Parent involvement and input. Gather educational, linguistic, and cultural background information from the parents, as well as pertinent and critical student history information including:
    1. Information gathered through both formal and informal interviews, including face-to-face discussions with parents;
    2. Rating scales (including acculturation, behavioral, adaptive behavior rating scales etc.);
    3. Parent observational information; and
    4. Medical history, including prenatal, birth, postnatal, milestones, and developmental information. The medical history should also include details regarding medical diagnosis, high fevers, accidents, injuries, hospitalization, etc.
  - Targeted interventions. Document what interventions were implemented, including appropriate multilingual instructional supports, which have not resulted in sufficient student progress, including:
    1. Confirm the type and duration that research-based instruction and intervention were implemented with fidelity. Obtain information pertaining to the type(s) of interventions being used in the general education classroom setting and review the outcome(s) of these interventions and whether they have yielded a positive or negative educational impact;
    2. Confirm the length of time spent in a highly qualified multilingual instructional setting, which may include research of the type of multilingual program where the student has been receiving educational services;
    3. Substantiate the continuity of appropriate educational programs and interventions;
    4. Ensure that appropriate multilingual instruction, such as appropriate teaching methodologies, has been implemented over time (e.g., Sheltered English, ESL instruction, dual language and maintenance programming, etc.);
    5. Ensure that instructionally sound teaching strategies designed to meet the student's needs have been implemented for an appropriate length of time);
    6. Conduct a review of educational records and history, which includes school attendance records, grades, type(s) of instructional modes, and, early exit from multilingual programs as appropriate.
  - Pre-referral information. Collect accurately documented and organized pre-referral information including:
    1. Initial oral language acquisition screening (for example: State approved screening instruments);
    2. Home Language Survey and follow-up interview with educational stakeholders concerning language proficiency;
    3. Proficiency of child in both the dominant language of instruction and the

- native language, considering the school's instructional program and proficiency expectations;
4. Review of educational records;
  5. Vision and hearing screenings;
  6. Medical history;
  7. Academic/behavioral concerns in regards to educational, social, and linguistic development;
  8. Instructional interventions implemented with fidelity; and
  9. Documentation of parental contacts/conferences, including information regarding the school's concern about student's academic, social, developmental history. This should include documentation that progress monitoring data were shared with parents.
  10. For preschool students transitioning to Part B, existing assessment data from Part C may be considered if conducted within the previous six months.

The SAT, and subsequently the EDT, must consider and address the interactions between cultural and sociolinguistic factors and a suspected disability. Many learning and behavior problems that appear to be indicative of a disabling condition may actually be the manifestation of cultural, acculturation, or sociolinguistic differences.

The factors below, proposed by Collier & Hoover (1987), should be considered prior to referral for a special education eligibility determination evaluation. The foundation of appropriate assessment of students who are CLD is the analysis of these key socio-cultural factors:

- Cultural and linguistic background,
- Experiential background,
- The stage and pattern of acculturation,
- Patterns of sociolinguistic development, and
- Cognitive learning styles.

### **Reducing Bias in Assessment**

The following are considerations and strategies for reducing bias in assessment of children who are CLD (adapted from Damico & Hamayan, 1991; and Rhodes, Ochoa, & Ortiz, 2005):

1. Increase knowledge and awareness about the student's cultural and linguistic background and focus on how this background potentially influences assessment;
2. Determine which language(s) are to be used during the formal and informal assessment;
3. Utilize the best available tools with respect to the student's native and second languages;
4. Evaluate the test materials and assessment techniques, including analyzing formal tests for the specific cultural content and performance style(s) they require of examinees;
5. Recognize that nonstandard administration of a test may provide valuable information, but should only be considered after administering the test first in a standardized way;
6. Avoid direct test translation because it is poor practice and psychometrically

- indefensible;
7. Recognize that use of an interpreter can assist in collecting information and administering tests; however, score validity remains low even when the interpreter is highly trained and experienced;
  8. Recognize that scores from standardized assessment are likely invalid because norming samples are typically not stratified on the basis of multilingual ability and are rarely applicable to the majority of students who are CLD being assessed; and
  9. Collect and interpret data in a nondiscriminatory way using systematic methods based on established literature.

### **Eligibility Determination for Children who are Culturally and Linguistically Diverse, including Students Enrolled in Dual-Language Programs**

As with any evaluation, each evaluation of a child who is CLD, including students in dual-language programs, involves a study of issues beyond standardized assessments. Attention must be given to language and cultural issues throughout the evaluation and eligibility determination process. All evaluation findings, including standardized test measures, should be analyzed and interpreted in an individual and comprehensive manner. Standardized assessment results should be interpreted with caution when making eligibility determination decisions for special education for a child who is CLD. It is not appropriate for LEAs and EDTs to set arbitrary cut scores for children who are CLD. Instead for each child, EDTs should consider the validity of scores obtained on standardized assessments by evaluating the consistency of those results with other sources of data (e.g., classroom-based observations, informal measures). Progress monitoring results should be analyzed and compared to other same grade peers from similar cultural and linguistic backgrounds.

Language and cultural concerns should be addressed directly when evaluating and determining eligibility for special education. In the full and individual evaluation report and on the Eligibility Determination Form the evaluation team must document the impact of all issues related to language, culture, and acculturation and detail how these issues were considered when determining an eligibility. The documents should also indicate that a child has been assessed in the appropriate language(s).

## **Section Five. Use and Interpretation of Standardized Assessments and Obtained Scores**

Assessment is not an isolated, short-term event. The assessments given to a child and the decisions that are based on these data have long-lasting consequences for children and families. As such, it is imperative that all members of EDT use sound professional judgment and decision-making skills throughout the evaluation and eligibility determination process. This section addresses common pitfalls that may be made by evaluators and EDT and provides guidance on making appropriate decisions.

This information was designed to assist all evaluators who use standardized assessments. The goal is to provide basic guidance regarding the use and interpretation of standardized measures. This section will outline: (a) general cautions regarding the selection and administration of standardized assessments, (b) general cautions regarding the interpretation of scores, (c) the use of age- and grade-equivalency scores, and (d) the use of standard error of measurement.

### **General Cautions Regarding the Selection and Administration of Standardized Assessments**

Although standardized assessments are only one piece of a comprehensive evaluation, they are an integral part of most evaluations for eligibility determination decisions. As such, evaluators must be careful and thoughtful about the selection and administration of standardized assessments used throughout the evaluation process.

**Selecting Assessment Tools.** Evaluators must be thoughtful in the selection of assessment tools when evaluating a child during the eligibility determination process.

Tools should be selected that provide the highest quality information to systematically assess the areas of concern and suspected disability(ies).

Tools should provide the information required to make an eligibility determination decision and should be broad enough to provide comprehensive information regarding a child's strengths and areas of need.

Evaluators should be aware of the sample used to obtain normative scores, as no assessment provides a perfect representation of all children who may be assessed.

**Administering Standardized Assessments.** Standardized assessments are designed to provide a very specific type of information: They are designed to demonstrate how a child performs under highly controlled conditions in order to allow for comparison with other children of the same age. Although it is possible that a child's test performance may be enhanced or supported by the rephrasing of questions presented, rearrangement of materials, additional prompts, or other non-standardized administration, the use of this type of additional support is in direct conflict with how the assessments were normed. Even though these supports may provide the evaluator with useful information regarding the child's learning style and support needs, the provision of those supports within the testing session makes the reporting of the scores obtained inappropriate and misleading. These supports may result in children being under- or over-identified for services and reflect serious violations of professional and ethical

behavior. The following information serves to remind evaluators of the appropriate administration of standardized assessments:

Standardized assessments should always be administered as outlined in the administration manual. This includes presentation of materials, use of queries and prompts, time limits, etc. Any deviations from standard administration should be clearly justified based on information about the child.

Any deviations from the standard administration should be clearly documented in the written report.

Any scores obtained from non-standard administration of an assessment should be used primarily for descriptive, informative purposes. The evaluator must recognize and document that the scores cannot be interpreted.

The evaluator must determine whether it is appropriate to report scores based on non-standard administration of an assessment because the scores obtained are inaccurate and misleading. Any scores reported must be clearly identified as estimated scores and should be reviewed with extreme caution.

Administering assessments with the provision of additional supports can provide useful information about the child's skills and support needs, but these accommodations/modifications, including testing-of-the-limits, should only occur after administering the assessment following standard procedures if test scores are to be reported. Although the scores should not be used or interpreted, the information gained from non-standard administration, including testing-of-the-limits, could be used to support eligibility determinations.

**Repeated Administrations of Standardized Assessments.** It is often necessary to reassess a child multiple times using standardized assessment tools. This often happens at the times of reevaluation or when additional information is necessary to make an eligibility determination decision or to make educational recommendations.

While it can be useful to compare information obtained from multiple administrations of the same measure, caution must be used. Research has clearly documented that children's performance on standardized assessments increases with multiple administration due to the effect of practice. As such, the evaluator must carefully weigh the practice effects against the justification for re-administering the same assessment within a relatively short amount of time. For example, in the case of a child with a traumatic brain injury, the evaluator may determine that it is necessary to obtain information about the child's recovery and learning processes by re-administering a particular assessment in a relatively short time frame (e.g., within 6-12 months).

For most assessment purposes, it is advisable to wait at least 1 year between administrations of the same assessment measure. Test scores obtained from re-administrations over a shorter time period should be interpreted with caution and with the clear discussion of the effects of practice on increasing test scores.

## General Cautions Regarding the Interpretation of Scores

Standardized assessments provide a wealth of information that evaluators and EDT can use to help identify the needs of children. It is essential that the information gained be presented in such a way that it presents an accurate representation of a child's skills and abilities. This information should be clearly presented in such a way as to be easily understood by all members of the EDT. The following information highlights areas related to the reporting of scores:

1. **Selecting Scores for Eligibility Determination.** Each assessment will provide evaluators with a variety of scores that can be used as part of the eligibility determination process. The EDT must be thoughtful about how they use these scores to make decisions and recommendations for a child.
  - a. Evaluators and other members of the EDT must communicate with each other and be able to substantiate their reasoning for selecting a score to use as part of the eligibility determination process. Choosing a particular score simply because it is lower, is higher, or meets eligibility criteria is inappropriate, as all scores must be considered within the context of other data sources and other information about the child.
  - b. All decisions regarding the use of particular scores in the eligibility determination process should be based on professional judgment. These decisions must be clearly documented and the rationale for the decisions must be clearly outlined in a written report.
  - c. In general, when using a cognitive test as part of an eligibility determination decision, most test authors and experts recommend using a full-scale cognitive score (e.g., an FSIQ, GCA, etc.), as this score is typically considered the best estimate of an individual's cognitive ability. There are times, however, when the use of a different score would be more appropriate. Test manuals offer guidance on when other scores may be more valid and interpretable than a full scale cognitive score. However, the rationale for using a different score must be documented.

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**NOTE:** Although the use of a full-scale cognitive score is generally recommended for eligibility determination, examination of index- and subtest-level scores can provide useful information for evaluators and EDTs regarding the child's strengths and weaknesses.

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2. **Selecting a Normative Sample to Use for a Comparison.** Some assessments, particularly those that measure academic achievement skills, allow the examiner to select either age- based or grade-based norms. Both sets of norms allow the examiner to compare the child's raw score against the normative sample to derive standard scores, percentile ranks, etc. Age-based norms provide for comparison against other children of the same age and grade-based norms provide for comparison against other children in the same grade. Evaluators and EDTs should be clear about the difference between these normative samples and should always use the appropriate norms.
  - a. Age-based norms should be used for most purposes. It is most appropriate to compare children to other children of the same age. Age-based norms on one test should not be compared to grade-based norms

- on another test. Because most cognitive assessments only provide age-based norms, these norms should be used for most interpretations.
- b. Evaluators should only consider the use of grade-based norms when there is a sound reason to do so. For example, it may be appropriate to consider the use of grade-based norms for children who have been retained or have skipped a grade.

**Formula-based Decision Making.** Several eligibility categories require the consideration of eligibility criteria that are based upon formulas related to data thresholds, including Developmental Delay, Intellectual Disability, Specific Learning Disability, and Speech-Language Impairment. The PED cautions that the implementation of these formulas must always be guided by professional judgment.

The criteria offered are not intended to be isolated from the complete picture of the student's functioning or intended to become the sole, mechanistically applied gatekeepers in the evaluation process. They are simply one piece of information that must be considered within the context of the entire body of evidence collected by the evaluation team. The data results provided by assessments must be contextualized within the student's complete social and educational history and interpreted by the professionals administering the assessments in order to attend to contextual issues such as the age of the child, the validity of the assessment itself, issues that occur during the administration of the assessment, etc. In addition, multiple data sources should be used to support the validity of standardized assessment results, including classroom based assessments, work samples, and other data sources.

### **The Use of Age- and Grade-Equivalency Scores**

Although most assessments provide evaluators with the option to report age-equivalency (AE) scores and/or grade-equivalency (GE) scores, evaluators must use extreme caution when choosing to report these scores. Many evaluators who choose to present AE or GE scores use those scores with the belief that the scores are easy for parents and teachers to understand. In reality, these scores can be easily misunderstood.

AE and GE scores tend to imply either below- or above-average performance even when the obtained scores are within the average range. For example, on the Adaptive Behavior Assessment System II (ABAS-II), a child who is 8 years 11 months who obtained a scaled score of 9 in the area of Communication (which is within the average range) would have a corresponding AE of 6 years, 8 months to 6 years 11 months. This pattern is found on a wide range of tests.

Maloney & Larrivee (2007) outline the following limitations with the use of AE scores, as documented by research and experts in the field. The same limitations are seen with the use of GE scores.

1. AE scores do not describe a range of performance that is considered average. AE scores do not account for the variations seen in children's performance because they represent the average raw score of a particular age group. By definition, half of children of a particular age would be expected to score below the AE and half of the children would be expected to score above it.
2. AE scores do not accurately describe a child's pattern of responses. Two children may obtain the same raw score (and AE/GE), but their performance may be vastly different in terms of content knowledge, skills, errors, etc.

3. Most AE scores are derived by estimation and extrapolation. There may be little or no representation of children at specific age ranges (e.g., 5 years 2 months). That means that AE scores are developed for ages of children who were not part of the normative sample, and the scores do not actually represent the performance of children of that age.
4. AE scores suggest that growth is consistent across time, so people may be inclined to believe that the growth between the ages of 4:4 and 4:5 is the same as growth between 14:4 and 14:5.
5. The difference of one correct or incorrect response can dramatically increase or decrease an AE or GE score.
6. AE scores are imprecise for children with high or low raw scores. In those cases, scores will be reported using a format such as <5:0 or >17:11. These scores don't allow for meaningful interpretation of a child's performance.

Due to the significant limitations of AE and GE scores and the ease with which they are misunderstood, these scores should not typically be reported in comprehensive evaluation reports and should not be used as part of the eligibility determination process. In rare cases where it may be necessary to report AE or GE scores, it is the evaluator's responsibility to ensure that those scores are clearly defined and that the scores are presented in conjunction with more valid and meaningful scores, such as standard scores and/or percentile ranks.

### **The Use of Standard Error of Measurement**

The eligibility determination team (EDT) must analyze the assessment data carefully and thoughtfully when making recommendations regarding eligibility determinations. Although the eligibility criteria of several of the eligibility categories (e.g., developmental delay, intellectual disability, specific learning disability) include the discussion of specific scores, it is important to remember that the use of scores and formulas in eligibility determination decisions should be guided by professional judgment. Scores obtained by standardized testing can be impacted by a variety of potential sources of error, including personal and environmental factors (e.g., variations in test performance, examiner's behavior, cooperation of the test taker, etc.; AAIDD, 2010).

This variability in scores may either under- or over-estimate a child's true abilities, therefore it is important always to consider the standard error of measurement (SEM) when interpreting scores from standardized assessments, regardless of the areas assessed and/or reason for the referral. The SEM is based on the reliability of the measure (i.e., the lower the reliability, the larger the SEM) and should be used to calculate a range of scores in which the EDT is confident that the child's true score falls.

SEM values are based on a normal curve, with each SEM representing 68% of the variance in a child's scores. This means that a child's obtained score  $\pm 1$  SEM would yield a range of scores in which the EDT could be 68% confident that the child's "true" score would fall. There are two additional score ranges that are often used: 90% and 95%.

The score ranges obtained are called confidence intervals, with larger score ranges representing increased levels of confidence. To calculate the range of scores, the SEM is added to and subtracted from the child's obtained score. For example, if the child obtained a standard score of 71 on a test with an SEM of 4, the EDT would be approximately 68% confident that the child's "true" score would fall between 67 and 75 ( $71 \pm 4 \times 1$ ), 90% confident that the child's "true" score would fall between 65 and 77 ( $71 \pm 4 \times 1.65$ ), and 95% confident that

the child's "true" score would fall between 63 and 79 ( $71 \pm 4*1.96$ ). Test authors typically provide a table that gives evaluators specific SEM values for children of various ages.

For general interpretive purposes, most test authors recommend reporting scores with a 90% or 95% confidence range. However, there are three important points that need to be addressed:

The confidence interval that is referred to by the test authors is useful to indicate the range in which a child's "true" score is likely to fall. It is important to note, however, that the terms "confidence interval" and "standard error of measurement" are not synonymous. An SEM can be used to calculate a confidence interval, but it is important for evaluators and EDTs to be clear that these two terms are not interchangeable. A confidence interval may or may not be derived from the SEM and it communicates the level of certainty in the assessment findings. The SEM, on the other hand, does not, in and of itself, communicate a range. Rather, it provides a way to predict a child's estimated "true" performance based on his or her actual obtained score.

Although a 90% or 95% confidence range might be appropriate for most interpretive purposes, it may be too large of a range when used as part of some eligibility determinations, such as under the category of intellectual disability. The AAIDD, DSM-5, and experts in the field generally suggest that cognitive scores up to approximately 75 might still fall within the range of intellectual disability because of natural variability in test scores. Most of the common cognitive assessments have SEMs of 3 to 5 points. A 95% confidence range around a standard score of 70 could be as large as approximately 60 to 80 ( $70 \pm 1.96*5$ ). This upper limit of 80 could be well outside of the generally accepted approximate upper limit of 75.

Many of the popular cognitive assessments (e.g., the Wechsler tests) provide test users with confidence intervals that are based on the standard error of estimate (SEE) rather than the SEM. Although a full discussion of the differences between these values is beyond the scope of this document, it is important to note that the SEE is not equivalent to the SEM. The SEE, instead of predicting a "true" score based on obtained scores, provides information about a child's estimated "true" score within the context of predicted performance based on a regression analysis. Because many of the popular assessments provide confidence intervals based on the SEE, evaluators may need to consult the examiner's manual of any given assessment in order to determine: (a) the method used to calculate the confidence intervals, and (b) the actual SEM, if the confidence intervals are based on the SEE.

Consideration of the SEM is critical when interpreting standardized assessment scores as part of the eligibility determination process. These considerations include the following:

- It is recommended that the SEM values specific for the child's age be used, rather than general SEM values, as the values can vary dramatically across ages and subtests.
- Many statisticians recommend that the highest and lowest points in the confidence range NOT be used when making educational decisions. For example, if a child obtained a standard score of 73 with a SEM of 4 (resulting in a range of 69 to 77), then you should use caution in interpreting this score as indicative of intellectual disability (see note below).
- It is important to consider the factors impacting the validity of scores and that standardized assessment scores are only part of the data to be considered during the evaluation and eligibility determination process.

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**NOTE:** In most cases, it is recommended to use more than one cognitive ability assessment when considering an eligibility determination under the eligibility category of intellectual disability. It is strongly recommended that a second cognitive ability assessment be considered in a case where the obtained score on the first assessment was greater than 70, but the score met the intellectual functioning component when considering the SEM. If a second cognitive test result showed a score below 70 or a confidence range that included scores below 70, one can be more confident that the score may be suggestive of intellectual disability. Conversely, if the second test did not produce a result that met the intellectual functioning component of the eligibility criteria for intellectual disability, important information would be gained that may suggest a different eligibility category.

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## The Use of Base Rate and Co-Normed Assessments

When considering co-normed assessments, differences between cognitive ability and academic achievement scores can be described and reported in terms of base rate. Base rate is described as the frequency in the difference between scores when comparing cognitive and academic skills. The greater the difference between scores, the less commonly it occurred in the standardization sample. Base rates that occur 10% of the time or less are considered statistically unusual and may suggest the presence of a specific learning disability. Base rates that occur more frequently than 10% are considered common and not typically representative of a specific learning disability.

Caution should be made when determining what scores to use in making comparisons. Full Scale, General Conceptual Ability, Mental Processing Index, General Ability Index, Non-Verbal Index, and other cognitive composites can reliably be considered a predictor of a child's academic achievement. However, composite scores such as Processing Speed and Working Memory, for example, are generally thought of as measure of processing skills and should not be used to generate base rate comparisons with achievement scores.

Most test development companies have designed their achievement tests to measure the specific learning disability areas defined within IDEA (i.e. basic reading, reading fluency, reading comprehension, written expression, math calculation, math problem solving, oral expression, listening comprehension). As such, subtest and composite scores can be used, along with other lines of evidence, in determining the presence of a specific learning disability.

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**NOTE:** If an unusually large difference exists between the subtests that make up a composite, the composite score is generally considered invalid and should not be used in the discrepancy analysis.

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Base rate information can be found in a variety of locations, including the technical and interpretive manual of an instrument or via the online scoring and reporting software.

**Notes:**

## Section Six: Conducting Initial Evaluations

Throughout this section, both the terms “evaluation teams” and “eligibility determination teams” (or EDTs) will be used. Although evaluation team members are also part of the EDT for a particular child, this section uses the term “evaluation teams” to distinguish specific tasks these EDT members complete prior to the eligibility determination meeting.

### Professional Judgment

It is important to remember that the NM TEAM is written to provide general guidance to schools and LEAs and is not written to be prescriptive. Because this document isn't prescriptive, professional judgment plays a significant role and must be utilized within the context of the law, and throughout the entire evaluation, beginning with the referral and continuing through to the final eligibility determination. Although each step in the eligibility determination process has certain requirements that must be met in order to be consistent with IDEA and NMAC, decisions regarding how each of these requirements is met for an individual child must also be guided by professional judgment.

However, professional judgment cannot be used to justify abbreviated evaluations; as a substitute for insufficiently explored questions; as an excuse for incomplete or missing data; or out of convenience, such as when it seems easier to find a child eligible under one category than another. Given the vital role professional judgment plays in all evaluation and eligibility determination decisions, we encourage you to reference Section Three of the NM TEAM for additional information regarding the use of professional judgment.

At the beginning of the evaluation process, teams need to define the behavior(s) and/or academic concerns that are the focus of the evaluation, identify the methods and procedures needed to gather assessment data, obtain the assessment data using multiple methods and procedures, and collect and analyze the assessment information gathered across multiple settings and individuals (i.e., professionals, parent(s), and child). Each of these steps and decisions will be guided by the professional judgment of the evaluation and/or EDT and teams must be able to document their decisions and the rationale and data used to support these decisions.

In order for EDTs to reach a consensus on appropriate eligibility determination decisions, thoughtful, well-documented discussion related to the interpretation of evaluation data is necessary.

### Purposes of an Evaluation

According to IDEA, evaluations serve two purposes:

1. Evaluation results support EDTs in determining whether a child is a “child with a disability” as defined by IDEA 2004.
2. Evaluations are completed to gather information that will help EDTs and IEP teams determine child's educational needs, specifically interventions and supports the child requires to be involved in and progress in the general education curriculum, or for a preschool child, to participate in appropriate activities.

Not all children who are evaluated will meet eligibility requirements. For these children, the information gathered during the evaluation should be utilized by the SAT in planning appropriate Tier 1 and Tier 2 interventions and supports.

## **Evaluation Requirements**

If a child is suspected of having a disability, IDEA requires that an evaluation of that child be conducted. These initial evaluations must be conducted according to the requirements established by IDEA and must be individualized, comprehensive, and complete. This means that the evaluation must be focused on each child and his unique needs, include obtaining all functional, developmental, behavioral, and academic information that may be relevant to this child. In other words, it is not appropriate for evaluation teams or LEAs to use a rigid set of assessment tools and procedures to assess all children.

According to IDEA, the evaluation must be sufficient in scope to identify the impact of the disability on the child's educational performance and to "identify all of the child's special education and related service needs, whether or not commonly linked to the disability category in which the child has been classified." For example, for a child suspected of having a specific learning disability in reading, the evaluation team will need to assess and gather data related to academic achievement and reading, but may also need to complete assessments and gather data related to all other areas of identified need. This may include areas such as oral language, visual perception, organization, social skills, and memory.

There are two ways in which a child may be referred for an evaluation under IDEA. Either a parent of a child may request that the LEA pursue the evaluation or an LEA may initiate the evaluation themselves.

If a parent initiates the request, the LEA has the responsibility to provide information about that decision to the parents. They must provide the parent(s) with prior written notice that includes a description of the parents' proposal, the LEA's response documenting the decision to either agree or refuse to evaluate the child, and an explanation of the reason for the LEA's decision. If the LEA agrees to evaluate the child, the prior written notice must ensure that parents understand what is being proposed and what the evaluation of their child will involve, so the prior written notice must also include a description of why the evaluation is being pursued, other options that were considered and rejected (including the reason for the rejection), and the documentation that supports the decision to conduct the evaluation.

LEAs must also provide parents with an explanation of their parental rights as outlined under IDEA. This includes providing the parents with The Parent and Child Rights in Special Education Procedural Safeguards Notice document, which outlines information regarding all aspects of special education including referral and evaluation and provides parents with resources that can be contacted to help them understand IDEA and the special education process.

Before any evaluation is conducted, the child's parents must be given the right to consent or refuse consent for the initial evaluation. This consent must be informed, which means that the parents must clearly understand what evaluation data will be collected, how it will be collected, and how the data will be used. The parent's response (i.e., consent or refusal) must be documented. It is important that parents understand that consent for initial evaluation is not the same as consent for initial provision of special education and related services.

Involvement of parents cannot be over emphasized in the initial evaluation process. It is not simply a compliance issue; it is imperative to open up collaboration and conversation between parents and the evaluation team. It's also critical that communication and conversation with parents is presented in an understandable manner. Information must be shared in the parents' native language, if other than English, or in a form of communication that the parents normally use, unless it is not possible to do so. If it is not appropriate to share this information with parents in written form, an agency must make efforts to translate the information into a language or form that is accessible to parents, to make sure they understand the information, and document evidence of these efforts. In summary, parents must understand this information and LEAs must document their efforts to communicate the information clearly and thoroughly to the parents.

## **Evaluation Procedures**

IDEA outlines evaluation procedures for conducting an initial evaluation. These procedures are described throughout this manual and include guidelines such as:

- Not relying on a single evaluation measure;
- Using a variety of tools and strategies (including formal and informal);
- Reflecting information from a variety of sources (parents, teachers, specialists, and the child);
- Documenting the child's functional, developmental, behavioral, and academic performance;
- Assessing all areas of suspected disability;
- Providing relevant information to assist in determining the child's educational needs;
- Selecting assessments on an individualized basis;
- Ensuring that assessment methods are non-discriminatory, technically sound, and administered appropriately; and
- Recognizing that screening tools cannot be used for a substitute for comprehensive evaluations conducted as part of the initial evaluation.

IDEA also provides guidance regarding the evaluation process, including making sure that evaluations for students who transfer from one LEA to another are coordinated so that the evaluation is completed fully and promptly, utilizing all available information, including information from the student's previous LEA(s). See Section Eight for more information on the process for reviewing existing evaluation data (REED process).

Finally, IDEA provides specific guidance regarding timelines for evaluations. According to IDEA and NMAC, initial evaluations must be conducted within 60 days from the time that the LEA obtains parental consent for the evaluation. That is, the time from the date that the parent signs the consent to the date in which the evaluation (not eligibility determination decision) is completed. Evaluation teams cannot use Response to Intervention (RtI) strategies to extend or deny this evaluation. There are two exceptions to the 60-day timeline: the parent repeatedly fails or refuses to produce the child for the evaluation or the child changes school LEAs within the 60-days, but before an eligibility determination meeting has been held. In the latter example, the new LEA must set a new timeframe for completion of the evaluation in cooperation with the parents.

## Components of an Initial Evaluation

For each eligibility category, the Initial Evaluation section in NM TEAM outlines the assessments, observations, and data that must be gathered throughout the initial evaluation process. This section includes: Highly Recommended Components and Potential Additional Components. The Highly Recommended Components are those components that are most critical for making an eligibility determination under a specific eligibility category. The Potential Additional Components are those that evaluation teams will most commonly identify as other areas of need for a particular child when considering a specific category. However, evaluation teams need to remember that these two lists are not all-inclusive. Each evaluation is unique and should reflect the specific child's needs as identified by the evaluation team.

In addition, teams should remember that in some cases, standardized measures may not provide the most accurate representation of a child's abilities or there may not be an appropriate standardized measure for the area being assessed. In these cases, evaluation teams may find that it is necessary to use alternative methods to obtain the data that they need. These decisions and their underlying rationale must be clearly documented.

With rare exception, the evaluation team must include all of the elements outlined under Highly Recommended Components and must also consider the Potential Additional Components, as appropriate for each individual child. A team must document any deviation from these guidelines.

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**NOTE:** For preschool students transitioning from services under Part C of IDEA to Part B, the evaluation and IEP **must** be in place on or before the date of the child's third birthday. It is best to complete this before the end of the school year for any child with a birthday in the summer. There are only a few exceptions to this requirement: if the parent refuses to provide consent for the evaluation or initial services, if the parent fails or refuses to produce child for the evaluation, if Part C referred the child less than 90 days before the child's birthday, or if the child moves out of the district.

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## Section Seven. Eligibility Determination Decisions and Worksheets

The core of the NM TEAM provides discussion and guidance for each eligibility category under IDEA (2004). With few exceptions, each category follows a similar outline of topics. These topics are described below. Following a description of those topics, there is a discussion of the Eligibility Determination Process and guidance regarding use of the Eligibility Determination Worksheets.

### Definition

Each disability category begins with the IDEA definition provided by 34 CFR Sec. 300.8. In certain eligibility categories, the definitions are supplemented by further elaboration that is specific to New Mexico. These elaborations are the PED's interpretation of the definition and were only developed when the IDEA definition required further elaboration due to additional regulations established by NMAC. These sections all begin with the phrase, "In New Mexico ..."

### Characteristics and Educational Impact

This section describes the common characteristics and the potential educational impact the disability has upon children in educational settings. These characteristics are outlined for both preschool-aged and school-aged children in recognition of the difference in the way that a disability may impact a child at different ages. Of course, the nature of the impact of each disability on any given child is as varied as the individual. This information provides guidance regarding issues that might need to be considered as teams of parents and professionals make sustained efforts to identify and meet the needs of children with disabilities.

### Special Considerations for Evaluation

Each eligibility category has unique characteristics that can influence the evaluation process. Therefore, information is provided in each section that identifies and highlights evaluation considerations that may be unique to that eligibility category. This information is not meant to be exhaustive, but should guide the evaluation team in identifying some of the issues that may be relevant for a particular child when developing an evaluation plan.

In addition to the specific special considerations for evaluation, each section also outlines special evaluation considerations for: (a) young children and (b) children with known or suspected disabilities.

**Special considerations for young children.** Determining eligibility for a preschool child with a possible disability is complex and requires an in-depth analysis of the child in order to gain a holistic perspective. The impact of the family, home environment, home language, and early childhood development history must be considered carefully. It is essential to have knowledge of early childhood development and early childhood assessment that will contribute to an appropriate evaluation, including observing the child in play-based activities across multiple settings and times (i.e., both familiar and unfamiliar to the child).

As directed by state and federal regulations and best practices, a possible lack of exposure to developmentally appropriate activities needs to be discussed as part of the eligibility determination process. Any suspected delay and how it adversely affects the child's participation in developmentally appropriate activities must be considered and documented. Caution should be used as some observed behaviors that seem symptomatic of an emotional, social, or neurological problem might simply be part of normal development.

**Special considerations for children with known or suspected disabilities.** 34 CFR Sec. 300.304(c)(3) requires that LEAs ensure that “the assessment results accurately reflect the child’s aptitudes or achievement level or whatever other factors the test purports to measure, rather than reflecting the child’s impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).” For example, a test that evaluates processing speed based on tasks that require fast, skilled motor responses may not be an appropriate tool to use to assess the processing speed of a child with an orthopedic impairment.

It is important to recognize that few tests are standardized with children with disabilities (e.g., vision, hearing, motor, etc.) as part of the normative sample. Best practices indicate that assessment of children with disabilities should include standardized measures with a normative sample, which included children with similar characteristics. Tests should only be used if they are appropriate for the child and necessary for eligibility determination and education program planning.

## **Initial Evaluation**

All evaluations must be conducted according to the requirements established by Section 614 of IDEA (2004) and 34 CFR Sec. 300. The evaluation team must first document informed parental consent before any individual evaluations are conducted. Consistent with IDEA (34 CFR Sec. 300.304(c)(1)(iv)), all evaluations must be conducted by “trained and knowledgeable professional(s).” It is the responsibility of the evaluation team to determine the best person to conduct each component of the evaluation based on his or her area(s) of expertise and licensure.

When initiating an initial evaluation, the Review of Existing Evaluation Data process (REED process) should be used to help plan the evaluation. The REED process is described in more detail in the following section of this manual and a form is included to support teams in documenting that the process occurred. This form can be used to document information received from the SAT and other sources, but as long as the process of reviewing the existing data is completed and documented, it is not necessary to use the form provided in this manual for an **initial** evaluation.

## **Eligibility Determination**

It is essential the EDTs utilize and document a thoughtful process that is consistent with IDEA and NMAC when making eligibility determination decisions. Teams are strongly encouraged to review Sections Three and Five of this manual for more information regarding the use of professional judgment and test scores.

Within this manual, each eligibility category includes a detailed list of the criteria that a child must meet in order to demonstrate that he/she has a disability as defined by IDEA (2004), recognizing that decisions regarding how each of these requirements is met for an individual child must also be guided by the professional judgment of the EDT (see Sections Three and Five). In addition, the EDT must document that the child demonstrates a need for special education and related services because, as a result of the disability, the child requires specially designed instruction in order to:

- 1) be involved in and make progress in the general education curriculum (or for a preschool child, to participate in appropriate activities);
- 2) participate in extracurricular and other nonacademic activities; and/or
- 3) be educated and participate with other children with disabilities and nondisabled children.

## Reevaluation

Finally, each eligibility category in this manual includes a section that outlines the reevaluation requirements listed in Section 614 and 34 CFR Sec. 300. It includes questions to guide the team in analyzing existing data and determining what additional data may need to be collected. These questions will support the team in determining if the child continues to be eligible for and in need of special education and related services.

A reevaluation of a child with a disability must occur at least once every three years, but not more than once a year, unless the parent and LEA agree otherwise. A reevaluation must also occur before changing a child's eligibility to receive special education services (except as noted below). The evaluation team must inform parent(s)/guardian(s) that a reevaluation is due. The Review of Existing Evaluation Data process (REED process) must be part of any reevaluation. The REED process is described in more detail in the following section of this manual and a REED form is included to support teams in documenting that the process occurred.

## Discontinuation of Special Education Services

A child may be found no longer eligible for special education and related services in one of four ways. Each of those ways and the evaluation requirements for each are outlined below.

1. **Graduation from secondary school with a regular diploma.** In this situation, an evaluation is not required. However, the school must provide the child with a Summary of Performance (SOP), which includes a summary of the child's academic achievement and functional performance, as well as recommendations on how to assist the child in meeting postsecondary goals.
2. **Exceeding the State's age limit for eligibility for a Free Appropriate Public Education (FAPE).** In New Mexico, children are eligible for FAPE under IDEA through the age of 21 years. When a child exceeds that age limit, his or her eligibility for special education and related services terminates. As with a child who graduates from secondary school with a regular diploma, schools must provide the child with a SOP.
3. **No longer having a disability as defined by IDEA (2004).** Before determining that a child is no longer a child with a disability as defined by IDEA, an LEA must reevaluate the child (which could include the REED process). If the evaluation data indicate that the child is no longer a child with a disability, the child is no longer eligible for special education and related services.
4. **No longer requiring specially designed instruction.** The team must conduct a

REED process to determine what, if any, additional information is needed to determine that a child is no longer in need of special education and related services. The team is not required to conduct additional assessments in order to terminate a child's eligibility, but if the REED process indicates a need for additional assessment, the identified assessments must be completed prior to the EDT meeting where the determination of eligibility will be made.

## **Resources**

A list of general resources can be found in Appendix C. In addition to the general resources, specific resources for each eligibility category are included at the end of each eligibility category section.

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The PED does not endorse the sites/organization or guarantee that the sites provided will be active. The inclusion of these possible resources does not constitute approval of specific content found therein by the PED.

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## **Initial and Reevaluation Eligibility Determination Worksheets**

Reproducible Initial Eligibility Determination Forms and Reevaluation Eligibility Determination Forms are provided at the end of each eligibility category section to assist LEAs as they move through the initial evaluation eligibility determination process and reevaluation eligibility determination process.

EDTs should remember that they might need to complete more than one eligibility worksheet simultaneously during the determination process for a particular child for whom two or more eligibility categories are being considered.

Each eligibility worksheet begins with basic demographic information and a definition of the specific disability. This demographic information is easily completed prior to the eligibility determination meeting and it is important that EDTs double check to make sure that they have the most current information while completing this component. Following the demographics information, each worksheet provides EDTs with the IDEA definition of the disability, as well as any additional NMAC clarification.

The next component on the worksheet is documenting the assessment and evaluation data collected and used to make the eligibility determination. This section is unique to each eligibility category and includes the highly recommended components of an initial evaluation under that category. This provides EDTs with a mechanism to ensure and document that they have collected all of the necessary data prior to moving through the eligibility determination process. To complete this section of the worksheet, EDTs need to check off that the component has been completed or reviewed and note its corresponding date. In general, EDTs should document the date that the data was originally obtained. For example, the date listed for a behavior rating scale should be the date that the scale was originally completed. It is recommended that as much of this section as possible be completed prior to the eligibility determination meeting in order to ensure that all necessary data have been collected. If new data are presented at the meeting, those dates should be added to this worksheet at that time.

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**NOTE:** It is essential for EDTs to remember that 34 CFR Sec. 300.306(c)(1) requires that, when determining eligibility for special education and related services, an LEA must “draw upon a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child’s physical condition, social or cultural background, and adaptive behavior” and “ensure that information obtained from all of these sources is documented and carefully considered.”

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The forms also include a series of questions that guide the EDT through the process of determining if the child: (a) meets eligibility criteria for the specific disability category under the requirements of IDEA (2004), and (b) demonstrates a need for specially designed instruction as a result of the disability. It is essential that the team provide documentation and/or rationale for the answers that they give to each of these questions. (34 CFR Sec. 300.306(c); 34 CFR Sec. 300.39(b)(3)).

### **Making an Eligibility Determination Decision**

EDT should remember that when determining eligibility under IDEA, there are two steps to the eligibility decision. These are represented by two questions. The first question asks, “Is the child a child with a disability as defined by IDEA and NMAC?” The second question asks, “Does the child demonstrate a need for specially designed instruction as a result of the disability?”

#### **Question 1: Determine the Presence of a Disability**

The worksheet section, "Determine the presence of a disability," addresses the first question, "Is the child a child with a disability as defined by IDEA and NMAC?" This question must be answered by determining whether specific eligibility criteria have been met. EDTs must refer to the specific sections of the NM TEAM for specific criteria regarding each individual disability category. The EDT must carefully consider the data that they have collected in order to respond with a "Yes" or "No" answer to each question. In general, if the EDT answers "Yes" to a question, they should move forward to the next question. On the other hand, in most cases, once they answer “No” to any question, it is an indication that the child does not meet criteria for that disability.

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**NOTE:** There are a few instances within specific eligibility categories, such as multiple disabilities and emotional disturbance, when a “No” answer is necessary to move on to the next question and “Yes” answer indicates that the child does not meet eligibility for that disability.

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At the point when the EDT reaches any question that indicates that the child does **not** meet criteria for that disability, they should stop the discussion regarding the child’s eligibility under that category. If an EDT continues an eligibility determination discussion with parents and a child after this, they are communicating that there is still a possibility that a child may be eligible for special education and related services when, in fact, there is not. Instead, if the EDT has determined that the child is not eligible for special education and related services under any eligibility category, the child should be referred back to the Student Assistance Team for continued support. Throughout the process of determining the presence of a disability, EDTs are asked to determine the primary reason for a child’s educational difficulties. This is referred to as the “determinant factor.”

For example, a child with a hearing impairment also may have limited English proficiency. The EDT must determine if this child’s educational difficulties are primarily the result of the hearing impairment or of the limited English proficiency. If the EDT determines that the limited English

proficiency is the primary cause of the learning difficulties, the EDT would check “NO” on the worksheet to say, “No, the EDT did not eliminate the possibility that limited English proficiency is the determinant factor.” If, on the other hand, the EDT determines that the hearing impairment is the determinant factor, they would check “YES” on the worksheet to say, “Yes, the EDT has eliminated the possibility that limited English proficiency is the determinant factor.”

### **Determinant Factors:**

For most of the eligibility categories, the first two questions address the issue of ruling out determinant factors, namely lack of appropriate instruction in reading and math or opportunity to participate in developmentally appropriate activities, and limited English proficiency. “No” responses to either of these questions indicate that the EDT has determined that one or more of these factors are the primary reason for the child’s learning difficulties, not a potential disability.

EDTs have a responsibility to thoroughly document the data used to make each decision. It is not enough, or appropriate, simply to say, “See report.” Instead, EDTs should concisely summarize the data to provide clear documentation to support the decision. The goal of the worksheet is that a person who wasn’t at the meeting should be able to read this worksheet and clearly understand how the decisions were made. This documentation should include more than simply test scores or basic demographic information. Instead, it should link the assessment data to educational performance in order to document the relationship between the data and the decision made. Examples of documentation for these first two questions might include information about a child’s attendance, documentation provided by the SAT regarding the child’s instruction, and the languages the child speaks. All of this should be discussed in relation to how the information contributed to the determination of whether it is or isn’t a determinant factor in explaining child’s educational difficulties.

After responding to the first two questions about ruling out the specific determinant factors of appropriate instruction and English proficiency, the EDT will move on to questions specifically related to the eligibility category that is being considered. Each eligibility category section of the NM TEAM provides a specific list of questions that must be addressed. Although the questions and format vary, they all follow the same basic pattern.

### **Other Eligibility Determination Questions:**

On all of the worksheets teams must answer one or more questions that specifically address the criteria that a child must meet in order to be found eligible under that category. For most eligibility categories, this is represented by a single question that simply asks if the child meets the IDEA and NMAC definition for that category. A few eligibility categories ask additional questions that help guide the EDT in answering this broader question, such as categories that have specific guidance related to behavioral and/or testing criteria, with the expectation that the team will appropriately answer each question consistent with IDEA and NMAC, including the thoughtful use of the professional judgment of the team.

Again, the EDTs must thoroughly and clearly document the data they use to make each of these determinations. The documentation used will vary depending on the eligibility category being considered, but could include information such as results from standardized assessments; data collected during observations; and information gathered from parents, teachers, and other sources. For example, if the worksheet asks for documentation regarding a valid cognitive score, it is not enough to simply report the scores and include a note saying that the score was valid because it was administered appropriately. Instead, EDTs need to document both the score obtained on a cognitive measure AND the validity of the scores by

showing how the scores are consistent with other information gathered about the child's skills and abilities, including information from observations, parent and teacher report, and other sources of data. As with all documentation, this information should be presented in relation to how the information contributed to the decision reached by the EDT.

Second, some of the categories include "rule-out" questions that ask EDTs to determine whether an eligibility determination decision may be impacted or influenced by other determinant factors. For example, under the eligibility category of autism, EDTs must eliminate the possibility that the child's educational performance is adversely affected primarily because of an emotional disturbance. Like with the other determinant factors, these "rule-out" questions specifically address whether or not the child's educational difficulties can be primarily attributed to something other than the eligibility category being considered. Again, documentation for these questions should reflect multiple data sources that illustrate how the EDT arrived at their decision. For example, when considering a child with significant behavioral challenges in the classroom who is being considered for eligibility under the category of autism, the EDT may respond to the "rule-out" question by indicating something like:

"Data collected through direct observations, interviews, and standardized assessments indicate significant sensory processing difficulties and limited communication abilities. Based on these findings, the EDT has determined that the child's challenging behaviors are directly related to the child's communication skills and responses to sensory events, rather than the result of an emotional disturbance."

In this situation, the EDT would indicate "YES," they have ruled-out the possibility that the child's educational performance is adversely affected primarily because of an emotional disturbance.

The final consideration within this section of the worksheet is to determine what eligibility category best describes the child's disability. Although a child may demonstrate more than one disability, EDTs are tasked with identifying which one disability best describes the reason for the child's educational difficulties. This may involve completing multiple worksheets during the determination process before being able to answer this final question. Some districts choose to report primary and secondary eligibility categories. This final question on this section of the worksheet can help facilitate this discussion, as it allows EDTs to document the presence of more than one disability while simultaneously indicating which disability best describes the child's educational needs. However, it is not necessary that EDTs designate a secondary disability, only that they indicate the primary disability that is impacting the child's educational performance. The issue of the presence of more than one disability is handled differently for the eligibility category of multiple disabilities, so please be sure to refer to the NM TEAM section on multiple disabilities for more information.

### **Question 2 Overview**

The second question that EDTs need to discuss and answer is: "Does the child demonstrate a need for specially designed instruction as a result of the disability?" On the worksheet, this step is outlined as "Determine need for specially designed instruction." Because step two specifically addresses the relationship between the child's disability and educational performance, these questions are only addressed if the EDT has answered "yes" to question, or step, one.

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**NOTE:** It is important that EDTs understand that if a child does not meet criteria as a child with a disability under any eligibility category, the team should not continue with a discussion regarding question two. There may be times when a child demonstrates a need for additional supports and services, however, without a documented disability as defined by IDEA and NMAC, a child is not eligible for special education and related services. If this is the case, EDTs must explore other avenues for providing assistance and support to the child, including a referral back to SAT.

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### **Question 2 Clarifications**

If the EDT has determined that, “Yes, the child is a child with a disability” during the discussion of question one, they must then address the child’s need for specially designed instruction as a result of his or her disability. The role of the EDT is to document the child’s need for specially designed instruction as a result of the child’s disability. IEP teams, not EDTs, determine the most appropriate placement for the child, the child’s specific service needs, and the child’s need for related services based on the goals outlined in the child’s IEP.

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**NOTE:** Specially designed instruction, as defined by IDEA, means adapting, as appropriate, the content, methodology, or delivery of instruction to meet the unique needs that result from a child’s disability. This includes special education, which is instruction that is specially designed to meet the unique needs of a child with a disability. This instruction must be provided at no cost to the parents and includes instruction conducted in classrooms, the home, hospitals, and other settings.

In addition, in New Mexico, services provided by a speech-language pathologist, or SLP, may also be considered special education, not simply a related service, if the services meet the requirements outlined in NMAC. Essentially, services provided by an SLP may be considered either special education or a related service, depending on the nature of the services provided.

Related services, according to IDEA, are supportive services that a child requires in order to benefit from special education. This includes a wide variety of services as outlined in IDEA.

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### **Question 2: Process**

Once the EDT has answered question one with “Yes, the child is a child with a disability,” they must consider several different aspects of educational performance in order to determine whether the child demonstrates a need for specially designed instruction.

These aspects are represented by three questions, all of which must be equally considered by the EDT, however only one must be answered “YES” for a child to be found eligible for special education and related services.

Teams are probably most familiar and most comfortable with the first of these questions, which address a child’s need for specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities. While this includes academic progress, it may also include social skills, problem solving, communication, and other general curriculum areas. EDTs are required to provide rationale and/or documentation in response to this question. This may include specific information regarding the child’s inadequate response to Tier 2 interventions, the educational impact related to the child’s disability in relation to the general education curriculum or developmentally appropriate activities, and identification of the specific areas in which the child requires specially designed instruction. The EDT must thoroughly answer this question, so it is

not appropriate or sufficient for the EDT to simply state, “This child requires specially designed instruction in order to be involved in and make progress in the general education curriculum.” Instead, the EDT might state:

“After a review of the assessment and evaluation information including academic achievement, direct observation, and interviews, the EDT has determined that due to the child’s hearing impairment, he requires specially designed instruction in order to develop language and communication skills that will allow him to make appropriate progress in the general education curriculum. Specifically, he needs targeted instruction in the development of his receptive and expressive language skills with an emphasis on the use of residual hearing and amplification. Based on evaluation data, including the child’s response to intervention at Tiers 1 and 2, the EDT has determined that in order to make adequate academic progress across all academic areas the child needs systematic, small group instruction in literacy with an emphasis on phonemic awareness, alphabetic principle, and vocabulary.”

In contrast, for another child, the EDT might say:

“After a review of the assessment and evaluation information including academic achievement, direct observation, and interviews, the EDT has determined that due to the child’s hearing impairment, he **does not** require specially designed instruction in order to develop language and communication skills that will allow him to make appropriate progress in the general education curriculum. Based on evaluation data, including the child’s response to intervention at Tiers 1 and 2, the EDT has determined that he is able to be involved in and make adequate academic progress in the general education curriculum.”

Please remember that we have provided only two examples of rationale/documentation that illustrate two possible and opposite responses to this question. They are not intended to be used as a template or script. EDTs must respond to all questions based on the specific information regarding the individual child and his needs.

Next, the EDT must answer the second question related to this step by determining whether a child needs specially designed instruction in order to participate in extracurricular and nonacademic activities, such as recess, sports, choir, drama, and other clubs or school-related activities. EDTs may find this question to be unfamiliar, as historically most EDTs have focused primarily on academic/classroom needs of the child. However, IDEA is very clear that participation in extracurricular and non-academic activities must also be considered when determining eligibility. Again, it is not appropriate to simply state that the child does or does not require specially designed instruction in order to participate in extracurricular and other non-academic activities. To address this area thoughtfully, EDTs should ask questions such as: “Does the child need specially designed instruction and support to participate in non-academic activities such as recess, lunch, physical education, study hall, school-sponsored after school activities, or field trips?” This discussion should include the child’s needs during unstructured times and transitions between activities and/or locations. After such consideration and discussion, the EDT might state:

“After a review of the assessment and evaluation information including direct observation and interviews, the EDT has determined that the child is a child with a hearing impairment, including deafness, and that, as a result of this disability, the child needs specially designed instruction to participate in extracurricular and non-academic activities. Specifically, due to the child’s communication difficulties as a result of his

hearing impairment, he needs direct instruction to develop age-appropriate social interaction skills, as well as prompting and reinforcement of the use and generalization of social skills across settings. In addition, the child needs direct instruction in recognizing and responding to environmental cues related to his safety and independence, including cues that signal the need to transition between settings (like classes or lunch), as well as safety alarms. Finally, he requires direct instruction to teach him to be safe in the community, such as communicating with unfamiliar communication partners and recognizing environmental dangers.”

For a child who does **not** require specially designed instruction to participate in non-academic activities, the EDT might state:

“After a review of the assessment and evaluation information including direct observation and interviews, the EDT has determined that, although the child is a child with a hearing impairment, including deafness, he does not require specially designed instruction to participate in extracurricular and non-academic activities as a result of that hearing impairment. The evaluation data indicate that his communication skills are adequate for him to demonstrate age-appropriate social skills across settings. In addition, he demonstrates the ability to respond to safety and transitional cues within the environment, such as fire alarms, flashing lights that accompany the school bells, etc. Finally, the evaluation data indicate that he is able to communicate with unfamiliar communication partners within the community to get his needs met and demonstrates age-appropriate safety skills.”

The third and final question for consideration by EDTs is the child's ability to be educated and participate with other children, including those with and without disabilities. EDTs must recognize that this is not a question of placement or services, because the IEP team makes those decisions after goals have been established. Instead, this is essentially a question of need for specially designed instruction in order to access educational environments and participate with other children. An example might be a child who demonstrates challenging behaviors that make it unsafe for him to be educated with his peers. This child may require specially designed instruction in order to develop the skills necessary to be educated and participate with other children, even if his academic skills aren't significantly impacted. As with the other two questions, the EDT must clearly document that they considered this question and document their decision. For example, the EDT might state:

“After a review of the assessment and evaluation information including behavior assessments, such as observations and a functional behavior assessment, as well as information related to his communication and academic achievement skills, the EDT has determined that, as a result of his hearing impairment, the child needs specially designed instruction in order to be educated and participate with other children with and without disabilities. Specifically, because of the child's difficulty with communication skills, he is demonstrating significant challenges participating in classroom activities and frequently engages in inappropriate behaviors secondary to frustration with communication breakdowns. Direct instruction in communication skills is necessary to improve his skills so that he can appropriately be educated and participate with other children.”

For a child who does not require specially designed instruction to be educated and participate with other children, the EDT might answer this question by stating:

“After a review of the assessment and evaluation information including behavior assessments, such as observations and a functional behavior assessment, as well as information related to his communication and academic achievement skills the EDT has determined that, although the child has a hearing impairment, including deafness, he does not require specially designed instruction in order to be educated and participate with other children with and without disabilities. Although he requires specially designed instruction to address his needs regarding the general education curriculum, he demonstrates the ability to participate in classroom activities and be educated with other children. At the time of this eligibility determination decision, he is not demonstrating any characteristics or behaviors that require specially designed instruction in order for him to be educated and participate with other children.”

Although it is impossible to provide an exhaustive list of considerations to answer this question, some factors that EDTs may consider are the child’s needs for specially designed instruction in order to address concerns related to attention and focus, management of challenging behaviors, development of social skills, safety considerations, and independent mobility, among others.

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**NOTE:** This area is challenging for EDTs, as it is tempting to try to answer this question based on consideration of a child’s projected placement within the context of the least restrictive environment. Placement decisions must not be a part of the eligibility determination discussion. It is imperative that EDTs recognize that this question is NOT asking about the most appropriate educational placement for a child—all placement decisions are made by the IEP team after the identification of goals and appropriate services if a child is found eligible for special education and related services. Instead, this question within step two is about the **type** of instruction that a child requires in order to be educated and participate with other children, not **where** the instruction takes place. If the type of instruction meets the definition of specially designed instruction, then EDTs would answer, “yes” to this question. Otherwise, they would answer “no.”

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Remember that the EDT only needs to answer, “yes” to one of these three questions. Although some children may require specially designed instruction in all three of these areas, other children may only require it in one or two. As long as the EDT has answered ‘yes’ to **one or more** of these three questions, they have answered ‘yes’ to the second step of the eligibility determination process. EDTs should clearly understand the difference between these three questions and ensure that the documentation is complete and addresses each specific question. The three questions address very different aspects of educational performance and it is neither appropriate nor accurate to use the same documentation and rationale for each one.

If the EDT has answered ‘no’ to **all three** of these questions, the child is not eligible for special education and related services and must be referred back to SAT.

### **Eligibility Determination Decision**

After answering the questions related to the two steps of eligibility determination decisions, the EDT then makes a final eligibility determination decision based on all of the information gathered as part of the evaluation and eligibility determination process. This section of the worksheet is the same for all eligibility categories, so the process is the same regardless of the eligibility category or categories being considered.

There are three possible decisions that can be made and documented at this point: first, that the child is eligible for special education and related services; second, that the child is **not**

eligible for special education and related services; and third, that the EDT cannot make an eligibility determination at this point. Each of these decisions is represented by a checkbox on the worksheet. In addition, within each decision is one or more checkboxes that further document the decision of the EDT.

**The child is eligible under the category being considered:**

One possible decision is that the EDT determines that the child is eligible for special education and related services under the eligibility category being considered. To make this determination, the EDT **must** have responded “YES” to all of the questions relating to the determination of a disability on that form and to **at least one** of the three questions relating to the need for specially designed instruction.

**The child is NOT eligible under the category being considered:**

Another possible decision is that the EDT determines that the child is not eligible for special education and related services under the eligibility category being considered. There are four reasons why this may be the case, so in addition to checking the box that indicates that the EDT has made this determination, they must also indicate the specific reason for this determination.

1. **The first reason that a child may be found not eligible for special education and related services under a specific category is simply that the EDT has determined that the child didn't meet the eligibility criteria of that category.** In other words, under the section of the worksheet titled “determine the presence of a disability,” the EDT indicated “No” to at least one question, documenting that the child is not a child with that disability, as defined by IDEA and NMAC. In addition, by checking this box, the EDT is indicating that the child also doesn't meet eligibility criteria under any other eligibility category.
2. **The second reason that a child may be found not eligible for special education and related services under this category is that the EDT has determined that the child is not a child with this specific disability, but did meet eligibility criteria under another eligibility category.** For example, an EDT may be considering the eligibility categories of hearing impairment, including deafness, and other health impairment. If the evaluation and assessment data indicated that the child doesn't meet criteria for a hearing impairment, but was eligible under the category of other health impairment, the EDT would check this box. They would need to be sure to complete the other health impairment eligibility determination worksheet to finalize the documentation of their decision.
3. **The third reason that a child may be found not eligible for special education and related services under this category is that the EDT has determined that, although the child has that specific disability, according to IDEA and NMAC, another eligibility category better describes the reason that the child needs specially designed instruction.** For example, a child may meet eligibility criteria for a hearing impairment, including deafness, and a specific learning disability. In this example, the EDT would need to determine which of those two disabilities **best describes** the reason that the child requires specially designed instruction. As discussed previously, the role of the EDT is to identify the **primary reason**, or determinant factor, for the child's difficulties with educational performance. Even if the child demonstrates more than one disability, the EDT must identify one disability as the primary reason that the child needs specially designed instruction. EDTs must remember that a child's eligibility does not drive or dictate the child's ultimate educational placement or the services he may receive under an IEP. The IEP team makes those decisions after the identification of appropriate goals. This third reason

allows the EDT to document that yes, the child has a hearing impairment; however, his educational needs are primarily the result of a specific learning disability. In some districts, this could provide documentation for the identification of specific learning disability as the child's primary disability and hearing impairment, including deafness, as his secondary disability.

4. **Finally, the fourth reason that a child may be found not eligible for special education and related services under a particular category is that the EDT has determined that, although the child has that specific disability, he doesn't require specially designed instruction as a result of that disability.** In other words, the EDT determined that the child met criteria for a hearing impairment, including deafness, on the "determine the presence of a disability" section of the worksheet. However, when they addressed the "determine the need for specially designed instruction" questions, they answered "No" to all three questions. EDTs should document this particular decision only when the child meets eligibility criteria for that eligibility category, does not demonstrate a need for specially designed instruction as a result of that disability, **and** is not eligible under any other eligibility category.

#### **Unable to make a decision at this time:**

In addition to the two primary decisions that EDTs are likely to make (either the child is eligible for special education and related services under the category being considered or the child is not eligible), the third, and final, decision is that the EDT is unable to make an eligibility determination decision at the time of the meeting. Although situations do arise which prevent EDTs from making final determinations, typically EDTs would not move to the point of holding this meeting and completing the worksheets until all of the evaluation and assessment data are obtained.

One strategy that can assist EDTs in ensuring that they are ready to hold the eligibility determination meeting is to complete portions of these worksheets before the meeting. For example, the basic demographic information on the worksheet can be completed ahead of time, as can much of the "document assessment and evaluation data" section, and some of the documentation for the other sections. EDTs must remember that the sections can, and should, be revised and expanded upon at the eligibility determination meeting, but by inserting some of the information before the meeting, EDTs will better be able to identify if any necessary evaluation and assessment data are missing.

#### **Wrapping Up the Process**

Once the EDT has made the final decision, the eligibility determination process is almost complete. Before wrapping up this meeting, however, it is important to complete the signature page to document the presence of the EDT members who contributed to the evaluation, discussion, and ultimate decision.

Please remember that the eligibility determination meeting is only one step in the process of determining appropriate educational supports for a child. If the child is found eligible for special education and related services, an IEP meeting would follow the eligibility determination decision. At that time, the IEP team would use the information gathered during the evaluation to generate appropriate goals. After identifying these goals, they would then determine the supports and services the child requires to meet those goals, and then, finally, the most appropriate placement and level of service to enable the child to make progress in the general education curriculum. On the other hand, if the child is found not eligible for special education and related services, he should be referred back to SAT for continued support.

**Notes:**

## Section Eight. Review of Existing Evaluation Data (REED) Process and Forms

“The initial evaluation (if appropriate) and any reevaluations must begin with a review of existing information by a group that includes the parents, the other members of a child’s IEP team and other qualified professionals, as appropriate, to determine what further evaluations and information are needed to address the question in 34 CFR Sec. 300.305(a)(2).” NMAC 6.31.2.10 D(2)d.ii

In New Mexico, for initial evaluations and reevaluations, the REED process is often completed by the EDT.

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**NOTE:** In New Mexico, when children with IEPs transfer from another state, EDTs must make eligibility determination decisions for that child based on New Mexico requirements. If the EDT determines that a new evaluation is necessary, this is considered an Initial Evaluation for eligibility determination purposes and the 60-day timeline from consent to the completion of the evaluation (not EDT meeting) applies. **Until the EDT makes its eligibility determination decision according to NM guidelines, the LEA must continue to provide comparable services to the student.**

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According to IDEA, the REED process is the review of existing evaluation data on the child, including:

1. Evaluations and information provided by the parents of the child, which may include Part C information when transferring to Part B;
2. Current classroom-based, local, or state assessments, and classroom-based observations; and
3. Observations by teachers and related services provider(s).

It is essential for teams to understand that the review of existing evaluation data (REED) process is active. At the most basic level, the purpose of the REED process is to analyze the child’s strengths and concerns within the context of “What data do we have?” and “What data do we need?” Part of this process is evaluating the quality of the existing data available to determine if additional data are needed to answer the questions outlined below.

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**NOTE:** While the REED process is not required by law for an initial evaluation, it is best practice to collect and review all existing evaluation data on a student before beginning an initial evaluation.

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According to IDEA, using information from the REED process and input from the child’s parents, the EDT must identify what additional data, if any, are needed to determine:

1. Whether a child has a disability (for initial evaluations) or continues to have a disability (for reevaluations);
2. The educational needs of the child;
3. The present levels of academic achievement, functional performance, and related developmental needs of the child;
4. Whether the child 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 and to participate, as appropriate, in the general education curriculum.

This manual provides a form that can be used to document this process, but teams should recognize that the form is simply a tool that can be used to document the REED process. The REED process is used during all steps of the evaluation process, including for initial evaluations and reevaluations. The process may look different during initial evaluations and reevaluations, but teams should review existing evaluation data throughout the evaluation process. In addition, the REED process is part of decisions made related to determining appropriate services and supports for children.

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**NOTE:** The REED process may be conducted without a meeting. The REED form can be a walking document, with participation by team members via telephone, in person, through electronic collaboration or email, etc.

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An integral part of the REED process is documenting the explanation for decisions that are made. For example, if, as part of the REED process, an EDT determines that formal assessments are not needed in a particular area, the REED form is a tool that can be used to document the explanation of why existing evaluation data are sufficient. When the REED process is completed as part of a reevaluation, particularly when teams determine that there is sufficient existing data to answer the questions, it is highly recommended that teams use the REED forms provided in this manual to document this decision-making process.

It is important that teams critically analyze the data collected during the REED process, as in many cases, particularly during initial evaluations, the SAT information will likely not replace data that can be obtained via formal standardized assessments.

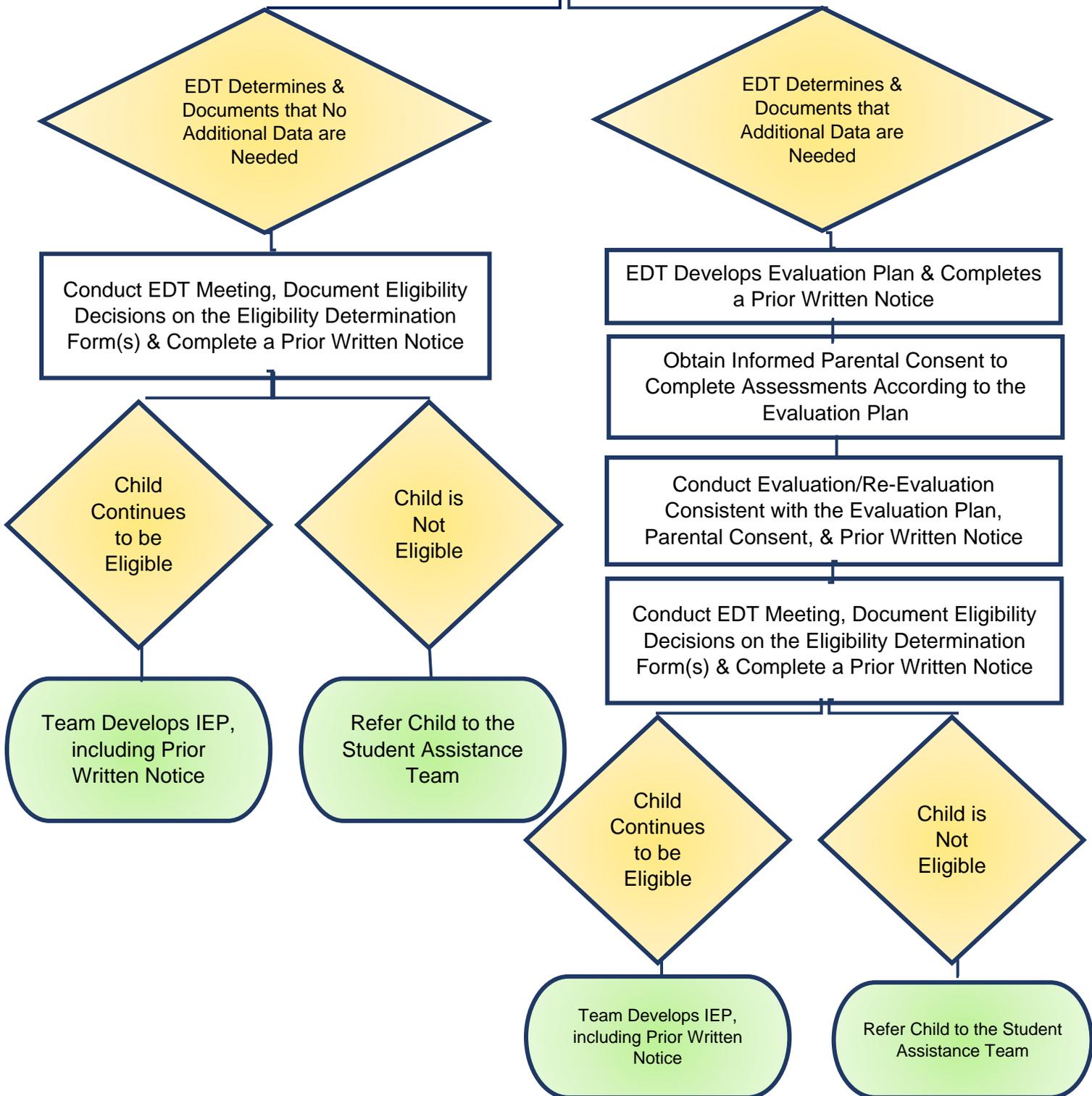
As part of the REED process, the team must decide one of the following:

**No Additional Data are Needed.** An evaluation is required every three years unless the parent and the LEA agree that there is ample documentation to determine that standardized, formal assessments are not necessary as part of the reevaluation process. If the team determines that standardized, formal assessments are not necessary to determine continued eligibility and need for special education services, the EDT uses the data obtained during the REED process to document continued eligibility. This eligibility determination and continued need for special education is documented on the appropriate Eligibility Determination Reevaluation form and the Prior Written Notice form. The date of this decision becomes the new evaluation date.

In addition, if no additional data are needed for eligibility determination according to IDEA (2004), the LEA must notify the child's parents of: (a) the determination that no additional data are needed and the reasons for the decision; and (b) the right of the parents to request an assessment to determine whether the child continues to be a child with a disability and to determine the child's educational needs.

### REED Process is Initiated

As part of an initial evaluation (if appropriate) and prior to all re-evaluations, the Eligibility Determination Team (EDT), must review existing evaluation data (REED). On the basis of that review with input from the child's parents, the EDT documents what evaluation standardized, formal assessments are needed, if any, to determine: (a) whether a child has a disability; (b) the educational needs of the child; (c) the present levels of academic achievement, functional performance, and related developmental needs of the child; (d) whether the child needs special education and related services; and (e) 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 and to participate, as appropriate, in the general education curriculum.



**Additional Data are Needed.** Based on the REED process, the team may determine that a comprehensive evaluation or additional assessment data are needed to determine continued eligibility and the need for special education and related services. The team then must follow the requirements for each suspected eligibility category according to IDEA (2004), as well as follow the recommended guidance for eligibility determination described within NM TEAM 2017. The LEA must provide the parent/guardian prior written notice and secure parental consent.

Based on the REED process, the team may determine that continued eligibility is not a question and a comprehensive evaluation is not required, but specific assessment information is needed for:

- Updating present levels of academic achievement and functional performance;
- Developing a reasonably calculated IEP; and/or
- Determining what accommodations 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.

The LEA must provide the parent/guardian with prior written notice and secure parental consent.

For both scenarios above, the EDT must document that the child continues to be eligible for special education and related services under one or more IDEA (2004) eligibility category. The eligibility determination and continued need for special education is documented on the appropriate Eligibility Determination Reevaluation form and the Prior Written Notice form. The new assessment data are integrated into the new IEP. If no additional data were needed, the date of the eligibility decision becomes the new evaluation date. If additional data were needed, then the date that the comprehensive evaluation was completed becomes the new evaluation date.

# Review of Existing Evaluation Data (REED)

LEA Name \_\_\_\_\_ Address \_\_\_\_\_  
 Date Process Initiated \_\_\_\_\_ Date Process Completed \_\_\_\_\_

Child's Name:		
Date of Birth:	Grade:	Child ID#:
Parent/Guardian Name:		
Mailing Address:		
City, State, Zip Code:		
School:		
Language of Instruction:		
Primary Home Language:		

Initial Evaluation     Reevaluation (Due date: \_\_\_\_\_)     \*Special Request

\*If special request, describe here:

**If this REED is initiated as part of a reevaluation, what was the date of the last evaluation?** \_\_\_\_\_

**Previously Identified Disability(ies):**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Autism                                  | <input type="checkbox"/> Hearing Impairment, including Deafness | <input type="checkbox"/> Other Health Impairment       |
| <input type="checkbox"/> Deaf-Blindness                          | <input type="checkbox"/> Intellectual Disability                | <input type="checkbox"/> Specific Learning Disability  |
| <input type="checkbox"/> Developmental Delay                     | <input type="checkbox"/> Multiple Disability                    | <input type="checkbox"/> Speech or Language Impairment |
| <input type="checkbox"/> Emotional Disturbance                   | <input type="checkbox"/> Orthopedic Impairment                  | <input type="checkbox"/> Traumatic Brain Injury        |
| <input type="checkbox"/> Visual Impairments, including Blindness |   |  |

Were assessments completed as part of the child's most recent eligibility determination?

Yes     No

**Newly Suspected Disability(ies) or Disability(ies), if any:**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Autism                                  | <input type="checkbox"/> Hearing Impairment, including Deafness | <input type="checkbox"/> Other Health Impairment       |
| <input type="checkbox"/> Deaf-Blindness                          | <input type="checkbox"/> Intellectual Disability                | <input type="checkbox"/> Specific Learning Disability  |
| <input type="checkbox"/> Developmental Delay                     | <input type="checkbox"/> Multiple Disability                    | <input type="checkbox"/> Speech or Language Impairment |
| <input type="checkbox"/> Emotional Disturbance                   | <input type="checkbox"/> Orthopedic Impairment                  | <input type="checkbox"/> Traumatic Brain Injury        |
| <input type="checkbox"/> Visual Impairments, including Blindness |   |  |

## **SECTION I: REVIEW OF EXISTING EVALUATION DATA:**

Upon completion of this review, the LEA needs to determine if additional data are needed to determine one or more of the following:

1. Whether the child has a disability (for initial evaluations) or continues to have a disability (for reevaluations);
2. The educational needs of the child;
3. The present levels of academic achievement and related developmental needs of the child;
4. Whether the child continues to need special education and related services; and/or
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 and to participate, as appropriate, in the general education curriculum.

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**NOTE:** The REED process may be conducted without a meeting. The REED form can be a walking document, with participation by team members via telephone, in person, through electronic collaboration or email, etc.

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Information provided by the parents and, as appropriate, the child. (Specify areas of strength and concern.)

Summary of Formal Evaluation(s) performed by LEA, including diagnostic and related service providers. (Specify examiner and dates of report.)

Summary of Evaluation(s) provided by outside agency(ies). (Specify examiner and date of report.)

Existing, current academic performance, including grades, classroom based assessments, current state/district group achievement assessments, and teacher observations. *Specify areas of strength and concern.*

Existing, current data from related service providers (e.g., progress notes, observations). *Specify areas of strength and concern.*

## **Section II: DETERMINATION OF NEED FOR ADDITIONAL DATA**

Based on review of existing data, the Eligibility Determination Team determines that the following additional data are needed.

### **Part A: Home Life and Experiences**

The child has factors related to his/her home life and the kinds of experiences he/she has had in his/her family that may relate to educational performance AND additional assessment is needed. *School staff members may be contacting the parents to talk about this.*

YES  NO

*Provide detailed explanation of the specific type of assessment data (e.g., specific areas, not specific tests) that are needed and why. If no additional data are needed, provide justification.*

### **Part B: Speech and Language (Communication Status)**

The child knows more than one language AND assessment is needed to determine which is the best language for his/her learning and to determine which language to use for all other assessment.

YES  NO

The child seems to have difficulty with understanding what is said to him/her (receptive language) and/or expressing thoughts (expressive language) AND additional assessment is needed in this area.

YES  NO

The child seems to have difficulty with speech, including speaking clearly (articulation), vocal quality/nasality (voice), and/or stuttering (fluency) AND additional assessment is needed in this area.

YES  NO

The child seems to have difficulty with communicating socially with others using non-verbal and/or verbal means (language pragmatics) AND additional assessment is needed in this area.

YES  NO

The child is nonverbal or has difficulty verbally communicating AND additional assessment is needed in this area (e.g., to determine augmentative and alternative communication needs).

YES  NO

*Provide detailed explanation of the specific type of assessment data (e.g., specific areas, not specific tests) that are needed and why. If no additional data are needed, provide justification.*

**Part C: Physical (Motor Abilities, Health, Vision, Hearing)**

The child seems to have difficulty with physical skills (fine and/or gross motor) AND additional assessment is needed in this area.

YES  NO

The child seems to have physical or health problems that impact his/her educational performance AND additional assessment is needed in this area. *School staff may need to request a release to exchange information with the child's doctor.*

YES  NO

The child seems to have vision concerns AND additional assessment is needed in this area.

YES  NO

The child seems to have hearing concerns AND additional assessment is needed in this area.

YES  NO

*Provide detailed explanation of the specific type of assessment data (e.g., specific areas, not specific tests) that are needed and why. If no additional data are needed, provide justification.*

**Part D: Emotional/Behavioral**

The child seems to have difficulty getting along with others at school and at home AND additional assessment is needed in this area.

YES  NO

The child seems to demonstrate behaviors in the school setting that are impeding learning AND additional assessment is needed in this area.

YES  NO

The child seems to have difficulty with social-emotional behaviors including social skills, interpersonal interactions, and/or coping skills AND additional assessment is needed in this area.

YES  NO

The child seems to have difficulty with self-concept, self-regulation, stress responses, and/or overall satisfaction to the extent that these are impacting learning AND additional assessment is needed in this area.

YES  NO

*Provide detailed explanation of the specific type of assessment data (e.g., specific areas, not specific tests) that are needed and why. If no additional data are needed, provide justification.*

**Part E: Cognitive Abilities/Adaptive Behavior**

The child seems to have differences with thinking, reasoning, and/or problem solving compared to others of the same age (i.e., cognitive functioning) AND additional assessment is needed.

YES  NO

The child seems to have differences regarding how he/she process information (i.e., attention span, short/long term memory, cognitive fluency, auditory processing, visual-motor integration, visual spatial, fluid reasoning, phonological awareness, preferred learning style, etc.) AND additional assessment is needed.

YES  NO

The child seems to have difficulty taking care of himself/herself at home and at school (i.e., adaptive behavior) AND additional assessment is needed.

YES  NO

*Provide detailed explanation of the specific type of assessment data (e.g., specific areas, not specific tests) that are needed and why. If no additional data are needed, provide justification.*

**Part F: Assistive Technology**

Data regarding assistive technology devices/services needed to enable the child to be involved in progress in the general education classroom.

YES  NO

Data regarding assistive technology devices/services needed to provide appropriate special education and related services to the child.

YES  NO

*Provide detailed explanation of the specific type of assessment data (e.g., specific areas, not specific tests) that are needed and why. If no additional data are needed, provide justification.*

**Part G: Academic Achievement**

The child seems to have differences in his/her ability to perform in reading, math, written expression, spelling and other areas, including in relation to how he/she is involved in and progresses in the general curriculum (or for preschool children, participates in appropriate activities) AND additional assessment is needed.

YES  NO

*Provide detailed explanation of the specific type of assessment data (e.g., specific areas, not specific tests) that are needed and why. If no additional data are needed, provide justification.*

## **Part H: Functional Performance**

The child has difficulties in functional area(s), including in relation to how he/she is involved in and progresses in the general curriculum (or for preschool children, participating in appropriate activities) AND additional assessment is needed.

YES  NO

The child may need support with transition planning AND additional assessment is needed.

YES  NO

*Provide detailed explanation of the specific type of assessment data (e.g., specific areas, not specific tests) that are needed and why. If no additional data are needed, provide justification.*

## **Section III: Summary of Need for Additional Data**

**YES, AS REFLECTED ABOVE, THERE IS A NEED FOR ADDITIONAL DATA**

The additional data specified above are needed in order to determine any of the following:

1. Whether the child has a disability (for initial evaluations) or continues to have a disability (for reevaluations);
2. The educational needs of the child;
3. The present levels of academic achievement and related developmental needs of the child;
4. Whether the child continues to need special education and related services; and/or
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 and to participate, as appropriate, in the general education curriculum.

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**NOTE:** If the EDT has determined that there is a need for additional data, after providing prior written notice and obtaining parental consent, the LEA will administer such assessments and other evaluation measures as may be needed to produce the data identified above in order to complete a full and individual evaluation of the child. The Eligibility Determination Team meeting will be scheduled upon completion of a full and individual evaluation. For preschool students transitioning from Part C to Part B, the LEA should not create any undue delay in scheduling additional assessments if more data are needed.

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**NO, AS REFLECTED ABOVE, THERE IS NOT A NEED FOR ADDITIONAL DATA:**

On the basis of the above review, the LEA determined that no additional data are needed to determine any of the following:

1. Whether the child has a disability (for initial evaluations) or continues to have a disability (for reevaluations);
2. The educational needs of the child;
3. The present levels of academic achievement and related developmental needs of the child;
4. Whether the child continues to need special education and related services; and/or

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 and to participate, as appropriate, in the general education curriculum.

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**NOTE:** If the EDT has determined there is no need for additional data, an EDT meeting will be scheduled to determine continued eligibility for special education and related services. Because there is not a need for additional data, the date of EDT decision becomes the new evaluation date.

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**PARENT NOTICE:** If the Eligibility Determination Team determines that no additional data are needed to determine whether your child continues to be a child with a disability, the local education agency (LEA) must notify you of its determination and the reasons for it, and of your right to request an evaluation to determine whether your child continues to be a child with a disability.

YES     NO

The LEA has explained the reasons for its determination that additional data are not needed to determine whether my child continues to be a child with a disability and to determine my child's educational needs.

YES     NO

I understand my right to request an evaluation to determine whether my child continues to be a child with a disability and to determine my child's educational needs.

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Signature of Parent, Guardian, or Adult Student

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Date

**PARTICIPANTS: Every member who participated in the REED process should sign below indicating his/her participation. Also, check the box under each member's name to indicate how the member participated.**

Signature	Position
	<b>Parent(s)/Adult Student</b> <input type="checkbox"/> Phone <input type="checkbox"/> Personal Communication <input type="checkbox"/> In Person <input type="checkbox"/> Other
	<b>Administrator/District Representative</b> <input type="checkbox"/> Phone <input type="checkbox"/> Personal Communication <input type="checkbox"/> In Person <input type="checkbox"/> Other
	<b>General Education Teacher</b> <input type="checkbox"/> Phone <input type="checkbox"/> Personal Communication <input type="checkbox"/> In Person <input type="checkbox"/> Other
	<b>Special Education Teacher</b> <input type="checkbox"/> Phone <input type="checkbox"/> Personal Communication <input type="checkbox"/> In Person <input type="checkbox"/> Other
	<b>Person Interpreting Evaluation Results</b> <input type="checkbox"/> Phone <input type="checkbox"/> Personal Communication <input type="checkbox"/> In Person <input type="checkbox"/> Other
Other Participant's Signature	Print Name and Position of Other Participant
	<input type="checkbox"/> Phone <input type="checkbox"/> Personal Communication <input type="checkbox"/> In Person <input type="checkbox"/> Other
	<input type="checkbox"/> Phone <input type="checkbox"/> Personal Communication <input type="checkbox"/> In Person <input type="checkbox"/> Other
	<input type="checkbox"/> Phone <input type="checkbox"/> Personal Communication <input type="checkbox"/> In Person <input type="checkbox"/> Other
	<input type="checkbox"/> Phone <input type="checkbox"/> Personal Communication <input type="checkbox"/> In Person <input type="checkbox"/> Other
	<input type="checkbox"/> Phone <input type="checkbox"/> Personal Communication <input type="checkbox"/> In Person <input type="checkbox"/> Other

Required members of the REED process, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

# Autism

**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 as defined in 34 CFR Sec. 300.8(c)(4). A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria described in 34 CFR Sec. 300.8(c)(1)(i) are satisfied. (34 CFR Sec. 300.8(c)(1))

**Characteristics and Educational Impact.** Children who are eligible for special education and related services under the category of autism have a disability that adversely affects their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To identify characteristics and educational impact, the eligibility determination team (EDT) must address the question of "How do these characteristics of the disability manifest in the child's natural environment (e.g., home, classroom, recess, etc.)?"

- As with all disabilities, the characteristics and educational impact for children with autism will vary greatly. The following sections outline characteristics that may be associated with autism and possible educational impact of those characteristics. This information does not represent an exhaustive list of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with autism will demonstrate all of the following characteristics.

**Preschool-aged Children.** For preschool-aged children with autism, it is important to consider developmentally appropriate skill levels and behaviors for the child's age, since they are not necessarily involved in the general education curriculum. For preschool-aged children with autism, the observed characteristics are very similar (although not identical) to those demonstrated by school-aged children with autism. The impact of the disability may be manifested in one or more ways, including, but not limited to:

## **Communication**

- Deficits in communication and language development, including difficulty:
  - Understanding and participating in social interactions;
  - Initiating conversations with others;
  - Recognizing and appropriately responding to the feelings and behaviors of others; and/or
  - Communicating wants, needs, and feelings.

## **Social/Emotional**

- Deficits in social and/or emotional skills, including difficulty:
  - Initiating and maintaining play activities alone or with others;
  - Learning incidentally from the environment, such as through play; and/or
  - Participating in community activities with his/her family due to communication, social, and/or sensory differences.

- Presence of challenging behaviors associated with communication and sensory processing difficulties.

### **Cognition**

- Deficits in flexibility with thoughts and taking the perspectives of others, including difficulty:
  - Altering a routine, such as using different cups at mealtimes, skipping books at bedtime; and/or
  - Interpreting or understanding thoughts, feelings, and intents of others, such as recognizing that other people have thoughts and feelings that are different than their own.
- Deficits with generalization of skills across situations, people, tasks, and/or environments.

### **Sensory**

- Sensory processing differences, including:
  - Sensitivity to clothing, like wearing shoes and socks, shirts with tags, or wearing long-sleeved shirts;
  - Sensitivity to sounds, such as flushing toilets, bathtub water, school bells, fire alarms, etc.;
  - Sensitivity to textures and tastes, including being a very “picky” eater (beyond what is developmentally appropriate) and refusing to eat specific types of foods (e.g., soft foods, salty foods, or green foods);
  - Sensitivity to touching materials, such as sand, grass, paper, glue, crayons, etc.;
  - A need for increased sensory input, such as seeking out hugs, “crashing” into people and furniture, and/or wearing heavy clothing during inappropriate times of year; and/or
  - A decreased awareness of sensory input, such as not noticing when they are dirty (beyond what is developmentally appropriate), not reacting when hurt, and/or not responding to parent’s or teacher’s voice.
- Activity levels related to sensory processing differences, including:
  - Demonstrating decreased activity levels, such as falling asleep if they don’t have enough stimulation or preferring sedentary activities; and/or
  - Demonstrating increased activity levels related to either avoiding or seeking out specific types of sensory input. This level of activity may be confused with attention deficits.

These characteristics may lead to limited opportunities for inclusion in age-appropriate activities. Thus, the child may not have the opportunities for the learning that accompanies these activities.

**School-aged Children.** For school-aged children with autism, the impact of the disability may be manifested in one or more ways, including, but not limited to:

### **Communication**

- Deficits in communication and language development, including difficulty:
  - Initiating, maintaining, and terminating appropriate conversations with others;
  - Recognizing and appropriately responding to the feelings and behaviors of others;
  - Using and understanding verbal and/or symbolic communication; and/or
  - Communicating wants, needs, and feelings appropriately and effectively.

### **Social/Emotional**

- Deficits with social interactions, including difficulty:
  - Understanding and participating appropriately in social interactions;
  - Initiating and maintaining social and learning activities alone or with others;
  - Learning incidentally from the environment, such as through social activities; and/or
  - Participating in school and community activities with his/her peers and/or family due to communication, social, and sensory differences.
- Presence of challenging behaviors associated with communication and sensory processing difficulties.

### **Cognition**

- Deficits in flexibility with thoughts and taking the perspectives of others, including difficulty:
  - Altering a routine, such as changed school schedule (e.g., field trips or assemblies), sitting at a different table in the cafeteria, coping with a substitute teacher; and/or
  - Interpreting or understanding thoughts, feelings, and intents of others, such as not recognizing that other people have thoughts and feelings that are different than their own.
- Deficits with generalization of skills across situations, people, tasks, and/or environments.

### **Sensory**

- Sensory processing differences, including:
  - Sensitivity to clothing, like wearing shoes and socks, shirts with tags, or wearing long- sleeved shirts;
  - Sensitivity to sounds, such as flushing toilets, school bells, fire alarms, birds chirping, noise level in the cafeteria, etc.;
  - Sensitivity to textures and tastes, including being a very “picky” eater and refusing to eat specific types of foods (e.g., soft foods, salty foods, or green foods);
  - Sensitivity to touching materials, such as paper, glue, paint, chalk, clay, etc.;
  - A need for increased sensory input, such as seeking out hugs, “crashing” into people and furniture, and/or wearing heavy clothing during inappropriate times of year; and/or
  - A decreased awareness of sensory input, such as not noticing when they are dirty, not reacting when hurt, and/or not responding to a parent’s or teacher’s voice.
- Activity levels related to sensory processing differences, including:
  - Demonstrating decreased activity levels, such as falling asleep if they don’t have enough stimulation or preferring sedentary activities; and/or
  - Demonstrating increased activity levels related to either avoiding or seeking out specific types of sensory input. This level of activity may be confused with attention deficits.

**Special Considerations for Assessment.** Children with autism often show uneven patterns of cognitive development that include strengths in visual and perceptual skills and differences in verbal expression and verbal comprehension. Information regarding both verbal and nonverbal cognitive abilities must be obtained.

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**NOTE:** It is imperative that EDTs remember that multiple sources of evaluation data (including standardized and non-standardized) must be used for all eligibility determination decisions. It is essential that teams look at the whole child, not simply test scores. EDTs are strongly encouraged to review the introduction to this manual, particularly sections related to professional judgment (section 3), multilingual assessment issues (section 4), and the use and interpretation of standardized assessments and obtained scores (section 5).

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**NOTE:** Autism may be associated with many medical and neurobiological factors. Therefore, medical information is important to consider when the assessment team is making an initial eligibility determination. IDEA does not necessarily require an LEA to conduct a medical evaluation for the purpose of determining whether a child has autism, which may lead to an eligibility determination under the category of autism. If the EDT believes that a medical evaluation by a licensed physician is needed as part of the evaluation to determine whether a child suspected of having autism meets the eligibility criteria of autism or any other disability category under the IDEA, the LEA must ensure that this evaluation is conducted at no cost to the parents. (See OSEP Letter to Williams (March 14, 1994)).

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In New Mexico, the operational definition of autism below has been developed using a medical model from the Diagnostic and Statistical Manual of Mental Disorders-Fifth Edition (DSM-5), with Autism Spectrum Disorder classified under the autism eligibility category for purposes of determining eligibility under Individuals with Disabilities Education Act (IDEA). The following description of this broad DSM-5 category and criteria provides valuable descriptive information for evaluators as they attempt to address autism in school settings. However, it is not necessary for an EDT to determine that the child meets the DSM-5 criteria in order to be found eligible for special education and related services under the eligibility category of autism.

In addition, the evaluation team must be mindful of the fact that they are making an educational, not a medical, determination and that children must also demonstrate a need for special education services in order to be eligible for services under the eligibility category of autism under IDEA (2004). For more information, please see Identifying, Serving, and Educating Students with Autism Spectrum Disorders (PED, January 2011).

A child may be eligible for special education and related services under the autism eligibility category based on characteristics of an Autism Spectrum Disorder if they demonstrate (currently or by history) characteristics consistent with the DSM-5 criteria presented below:

1. Persistent deficits in social communication and social interaction across multiple contexts, as manifested by the following, currently or by history (examples are illustrative, not exhaustive):
  - a. Deficits in social-emotional reciprocity, ranging, for example, from abnormal social approach and failure of normal back-and-forth conversation; to reduced sharing of interests, emotions, or affect; to failure to initiate or respond to social interactions.
  - b. Deficits in nonverbal communicative behaviors used for social interaction, ranging, for example, from poorly integrated verbal and nonverbal

- communication; to abnormalities in eye contact and body language or deficits in understanding and use of gestures; to a total lack of facial expressions and nonverbal communication.
- c. Deficits in developing, maintaining, and understanding relationships, ranging, for example, from difficulties adjusting behavior to suit various social contexts; to difficulties in sharing imaginative play or in making friends; to absence of interest in peers.
2. Restricted, repetitive patterns of behavior, interests, or activities, as manifested by at least two of the following, currently or by history (examples are illustrative, not exhaustive):
- a. Stereotyped or repetitive motor movements, use of objects, or speech (e.g., simple motor stereotypes, lining up toys or flipping objects, echolalia, idiosyncratic phrases).
  - b. Insistence on sameness, inflexible adherence to routines, or ritualized patterns of verbal or nonverbal behavior (e.g., extreme distress at small changes, difficulties with transitions, rigid thinking patterns, greeting rituals, needs to take same routine to eat same food every day).
  - c. Highly restricted, fixated interests that are abnormal in intensity or focus (e.g., strong attachment to or preoccupation with unusual objects, excessively circumscribed or perseverative interests).
  - d. Hyper- or hyporeactivity to sensory input or unusual interest in sensory aspects of the environment (e.g., apparent indifference to pain/temperature, adverse response to specific sounds or textures, excessive smelling or touching of objects, visual fascination with lights or movement).

In addition to the above-cited descriptive diagnostic criteria, the DSM-5 also allows for an identification of the severity levels for Social Communication and Restricted, Repetitive Behaviors using the following rubrics:

### **Level 1: Requiring Support**

#### **Social Communication:**

Without supports in place, deficits in social communication cause noticeable impairments. Difficulty initiating social interactions, and clear examples of atypical or unsuccessful responses to social overtures of others. May appear to have decreased interest in social interactions.

#### **Restricted, Repetitive Behaviors:**

Inflexibility of behavior causes significant interference with functioning in one or more contexts. Difficulty switching between activities. Problems of organization and planning hamper independence.

## Level 2: Requiring Substantial Support

### **Social Communication:**

Marked deficits in verbal and nonverbal social communication skills; social impairments apparent even with supports in place; limited initiation of social interactions; and reduced or abnormal responses to social overtures from others.

### **Restricted, Repetitive Behaviors:**

Inflexibility of behavior, difficulty coping with change, or other restricted/repetitive behaviors appear frequently enough to be obvious to the casual observer and interfere with functioning in a variety of contexts. Distress and/or difficulty changing focus or action.

## Level 3: Requiring Very Substantial Support

### **Social Communication**

Severe deficits in verbal and nonverbal social communication skills cause severe impairments in functioning, very limited initiation of social interactions, and minimal response to social overtures from others.

### **Restricted, Repetitive Behaviors**

Inflexibility of behavior, extreme difficulty coping with change, or other restricted/repetitive behaviors markedly interfere with functioning in all spheres. Great distress/difficulty changing focus or action.

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**NOTE:** According to the DSM-5, individuals with a well-established DSM-IV diagnosis of autistic disorder, Asperger's disorder, or pervasive developmental disorder-not otherwise specified should be given the diagnosis of autism spectrum disorder. Individuals who have marked deficits in social communication, but whose symptoms do not otherwise meet criteria for autism spectrum disorder, should be evaluated for social (pragmatic) communication disorder.

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**NOTE:** For children with a diagnosis of Social (Pragmatic) Communication Disorder, as according to DSM-5, it would be more appropriate to consider eligibility under the category of speech or language impairment.

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**Initial Evaluation.** The list below provides the evaluation team with highly recommended components of an initial evaluation to determine whether a child is eligible for and in need of special education and related services under the eligibility category of autism:

1. For preschool-aged children, review existing screening data and/or any previously conducted evaluation data. For school-aged children, review and consider complete SAT file documentation and existing evaluation data, such as school health records, previous test scores, grades, and home language survey.
2. Gather and analyze developmental/educational, medical (including vision and hearing), family, and social history, including an interview with the parent(s)/guardian(s).
3. Complete direct observations across multiple settings, both structured and unstructured and various times.
4. Conduct an assessment of cognitive abilities.

5. Complete a systematic review of individual academic achievement performance including formal and informal measures.
6. Administer an individual academic achievement assessment in the area(s) of suspected need and for which instruction and intervention have been documented.
7. Conduct an adaptive behavior assessment including information in the areas of conceptual, social and practical skills.
8. Conduct a speech/language/communication assessment.
9. Conduct a sensory processing and motor skills assessment.
10. Conduct a social/emotional assessment.
11. Gather autism specific information through the use of an autism instrument.
12. Complete a transition assessment, including a vocational evaluation (as appropriate).
13. When an evaluation in any area is unable to be completed using standardized measures, the evaluation team should use alternative methods of obtaining data to gather information about the child's present levels of performance.

**Potential additional components** of an initial evaluation, as determined by the evaluation team:

1. Conduct or obtain a psychological evaluation consistent with area(s) of suspected disability.
2. Obtain a current physical examination consistent with area(s) of suspected disability.
3. Obtain a neurological assessment.
4. Use rating scales/checklists to collect data about the frequency and intensity of behaviors of concern, including both internalizing and externalizing behaviors.
5. Conduct a functional behavior assessment.

**Eligibility Determination.** For a child to be eligible to receive special education and related services under the eligibility category of autism, as defined by IDEA (2004), the EDT must document that the child meets all of the following eligibility criteria:

1. The EDT has eliminated the possibility that lack of appropriate instruction in reading or math is a determinant factor. For preschool children, consider whether the child has had the opportunity to participate in developmentally appropriate early childhood experiences;
2. The EDT has eliminated the possibility that limited English proficiency is a determinant factor;
3. The EDT has eliminated the possibility that the child's educational performance is adversely affected primarily because of an emotional disturbance;
4. The EDT has determined that no other eligibility category better describes the child's disability; and
5. The assessment and evaluation demonstrate the child meets the requirements of the autism definition.

In addition, the EDT must document that the child demonstrates a need for special education and related services because, as a result of the disability, the child requires specially designed instruction in order to: (a) be involved in and make progress in the general education curriculum (or for a preschool child, to participate in appropriate activities); (b) participate in extracurricular and other nonacademic activities; and/or (c) be educated and participate with other children with disabilities and nondisabled children.

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**NOTE:** If the child is determined to be eligible for special education and related services under the category of autism, then he or she would not be eligible under the category of developmental delay (DD). Eligibility under all other disability categories must be excluded before DD can be considered. (Subsection F (2) (a) of 6.31.2.10 NMAC)

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**Reevaluation.** The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special education and related services. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

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**NOTE:** Research has clearly documented that children's performance on standardized assessments increases with multiple administration due to the effect of practice. As such, the evaluator must carefully weigh the practice effects against the justification for re-administering the same assessment within a relatively short amount of time.

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As part of this process, the EDT must answer these two questions:

1. What, if any, assessment information (formal or informal) needs to be collected to determine whether the child continues to be eligible for and in need of special education and related services under the eligibility criteria of autism?
2. What, if any, assessment information (formal or informal) needs to be collected to develop an appropriate Individualized Education Program (IEP) to meet the child's unique needs?

Reevaluation does not necessarily mean more testing. If existing data do not provide adequate information to answer these critical questions, additional assessments may need to be conducted to provide necessary data to determine continued eligibility, provide solid information for program planning, and address concerns, questions, or developments since the last evaluation. To assist the EDT in determining what assessments, if any, may be needed, the team should:

1. Review existing evaluation data related to the child to include:
  - a. Current classroom-based, short-cycle, and/or state assessments;
  - b. Observations and information provided by teachers and related service providers; and
  - c. Observations, information, and/or evaluations provided by the child's parents.

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**NOTE:** Additional information may include, but is not limited to, feedback from the child, grades, and attendance.

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2. Based on this review, and including input from the child's teachers, parents, and other service providers, the team must answer each of these questions:
  - a. What are the child's present levels of academic achievement and functional performance?
  - b. What are the child's educational needs?
  - c. Does the child continue to have a disability?

- d. Does the child continue to need specialized instruction and related services?  
and
- e. What, if any, changes to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child's IEP and to participate, as appropriate, in the general education curriculum?

If the EDT decides that additional assessment information is needed to answer the questions above, the reevaluation should include assessments that are deemed necessary as a result of concerns, questions, or developments since the last evaluation.

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**NOTE:** There are no specific reevaluation eligibility criteria; therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the Review of Existing Evaluation Data (REED) process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

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**NOTE:** The assessment of cognitive abilities may be important if the most current cognitive results were gathered before age eight (Neisworth & Bagnato 1992).

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**Discontinuation of Special Education Services.** Children with autism should be considered for discontinuation of special education supports and services when they demonstrate the ability to function independently, access and perform adequately in the general curriculum, including extracurricular and nonacademic activities, and no longer demonstrate a need for special education services. The local education agency (LEA) must evaluate the child before determining that the child is no longer a child with a disability (34 CFR Sec. 300.305(e)(1)).

Any child whose special education services are discontinued should promptly be referred to the SAT at his or her school to ensure that the child is supported in this important transition period. Monitoring of social skills, behavior, communication, current levels of academic performance, and independence may continue to be necessary. For a child with autism, the SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

## Resources

Autism Society of America  
800-3-autism  
Toll free: 800-3-AUTISM (800.328.8476)  
<http://www.autism-society.org>

Diagnostic and Statistical Manual of Mental Disorders - Fifth Edition,  
American Psychiatric Association, American Psychiatric Publishing,  
Washington, DC and London, England, 2013

New Mexico Autism Society (NMAS)  
505-332-0306 (Albuquerque)  
<http://www.nmautismsociety.org>

The Autism Programs at the CCD/UNM  
Toll free: 800-270-1861  
505-272-1852  
<http://cdd.unm.edu/autism/>

# Eligibility Determination: Autism

Child's Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

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 as defined in 34 CFR Sec. 300.8(c)(4). A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria described in paragraph 34 CFR Sec. 300.8(c)(1)(i) are satisfied. (34 CFR Sec. 300.8(c)(1))

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**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in making an eligibility determination under the category of autism.**

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**Document assessment and evaluation data.** The EDT must review and/or complete the following evaluations and/or assessments according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017):

- screening data/previously conducted evaluation data (preschool aged children); SAT file documentation (school aged children)  
Date: \_\_\_\_\_
- child's history, including an interview with the parent(s)/guardian(s)  
Date: \_\_\_\_\_
- complete multiple direct observations across both structured and unstructured settings and various times  
Date: \_\_\_\_\_

- Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- assessment of cognitive abilities  
Date: \_\_\_\_\_
- systematic review of individual academic achievement performance  
Date: \_\_\_\_\_
- academic achievement assessment  
Date: \_\_\_\_\_
- adaptive behavior assessment  
Date: \_\_\_\_\_
- speech/ language/communication assessment  
Date: \_\_\_\_\_
- sensory processing and motor skills assessment  
Date: \_\_\_\_\_
- social/emotional assessment  
Date: \_\_\_\_\_
- autism specific information (e.g. autism instrument)  
Date: \_\_\_\_\_
- transition assessment, as appropriate  
Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_

**Determine the presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child is a child with autism according to the requirements of IDEA (34 CFR Sec. 300.8(c)(1)). The questions below should be answered to help the EDT determine whether or not the child has a disability as defined by IDEA (2004).

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**NOTE:** It is imperative that EDTs remember that multiple sources of evaluation data (including standardized and non-standardized) must be used for all eligibility determination decisions. It is essential that teams look at the whole child, not simply test scores. EDTs are strongly encouraged to review the introduction to this manual; particularly sections related to professional judgment (section 3), multilingual assessment issues (section 4), and the use and interpretation of standardized assessments and obtained scores (section 5).

---

1. Has the EDT eliminated the possibility that either the lack of (a) appropriate instruction in reading or math **and/or** (b) the opportunity to participate in developmentally appropriate early childhood experiences is a determinant factor?

YES       NO

Documentation:

√ If answered NO, the child is not eligible under the autism category.

2. Has the EDT eliminated the possibility that limited English proficiency is a determinant factor?

YES  NO

Documentation:

√ If answered NO, the child is not eligible under the autism category.

3. Has the EDT eliminated the possibility that the child's educational performance is adversely affected primarily because the child has an emotional disturbance?

YES  NO

Documentation:

√ If answered NO, the child is not eligible under the autism category.

4. Has the EDT determined that the assessment and evaluation data demonstrate that the child is a child with autism as defined by IDEA (2004)?

YES  NO

Documentation:

√ If answered NO, the child is not eligible under the autism category.

5. Has the EDT determined that no other eligibility category better describes this child's disability?

YES  NO

Documentation:

√ If answered NO, the child is not eligible under the autism category.

**Determine need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child requires specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004).

1. 1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

YES  NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

YES  NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?  
 YES       NO  
 Rationale/Documentation:

√Answering “yes” to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

**Determination of eligibility for special education and related services.**

The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child is eligible under the eligibility category of autism.
  - The results of the evaluation documents that the child is eligible for and in need of special education and related services under the eligibility category of autism as defined by IDEA (2004).
  
- The child is not eligible under the eligibility category of autism.
  - The results of the evaluation indicate that the child does not have autism as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.
  - The results of the evaluation indicate that the child does not have autism as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_. (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that the child has autism as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child’s primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that although the child has autism as defined by IDEA (2004), the EDT has determined that the child’s educational needs can be met without specially designed instruction.
  
- The EDT is unable to determine eligibility under the eligibility category of autism. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:
  - Additional information from:
  - Additional assessments in the following areas:
  - Other:

## Eligibility Determination Team Participants

	<b>Title/Name</b>	<b>Date</b>	<b>Signature</b>
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

**Notes:**

## Reevaluation Eligibility Determination: Autism

Child's Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

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 as defined in 34 CFR Sec. 300.8(c)(4). A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria described in paragraph 34 CFR Sec. 300.8(c)(1)(i) are satisfied. (34 CFR Sec. 300.8(c)(1))

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**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in making an eligibility determination under the category of autism.**

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**Review of evaluation data.** The EDT reviewed and/or completed the following evaluations and/or assessments as part of the reevaluation process according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (2017):

- current classroom-based, short-cycle, and/or state assessments  
Date: \_\_\_\_\_
- complete multiple direct observations across both structured and unstructured settings and various times  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- observations and information provided by teachers and related service providers  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_

- Date: \_\_\_\_\_  
 observations, information, and/or evaluations provided by the child's parents  
 Date(s): \_\_\_\_\_

Other assessment information included:

- assessment of cognitive abilities  
Date: \_\_\_\_\_
- academic achievement assessment  
Date: \_\_\_\_\_
- adaptive behavior assessment  
Date: \_\_\_\_\_
- speech/language/communication assessment  
Date: \_\_\_\_\_
- sensory processing and motor skills assessment  
Date: \_\_\_\_\_
- social/emotional assessment  
Date: \_\_\_\_\_
- autism specific information (e.g., autism instrument)  
Date: \_\_\_\_\_
- transition assessment, as appropriate  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_

**Determine the continued presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child continues to be a child with autism according to the requirements of IDEA (34 CFR Sec. 300.8(c)(1)). The questions below should be answered to help the EDT determine whether or not the child continues to have a disability as defined by IDEA (2004).

1. Has the EDT determined that the assessment and evaluation data demonstrate that the child continues to be a child with autism as defined by IDEA (2004)?

YES       NO

Documentation:

√ If answered NO, the child is no longer eligible under the autism category.

2. Has the EDT determined that no other eligibility category better describes this child's disability?

YES       NO

Documentation:

√ If answered NO, the child is no longer eligible under the autism category.

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**NOTE:** There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

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**Determine continued need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child continues to require specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004).

To answer the following questions, the EDT should consider (a) the child's present levels of academic achievement and functional performance, (b) the child's educational needs, and (c) any necessary changes to the child's educational program.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?  
 YES       NO  
Rationale/Documentation:
  
2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?  
 YES       NO  
Rationale/Documentation:
  
3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?  
 YES       NO  
Rationale/Documentation:

√Answering "yes" to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

**Determination of continued eligibility for special education and related services.** The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child continues to be eligible under the eligibility category of autism.
  - The results of the evaluation documents that the child continues to be eligible for and in need of special education services under the eligibility category of autism as defined by IDEA (2004).

- The child is no longer eligible under the eligibility category of autism.
  - The results of the evaluation indicate that the child no longer has autism as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.
  - The results of the evaluation indicate that the child no longer has autism as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_. (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that the child continues to have autism as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child's primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that although the child continues to have autism as defined by IDEA (2004), the EDT has determined that the child's educational needs can be met without specially designed instruction.
  
- The EDT is unable to determine continued eligibility under the eligibility category of autism. The following information is needed in order for the EDT to reconvene and make a continued eligibility determination decision:
  - Additional information from:
  - Additional assessments in the following areas:
  - Other:

## Reevaluation Eligibility Determination Team Participants

	Title/Name	Date	Signature
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

**Notes:**

# Deaf-Blindness

**Definition.** Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness. (34 CFR Sec. 300.8(c)(2))

**Characteristics and Educational Impact.** Children who are eligible for special education and related services under the category of deaf-blindness have a disability that adversely affects their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To identify characteristics and educational impact, the eligibility determination team (EDT) must address the question of “How do these characteristics of the disability manifest in the child’s natural environment (e.g., home, classroom, recess, etc.)?”

As with all disabilities, the characteristics and educational impact for children with deaf-blindness will vary greatly. The following sections outline characteristics that may be associated with deaf-blindness and possible educational impact of those characteristics. This information does not represent an exhaustive list of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with deaf-blindness will demonstrate all of the following characteristics.

**Preschool-aged Children.** For preschool-aged children with deaf-blindness, it is important to consider developmentally appropriate skill levels and behaviors for the child’s age, since they are not necessarily involved in the general education curriculum. For preschool-aged children with deaf-blindness, the observed characteristics are very similar (although not identical) to those demonstrated by school-aged children with deaf-blindness. The impact of the disability may be manifested in one or more ways, including, but not limited to:

## Communication

- Deficits in communication, including difficulty:
  - Communicating in a conventional manner in order to be understood by parents, peers, and teachers; and/or
  - Accessing information from others.

## Social/Emotional

- Deficits in social/emotional skills, including difficulty:
  - Participating in, and learning from, age-appropriate activities at home, school, and in the community; and/or
  - Engaging in socially appropriate interactions with peers, parents, and others.

**School-aged Children.** For school-aged children with deaf-blindness, the impact of the disability may be manifested in one or more of the following ways:

## Communication

- Deficits in communication, including difficulty:
  - Demonstrating age-appropriate communication skills, including using conventional forms of communication; and/or
  - Accessing information from others.

### **Social/Emotional**

- Deficits in social/emotional skills, including difficulty:
  - Participating in, and learning from, age-appropriate activities at home, school, and in the community; and/or
  - Engaging in socially appropriate interactions with peers, parents, teachers, and others.

### **Academics**

- Academic achievement delays due to full or partial inability to:
  - Access information from teachers and the environment, and/or
  - Participate actively in learning activities.

The National Technical Assistance Consortium for Children and Young Adults Who Are Deaf-Blind provides an overview of the impact of deaf-blindness:

People rely upon information about the world around them in order to learn, function, and interact with others. Vision and hearing are the major senses through which this information is accessed. Deaf-blindness is a disability of access—access to visual and auditory information.

Deaf-blindness does not necessarily refer to a total inability to see or hear. Many individuals who are deaf-blind have some usable hearing and/or vision. However, the concomitant effect of both vision and hearing loss is significant. It greatly affects the ability to access information.

**Special Considerations for Assessment.** Since no formal assessments have been standardized with children with deaf-blindness, the evaluation team must rely heavily on informal, individually planned assessment information for evaluation and program planning.

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**NOTE:** It is imperative that EDTs remember that multiple sources of evaluation data (including standardized and non-standardized) must be used for all eligibility determination decisions. It is essential that teams look at the whole child, not simply test scores. EDTs are strongly encouraged to review the introduction to this manual, particularly sections related to professional judgment (section 3), multilingual assessment issues (section 4), and the use and interpretation of standardized assessments and obtained scores (section 5).

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In order to choose appropriate tests and procedures, the evaluator must first determine which language or communication systems the child uses, including a description of the level of the child's competence.

The evaluator may wish to consult with a person who is trained in the education of children with hearing impairment, including deafness, and visual impairment, including blindness, regarding choice of test instruments and any modifications in the methods, materials, and environment that might enhance the assessment.

Consistent with Individuals with Disabilities Education Act (IDEA 2004), it is essential that assessment results accurately reflect the factors being assessed (e.g., cognitive skills, achievement level, etc.), rather than other factors (e.g., sensory, motor, or communication skills). This is particularly relevant when assessing a child with a known or suspected deaf-blindness, and it is important that assessment results are not negatively impacted by the child's sensory skills.

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**NOTE:** In order to choose appropriate tests and procedures, the evaluator must first determine which language, or communication system(s) the child uses. The assessment should include a description of the intelligibility of all systems used.

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**Initial Evaluation.** The list below provides the evaluation team with highly recommended components of an initial evaluation to determine whether a student is eligible for and in need of special education and related services under the eligibility category of deaf-blindness:

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**NOTE:** It is highly recommended that a functional vision evaluation and a learning media assessment conducted by a licensed Teacher(s) of Students with Blindness/Visual Impairment be completed prior to the educational assessments.

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**NOTE:** It is possible for a child to have both a hearing impairment and/or visual impairment and intellectual disability. As with all eligibility determination decisions, EDT teams are reminded to use multiple sources of information when making decisions regarding a child's eligibility for special education and related services under the category of intellectual disability.

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1. For preschool-aged children, review existing screening data and/or any previously conducted evaluation data. For school-aged children, review and consider complete SAT file documentation and existing evaluation data, such as school health records, previous test scores, grades, and home language survey.
2. Gather and analyze developmental/educational, medical (including vision and hearing), family, and social history, including an interview with the parent(s)/guardian(s).
3. Obtain a current, comprehensive audiological evaluation by a licensed audiologist to determine degree and type of hearing loss, including the assessment of hearing levels (both aided and unaided) and the functional use of hearing.
4. Obtain an eye examination conducted by a licensed eye specialist, such as an ophthalmologist or an optometrist, to determine the presence of an eye condition. The written report (Appendix B) must include the diagnosis of the eye condition, visual acuity, and recommendations in regard to using prescription lenses.
5. Complete a functional vision evaluation coordinated by a licensed Teacher(s) of Students with Blindness/Visual Impairment. This must include:
  - Observations of visual responses;
  - Screening tests and self-report (when appropriate) of visual abilities;
  - Observations by parents and teachers; and
  - Observation of accommodations in classroom methods, materials, and environment (including lighting, time of day, location in the classroom, etc.).
6. Conduct a speech/language/communication assessment.
7. Obtain a learning media assessment conducted by a licensed Teacher(s) of Students with Blindness/Visual Impairment. The learning media assessment should address the sensory channels the child uses to access information and should determine the child's primary literacy medium. A statement of need for continuing assessment of literacy media should be included if the child is an emergent reader.

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**NOTE:** "Learning media" are defined as the materials or methods that a child uses for reading and writing as well as the sensory channels utilized to access information.

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8. Complete direct observations across multiple settings and times, both structured and unstructured and various times.
9. Complete a systematic review of individual academic achievement, including formal and informal measures.
10. Complete a transition assessment, including a functional vocational evaluation (as appropriate).
11. When an evaluation in any area is unable to be completed using standardized measures, the evaluation team should use alternative methods of obtaining data, to gather information about the child's present levels of performance.

**Potential additional components** of an initial evaluation, as determined by the evaluation team:

1. Administer an individual academic achievement assessment, in the area(s) of suspected need and for which instruction and intervention have been documented.
2. Conduct an adaptive behavior assessment including information, in the areas of conceptual, social, and practical skills.
3. Conduct an assessment of cognitive abilities.
4. Conduct a motor skills assessment.
5. Conduct an assessment of orientation and mobility skills.
6. Conduct social/emotional assessments across settings.
7. Conduct an assistive technology evaluation.

**Eligibility Determination.** For a child to be eligible to receive special education or related services under the eligibility category of deaf-blindness, as defined under IDEA (2004), the EDT must document that the child meets all of the following eligibility criteria:

1. The EDT has eliminated the possibility that lack of appropriate instruction in reading or math is a determinant factor. For preschool children, consider whether the child has had the opportunity to participate in developmentally appropriate early childhood experiences;
2. The EDT has eliminated the possibility that limited English proficiency is a determinant factor;
3. The EDT has determined that no other eligibility category better describes the child's disability; and
4. The assessment and evaluation demonstrate the child meets the requirements of the deaf-blindness definition.

In addition, the EDT must document that the child demonstrates a need for special education and related services because, as a result of the disability, the child requires specially designed instruction in order to: (a) be involved in and make progress in the general education curriculum; (b) participate in extracurricular and other nonacademic activities; and/or (c) be educated and participate with other children with disabilities and nondisabled children.

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**NOTE:** The category of multiple disabilities is not appropriate for children with deaf-blindness if there are no other concomitant, significant disabling conditions.

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**NOTE:** If the child is determined to be eligible for special education and related services under the category of deaf-blindness, then he or she would not be eligible under the category of developmental delay (DD). Eligibility under all other disability categories must be excluded before DD can be considered. (Subsection F (2) (a) of 6.31.2.10 NMAC)

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**Reevaluation.** The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special education and related services. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

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**NOTE:** Research has clearly documented that children's performance on standardized assessments increases with multiple administration due to the effect of practice. As such, the evaluator must carefully weigh the practice effects against the justification for re-administering the same assessment within a relatively short amount of time.

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As part of this process, the EDT must answer these two questions:

1. What, if any, assessment information (formal or informal) needs to be collected to determine whether the child continues to be eligible for and in need of special education and related services under the eligibility criteria of deaf-blindness?
2. What, if any, assessment information (formal or informal) needs to be collected to develop an appropriate Individualized Education Program (IEP) to meet the child's unique needs?

Reevaluation does not necessarily mean more testing. If existing data do not provide adequate information to answer these critical questions, additional assessments may need to be conducted to provide necessary data to determine continued eligibility, provide solid information for program planning, and address concerns, questions, or developments since the last evaluation. To assist the EDT in determining what assessments, if any, may be needed, the team should:

1. Review existing evaluation data related to the child to include:
  - a. Current classroom-based, short-cycle, and/or state assessments;
  - b. Observations and information provided by teachers and related service providers; and
  - c. Observations, information, and/or evaluations provided by the child's parents.

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**NOTE:** Additional information may include, but is not limited to, feedback from the child, grades, and attendance.

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2. Based on this review, and including input from the child's teachers, parents, and other service providers, the team must answer each of these questions:
  - a. What are the child's present levels of academic achievement and functional performance?
  - b. What are the child's educational needs?
  - c. Does the child continue to have a disability?
  - d. Does the child continue to need specialized instruction and related services?  
and

- e. What, if any, changes to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child's IEP and to participate, as appropriate, in the general education curriculum?

If the EDT decides that additional assessment information is needed to answer the questions above, the reevaluation should include assessments that are deemed necessary as a result of concerns, questions, or developments since the last evaluation.

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**NOTE:** There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the Review of Existing Evaluation Data (REED) process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

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**Discontinuation of Special Education Services.** It is important to avoid prematurely discontinuing special education supports and services, as children with deaf-blindness will likely continue to need special education and/or related services throughout their school tenure. With appropriate special education supports, the child's functioning will generally improve and the intensity of their supports may simply need to be adapted.

Children with deaf-blindness should be considered for discontinuation of special education supports and services when they demonstrate the ability to function independently, access and perform adequately in the general curriculum, including extracurricular and nonacademic activities, and no longer demonstrate a need for special education services. The local education agency (LEA) must evaluate the child before determining that the child is no longer a child with a disability (34 CFR Sec. 300.305(e)(1)).

Any child whose special education services are discontinued should promptly be referred to the SAT at his or her school to ensure that the child is supported in this important transition period. For a child with deaf-blindness, the SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

## Resources

American Foundation for the Blind (AFB) 800-233-1839  
[www.afb.org](http://www.afb.org)

American Printing House for the Blind (APH) 800-223-1839  
[www.aph.org](http://www.aph.org)  
Email: [info@aph.org](mailto:info@aph.org)

Association for the Education and Rehabilitation for the Blind and Visually Impaired  
703-671-4500  
[www.aerbvi.org](http://www.aerbvi.org)  
Email: [aer@aerbvi.org](mailto:aer@aerbvi.org)

Helen Keller National Center for Deaf- blindness  
516-944-8900  
[www.hknc.org](http://www.hknc.org)  
Email: [kncinfo@hknc.org](mailto:kncinfo@hknc.org)

Learning Ally  
(formerly Recordings for the Blind and Dyslexic)  
Toll free: 800-221-4792  
<http://www.learningally.org/>

Library of Congress  
Toll free: 800-424-8567  
[www.loc.gov/nls](http://www.loc.gov/nls)

Local Lion's Club  
[www.lionsclubs.org](http://www.lionsclubs.org)

National Association for Parents of Children with Visual Impairments (NAPVI)  
Toll Free: 800-562-6265  
<http://www.lighthouseguild.org/programs-services/education/napvi>

National Center on Deaf-Blindness  
Toll free: 877-614-4051  
[www.nationaldb.org](http://www.nationaldb.org)

New Mexico Academy of Ophthalmology  
505-366-3273  
[www.nmao.org](http://www.nmao.org)

New Mexico Commission for the Blind  
<http://www.cfb.state.nm.us/>

New Mexico School for the Blind and Visually Impaired  
Toll free: 800-437-3505  
[www.nmsvh.k12.nm.us](http://www.nmsvh.k12.nm.us)

New Mexico School for the Blind and Visually Impaired Instructional Resource Center (IRC)  
Toll free: 800-437-3505 ext. 4437  
<http://www.nmsbvi.k12.nm.us/IRC.html>  
Email: [IRC@nmsbvi.k12.nm.us](mailto:IRC@nmsbvi.k12.nm.us)

New Mexico State Library  
Toll Free: 800-456-5515  
[www.nmstatelibrary.org](http://www.nmstatelibrary.org)

Project for New Mexico Students who are Deaf-Blind  
Toll free: 877-614-4051  
<http://cdd.unm.edu/deafblind>

Texas School for the Blind and Visually Impaired  
Toll free: 800-872-5273  
[www.tsbvi.edu](http://www.tsbvi.edu)

## Eligibility Determination: Deaf-Blindness

Child Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

Deaf-Blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness. (34 CFR Sec. 300.8(c)(2))

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**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in making an eligibility determination under the category of deaf-blindness.**

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**Document assessment and evaluation data.** The EDT must review and/or complete the following evaluations and/or assessments according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017):

- screening data/previously conducted evaluation data (preschool aged children); SAT file documentation (school aged children)  
Date: \_\_\_\_\_
- child's history, including an interview with the parent(s)/guardian(s)  
Date: \_\_\_\_\_
- audiological examination  
Date: \_\_\_\_\_
- eye examination conducted by licensed eye specialist  
Date: \_\_\_\_\_
- functional visual evaluation  
Date: \_\_\_\_\_
- speech/ language/communication assessment  
Date: \_\_\_\_\_
- learning media assessment  
Date: \_\_\_\_\_

- complete multiple direct observations across both structured and unstructured settings and various times  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- systematic review of individual academic achievement performance  
Date: \_\_\_\_\_
- transition assessment, as appropriate  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_

**Determine the presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child is a child with deaf-blindness according to the requirements of IDEA (34 CFR Sec. 300.8(c)(2)). The questions below should be answered to help the EDT determine whether or not the child has a disability as defined by IDEA (2004).

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**NOTE:** It is imperative that EDTs remember that multiple sources of evaluation data (including standardized and non-standardized) must be used for all eligibility determination decisions. It is essential that teams look at the whole child, not simply test scores. EDTs are strongly encouraged to review the introduction to this manual, particularly sections related to professional judgment (section 3), multilingual assessment issues (section 4), and the use and interpretation of standardized assessments and obtained scores (section 5).

---

1. Has the EDT eliminated the possibility that either the lack of (a) appropriate instruction in reading or math **and/or** (b) the opportunity to participate in developmentally appropriate early childhood experiences is a determinant factor?

YES                       NO

Documentation:

√ If answered NO, the child is not eligible under the deaf-blindness category.

2. Has the EDT eliminated the possibility that limited English proficiency is a determinant factor?

YES                       NO

Documentation:

√ If answered NO, the child is not eligible under the deaf-blindness category.

3. Has the EDT determined that the assessment and evaluation data demonstrate that the child is a child with deaf-blindness as defined by IDEA (2004)?

YES                       NO

Documentation:

√ If answered NO, the child is not eligible under the deaf-blindness category.

4. Has the EDT determined that no other eligibility category better describes this child's disability?

YES                       NO

Documentation:

√If answered NO, the child is not eligible under the deaf-blindness category.

**Determine need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child requires specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004).

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

YES                       NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

YES                       NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?

YES                       NO

Rationale/Documentation:

√Answering YES to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

**Determination of eligibility for special education and related services.**

The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child is eligible under the eligibility category of deaf-blindness.
  - The results of the evaluation documents that the child is eligible for and in need of special education services under the eligibility category of deaf-blindness as defined by IDEA (2004).

- The child is not eligible under the eligibility category of deaf-blindness.
  - The results of the evaluation indicate that the child does not have deaf-blindness as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.
  - The results of the evaluation indicate that the child does not have deaf-blindness as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_. (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that the child has deaf-blindness as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child's primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that although the child has deaf-blindness as defined by IDEA (2004), the EDT has determined that the child's educational needs can be met without specially designed instruction.
  
- The EDT is unable to determine eligibility under the eligibility category of deaf-blindness. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:
  - Additional information from:
  - Additional assessments in the following areas:
  - Other:

## Eligibility Determination Team Participants

	<b>Title/Name</b>	<b>Date</b>	<b>Signature</b>
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

**Notes:**

## Reevaluation Eligibility Determination: Deaf-Blindness

Child Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness. (34 CFR Sec. 300.8(c)(2))

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**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in determining continued eligibility under the category of deaf-blindness.**

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**Review of evaluation data.** The EDT reviewed and/or completed the following evaluations and/or assessments as part of the reevaluation process according to the recommendations established in the New Mexico Technical Evaluation and Assistance Manual (2017):

- current classroom-based, short-cycle, and/or state assessments  
Date: \_\_\_\_\_
- complete multiple direct observations across both structured and unstructured settings and various times  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- observations and information provided by teachers and related service providers  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- observations, information, and/or evaluations provided by the child's parents  
Date(s): \_\_\_\_\_

Other assessment information included:

- audiological evaluation  
Date: \_\_\_\_\_
- eye examination  
Date: \_\_\_\_\_
- functional visual evaluation  
Date: \_\_\_\_\_
- speech/ language/communication assessment  
Date: \_\_\_\_\_
- learning media assessment  
Date: \_\_\_\_\_
- systematic review of achievement  
Date: \_\_\_\_\_
- transition assessment, as appropriate  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_

**Determine the continued presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child continues to be a child with deaf-blindness according to the requirements of IDEA (34 CFR Sec. 300.8(c)(2)). The questions below should be answered to help the EDT determine whether or not the child continues to have a disability as defined by IDEA (2004).

1. Has the EDT determined that the assessment and evaluation data demonstrate that the child continues to be a child with deaf-blindness as defined by IDEA (2004)?  
 YES       NO  
Documentation:

√ If answered NO, the child is no longer eligible under the deaf-blindness category.

2. Has the EDT determined that no other eligibility category better describes this child's disability?  
 YES       NO  
Documentation:

√ If answered NO, the child is no longer eligible under the deaf-blindness category.

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**NOTE:** There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

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Determine continued need for specially designed instruction. The assessment and evaluation data documented above must demonstrate that the child continues to require specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004).

To answer the following questions, the EDT should consider (a) the child's present levels of academic achievement and functional performance, (b) the child's educational needs, and (c) any necessary changes to the child's educational program.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

YES       NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

YES       NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?

YES       NO

Rationale/Documentation:

√Answering "yes" to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

**Determination of continued eligibility for special education and related services.** The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child continues to be eligible under the eligibility category of deaf-blindness.
  - The results of the evaluation documents that the child continues to be eligible for and in need of special education services under the eligibility category of deaf-blindness as defined by IDEA (2004).

- The child is no longer eligible under the eligibility category of deaf-blindness.
  - The results of the evaluation indicate that the child no longer has deaf-blindness as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.
  - The results of the evaluation indicate that the child no longer has deaf-blindness as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_.  
(Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that the child continues to have deaf-blindness as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child's primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that although the child continues to have deaf-blindness as defined by IDEA (2004), the EDT has determined that the child's educational needs can be met without specially designed instruction.
  
- The EDT is unable to determine continued eligibility under the eligibility category of deaf-blindness. The following information is needed in order for the EDT to reconvene and make a continued eligibility determination decision:
  - Additional information from:
  - Additional assessments in the following areas:
  - Other:

## Reevaluation Eligibility Determination Team Participants

	Title/Name	Date	Signature
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

**Notes:**

# Developmental Delay

**Definition.** Developmental delay means a child who is experiencing developmental delays, as defined by the State and 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; and who, by reason thereof, needs special education and related services. The eligibility category may be applicable for children aged three through nine (or any subset of that age range). (34 CFR Sec. 300.8(b))

In New Mexico, developmental delay (DD) is called developmentally delayed and means a child aged 3 through 9 (or who will turn 3 at any time during the school year) with documented delays in development which are at least two standard deviations below the mean on a standardized test instrument or 30 percent below chronological age; and who, in the professional judgment of the IEP team and one or more qualified evaluators, needs special education and related services in at least one of the following areas: communication development, cognitive development, physical development, social or emotional development, or adaptive development. A child with a disability who only needs a related service, as defined under 34 CFR Sec. 300.34, and not special education as defined under 34 CFR Sec. 300.39(a)(2)(i), is not eligible under IDEA, and is not eligible to receive related services.

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**NOTE:** To be eligible for special education and related services under this category a child must have a documented disability AND require specially designed instruction. Since NMAC changed in 2009, it is no longer possible for a child to be eligible under this category solely based on professional judgment.

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Subsection F (2) of 6.31.2.10 NMAC establishes that the use of the DD classification for children aged three through nine may be used at the option of individual local education agencies (LEA) but may only be used for children who do not qualify for special education under any other IDEA disability category. If an LEA chooses to use the eligibility category of DD, they must make that eligibility category available for children aged three through nine and cannot limit the eligibility to a different age range.

Children who are found eligible under the category of DD must be reevaluated during the school year in which they turn nine and will no longer be eligible in this category when they become 10. A child who does not qualify under any other IDEA eligibility category at age 10 will no longer be eligible for special education and related services.

**Characteristics and Educational Impact.** Children with DD have a disability that adversely affects their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To identify characteristics and educational impact, the EDT must address the question of “How do these characteristics of the disability manifest in the child’s natural environment (e.g., home, classroom, recess, etc.)?”

As with all disabilities, the characteristics and educational impact for children with DD will vary greatly. The following sections outline characteristics that may be associated with DD and possible educational impact of those characteristics. This information does not represent an

exhaustive list of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with DD will demonstrate all of the following characteristics.

**Preschool-aged Children.** For preschool-aged children with developmental delay, it is important to consider developmentally appropriate skill levels and behaviors for the child's age, since they are not necessarily involved in the general education curriculum. For preschool-aged children with DD, the impact of the disability may be manifested in one or more ways, including, but not limited to:

#### **Physical/Motor**

- Delays in physical development, including difficulty:
  - Sitting or standing due to difficulty maintaining or controlling posture;
  - Walking, running, jumping and/or moving due to physical or sensory-motor difficulties;
  - Exploring and learning from the environment due to difficulty with sensory awareness of the body;
  - Completing everyday tasks, such as getting dressed, completing puzzles, and brushing teeth due to sensory processing differences; and/or
  - Reaching and/or grasping of objects, including writing, coloring, cutting, and/or utensil use.

#### **Cognition**

- Delays in cognitive development, including difficulty:
  - Learning new information appropriate for the child's age, such as colors, numbers, letters, and shapes;
  - Initiating and completing tasks, such as getting dressed, playing with toys, and completing puzzles;
  - Following directions;
  - Visual and/or verbal memory;
  - Age appropriate problem solving; and/or
  - Categorizing.

#### **Communication**

- Delays in communication development, including difficulty:
  - Expressing wants, needs, and ideas in most situations;
  - Communicating intelligibly and/or fluently;
  - Engaging in appropriate social interaction, including taking and sharing turns with others;
  - Understanding and using age-appropriate vocabulary, language concepts, and/or conversation; and/or
  - Engaging in coordinated attention.

#### **Social/Emotional**

- Delays in social or emotional development, including difficulty:
  - Initiating, maintaining, and terminating appropriate social interactions;
  - Engaging in appropriate verbal and nonverbal behaviors across settings;
  - Transitioning effectively across settings and activities;
  - Complying with expectations and/or directions; and/or
  - Using effective problem strategies for a given situation

#### **Adaptive**

- Delays in adaptive development, including difficulty:
  - Performing age appropriate daily-living and self-help skills such as, toileting,

- o eating, dressing, and personal hygiene;
- o Engaging in and learning from developmentally appropriate play;
- o Establishing and maintaining friendships as developmentally appropriate;
- o Recognizing and responding appropriately to safe and unsafe situations; and/or
- o Engaging in self-directed activities, such as independent play and pre-academic tasks, at a developmentally appropriate level.

**School-aged Children.** For school-aged children with DD, the impact of the disability may be manifested in one or more ways, including, but not limited to:

### **Physical/Motor**

- Delays in physical development, including difficulty:
  - o Sitting or standing in school settings such as the classroom; cafeteria, and library;
  - o Moving throughout the school environment, or participating in recess and physical education activities;
  - o Exploring and learning from the environment;
  - o Engaging in everyday tasks and movement; and/or
  - o Reaching and/or grasping of objects (e.g., writing, coloring, keyboard and mouse use, utensil use).

### **Cognition**

- Delays in cognitive development, including difficulty:
  - o Learning new information at an appropriate rate; and/or
  - o Applying information to initiate and complete tasks.

### **Communication**

- Delays in communication development, including difficulty:
  - o Expressing wants, needs, and ideas across academic and nonacademic settings;
  - o Communicating intelligibly and/or fluently;
  - o Engaging in appropriate social interaction including taking and sharing turns with others; and/or
  - o Understanding and using age-appropriate vocabulary, language concepts, and/or conversation.

### **Social/Emotional**

- Delays in social or emotional development, including difficulty:
  - o Initiating, maintaining, and terminating appropriate social interactions;
  - o Engaging in appropriate verbal and nonverbal behaviors across academic and nonacademic settings;
  - o Demonstrating empathy;
  - o Transitioning effectively across settings and activities;
  - o Complying with school wide, classroom, and community expectations and/or directions; and/or
  - o Using effective problem-solving strategies for a given situation.

### **Adaptive**

- Delays in adaptive development, including difficulty:
  - o Performing age appropriate daily-living and self-help skills such as, toileting, eating, dressing, and personal hygiene;

- o Engaging in and learning from developmentally appropriate play;
- o Establishing and maintaining friendships at a developmentally appropriate level;
- o Using coping skills effectively across community, school and classroom settings;
- o Recognizing and responding appropriately to safe and unsafe situations; and/or
- o Engaging in self-directed activities, such as independent play and academic tasks, at a developmentally appropriate level.

**Special Considerations for Assessment.** As children transition out of Part C services and are evaluated for possible eligibility under IDEA (2004), it is important for evaluation teams to remember that “at risk” behaviors do not necessarily equate to a developmental delay as defined by IDEA (2004) and Subsection F (2) of 6.31.2.10 NMAC. Eligibility under all other eligibility categories must be excluded before DD can be considered.

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**NOTE:** It is imperative that EDTs remember that multiple sources of evaluation data (including standardized and non-standardized) must be used for all eligibility determination decisions. It is essential that teams look at the whole child, not simply test scores. EDTs are strongly encouraged to review the introduction to this manual, particularly sections related to professional judgment (section 3), multilingual assessment issues (section 4), and the use and interpretation of standardized assessments and obtained scores (section 5).

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Multiple transitions between and across multiple settings (e.g., home, school, and early intervention agencies) affect a child’s performance skills, so collaboration between various professionals and the child’s parents is essential in order to identify each child’s unique configuration of strengths, challenges, and temperament.

**Initial Evaluation.** The list below provides the evaluation team with highly recommended components of an initial evaluation to determine whether a student is eligible for and in need of special education and related services under the eligibility category of DD:

1. For preschool-aged children, review existing screening data and/or any previously conducted evaluation data. For school-aged children, review and consider complete SAT file documentation and existing evaluation data, such as school health records, previous test scores, grades, and home language survey.
2. Gather and analyze developmental/educational, medical (including vision and hearing), family, and social history, including an interview with the parent(s)/guardian(s).
3. Complete direct observations across multiple settings and times.
4. Administer and analyze assessment of developmental skills in areas of suspected disability, including one or more of the following:
  - a. Conduct a motor skills assessment;
  - b. Conduct an assessment of cognitive abilities;
  - c. Conduct a speech/language/communication assessment;
  - d. Conduct a social/emotional assessment;
  - e. Obtain adaptive behavior information, including the areas of conceptual, social, and practical skills.
5. Conduct an assessment of pre-academic skills and/or academic achievement skills;
6. Complete multiple direct observations across both structured and unstructured settings and various times;
7. When an evaluation in any area is unable to be completed using standardized measures, the evaluation team should use alternative methods of obtaining data to gather information about the child’s present levels of performance.

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**NOTE:** In general, evaluation data used to determine eligibility must be current (i.e., no more than 6 months old) due to the rapid development of young children (OSEP, NECTAC). No single data source, including screening data, can be used as the sole criteria for determine whether the child is a child with a disability and for determining an appropriate educational program for the child (34 CFR Sec. 300.304(b)(2)).

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**NOTE:** If the EDT chooses to use the criteria of at least 30% below chronological age, it is best practice to use the broad factor scores of age equivalency. When the broad factor scores for age equivalency are not available, the EDT should consider the pattern of all of the subscale scores within a broad factor when determining whether the criteria is met, rather than relying on one single subscale score.

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**Eligibility Determination.** NMAC 2009 (Subsection F (2) of 6.31.2.10 NMAC) specifies that a child may not be found eligible for special education and related services under the DD category by the use of professional judgment alone. In addition, if the child meets eligibility criteria under another disability category, then they would not qualify under the eligibility category of DD. Eligibility under all other disability categories must be excluded before DD can be considered.

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**NOTE:** The LEA is required to evaluate in all areas of suspected disability. When considering other eligibility categories, the EDT should complete the eligibility determination process for each category being considered. So when considering developmental delay, the EDT should remember to consider other categories such as speech or language impairment, other health impairment, etc.

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Eligibility is not solely based upon meeting test criteria. Instead, to qualify for and be eligible for special education and related services under a particular category, the child must (a) have the disability as defined by NMAC and IDEA, and (b) require specially designed instruction as a result of that disability. In other words, a child may demonstrate a delay of greater than 2 standard deviations in the area of speech and/or language, but if the child has other delays that are also significantly contributing to the reason that the child needs specially designed instruction, then eligibility under the category of DD may be more appropriate for that child than eligibility under the category of SLI.

For a child to be eligible to receive special education and related services under the eligibility category of DD, as defined by IDEA (2004), the EDT must document that the child meets all of the following eligibility criteria:

1. The EDT has eliminated the possibility that lack of appropriate instruction in reading or math is a determinant factor. For preschool children, consider whether the child has had the opportunity to participate in developmentally appropriate early childhood experiences;
2. The EDT has eliminated the possibility that limited English proficiency is a determinant factor;
3. The EDT has determined that no other eligibility category better describes the child's disability; and
4. The assessment and evaluation demonstrate that the child has documented delays in development which are at least two standard deviations below the mean or 30 percent below chronological age in at least one of the following five areas: physical

development, cognitive development, communication development, social or emotional development, or adaptive development.

In addition, the EDT must document that the child demonstrates a need for special education and related services because, as a result of the disability, the child requires specially designed instruction in order to: (a) be involved in and make progress in the general education curriculum (or for a preschool child to participate in appropriate activities); (b) participate in extracurricular and other nonacademic activities; and/or (c) be educated and participate with other children with disabilities and nondisabled children.

**Reevaluation.** Children who are found eligible under the category of DD must be reevaluated during the school year in which they turn nine and will no longer be eligible in this category when they become 10. A child who does not qualify under any other eligibility category at age 10 will no longer be eligible for special education and related services.

The child must meet the initial eligibility criteria under IDEA for the EDT to make an eligibility determination under another category. Children must be reevaluated before any change in eligibility. If a child does not meet initial eligibility criteria, the child must be referred to the SAT to ensure that appropriate supports are provided and documented.

The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special education and related services. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

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**NOTE:** Research has clearly documented that children's performance on standardized assessments increases with multiple administration due to the effect of practice. As such, the evaluator must carefully weigh the practice effects against the justification for re-administering the same assessment within a relatively short amount of time.

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As part of the reevaluation process, the EDT must answer these two questions:

1. What, if any, assessment information (formal or informal) needs to be collected to determine whether the child continues to be eligible for and in need of special education and related services under the eligibility criteria of developmental delay?
2. What, if any, assessment information (formal or informal) needs to be collected to develop an appropriate Individualized Education Program (IEP) to meet the child's unique needs?

Reevaluation does not necessarily mean more testing. If existing data do not provide adequate information to answer these critical questions, additional assessments may need to be conducted to provide necessary data to determine continued eligibility; provide solid information for program planning; and address concerns, questions, or developments since the last evaluation. To assist the EDT in determining what assessments, if any, may be needed, the team should:

1. Review existing evaluation data related to the child to include:
  - a. Current classroom-based, short-cycle, and/or state assessments;
  - b. Observations and information provided by teachers and related service

- c. providers; and
- c. Observations, information, and/or evaluations provided by the child's parents.

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**NOTE:** Additional information may include, but is not limited to, feedback from the student, grades, and attendance.

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2. Based on this review, and including input from the child's teachers, parents, and other service providers, the team must answer each of these questions:
  - a. What are the child's present levels of academic achievement and functional performance?
  - b. What are the child's educational needs?
  - c. Does the child continue to have a disability?
  - d. Does the child continue to need specialized instruction and related services?  
and
  - e. What, if any, changes to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child's IEP and to participate, as appropriate, in the general education curriculum?

If the EDT decides that additional assessment information is needed to answer the questions above, the reevaluation should include assessments that are deemed necessary as a result of concerns, questions, or developments since the last evaluation.

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**NOTE:** There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

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**NOTE:** The assessment of cognitive abilities may be important if the most current cognitive results were gathered before age eight (Neisworth & Bagnato, 1992).

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**Discontinuation of Special Education Services.** Children with DD should be considered for discontinuation of special education supports and services when they demonstrate the ability to function independently, access and perform adequately in the general curriculum, including extracurricular and nonacademic activities, and no longer demonstrate a need for special education services. The local education agency (LEA) must evaluate the child before determining that the child is no longer a child with a disability (34 CFR Sec. 300.305(e)(1)).

Any child whose special education services are discontinued should promptly be referred to the SAT at his or her school to ensure that the child is supported in this important transition period. For a child with DD, the SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

## Resources

CDD's Preschool Network  
505-272-1506  
<http://cdd.unm.edu/ec/PSN>

Developmental Delay Resources  
Toll free: 800-497-0944  
<http://www.devdelay.org/>

Division for Early Childhood (DEC)  
310-428-7209  
<http://www.dec-sped.org/>

National Association of the Education of Young Children (NAEYC)  
Toll free: 800-424-2460  
<http://www.naeyc.org/>

National Early Childhood Technical Assistance Center (NECTAC)  
919- 962-2001  
<http://www.nectac.org/>

Tresco Tots  
Toll free: 800-595-TOTS (8687)  
<http://www.trescoinc.org/>

## Eligibility Determination: Developmental Delay

Child's Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

Developmental delay means a child who is experiencing developmental delays, as defined by the State and 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; and who, by reason thereof, needs special education and related services. The eligibility category may be applicable for children aged three through nine (or any subset of that age range). (34 CFR Sec. 300.8(b))

In New Mexico, developmental delay (DD) is called developmentally delayed and means a child aged 3 through 9 (or who will turn 3 at any time during the school year) with documented delays in development which are at least two standard deviations below the mean on a standardized test instrument or 30 percent below chronological age; and who, in the professional judgment of the IEP team and one or more qualified evaluators, needs special education and related services in at least one of the following areas: communication development, cognitive development, physical development, social or emotional development, or adaptive development. A child with a disability who only needs a related service, as defined under 34 CFR Sec. 300.34, and not special education as defined under 34 CFR Sec. 300.39(a)(2)(i), is not eligible under IDEA, and is not eligible to receive related services.

Subsection F (2) of 6.31.2.10 NMAC establishes that the use of the DD classification for children aged three through nine may be used at the option of individual LEAs but may only be used for children who do not qualify for special education under any other available disability category. If an LEA chooses to use the eligibility category of DD, they must make that eligibility category available for children aged three through nine and cannot limit the eligibility to a different age range.

Children who are found eligible under the category of DD must be reevaluated during the school year in which they turn nine and will no longer be eligible in this category when they become 10. A child who does not qualify under any other eligibility category at age 10 will no longer be eligible for special education and related services.

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The PED highly recommends that the Eligibility Determination Team use the following information in making an eligibility determination under the category of developmental delay.

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**Document assessment and evaluation data.** The EDT must review and/or complete the following evaluations and/or assessments according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (2017):

- screening data/previously conducted evaluation data (preschool-aged children); SAT file documentation (school-aged children)  
Date: \_\_\_\_\_
- child's history, including an interview with the parent(s)/guardian(s)  
Date: \_\_\_\_\_
- individual assessments in areas of suspected disability, including one or more of the following:
  - motor skills assessment  
Date: \_\_\_\_\_
  - cognitive abilities assessment  
Date: \_\_\_\_\_
  - speech/language/communication assessment  
Date: \_\_\_\_\_
  - social/emotional assessment  
Date: \_\_\_\_\_
  - assessment of adaptive behavior  
Date: \_\_\_\_\_
  - assessment of pre-academic and/or academic achievement skills  
Date: \_\_\_\_\_
- complete multiple direct observations across both structured and unstructured settings and various times  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_

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The assessment and evaluation data must demonstrate that the child is a child with a disability according to the requirements of IDEA (34 CFR Sec. 300.8(b)) described above.

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**Determine the presence of a disability.** The assessments and evaluation data documented above must demonstrate that the child is a child with developmental delay according to the requirements of IDEA (34 CFR Sec. 300.8(b)). The questions below should be answered to help the EDT determine whether or not the child has a disability as defined by IDEA (2004).

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**NOTE:** It is imperative that EDTs remember that multiple sources of evaluation data (including standardized and non-standardized) must be used for all eligibility determination decisions. It is essential that teams look at the whole child, not simply test scores. EDTs are strongly encouraged to review the introduction to this manual, particularly sections related to professional judgment (section 3), multilingual assessment issues (section 4), and the use and interpretation of standardized assessments and obtained scores (section 5).

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1. Has the EDT eliminated the possibility that either the lack of (a) appropriate instruction in reading or math **and/or** (b) the opportunity to participate in developmentally appropriate early childhood experiences is a determinant factor?

YES                       NO

Documentation:

√ If answered NO, the child is not eligible under the developmental delay category.

2. Has the EDT eliminated the possibility that limited English proficiency is a determinant factor?

YES                       NO

Documentation

√ If answered NO, the child is not eligible under the developmental delay category.

---

**NOTE:** When the child's obtained scores are closely bordering the values below (i.e., 2 standard deviations or 30% below chronological age), the team should document the data (representing multiple sources) used to support eligibility determination decisions. All decisions regarding the use of particular scores in the eligibility determination process should be based on professional judgment. These decisions must be clearly documented and the rationale for the decisions must be clearly outlined in the eligibility determination team (EDT) forms.

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3. Has the EDT determined that the assessment and evaluation data demonstrate that the child is a child with a developmental delay as defined by IDEA (2004) and 6.31.2.7 NMAC, evidenced by a delay that is at least 2 standard deviations below the mean or 30% below chronological age in one or more of the following areas:

Physical development                       YES                       NO  
Documentation:

Cognitive development                       YES                       NO  
Documentation:

Communication development                       YES                       NO  
Documentation:

Social or emotional development                       YES                       NO  
Documentation:

Adaptive behavior                       YES                       NO  
Documentation:

√ If answered NO to all of the above, the child is not eligible under the developmental delay category.

4. Has the EDT determined that no other eligibility category better describes this child's disability?

YES                       NO

Documentation:

√ If answered NO, the child is not eligible under the developmental delay category.

**Determine need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child requires specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004).

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

YES                       NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

YES                       NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?

YES                       NO

Rationale/Documentation:

√ Answering "yes" to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

## Determination of eligibility for special education and related services.

The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child is eligible under the eligibility category of developmental delay.
  - The results of the evaluation documents that the child is eligible for and in need of special education and related services under the eligibility category of developmental delay as defined by IDEA (2004).
  
- The child is not eligible under the eligibility category of developmental delay.
  - The results of the evaluation indicate that the child does not have developmental delay as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.
  - The results of the evaluation indicate that the child does not have developmental delay as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_.  
(Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that the child has developmental delay as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child's primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that although the child has developmental delay as defined by IDEA (2004), the EDT has determined that the child's educational needs can be met without specially designed instruction.
  
- The EDT is unable to determine eligibility under the eligibility category of developmental delay. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:
  - Additional information from:
  - Additional assessments in the following areas:
  - Other:

## Eligibility Determination Team Participants

	Title/Name	Date	Signature
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

## Reevaluation Eligibility Determination: Developmental Delay

Child's Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

Developmental delay means a child who is experiencing developmental delays, as defined by the State and 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; and who, by reason thereof, needs special education and related services. The eligibility category may be applicable for children aged three through nine (or any subset of that age range). (34 CFR Sec. 300.8(b))

In New Mexico, developmental delay (DD) is called developmentally delayed and means a child aged 3 through 9 (or who will turn 3 at any time during the school year) with documented delays in development which are at least two standard deviations below the mean on a standardized test instrument or 30 percent below chronological age; and who, in the professional judgment of the IEP team and one or more qualified evaluators, needs special education and related services in at least one of the following areas: communication development, cognitive development, physical development, social or emotional development, or adaptive development. A child with a disability who only needs a related service, as defined under 34 CFR Sec. 300.34, and not special education as defined under 34 CFR Sec. 300.39(a)(2)(i), is not eligible under IDEA, and is not eligible to receive related services.

Subsection F (2) of 6.31.2.10 NMAC establishes that the use of the DD classification for children aged three through nine may be used at the option of individual local education agencies (LEA) but may only be used for children who do not qualify for special education under any other available disability category. If an LEA chooses to use the eligibility category of DD, they must make that eligibility category available for children aged three through nine and cannot limit the eligibility to a different age range.

Children who are found eligible under the category of DD must be reevaluated during the school year in which they turn nine and will no longer be eligible in this category when they become 10. A child who does not qualify under any other eligibility category at age 10 will no longer be eligible for special education and related services.

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**The PED highly recommends that the Eligibility Determination Team (EDT) use the following information in making an eligibility determination under the category of developmental delay.**

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**Review of evaluation data.** The EDT reviewed and/or completed the following evaluations and/or assessments as part of the reevaluation process according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (2017):

- current classroom-based, short-cycle, and/or state assessments  
Date: \_\_\_\_\_
- complete multiple direct observations across both structured and unstructured settings and various times  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- observations and information provided by teachers and related service providers  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- observations, information, and/or evaluations provided by the child's parents  
Date(s): \_\_\_\_\_

Other assessment information included:

- individual assessments in areas of suspected disability, including one or more of the following:
  - motor skills assessment  
Date: \_\_\_\_\_
  - cognitive abilities assessment  
Date: \_\_\_\_\_
  - speech/language/communication assessment  
Date: \_\_\_\_\_
  - social/emotional assessment  
Date: \_\_\_\_\_
  - assessment of adaptive behavior  
Date: \_\_\_\_\_
  - assessment of pre-academic and/or academic achievement skills  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_

**Determine the continued presence of a disability.** The assessments and evaluation data documented above must demonstrate that the child continues to be a child with developmental delay according to the requirements of IDEA (34 CFR Sec. 300.8(b)). The questions below should be answered to help the EDT determine whether or not the child continues to have a disability as defined by IDEA (2004).

- Has the EDT determined that the assessment and evaluation data demonstrate that the child continues to be a child with a developmental delay in one or more of the following areas as defined by IDEA (2004) and 6.31.2.7 NMAC?

Physical development Documentation:  YES  NO

Cognitive development Documentation:  YES  NO

Communication development Documentation:  YES  NO

Social or emotional development Documentation:  YES  NO

Adaptive behavior Documentation:  YES  NO

√ If answered NO, the child is no longer eligible under the developmental delay category.

- Has the EDT determined that no other eligibility category better describes this child's disability?

YES  NO  
Documentation:

√ If answered NO, the child is no longer eligible under the developmental delay category.

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**NOTE:** There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

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**Determine continued need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child continues to require specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004).

To answer the following questions, the EDT should consider (a) the child's present levels of academic achievement and functional performance, (b) the child's educational needs, and (c) any necessary changes to the child's educational program.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

YES  NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

YES  NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?

YES  NO

Rationale/Documentation:

√Answering "yes" to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

**Determination of continued eligibility for special education and related services.** The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child continues to be eligible under the eligibility category of developmental delay.  
 The results of the evaluation document that the child continues to be eligible for and in need of special education and related services under the eligibility category of developmental delay as defined by IDEA (2004).

- The child is no longer eligible under the eligibility category of developmental delay.
  - The results of the evaluation indicate that the child no longer has developmental delay as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.
  - The results of the evaluation indicate that the child no longer has developmental delay as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_.  
(Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that the child has developmental delay as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child's primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that although the child has developmental delay as defined by IDEA (2004), the EDT has determined that the child's educational needs can be met without specially designed instruction.
  
- The EDT is unable to determine continued eligibility under the eligibility category of developmental delay. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:
  - Additional information from:
  - Additional assessments in the following areas:
  - Other:

## Reevaluation Eligibility Determination Team Participants

	Title/Name	Date	Signature
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

# Emotional Disturbance

**Definition.** Emotional disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

- An inability to learn which cannot be explained by intellectual, sensory, or other 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.
- A tendency to develop physical symptoms or fears associated with personal or school problems.

Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted unless it is determined that they (also) have an emotional disturbance under paragraph 34 CFR Sec. 300.8(c)(4)(i). (34 CFR Sec. 300.8(c)(4))

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**NOTE:** Remember that the presence of a medical diagnosis or a diagnosis based on current DSM criteria does not make a child automatically eligible for special education and related services under IDEA (2004). Determination of eligibility for special education and related services is based on both: (a) an identified disability as defined by IDEA (2004) and (b) a documented need for special education and related services.

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**Characteristics and Educational Impact.** Children with emotional disturbance (ED) have a disability that adversely affects their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To identify characteristics and educational impact, the EDT must address the question of "How do these characteristics of the disability manifest in the child's natural environment (e.g., home, classroom, recess, etc.)?"

As with all disabilities, the characteristics and educational impact for children with ED will vary greatly. The following sections outline characteristics that may be associated with ED and possible educational impact of those characteristics. This information does not represent an exhaustive list of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with ED will demonstrate all of the following characteristics.

**Preschool-aged Children.** For preschool-aged children with ED, it is important to consider developmentally appropriate skill levels and behaviors for the child's age, since they are not necessarily involved in the general education curriculum. For preschool-aged children with ED, the observed characteristics are very similar (although not identical) to those engaged in by school-aged children with emotional disturbance. The impact of the disability may be manifested in one or more ways, including, but not limited to:

### **Social/Emotional**

- A low threshold or tolerance for frustration, including:
  - Throwing toys or other objects whenever things do not go his/her way;
  - Yelling, shouting or cursing to excess at other people;
  - Displaying frequent and/or extreme temper tantrums; and/or
  - Engaging in physically aggressive behavior outside the range expected for a young child.
- Deficits in age-appropriate socialization, including difficulty:
  - Initiating, maintaining, and/or terminating social interaction; and/or
  - Preferring being alone most of the time and appearing disinterested in being with children of own age.
- Demonstrating sudden and pronounced social-emotional regression.
- Making comments that do not fit with the social context.
- Having difficulty following rules and requests made by adults.
- Showing pervasive depressed or withdrawn behavior.
- Exhibiting unusual behavior patterns such as eating unusual things, excessively picking at certain areas of the body, and/or laughing or crying at inappropriate times.
- Demonstrating a short attention span, a high degree of distractibility, anxiety and/or impulsiveness.
- Showing signs of temporary loss of reality contact, including:
  - Experiencing dissociations, hallucinations, delusions;
  - Repeating the same thought over and over; and/or
  - Fixating on or obsessing about things.

**School-aged Children.** For school-aged children with ED, the impact of the disability may be manifested in one or more ways, including, but not limited to:

### **Social/Emotional**

- Inappropriate social interactions, including:
  - Initiating, maintaining, and/or terminating conversations, activities involving others, or relationships; and/or
  - Avoidance of social interaction.
- Difficulties with problem solving and/or self-regulation leading to aggression, including:
  - Verbal and nonverbal (e.g., using gestures) aggression;
  - Physical aggression to property or others; and/or
  - Mood swings.
- Deliberate self-injurious behavior (e.g., cutting one's self).
- Showing pervasive depressed or withdrawn behavior.
- Excessive and/or inappropriate fears or anxiety.
- Other inappropriate behaviors for child's age, including:
  - Noncompliance with rules and requests from teachers or parents;
  - Inappropriate crying or laughing;
  - Temper tantrums; and/or
  - Poor coping skills.
- Showing signs of temporary loss of reality contact, including:
  - Experiencing dissociations, hallucinations, delusions;
  - Repeating the same thought over and over; and/or
  - Fixating on or obsessing about things.
- Low self-esteem (i.e., making self-denigrating comments or threats of self-harm).

## **Academics**

- Learning difficulties (e.g., academically performing below grade level).
- Difficulty with attending to and completing tasks and academic work.

More specifically, students with emotional disturbance engage in behaviors that are characterized as either: (a) externalizing behavior including aggression, disruption, and acting out behaviors, or (b) internalizing behaviors including withdrawal, anxiety, and depression. Frequently, male children with emotional disturbance demonstrate an adverse relationship with the educational environment and present externalizing behavior patterns that may include numerous discipline referrals for defiance of authority and disruptive behavior, low grades, aggression, and poor attendance. In contrast, female children with emotional disturbance frequently present more internalizing behavior patterns that may include withdrawal, depression, and irritability. Externalizing behaviors generally are more readily identified. Internalizing behaviors, however, may also indicate a need for special education and related services that are just as critical for the child.

These behaviors alone do not indicate an emotional disturbance; however, they do suggest that further evaluation may be appropriate

**Special Considerations for Assessment.** Generally, academic achievement and problem behaviors go hand-in-hand for children with an emotional disturbance. Thus, it is essential for the eligibility determination team (EDT) to determine why a child is not performing the work that is expected of him or her, including whether the behaviors exhibited are due to a skills deficit or a motivation deficit (i.e., the child cannot do the task or the child won't do the task). This distinction is critical due to the fact that it may lead to different interventions and possibly a different possible eligibility determination decision. A solid functional behavior assessment (FBA) is essential to make this determination.

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**NOTE:** It is imperative that EDTs remember that multiple sources of evaluation data (including standardized and non-standardized) must be used for all eligibility determination decisions. It is essential that teams look at the whole child, not simply test scores. EDTs are strongly encouraged to review the introduction to this manual, particularly sections related to professional judgment (section 3), multilingual assessment issues (section 4), and the use and interpretation of standardized assessments and obtained scores (section 5).

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The evaluation process should include an analysis of all aspects of a child's past and present performance to clearly document the specific behavioral concerns, as well as the frequency, severity, and duration of the behavior(s). It must be documented that the behaviors have occurred over an extended amount of time and to a marked degree.

**Preschool-aged Children.** There is no doubt that emotional disturbance can emerge in early childhood and that the behaviors the children engage in often impair: (a) their ability to maintain functional interpersonal relationships; (b) their ability to exhibit age-appropriate social and emotional behaviors; and (c) their overall developmental functioning.

Evaluators of young children must be sensitive to the rapid changes that occur during the early years of life and must possess a special alertness to, and a working knowledge of, the many stages and phases of child development. Without this insight, it is difficult to discern what is developmentally appropriate and what is not.

Even when a disability is documented, the EDT needs to determine if it significantly interferes with the child's ability to operate on a developmental level commensurate with peers. For young children the discussion regarding the need for special education will focus on activities that are appropriate for the child's age and developmental level, rather than on the general education curriculum.

**Initial Evaluation.** The initial eligibility determination under the category of ED must include the participation of a New Mexico licensed psychologist (clinical or school). The list below provides the evaluation team with highly recommended components of an initial evaluation to determine whether a student is eligible for and in need of special education and related services under the eligibility category of ED:

1. For preschool-aged children, review existing screening data and/or any previously conducted evaluation data. For school-aged children, review and consider complete SAT file documentation and existing evaluation data, such as school health records, previous test scores, grades, and home language survey.
2. Gather and analyze developmental/educational, medical (including vision and hearing), family, and social history, including an interview with the parent(s)/guardian(s).
3. Complete multiple direct observations across both structured and unstructured settings and various times.
4. Complete a systematic review of individual academic achievement performance including formal and informal measures.
5. Administer an individual academic achievement assessment in the area(s) of suspected disability and for which instruction and intervention has been documented.
6. Conduct or review and update a functional behavioral assessment.
7. Conduct or obtain a psychological evaluation consistent with the area(s) of suspected disability.
8. Use rating scales /checklists to collect data about frequency and intensity of behaviors (internalizing or externalizing).
9. Complete a transition assessment, including a vocational evaluation (as appropriate).
10. When an evaluation in any area is unable to be completed using standardized measures, the evaluation team should use alternative methods of obtaining student's present levels of performance.

**Potential additional components** of an initial evaluation should be determined by the evaluation team based upon any additional areas of concern.

1. Conduct a speech/language/communication assessment.
2. Conduct an occupational therapy evaluation to assess sensory processing skills.

**Eligibility Determination.** For a child to be eligible to receive special education and related services under the eligibility category of ED, as defined by IDEA (2004), the EDT must document that the child meets all of the following eligibility criteria:

1. The EDT has eliminated the possibility that lack of appropriate instruction in reading or math is a determinant factor. For preschool children, consider whether the child has had the opportunity to participate in developmentally appropriate early childhood experiences;
2. The EDT has eliminated the possibility that limited English proficiency is a determinant factor;

3. The EDT has determined that no other eligibility category better describes the child's disability; and
4. The assessment and evaluation demonstrate the child meets the requirements of the ED definition. The child must meet all of the four following elements.
  - a. The ED characteristics must have been present over a long period of time;
  - b. The ED characteristics must be to a marked degree;
  - c. The child's educational performance must be adversely affected; and
  - d. The child must have one or more of the five ED characteristics:
    - i. an inability to learn which cannot be explained by intellectual, sensory, or other health factors;
    - ii. an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
    - iii. inappropriate types of behavior or feelings under normal circumstances;
    - iv. general pervasive mood of unhappiness or depression; and/or
    - v. a tendency to develop physical symptoms or fears associated with personal or school problems.

In addition, the EDT must document that the child demonstrates a need for special education and related services because, as a result of the disability, the child requires specially designed instruction in order to: (a) be involved in and make progress in the general education curriculum (or for a preschool child, to participate in appropriate activities); (b) participate in extracurricular and other nonacademic activities; and/or (c) be educated and participate with other children with disabilities and nondisabled children.

To be eligible for special education and related services under the eligibility category of ED, the EDT must document that the child exhibits one or more of the five ED characteristics (see the list above) over a long period of time, to a marked degree, and must adversely affect a child's educational performance. These terms are discussed in more detail below.

**Long Period of Time.** The Office of Special Education Programs (OSEP) has clarified that a generally acceptable definition of a long period of time as a range of from two to nine months, assuming that preliminary interventions have been implemented and proven ineffective during that period (Letter to Anonymous, 231 IDELR 247, OSEP 1989). OSEP also suggests that in determining whether a child's characteristics of his/her disability have persisted over a long period of time, the team must base this determination largely on the unique facts and circumstances of a particular case (Letter to Woodson, EHLR 213:225, 226, OSEP, 1989).

**Marked Degree.** Neither IDEA statute, nor its regulations at 34 CFR Sec. 300.8(c)(4)(i), defines the requirement that a child's qualifying behavior manifest itself to a marked degree. OSEP takes the position that it generally refers to the frequency, duration, or intensity of a child's emotionally disturbed behavior in comparison to the behavior of peers, and can be indicative of either degree or acuity and/or pervasiveness (Letter to Anonymous, 213 IDELR 247, OSEP 1989).

**Adversely Affects Educational Performance.** In determining whether a child's educational performance is being adversely affected, there must be evidence that the child's behavior and decreased educational performance are related; it should be kept in mind that educational performance is not limited to academic performance, but may also include peer interactions and participation in class activities. In a policy letter dated September 14, 1990, OSEP clarified that educational performance must be determined on an individual basis and should include non-academic, as well as academic standards as determined by standardized measures. The

letter concluded that the measurement of educational performance for children with IEPs will be different for each child and must be limited to each child's unique educational needs. (Letter to Lybarger, 17 IDELR 54, OSEP 1990)

The term ED does not apply to children experiencing sociolinguistic stress, acculturational stress, or any other situational challenges, unless it is determined that they (also) have an emotional disturbance.

The term does not apply to children who are socially maladjusted unless it is determined that they (also) have an ED. "Socially maladjusted" has many different definitions and there is currently no universally accepted definition, nor is it defined in federal law. However, the regulation specifically states that the term ED "does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance" (34 CFR Sec. 300.8(a)(4)(ii)). In such circumstances, a child identified as socially maladjusted must meet all of the eligibility criteria for ED as defined in IDEA (2004).

Children who are primarily socially maladjusted and not identified as meeting qualifying criteria for ED are often those children or adolescents who engage in simple, chronic delinquent behavior, as well as children who demonstrate controlled misbehavior depending on the situation and potential gain. A social maladjustment unaccompanied by an emotional disturbance is often indicated by some or all of the following:

- Unhappiness or depression that is not pervasive.
- Problem behaviors that are goal-directed, self-serving and manipulative.
- Actions that are based on perceived self-interest even though others may consider the behavior to be self-defeating.
- General social conventions and behavioral standards are understood, but are not accepted.
- Negative counter-cultural standards or peers are accepted and followed.
- Problem behaviors have escalated during pre-adolescence or adolescence.
- Inappropriate behaviors are displayed in selected settings or situations (e.g., only at home, in school or in selected classes), while other behavior is appropriately controlled.
- Problem behaviors are frequently the result of encouragement by a peer group, are intentional, and the student understands the consequences of such behaviors.

It is important to recognize that a child found to be socially maladjusted, but not ED, may qualify for a free appropriate public education (FAPE) pursuant to Section 504. The EDT should consider social maladjustment as a persistent pattern of violating societal norms, such as multiple acts of truancy, or substance or sex abuse, and marked by struggle with authority, low frustration threshold, impulsivity, or manipulative behaviors.

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**NOTE:** If the child is determined to be eligible for special education and related services under the category of emotional disturbance (ED) then he or she would not be eligible under the category of developmental delay (DD). Eligibility under all other disability categories must be excluded before DD can be considered. (Subsection F(2)(a) of 6.31.2.10 NMAC)

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**Reevaluation.** The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special education and related services. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

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**NOTE:** Research has clearly documented that children’s performance on standardized assessments increases with multiple administration due to the effect of practice. As such, the evaluator must carefully weigh the practice effects against the justification for re-administering the same assessment within a relatively short amount of time.

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As part of this process, the EDT must answer these two questions:

1. What, if any, assessment information (formal or informal) needs to be collected to determine whether the child continues to be eligible for and in need of special education or related services under the eligibility criteria of ED?
2. What, if any, assessment information (formal or informal) needs to be collected to develop an appropriate Individualized Education Program (IEP) to meet the child’s unique needs?

Reevaluation does not necessarily mean more testing. If existing data do not provide adequate information to answer these critical questions, additional assessments may need to be conducted to provide necessary data to determine continued eligibility, provide solid information for program planning, and address concerns, questions, or developments since the last evaluation. To assist the EDT in determining what assessments, if any, may be needed, the team should:

1. Review existing evaluation data related to the child to include:
  - a. Current classroom-based, short-cycle, and/or state assessments;
  - b. Observations and information provided by teachers and related service providers; and
  - c. Observations, information, and/or evaluations provided by the child’s parents.

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**NOTE:** Additional information may include, but is not limited to, feedback from the child, grades, and attendance.

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2. Based on this review, and including input from the child’s teachers, parents, and other service providers, the team must answer each of these questions:
  - a. What are the child’s present levels of academic achievement and functional performance?
  - b. What are the child’s educational needs?
  - c. Does the child continue to have a disability?
  - d. Does the child continue to need specialized instruction and related services?  
and
  - e. What, if any, changes to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child’s IEP and to participate, as appropriate, in the general education curriculum?

If the EDT decides that additional assessment information is needed to answer the questions above, the reevaluation should include assessments that are deemed necessary as a result of concerns, questions, or developments since the last evaluation.

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**NOTE:** There are no specific reevaluation eligibility criteria, therefore it is up to the EDT to determine whether or not the child continues to have a disability based on the Review of Existing Evaluation Data (REED) process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

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**Discontinuation of Special Education Services.** Children with an ED should be considered for discontinuation of special education supports and services when they demonstrate the ability to function independently, access and perform adequately in the general curriculum, including extracurricular and nonacademic activities, and no longer demonstrate a need for special education services. The local education agency (LEA) must evaluate the child before determining that the child is no longer a child with a disability (34 CFR Sec. 300.305(e)(1)).

Any child whose special education services are discontinued should promptly be referred to the SAT at his or her school to ensure that the child is supported in this important transition period. Monitoring of social skills, behavior, communication, current levels of academic performance, and independence may continue to be necessary. For a child with an ED, the SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

## Resources

Addressing Student Behavior – A Guide for All Educators.

[www.ped.state.nm.us/Rtl/dl10/Addressing%20Student%20Behavior%20Guide%202010.pdf](http://www.ped.state.nm.us/Rtl/dl10/Addressing%20Student%20Behavior%20Guide%202010.pdf)

American Academy of Child & Adolescent Psychiatry

202.966.7300

<http://www.aacap.org/>

Council for Children with Behavioral Disorders

<http://www.ccbd.net/>

National Association of School Psychologists

Toll free: 866-331-NASP

301-657-0270

<http://www.nasponline.org/>

National Mental Health Information (NAMI) New Mexico

<http://www.mentalhealth.org/>

ParentPals

<http://parentpals.com/gossamer/pages/>

Positive Behavioral Interventions and Supports

<http://www.pbis.org/>

Programs for Children and Adolescents—

UNM provides connections to multidisciplinary  
mental health professionals (UNM)

505-272-2190

505-272-2111

[http://hospitals.unm.edu/bh/children\\_adolescents.shtml](http://hospitals.unm.edu/bh/children_adolescents.shtml)

RxP Legislation Resources

Toll free: 800-374-2721

<http://www.apa.org/>

Substance Abuse and Mental Health Administration

Toll free: 877-SAMHSA-7 (877-726472-7)

<http://store.samhsa.gov/>

The Child Psychologist

<http://www.childpsychologist.com/>

**Notes:**

## Eligibility Determination: Emotional Disturbance

Child Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

Emotional disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child’s educational performance:

- An inability to learn that cannot be explained by intellectual, sensory, or other 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.
- A tendency to develop physical symptoms or fears associated with personal or school problems.

Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted unless it is determined that they have an emotional disturbance under 34 CFR Sec. 300.8(c)(4)(i). (34 CFR Sec. 300.8(c)(4))

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**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in making an eligibility determination under the category of emotional disturbance.**

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**Document assessment and evaluation data.** The EDT must review and/or complete the following evaluations and/or assessments according to the recommendations established in the New Mexico Technical Evaluation and Assistance Manual (2017):

- screening data/previously conducted evaluation data (preschool aged children); SAT file documentation (school aged children)  
Date: \_\_\_\_\_

- child's history, including an interview with the parent(s)/guardian(s)  
Date: \_\_\_\_\_
- complete multiple direct observations across both structured and unstructured settings and various times  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- systematic review of individual academic achievement performance  
Date: \_\_\_\_\_
- academic achievement assessment  
Date: \_\_\_\_\_
- functional behavior assessment  
Date: \_\_\_\_\_
- psychological evaluation  
Date: \_\_\_\_\_
- behavior rating scale/checklist  
Date: \_\_\_\_\_
- transition assessment, as appropriate  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_

**Determine the presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child is a child with emotional disturbance according to the requirements of IDEA (34 CFR Sec. 300.8(c)(4)). The EDT must include a New Mexico licensed psychologist (clinical or school) in order to make this determination. The questions below should be answered to help the EDT determine whether or not the child has a disability as defined by IDEA (2004).

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**NOTE:** It is imperative that EDTs remember that multiple sources of evaluation data (including standardized and non-standardized) must be used for all eligibility determination decisions. It is essential that teams look at the whole child, not simply test scores. EDTs are strongly encouraged to review the introduction to this manual, particularly sections related to professional judgment (section 3), multilingual assessment issues (section 4), and the use and interpretation of standardized assessments and obtained scores (section 5).

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1. Has the EDT eliminated the possibility that either the lack of (a) appropriate instruction in reading or math **and/or** (b) the opportunity to participate in developmentally appropriate early childhood experiences is a determinant factor?

YES       NO

Documentation:

√ If answered NO, the child is not eligible under the emotional disturbance category.

2. Has the EDT eliminated the possibility that limited English proficiency is a determinant factor?

YES       NO

Documentation:

√ If answered NO, the child is not eligible under the emotional disturbance category.

3. Has the EDT documented that the child has one or more of the five emotional disturbance characteristics?

- a. Inability to learn which cannot be explained by intellectual, sensory, or other health factors

YES       NO

Documentation:

- b. Inability to build or maintain satisfactory interpersonal relationships with peers and teachers

YES       NO

Documentation:

- c. Inappropriate types of behaviors or feelings under normal circumstances

YES       NO

Documentation:

- d. A general pervasive mood of unhappiness or depression

YES       NO

Documentation:

- e. A tendency to develop physical symptoms or fears associated with personal or school problems

YES       NO

Documentation:

√ If answered NO all of the above, the child is not eligible under the emotional disturbance category.

4. Has the EDT documented that the EDT characteristics:

a. Have been present over a long period of time  
 YES       NO

Documentation:

b. To a marked degree  
 YES       NO

Documentation:

c. Adversely affects the child's educational performance  
 YES       NO

Documentation:

√ If answered NO any of the above, the child is not eligible under the emotional disturbance category.

5. Has the EDT determined that the assessment and evaluation data demonstrate that the child is a child with emotional disturbance as defined by IDEA (2004)?

YES       NO

Documentation:

√ If answered NO, the child is not eligible under the emotional disturbance category.

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**NOTE:** The term ED does not apply to children who are primarily socially maladjusted and not identified as meeting qualifying criteria for ED; however it is possible for a child who is socially maladjusted to also meet the eligibility criteria for ED.

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6. Has the EDT determined that no other eligibility category better describes this child's disability?

YES       NO

Documentation:

√ If answered NO, the child is not eligible under the emotional disturbance category.

**Determine need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child requires specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004).

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

YES       NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

YES                       NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?

YES                       NO

Rationale/Documentation:

√Answering “yes” to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

### **Determination of eligibility for special education and related services.**

The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child is eligible under the eligibility category of emotional disturbance.
- The results of the evaluation documents that the child is eligible for and in need of special education services under the eligibility category of emotional disturbance as defined by IDEA (2004).
- The child is not eligible under the eligibility category of emotional disturbance.
- The results of the evaluation indicate that the child does not have emotional disturbance as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.
- The results of the evaluation indicate that the child does not have emotional disturbance as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_ . (Complete appropriate eligibility determination form for that category.)
- The results of the evaluation indicate that the child has emotional disturbance as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child’s primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)
- The results of the evaluation indicate that although the child has emotional disturbance as defined by IDEA (2004), the EDT has determined that the child’s educational needs can be met without specially designed instruction.
- The EDT is unable to determine eligibility under the eligibility category of emotional disturbance. The following information is needed in order for the EDT to reconvene and make a final eligibility determination.
- Additional information from:
- Additional assessments in the following areas:
- Other:

## Eligibility Determination Team Participants

	Title/Name	Date	Signature
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

## Reevaluation Eligibility Determination: Emotional Disturbance

Child Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

Emotional disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

- An inability to learn that cannot be explained by intellectual, sensory, or other 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.
- A tendency to develop physical symptoms or fears associated with personal or school problems.

Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted unless it is determined that they have an emotional disturbance under 34 CFR Sec. 300.8(c)(4)(i). (34 CFR Sec. 300.8(c)(4))

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**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in determining continued eligibility under the category of emotional disturbance.**

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**Review of evaluation data.** The EDT reviewed and/or completed the following evaluations and/or assessments as part of the reevaluation process according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (2017):

- current classroom-based, short-cycle, and/or state assessments  
Date: \_\_\_\_\_

- complete multiple direct observations across both structured and unstructured settings and various times  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- observations and information provided by teachers and related service providers  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- observations, information, and/or evaluations provided by the child's parents  
Date(s): \_\_\_\_\_

Other assessment information included:

- academic achievement assessment  
Date: \_\_\_\_\_
- speech/language/communication assessment  
Date: \_\_\_\_\_
- functional behavior assessment  
Date: \_\_\_\_\_
- complete multiple direct observations across both structured and unstructured settings and various times  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- psychological evaluation  
Date: \_\_\_\_\_
- behavior rating scale/checklist  
Date: \_\_\_\_\_
- transition assessment, as appropriate  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_

**Determine the continued presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child continues to be a child with emotional disturbance according to the requirements of IDEA (34 CFR Sec. 300.8(c)(4)). The EDT must include a New Mexico licensed psychologist (clinical or school) in order to make this determination. The questions below should be answered to help the EDT determine whether or not the child continues to have a disability as defined by IDEA (2004).

1. Has the EDT determined that the assessment and evaluation data demonstrate that the child continues to be a child with emotional disturbance as defined by IDEA (2004)?  
 YES       NO  
 Documentation: \_\_\_\_\_

√ If answered NO, the child is no longer eligible under the emotional disturbance category.

2. Has the EDT determined that no other eligibility category better describes this child's disability?

YES                       NO

Documentation:

√ If answered NO, the child is no longer eligible under the emotional disturbance category.

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**NOTE:** There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

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**Determine continued need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child continues to require specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004).

To answer the following questions, the EDT should consider (a) the child's present levels of academic achievement and functional performance, (b) the child's educational needs, and (c) any necessary changes to the child's educational program.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

YES                       NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

YES                       NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?

YES                       NO

Rationale/Documentation:

√ Answering "yes" to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

## Determination of continued eligibility for special education and related services.

The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child continues to be eligible under the eligibility category of emotional disturbance.
  - The results of the evaluation documents that the child continues to be eligible for and in need of special education services under the eligibility category of emotional disturbance as defined by IDEA (2004).
  
- The child is no longer eligible under the eligibility category of emotional disturbance.
  - The results of the evaluation indicate that the child no longer has emotional disturbance as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.
  - The results of the evaluation indicate that the child no longer has emotional disturbance as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_ . (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that the child continues to have emotional disturbance as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child's primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that although the child continues to have emotional disturbance as defined by IDEA (2004), the EDT has determined that the child's educational needs can be met without specially designed instruction.
  
- The EDT is unable to determine continued eligibility under the eligibility category of emotional disturbance. The following information is needed in order for the EDT to reconvene and make a continued eligibility determination decision:
  - Additional information from:
  - Additional assessments in the following areas:
  - Other:

## Reevaluation Eligibility Determination Team Participants

	Title/Name	Date	Signature
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

**Notes:**

# Hearing Impairment, including Deafness

**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 a child's educational performance. (34 CFR Sec. 300.8(c)(3))

Hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section. (34 CFR Sec. 300.8(c)(5))

In New Mexico, the terms deafness and hearing impairment are combined into one eligibility category called Hearing Impairment, including Deafness. (Subsection B (2) of 6.31.2.7 NMAC).

**Characteristics and Educational Impact.** Children who are eligible for special education and related services under the category of hearing impairment, including deafness, have a disability that adversely affects their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To identify characteristics and educational impact, the eligibility determination team (EDT) must address the question of "How do these characteristics of the disability manifest in the child's natural environment (e.g., home, classroom, recess, etc.)?"

As with all disabilities, the characteristics and educational impact for children with a hearing impairment, including deafness, will vary greatly. The following sections outline characteristics that may be associated with a hearing impairment, including deafness, and possible educational impact of those characteristics. This information does not represent an exhaustive list of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with a hearing impairment, including deafness, will demonstrate all of the following characteristics.

**Preschool-aged Children.** For preschool-aged children with a hearing impairment, including deafness, it is important to consider developmentally appropriate skill levels and behaviors for the child's age, since they are not necessarily involved in the general education curriculum. For preschool-aged children with a hearing impairment, including deafness, the observed characteristics are very similar (although not identical) to those demonstrated by school-aged children with a hearing impairment, including deafness. The impact of the disability may be manifested in one or more ways, including, but not limited to:

## **Communication**

- Deficits with expressive communication, including difficulty:
  - Verbally communicating with others; and/or
  - Producing sounds to clearly articulate words when talking with others.
  
- Deficits with receptive communication, including difficulty:
  - Fully accessing language spoken by others; and/or
  - Accessing information presented in the home, school, and community.

### **Social/Emotional**

- Deficits with social communication, including delays in:
  - Early and appropriate communication skills, such as turn-taking, preventing or repairing communication breakdowns, and/or cooperative play.
  - Presence of challenging behaviors related to communication difficulties.

**School-aged Children.** For school-aged children with a hearing impairment, including deafness, the impact of the disability may be manifested in one or more ways, including, but not limited to:

### **Communication**

- Deficits with expressive communication, including:
  - Verbally communicating with others; and/or
  - Producing sounds to clearly articulate words when talking with others.
- Deficits with receptive communication, including difficulty:
  - Fully accessing language spoken by others; and/or
  - Accessing information presented in the home, school, and community.

### **Social/Emotional**

- Deficits with social communication, including delays in:
  - Age-appropriate communication skills, such as turn-taking, preventing or repairing communication breakdowns, and/or engaging in conversations.
  - Presence of challenging behaviors related to communication difficulties.

### **Academics**

- Deficits in academic achievement related to an inability to access educational materials in the classroom, particularly information presented verbally.
- Vocational limitations due to communication.

**Special Considerations for Assessment.** Hearing impairment, including deafness, can mean a hearing loss (with or without amplification) that is:

- Mild through profound,
- Bilateral or unilateral,
- Sensorineural or conductive, and/or
- Permanent or fluctuating

as documented in a comprehensive audiological evaluation administered by a licensed audiologist.

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**NOTE:** It is imperative that EDTs remember that multiple sources of evaluation data (including standardized and non-standardized) must be used for all eligibility determination decisions. It is essential that teams look at the whole child, not simply test scores. EDTs are strongly encouraged to review the introduction to this manual, particularly sections related to professional judgment (section 3), multilingual assessment issues (section 4), and the use and interpretation of standardized assessments and obtained scores (section 5).

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**NOTE:** Children who have received cochlear implant(s) may still be found eligible for special education and related services under the eligibility category of Hearing Impairment, Including Deafness if they demonstrate a need for specially designed instruction due to their hearing impairment.

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Evaluation of a child with hearing impairment, including deafness, must include an analysis of factors specifically related to the hearing impairment, including etiology, age of onset, and amount of residual hearing. In addition, more global issues, such as the child's cultural and language background, multiplicity of disabilities, communication skills, and language environment must be assessed. These factors may impact a child's ability to learn language visually through sign language, auditorily through speech, or both.

Evaluations should include an examination of whether the child needs to utilize amplification/assistive hearing technology or an interpreter in order to develop concepts, maximize his or her learning potential, and be an active participant in his or her educational environment.

It is important for evaluators to use caution when selecting assessment measures for children with hearing impairment, including deafness, because there are no standardized measures available that are normed for children with hearing loss. Measures whose norm group is comprised of children who are hearing may be used if they are appropriate for the child's level of communicative functioning. In order to choose appropriate tests and procedures, the evaluator must first determine which language or communication systems the child uses, including a description of the level of the child's competence. Scores from standardized assessments should be used with caution and primarily for descriptive purposes. In other words, it may not be appropriate to report a Full Scale or Composite cognitive score for a child with a hearing impairment, including deafness. Careful attention should be made when comparing verbal and non-verbal scores due to the impact of hearing loss on verbal language development. Evaluators must recognize that lower scores in verbal areas likely are a manifestation of the child's hearing impairment, rather than a reflection of another condition such as an intellectual disability. The examiner may wish to consult with a person trained in the education of children who have hearing impairment, including deafness, regarding choice of test instruments and any modifications in the methods, materials, and environment that might enhance the assessment.

The evaluation team must make use of a licensed interpreter for the deaf, when necessary, to ensure that the child is able to participate in the evaluation process. Professionals conducting evaluations using an interpreter must:

- Determine, prior to the evaluation, whether the child has sufficient language skills and maturity to effectively use an interpreter and is at a developmental level that is adequate for understanding the role of the interpreter;
- Gather information about how to effectively work with an interpreter (e.g., the lag time involved with an interpreted environment and that the interpretation needs to be conceptually accurate rather than a 1:1 English-ASL correspondence); and
- Meet with the interpreter prior to the testing to review the language of the test and determine how the interpreter will present the instructions and questions in a manner that is both consistent with the test standardization and comprehensible to the child.

Consistent with Individuals with Disabilities Education Act (IDEA 2004), it is essential that assessment results accurately reflect the factors being assessed (e.g., cognitive skills, achievement level, etc.), rather than other factors (e.g., sensory, motor, or speaking skills). This is particularly relevant when assessing a child with a known or suspected hearing impairment, including deafness, and it is important that assessment techniques are not negatively impacted by the child's hearing levels.

**Initial Evaluation.** The list below provides the evaluation team with highly recommended components of an initial evaluation to determine whether a student is eligible for and in need of special education and related services under the eligibility category of hearing impairment, including deafness:

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**NOTE:** It is possible for a child to have both a hearing impairment and/or visual impairment and intellectual disability. As with all eligibility determination decisions, EDT teams are reminded to use multiple sources of information when making decisions regarding a child's eligibility for special education and related services under the category of intellectual disability.

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1. For preschool-aged children, review existing screening data and/or any previously conducted evaluation data. For school-aged children, review and consider complete Student Assistance Team (SAT) file documentation and existing evaluation data. Because hearing loss places an increased demand on visual functioning, give special attention to vision screening records.
2. Gather and analyze developmental/educational, medical (including vision and hearing), family, and social history, including an interview with the parent(s)/guardian(s).
3. Obtain a current, comprehensive audiological evaluation by a licensed audiologist to determine degree and type of hearing loss, including the assessment of hearing levels (unaided and aided) and the functional use of hearing.
4. Conduct a speech/language/communication assessment.
5. Complete a systematic review of individual academic achievement, including formal and informal measures.
6. Administer an individual academic achievement assessment in the area(s) of suspected need and for which instruction and intervention have been documented.
7. Complete multiple direct observations across both structured and unstructured settings and various times.
8. Conduct a transition assessment, including a vocational evaluation (as appropriate).
9. When an evaluation in any area is unable to be completed using standardized measures, the evaluation team should use alternative methods of obtaining data to gather information about the child's present levels of performance.

**Potential additional components** of an initial evaluation, as determined by the evaluation team:

1. Conduct an adaptive behavior assessment including information in the areas of conceptual, social, and practical skills.
2. Conduct a visual perceptual skills assessment.
3. Conduct an assessment of cognitive abilities.
4. Conduct a social/emotional assessment across multiple settings.
5. Conduct a motor skills assessment.

**Eligibility Determination.** For a child to be eligible to receive special education and related services under the eligibility category of hearing impairment, including deafness, as defined by IDEA (2004), the EDT must document that the child meets all of the following eligibility criteria:

1. The EDT has eliminated the possibility that lack of appropriate instruction in reading or math is a determinant factor. For preschool children, consider whether the child has had the opportunity to participate in developmentally appropriate early childhood experiences;
2. The EDT has eliminated the possibility that limited English proficiency is a determinant factor;
3. The EDT has determined that no other eligibility category better describes the child's disability; and
4. The assessment and evaluation demonstrate the child meets the requirements of the hearing impairment, including deafness, definition.

In addition, the EDT must document that the child demonstrates a need for special education and related services because, as a result of the disability, the child requires specially designed instruction in order to: (a) be involved in and make progress in the general education curriculum (or for a preschool child, to participate in appropriate activities); (b) participate in extracurricular and other nonacademic activities; and/or (c) be educated and participate with other children with disabilities and nondisabled children.

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**NOTE:** If the child is determined to be eligible for special education and related services under the category of hearing impairment, including deafness, then he or she would not be eligible under the category of developmental delay (DD). Eligibility under all other disability categories must be excluded before DD can be considered. (Subsection F (2) (a) of 6.31.2.10 NMAC)

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**Reevaluation.** The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special education and related services. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

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**NOTE:** Research has clearly documented that children's performance on standardized assessments increases with multiple administration due to the effect of practice. As such, the evaluator must carefully weigh the practice effects against the justification for re-administering the same assessment within a relatively short amount of time.

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As part of this process, the EDT must answer these two questions:

1. What, if any, assessment information (formal or informal) needs to be collected to determine whether the child continues to be eligible for and in need of special education and related services under the eligibility criteria of hearing impairment, including deafness?
2. What, if any, assessment information (formal or informal) needs to be collected to develop an appropriate Individualized Education Plan (IEP) to meet the child's unique needs?

Reevaluation does not necessarily mean more testing. If existing data do not provide adequate information to answer these critical questions, additional assessments may need to be conducted to provide necessary data to determine continued eligibility; provide solid information for program planning; and address concerns, questions, or developments since the last evaluation. To assist the EDT in determining what assessments, if any, may be needed, the team should:

1. Review existing evaluation data related to the child to include:
  - a. Current classroom-based, short-cycle, and/or state assessments;
  - b. Observations and information provided by teachers and related service providers; and
  - c. Observations, information, and/or evaluations provided by the child's parents.

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**NOTE:** Additional information may include, but is not limited to, feedback from the child, grades, and attendance.

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2. Based on this review, and including input from the child's teachers, parents, and other service providers, the team must answer each of these questions:
  - a. What are the child's present levels of academic achievement and functional performance?
  - b. What are the child's educational needs?
  - c. Does the child continue to have a disability?
  - d. Does the child continue to need specialized instruction and related services? and
  - e. What, if any, changes to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child's IEP and to participate, as appropriate, in the general education curriculum?

If the EDT decides that additional assessment information is needed to answer the questions above, the reevaluation should include assessments that are deemed necessary as a result of concerns, questions, or developments since the last evaluation.

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**NOTE:** There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the Review of Existing Evaluation Data (REED) process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

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**Discontinuation of Special Education Services.** Children who have a hearing impairment, including deafness, can be considered for discontinuation of special education supports and services when they demonstrate the ability to function independently and access direct and incidental communication needed for instruction. In addition, children should be able to access and perform adequately in the general curriculum, including extracurricular and nonacademic activities, and no longer demonstrate a need for special education services. The

local education agency (LEA) must evaluate the child before determining that the child is no longer a child with a disability (34 CFR Sec. 300.305(e)(1)).

Any child whose special education services are discontinued must be referred to the SAT at his or her school to ensure that the child is supported in this important transition period. For a child with a hearing impairment including deafness, the SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

## Resources

American Society for Deaf Children  
Toll free: 800-942-2732  
<http://www.deafchildren.org/>

American Speech-Language-Hearing Association Members:  
Toll free: 800-498-2071  
Non-Member: 800-638-8255  
<http://www.asha.org/>

Community Outreach Program for the Deaf (COPD)  
505-255-7636  
<http://www.copdnm.org/>

Conference of Educational Administrators of Schools and Programs for the Deaf (CEASD)  
904-810-5200  
<http://www.ceasd.org/>

Families for Hands and Voices  
217-357-3647  
<http://www.handsandvoices.org/>

Laurent Clerc National Deaf Education Center  
202-651-5855  
<http://clerccenter.gallaudet.edu/>

New Alexander Graham Bell Association for the Deaf  
<http://www.agbell.org/>

New Mexico Commission for the Deaf and Hard of Hearing  
Toll free: 800-489-5836  
<http://www.nmcdhh.org/>

Registry of Interpreters for the Deaf  
703-838-0030  
<http://www.rid.org/>

The New Mexico School for the Deaf  
Toll free: 800-841-6699  
<http://www.nmsd.k12.nm.us/>

## Eligibility Determination: Hearing Impairment, including Deafness

Child Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance. (34 CFR Sec. 300.8(c)(3))

Hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section. (34 CFR Sec. 300.8(c)(5))

In New Mexico, the terms deafness and hearing impairment are combined into one eligibility category called Hearing Impairment, including Deafness. (Subsection (B) (2) of 6.31.2.7 NMAC).

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**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in making an eligibility determination under the category of hearing impairment, including deafness.**

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**Document assessment and evaluation data.** The EDT must review and/or complete the following evaluations and/or assessments according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017):

- screening data/previously conducted evaluation data (preschool-aged children); SAT file documentation (school-aged children)  
Date: \_\_\_\_\_
- child's history, including an interview with the parent(s)/guardian(s)  
Date: \_\_\_\_\_
- audiological evaluation  
Date: \_\_\_\_\_

- speech/ language/communication assessment  
Date: \_\_\_\_\_
- systematic review of individual academic achievement performance  
Date: \_\_\_\_\_
- academic achievement assessment  
Date: \_\_\_\_\_
- complete multiple direct observations across both structured and unstructured settings and various times  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- transition assessment, as appropriate  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_

---

**NOTE:** The assessment and evaluation data must demonstrate that the child is a child with a disability according to the requirements of IDEA (34 CFR Sec. 300.8(c)(3) and (5)) listed above.

---

**Determine the presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child is a child with hearing impairment, including deafness, according to the requirements of IDEA (34 CFR Sec. 300.8(c)(3) and (5)). The questions below should be answered to help the EDT determine whether or not the child has a disability as defined by IDEA (2004).

---

**NOTE:** It is imperative that EDTs remember that multiple sources of evaluation data (including standardized and non-standardized) must be used for all eligibility determination decisions. It is essential that teams look at the whole child, not simply test scores. EDTs are strongly encouraged to review the introduction to this manual, particularly sections related to professional judgment (section 3), multilingual assessment issues (section 4), and the use and interpretation of standardized assessments and obtained scores (section 5).

---

1. Has the EDT eliminated the possibility that either the lack of (a) appropriate instruction in reading or math **and/or** (b) the opportunity to participate in developmentally appropriate early childhood experiences is a determinant factor?

YES                       NO

Documentation:

√ If answered NO, the child is not eligible under the hearing impairment, including deafness, category.

2. Has the EDT eliminated the possibility that limited English proficiency is a determinant factor?

YES                       NO

Documentation:

√ If answered NO, the child is not eligible under the hearing impairment, including deafness, category.

3. Has the EDT determined that the assessment and evaluation data demonstrate that the child is a child with hearing impairment, including deafness, as defined by IDEA (2004)?

YES                       NO

Documentation:

√ If answered NO, the child is not eligible under the hearing impairment, including deafness, category.

4. Has the EDT determined that no other eligibility category better describes this child's disability?

YES                       NO

Documentation:

√ If answered NO, the child is not eligible under the hearing impairment, including deafness, category.

**Determine need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child requires specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004).

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

YES                       NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

YES                       NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?  
 YES       NO  
Rationale/Documentation:

√Answering “yes” to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

### **Determination of eligibility for special education and related**

**services.** The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child is eligible under the eligibility category of hearing impairment, including deafness.
  - The results of the evaluation documents that the child is eligible for and in need of special education services under the eligibility category of hearing impairment, including deafness, as defined by IDEA (2004).
  
- The child is not eligible under the eligibility category of hearing impairment, including deafness.
  - The results of the evaluation indicate that the child does not have hearing impairment, including deafness, as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.
  - The results of the evaluation indicate that the child does not have hearing impairment, including deafness, as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_ . (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that the child has hearing impairment, including deafness, as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child’s primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that although the child has hearing impairment, including deafness, as defined by IDEA (2004), the EDT has determined that the child’s educational needs can be met without specially designed instruction.
  
- The EDT is unable to determine eligibility under the eligibility category of hearing impairment, including deafness. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision.
  - Additional information from:
  - Additional assessments in the following areas:
  - Other:

## Eligibility Determination Team Participants

	Title/Name	Date	Signature
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

**Notes:**

## Reevaluation Eligibility Determination: Hearing Impairment, including Deafness

Child Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance. (34 CFR Sec. 300.8(c)(3))

Hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section. (34 CFR Sec. 300.8(c)(5))

In New Mexico, the terms deafness and hearing impairment are combined into one eligibility category called hearing impairment, including deafness. (Subsection B (2) of 6.31.2.7 NMAC).

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**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in determining continued eligibility under the category of hearing impairment, including deafness.**

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**Review of evaluation data.** The EDT reviewed and/or completed the following evaluations and/or assessments as part of the reevaluation process according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017):

- current classroom-based, short-cycle, and/or state assessments  
Date: \_\_\_\_\_
- complete multiple direct observations across both structured and unstructured settings and various times  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_

- observations and information provided by teachers and related service providers  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- observations, information, and/or evaluations provided by the child's parents  
Date(s): \_\_\_\_\_

Other assessment information included:

- audiological evaluation  
Date: \_\_\_\_\_
- speech/ language/communication assessment  
Date: \_\_\_\_\_
- systematic review of achievement  
Date: \_\_\_\_\_
- academic achievement assessment  
Date: \_\_\_\_\_
- transition assessment, as appropriate  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_

**Determine the continued presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child continues to be a child with hearing impairment, including deafness, according to the requirements of IDEA (34 CFR Sec. 300.8(c)(3) and (5)). The questions below should be answered to help the EDT determine whether or not the child continues to have a disability as defined by IDEA (2004).

1. Has the EDT determined that the assessment and evaluation data demonstrate that the child continues to be a child with deaf-blindness as defined by IDEA (2004)?

YES       NO

Documentation:

√ If answered NO, the child is no longer eligible under the deaf-blindness category.

2. Has the EDT determined that no other eligibility category better describes this child's disability?

YES       NO

Documentation:

√ If answered NO, the child is no longer eligible under the deaf-blindness category.

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**NOTE:** There are no specific reevaluation eligibility criteria, therefore it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

---

**Determine continued need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child continues to require specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004).

To answer the following questions, the EDT should consider (a) the child's present levels of academic achievement and functional performance, (b) the child's educational needs, and (c) any necessary changes to the child's educational program.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

YES  NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

YES  NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?

YES  NO

Rationale/Documentation:

√Answering "yes" to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

**Determination of continued eligibility for special education and related services.** The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child continues to be eligible under the eligibility category of hearing impairment, including deafness.
- The results of the evaluation documents that the child continues to be eligible for and in need of special education services under the eligibility category of hearing impairment, including deafness, as defined by IDEA (2004).

- The child is no longer eligible under the eligibility category of hearing impairment, including deafness.
  - The results of the evaluation indicate that the child no longer has hearing impairment, including deafness, as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.
  - The results of the evaluation indicate that the child no longer has hearing impairment, including deafness, as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_. (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that the child continues to have hearing impairment, including deafness, as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child's primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that although the child continues to have hearing impairment, including deafness, as defined by IDEA (2004), the EDT has determined that the child's educational needs can be met without specially designed instruction.
  
- The EDT is unable to determine continued eligibility under the eligibility category of hearing impairment, including deafness. The following information is needed in order for the EDT to reconvene and make a continued eligibility determination decision:
  - Additional information from:
  - Additional assessments in the following areas:
  - Other:

## Reevaluation Eligibility Determination Team Participants

	<b>Title/Name</b>	<b>Date</b>	<b>Signature</b>
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Data		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

**Notes:**

# Intellectual Disability

**Definition.** Intellectual disability means significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child's educational performance. (34 CFR Sec. 300.8(c)(6))

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**NOTE:** On October 5, 2010, President Obama signed Rosa's Law (S. 2781), effectively replacing the term 'mental retardation' in Federal law with 'intellectual disability.'

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**Characteristics and Educational Impact.** Children who are eligible for special education and related services under the category of intellectual disability (ID) have a disability that adversely affects their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To identify characteristics and educational impact, the eligibility determination team (EDT) must address the question of "How do these characteristics of the disability manifest in the child's natural environment (e.g., home, classroom, recess, etc.)?"

As with all disabilities, the characteristics and educational impact for children with ID will vary greatly. The following sections outline characteristics that may be associated with ID and possible educational impact of those characteristics. This information does not represent an exhaustive list of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with ID will demonstrate all of the following characteristics.

**Preschool-aged Children.** For preschool-aged children with ID it is important to consider developmentally appropriate skill levels and behaviors for the child's age, since they are not necessarily involved in the general education curriculum. For preschool-aged children with ID, the observed characteristics are very similar (although not identical) to those demonstrated by school-aged children with ID. The impact of the disability may be manifested in one or more ways, including, but not limited to:

## Cognition

- Difficulty learning early academic skills, including:
  - Identification of letters and numbers; and/or
  - Identification of colors and shapes.
- Deficits in information processing, including difficulty:
  - Figuring out how to solve problems, such as asking for a drink, using a stool to reach objects, etc.; and/or
  - Trying new strategies to solve problems if the strategies tried are unsuccessful.
- Difficulty with generalization of skills, including:
  - Demonstrating consistent skills across environments;
  - Demonstrating consistent skills across tasks; and/or
  - Demonstrating consistent skills with both familiar and unfamiliar people.

## Communication

- Delayed development of expressive language skills, including difficulty:
  - Using language to express wants, needs, and emotions;

- Generating complete sentences to communicate;
- Retelling stories and experiences; and/or
- Sharing information.
- Delayed development of receptive language skills, including difficulty:
  - Following instructions;
  - Understanding what peers and adults are saying; and/or
  - Learning and understanding age-appropriate vocabulary.
- Difficulty with nonverbal communication, including:
  - Understanding nonverbal communication used by others; and/or
  - Using nonverbal communication, such as gestures, to compensate for expressive language delays.

### **Social/Emotional**

- Deficits in social/emotional skills, including difficulty:
  - Initiating age-appropriate relationships, such as with siblings or same-age peers; and/or
  - Maintaining age-appropriate relationships, such as taking turns, sharing, and playing games.

### **Self-Help Skills**

- Delayed attainment of developmentally appropriate independence and self-care skills.

**School-aged Children.** For school-aged children with ID, the impact of the disability may be manifested in one or more ways, including, but not limited to:

### **Cognition**

- Deficits in information processing, including difficulty:
  - Figuring out how to solve problems, such as asking for a drink, solving mathematical problems, resolving social conflict, etc.; and/or
  - Trying new strategies to solve problems if the strategies tried are unsuccessful.
- Difficulty learning academic skills, including delayed:
  - Literacy skills;
  - Mathematics;
  - Science; and/or
  - Social studies.
- Difficulty with generalization of skills, including:
  - Demonstrating consistent skills across environments;
  - Demonstrating consistent skills across tasks; and/or
  - Demonstrating consistent skills with both familiar and unfamiliar people.
- Difficulty with abstract tasks, including both academic and everyday activities.

### **Communication**

- Difficulty with expressive language skills, including:
  - Using language to express wants, needs, and emotions;
  - Generating complete sentences to communicate;
  - Retelling stories and experiences; and/or
  - Sharing information.
- Difficulty with receptive language skills, including difficulty:
  - Following instructions;
  - Understanding what peers and adults are saying; and/or
  - Learning and understanding age-appropriate vocabulary.

- Difficulty with nonverbal communication, including:
  - Understanding nonverbal communication used by others; and/or
  - Using nonverbal communication, such as gestures, to compensate for expressive language delays.

### **Social/Emotional**

- Difficulty with some social/emotional skills, including:
  - Initiating, maintaining, and terminating age-appropriate relationships, such as with peers, including the risk of exploitation due to difficulty with social judgment and interpersonal skills; and/or
  - Maintaining a strong self-esteem.

### **Self-Help Skills**

- Delayed attainment of developmentally appropriate independence and self-care skills, including:
  - Dressing;
  - Personal hygiene;
  - Using money;
  - Telling time; and/or
  - Using public transportation or otherwise independently navigating through the school and community.

The effects of ID will vary considerably, depending in large part upon the child's intellectual functioning, adaptive behavior, and family and community supports. Some persons with ID may have pervasive and lifelong limitations while many others learn the skills necessary to lead independent lives and engage in competitive employment.

Despite these potential impacts of ID, children with ID have the capacity to learn, to develop, and to grow. With supports, including appropriate education services, children with ID can become contributing and full participants in society.

## **Special Considerations for Assessment.**

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**NOTE:** It is imperative that EDTs remember that multiple sources of evaluation data (including standardized and non-standardized) must be used for all eligibility determination decisions. It is essential that teams look at the whole child, not simply test scores. EDTs are strongly encouraged to review the introduction to this manual, particularly sections related to professional judgment (section 3), multilingual assessment issues (section 4), and the use and interpretation of standardized assessments and obtained scores (section 5).

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**NOTE:** During the eligibility determination process for children with a suspected eligibility under the category of ID, evaluators should conduct a comprehensive assessment of cognitive abilities that provides a valid overall score (e.g., broad, full scale, or composite). The use of brief or abbreviated cognitive measures should not be used when determining if a child is a child with an intellectual disability.

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**NOTE:** It is possible for a child to have both a hearing impairment and/or visual impairment and intellectual disability. As with all eligibility determination decisions, EDT teams are reminded to use multiple sources of information when making decisions regarding a child's eligibility for special education and related services under the category of intellectual disability.

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**Preschool-aged children.** There is a need for extreme caution when identifying a preschool- aged child as having ID. Although testing during infancy and early childhood is useful for identifying current strengths and needs, it is not highly predictive of later cognitive ability since infant and toddler measures of intellectual functioning tend to emphasize sensory-motor tasks over conceptualization or reasoning tasks. In addition, as with all children, but perhaps more notably for young children, low cognitive scores may reflect spurious factors such as short attention span, fatigue, or lack of interest or motivation for the tasks. It is essential to seriously consider the validity of the assessment scores when considering the eligibility category of ID, particularly for a preschool-aged child. The evaluator may consider administering a second measure of cognitive ability if there are any questions regarding the validity of the first assessment due to the child's compliance, fatigue, focus, etc. throughout the evaluation session(s).

**School-aged children.** The following five assumptions, regarding intellectual disability (ID), provided by the American Association on Intellectual and Developmental Disabilities are essential to the consideration of eligibility for special education and related services under this IDEA eligibility category:

- Limitations in present functioning must be considered within the context of community environments typical of the individual's age, peers, and culture;
- Valid assessment considers cultural and linguistic diversity as well as differences in communication, sensory, motor, and behavioral factors;
- Within an individual, limitations often coexist with strengths;
- An important purpose of describing limitations is to develop a profile of needed supports; and/or
- With appropriate personalized supports over a sustained period, the life functioning of the person with intellectual disability generally will improve.

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**NOTE:** Remember that the presence of a medical diagnosis or a diagnosis based on current DSM criteria does not make a child automatically eligible for special education and related services under Individuals with Disabilities Education Act (IDEA 2004). Determination of eligibility for special education and related services is based on both: (a) an identified disability as defined by IDEA (2004) and (b) a documented need for special education and related services.

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**Initial Evaluation.** The list below provides the evaluation team with highly recommended components of an initial evaluation to determine whether a student is eligible for and in need of special education and related services under the eligibility category of ID:

1. For preschool-aged children, review existing screening data and/or any previously conducted evaluation data. For school-aged children, review and consider complete SAT file documentation and existing evaluation data, such as school health records, previous test scores, grades, and home language survey.
2. Gather and analyze developmental/educational, medical (including vision and hearing), family, and social history, including an interview with the parent(s)/guardian(s).
3. Complete multiple direct observations across both structured and unstructured settings and various times;
4. Conduct an assessment of cognitive abilities.
5. Obtain adaptive behavior information including the areas of conceptual, social, and practical skills.
6. Document manifestation of the disability before the age of 18.
7. Complete a systematic review of individual academic achievement, including formal and informal measures.
8. Administer an individual academic achievement assessment in the areas of suspected disability and for which instruction and intervention have been documented.
9. Conduct a speech/language/communication evaluation.
10. Conduct a transition assessment, including a vocational evaluation, as appropriate.
11. When an evaluation in any area is unable to be completed using standardized measures the evaluation team should use alternative methods of obtaining data to gather information about the child's present levels of performance.

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**NOTE:** It is paramount to accurately identify the appropriate eligibility category for all children with disabilities, but this is particularly true and poignant in the case of ID. Misidentifying a child who has ID (e.g., under the category of autism, other health impairment, specific learning disability, or speech-language impairment) is both false and misleading and can be detrimental to the life and wellbeing of the child and family, particularly when considering school to life transition issues. (*Atkins v. Virginia*)

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**Potential additional components** of an initial evaluation, as determined by the evaluation team:

1. Conduct a functional behavioral assessment.
2. Conduct a motor skills assessment.
3. Conduct an assistive technology evaluation.
4. Obtain a current physical examination consistent with area(s) of suspected disability.

**Eligibility Determination.** For a child to be eligible to receive special education and related services under the eligibility category of ID, as defined by IDEA (2004), the EDT must document that the child meets all of the following eligibility criteria:

1. The EDT has eliminated the possibility that lack of appropriate instruction in reading or math is a determinant factor. For preschool children, consider whether the child has had the opportunity to participate in developmentally appropriate early childhood experiences;

2. The EDT has eliminated the possibility that limited English proficiency is a determinant factor;
3. The EDT has determined that no other eligibility category better describes the child's disability; and
4. The assessment and evaluation demonstrate the child meets the requirements of the intellectual disability definition;
  - a. The child has a valid overall (e.g., broad, full scale, or composite) cognitive score of 70 or below, considering SEM (see guidelines regarding the use of SEM in Section Five).
  - b. The child has one or more valid adaptive behavior scores in conceptual, social, or practical skills (or an overall score that includes those three components) that is (are) at least two standard deviations below the mean.
  - c. The child's cognitive disability existed before the age of 18.

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**NOTE:** Only in rare cases in which documented deficits related to the child's disability (e.g., vision, hearing, communication, or motor skills) limit the use of an overall cognitive score would another assessment method or score be permissible as an estimate of cognitive ability (e.g., use of an index score or arena assessment). This is only appropriate when the EDT determines that this method or score is the most valid representation of the child's cognitive ability.

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In addition, the EDT must document that the child demonstrates a need for special education and related services because, as a result of the disability, the child requires specially designed instruction in order to: (a) be involved in and make progress in the general education curriculum; (b) participate in extracurricular and other nonacademic activities; and/or (c) be educated and participate with other children with disabilities and nondisabled children.

---

**NOTE:** If the child is determined to be eligible for special education and related services under the category of intellectual disability (ID), then he or she would not be eligible under the category of developmental delay (DD). Eligibility under all other disability categories must be excluded before DD can be considered. (Subsection F (2) (a) of 6.31.2.10 NMAC).

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**Reevaluation.** The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special education and related services. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

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**NOTE:** Research has clearly documented that children's performance on standardized assessments increases with multiple administration due to the effect of practice. As such, the evaluator must carefully weigh the practice effects against the justification for re-administering the same assessment within a relatively short amount of time.

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As part of this process, the EDT must answer these two questions:

1. What, if any, assessment information (formal or informal) needs to be collected to determine whether the child continues to be eligible for and in need of special education and related services under the eligibility criteria of ID?
2. What, if any, assessment information (formal or informal) needs to be collected to develop an appropriate Individualized Education Program (IEP) to meet the child's unique needs.

Reevaluation does not necessarily mean more testing. If existing data do not provide adequate information to answer these critical questions, additional assessments may need to be conducted to provide necessary data to determine continued eligibility; provide solid information for program planning; and address concerns, questions, or developments since the last evaluation. To assist the EDT in determining what assessments, if any, may be needed, the team should:

1. Review existing evaluation data on the child to include:
  - a. Current classroom-based, short-cycle, and/or state assessments;
  - b. Observations and information provided by teachers and related service providers; and
  - c. Observations, information, and/or evaluations provided by the child's parents.

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**NOTE:** Additional information may include, but is not limited to, feedback from the child, grades, and attendance.

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2. Based on this review, and including input from the child's teachers, parents, and other service providers, the team must answer each of these questions:
  - a. What are the child's present levels of academic achievement and functional performance?
  - b. What are the child's educational needs?
  - c. Does the child continue to have a disability?
  - d. Does the student continue to need specialized instruction and related services? and
  - e. What, if any, changes to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child's IEP and to participate, as appropriate, in the general education curriculum?

If the EDT decides that additional assessment information is needed to answer the questions above, the reevaluation should include assessments that are deemed necessary as a result of concerns, questions, or developments since the last evaluation.

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**NOTE:** There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the Review of Existing Evaluation Data (REED) process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

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**NOTE:** The assessment of cognitive abilities may be important if the most current cognitive results were gathered before age eight. (Neisworth & Bagnato 1992)

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**Discontinuation of Special Education Services.** It is important to avoid prematurely discontinuing special education supports and services, as children with ID will likely continue to need special education and/or related services throughout their school tenure. With appropriate special education supports, the child's functioning will generally improve and the intensity of their supports may simply need to be adapted.

Children should be considered for discontinuation of special education supports and services if they demonstrate the ability to function independently, access and perform adequately in the general curriculum, including extracurricular and nonacademic activities, and no longer demonstrate a need for special education services. The local education agency (LEA) must evaluate the child before determining that the child is no longer a child with a disability (34 CFR Sec. 300.305(e)(1)).

Any child whose special education services are discontinued must be referred to the SAT at his or her school to ensure that the child is supported in this important transition period. For a child with an ID, the SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

## Resources

The American Association on Intellectual and Developmental Disabilities  
202-387-1968  
<http://www.aaid.org/>

The Arc of New Mexico  
Toll free: 800-358-6493  
<http://www.arcnm.org/>

The Association for Persons with Severe Handicaps (TASH)  
202-540-9020  
<http://www.tash.org/>

**Notes:**

## Eligibility Determination: Intellectual Disability

Child Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

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. (34 CFR Sec. 300.8(c)(6))

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**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in making an eligibility determination under the category of intellectual disability.**

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**Document assessment and evaluation data.** The EDT must review and/or complete the following evaluations and/or assessments according to the requirements established in the New Mexico Technical Evaluation and Assistance Manual (NM TEAM 2017):

- screening data/previously conducted evaluation data (preschool aged children); SAT file documentation (school aged children)  
Date: \_\_\_\_\_
- child's history, including an interview with the parent(s)/guardian(s)  
Date: \_\_\_\_\_
- complete multiple direct observations across both structured and unstructured settings and various times  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- assessment of cognitive abilities  
Date: \_\_\_\_\_
- adaptive behavior assessment  
Date: \_\_\_\_\_
- documentation of the manifestation of the disability before age 18
- systematic review of individual academic achievement performance  
Date: \_\_\_\_\_

- academic achievement assessment  
Date: \_\_\_\_\_
- speech/language/communication assessment  
Date: \_\_\_\_\_
- transition assessment, as appropriate  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_

---

**NOTE:** The assessment and evaluation data must demonstrate that the child is a child with a disability according to the requirements of IDEA (34 CFR Sec. 300.8(c)(6)) listed above.

---

**Determine the presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child is a child with intellectual disability according to the recommendations of IDEA (34 CFR Sec. 300.8(c)(6)). The questions below should be answered to help the EDT determine whether or not the child has a disability as defined by IDEA (2004).

---

**NOTE:** It is imperative that EDTs remember that multiple sources of evaluation data (including standardized and non-standardized) must be used for all eligibility determination decisions. It is essential that teams look at the whole child, not simply test scores. EDTs are strongly encouraged to review the introduction to this manual, particularly sections related to professional judgment (section 3), multilingual assessment issues (section 4), and the use and interpretation of standardized assessments and obtained scores (section 5).

---

1. Has the EDT eliminated the possibility that either the lack of (a) appropriate instruction in reading or math **and/or** (b) the opportunity to participate in developmentally appropriate early childhood experiences is a determinant factor?

YES                       NO

Documentation:

√ If answered NO, the child is not eligible under the intellectual disability category.

2. Has the EDT eliminated the possibility that limited English proficiency is a determinant factor?

YES                       NO

Documentation:

√ If answered NO, the child is not eligible under the intellectual disability category.

---

**NOTE:** When the child's obtained scores are closely bordering these values, the team should document the data (representing multiple sources) used to support eligibility determination decisions. All decisions regarding the use of particular scores in the eligibility determination process should be based on professional judgment. These decisions must be clearly documented and the rationale for the decisions must be clearly outlined in the eligibility determination team (EDT) forms.

---

3. Has the EDT determined that the assessment and evaluation data demonstrate that the child is a child with intellectual disability as defined by IDEA (2004) and evidenced by meeting all of the following criteria:

a. Significant limitations in cognitive ability demonstrated by one or both of the following methods:

i. Valid overall (e.g., broad, full scale, or composite) cognitive score that is 70 or below considering SEM.

YES                       NO

Documentation:

ii. An alternative procedure that the EDT has determined is a more valid representation of the child's cognitive ability.

YES                       NO

Documentation:

√If answered NO, the child is not eligible under the intellectual disability category.

b. One or more valid adaptive behavior scores that is (are) at least two standard deviations below the mean:

Conceptual                       YES                       NO

Social                               YES                       NO

Practical Skills                       YES                       NO

Overall Score                       YES                       NO

Documentation:

√If answered NO, the child is not eligible under the intellectual disability category.

c. The cognitive disability existed before age of 18.

YES                       NO

Documentation:

√If answered NO, the child is not eligible under the intellectual disability category.

4. Has the EDT determined that no other eligibility category better describes this child's disability?  
 YES       NO  
Documentation:

√If answered NO, the child is not eligible under the intellectual disability category.

**Determine need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child requires specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004).

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?  
 YES       NO  
Rationale/Documentation:
2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?  
 YES       NO  
Rationale/Documentation:
3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?  
 YES       NO  
Rationale/Documentation:

√Answering "yes" to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

**Determination of eligibility for special education and related services.**

The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child is eligible under the eligibility category of intellectual disability.  
 The results of the evaluation documents that the child is eligible for and in need of special education services under the eligibility category of intellectual disability as defined by IDEA (2004).
- The child is not eligible under the eligibility category of intellectual disability.  
 The results of the evaluation indicate that the child does not have intellectual disability as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.  
 The results of the evaluation indicate that the child does not have intellectual disability as defined by IDEA (2004), but the child is eligible for special education and related services under the category of

- \_\_\_\_\_ . (Complete appropriate eligibility determination form for that category.)
- The results of the evaluation indicate that the child has intellectual disability as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child's primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that although the child has intellectual disability as defined by IDEA (2004), the EDT has determined that the child's educational needs can be met without specially designed instruction.
- The EDT is unable to determine eligibility under the eligibility category of intellectual disability. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:
- Additional information from:
  - Additional assessments in the following areas:
  - Other:

## Eligibility Determination Team Participants

	Title/Name	Date	Signature
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

## Reevaluation Eligibility Determination: Intellectual Disability

Child Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

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. (34 CFR Sec. 300.8(c)(6)).

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**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in determining continued eligibility under the category of intellectual disability.**

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**Review of evaluation data.** The EDT reviewed and/or completed the following evaluations and/or assessments as part of the reevaluation process according to the requirements established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017):

- current classroom-based, short-cycle, and/or state assessments  
Date: \_\_\_\_\_
- complete multiple direct observations across both structured and unstructured settings and various times  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- observations and information provided by teachers and related service providers  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- observations, information, and/or evaluations provided by the child's parents  
Date(s): \_\_\_\_\_

Other assessment information included:

- assessment of cognitive abilities  
Date: \_\_\_\_\_
- adaptive behavior assessment  
Date: \_\_\_\_\_
- academic achievement assessment  
Date: \_\_\_\_\_
- speech/language/communication assessment  
Date: \_\_\_\_\_
- transition assessment, as appropriate  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_

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**NOTE:** The assessment and evaluation data must demonstrate that the child is a child with a disability according to the requirements of IDEA (34 CFR Sec. 300.8(c)(6)) listed above.

---

**Determine the continued presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child continues to be a child with intellectual disability according to the recommendations of IDEA (34 CFR Sec. 300.8(c)(6)). The questions below should be answered to help the EDT determine whether or not the child continues to have a disability as defined by IDEA (2004).

1. Has the EDT determined that the assessment and evaluation data demonstrate that the child continues to be a child with intellectual disability as defined by IDEA (2004)?  
 YES       NO  
Documentation:

√ If answered NO, the child is no longer eligible under the autism category.

2. Has the EDT determined that no other eligibility category better describes this child's disability?  
 YES       NO  
Documentation:

√ If answered NO, the child is no longer eligible under the autism category.

---

**NOTE:** There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

---

**Determine continued need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child continues to require specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004).

To answer the following questions, the EDT should consider (a) the child's present levels of academic achievement and functional performance, (b) the child's educational needs, and (c) any necessary changes to the child's educational program.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

YES       NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

YES       NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?

YES       NO

Rationale/Documentation:

√ Answering "yes" to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

### **Determination of continued eligibility for special education and related services.**

The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination.

- The child continues to be eligible under the eligibility category of intellectual disability.
  - The results of the evaluation documents that the child continues to be eligible for and in need of special education services under the eligibility category of intellectual disability as defined by IDEA (2004).
  
- The child is no longer eligible under the eligibility category of intellectual disability.
  - The results of the evaluation indicate that the child no longer has intellectual disability as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.
  - The results of the evaluation indicate that the child no longer has intellectual disability as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_ . (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that the child continues to have intellectual disability as defined by IDEA (2004); however, the EDT has determined that the

eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child's primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)

The results of the evaluation indicate that although the child continues to have intellectual disability as defined by IDEA (2004), the EDT has determined that the child's educational needs can be met without specially designed instruction.

The EDT is unable to determine continued eligibility under the eligibility category of intellectual disability. The following information is needed in order for the EDT to reconvene and make a continued eligibility determination decision:

Additional information from:

Additional assessments in the following areas:

Other:

## Reevaluation Eligibility Determination Team Participants

	Title/Name	Date	Signature
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

**Notes:**

# Multiple Disabilities

**Definition.** Multiple disabilities means concomitant impairments (such as intellectual disability and blindness or intellectual disability and 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. Multiple disabilities does not include deaf-blindness. (34 CFR Sec. 300.8(c)(7))

Children eligible for special education and related services under the category of multiple disabilities (MD) must meet the eligibility criteria in two or more Individuals with Disabilities Education Act (IDEA) categories. This eligibility category is characterized by the need for extensive and/or pervasive intensities of educational supports and, as such, is an extremely low-incidence category. It involves complex, inseparable interactions between two or more disabilities and it is neither possible nor appropriate to designate the disabilities within this category as primary and secondary.

**Characteristics and Educational Impact.** Children who are eligible for special education and related services under the category of MD have disabilities that adversely affect their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To identify characteristics and educational impact, the eligibility determination team (EDT) must address the question of “How do these characteristics of the disabilities manifest in the child’s natural environment (e.g., home, classroom, recess, etc.)?”

As with all disabilities, the characteristics and educational impact for children with MD will vary greatly. The following sections outline characteristics that may be associated with MD and possible educational impact of those characteristics. This information does not represent an exhaustive list of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with MD will demonstrate all of the following characteristics.

The potential educational impact reflects the unique interaction between the particular disabilities present for a given child. For some people with MD, the need for assistance or services may only be in one aspect of their everyday lives. For others with MD, these needs not only span the many aspects of their everyday lives, but across their school years and into adulthood.

Please refer to the specific chapters in this manual for the potential educational impacts of any other special education disabilities that might be considered as one interacting component of a multiple disability.

When a disability such as intellectual disability (ID) interacts with one or more additional identified disabilities (e.g., such as autism, orthopedic impairment, or visual impairment), the result can be significant challenges in mental information processing and development of independent life skills. For example, a child with ID who also has a visual impairment will likely demonstrate needs that are quite distinct from typically developing peers, other children with ID, and other children with visual impairments. This child’s educational program would likely need to include interventions and supports to differentiate instructions to support cognitive needs, as well as to address strategies to compensate for the visual impairment within the context of the cognitive impairment. An evaluation of a child with suspected MD should ensure

that the EDT gathers the information necessary to determine the child's educational needs within the context of the child's disability.

Possible combinations for multiple disabilities are:

- Sensory-cognitive,
- Sensory-physical, and
- Cognitive-physical.

**Special Considerations for Assessment.** Based on the extremely low incidence of this category, including the need for intensive and pervasive support, the following eligibility categories might be considered when determining a possible eligibility under MD:

- Autism;
- Deaf-blindness: Only considered if the child also demonstrates another disability;
- Hearing impairment, including deafness;
- Intellectual disability (ID);
- Orthopedic impairment (OI);
- Other health impairment (OHI): Medical conditions such as ADD/ADHD, diabetes, or asthma would not be considered under the category of MD due to the lack of intensive and pervasive support needs associated with these conditions;
- Traumatic brain injury (TBI); and/or
- Visual impairment (VI), including blindness.

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**NOTE:** It is imperative that EDTs remember that multiple sources of evaluation data (including standardized and non-standardized) must be used for all eligibility determination decisions. It is essential that teams look at the whole child, not simply test scores. EDTs are strongly encouraged to review the introduction to this manual, particularly sections related to professional judgment (section 3), multilingual assessment issues (section 4), and the use and interpretation of standardized assessments and obtained scores (section 5).

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**Initial Evaluation.** Highly recommended and potential additional components of an initial evaluation should be determined by the evaluation team based upon the concomitant disabilities and the guidance provided in this manual that is specific to those areas of suspected disability.

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**NOTE:** It is possible for a child to have both a hearing impairment and/or visual impairment and intellectual disability. As with all eligibility determination decisions, EDT teams are reminded to use multiple sources of information when making decisions regarding a child's eligibility for special education and related services under the category of intellectual disability.

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**Eligibility Determination.** For a child to be eligible to receive special education and related services under the eligibility category of MD, as defined by Individuals with Disabilities Education Act (IDEA, 2004), the EDT must document that the child meets all of the following eligibility criteria:

1. The EDT has eliminated the possibility that lack of appropriate instruction in reading or math is a determinant factor. For preschool children, consider whether the child has had the opportunity to participate in developmentally appropriate early childhood experiences;

2. The EDT has eliminated the possibility that limited English proficiency is a determinant factor;
3. The EDT has determined that no other eligibility category better describes the child's disability; and
4. The assessment and evaluation demonstrate the child meets the requirements of the MD definition.

In addition, the EDT must document that the child demonstrates a need for special education and related services because, as a result of the disability, the child requires specially designed instruction in order to: (a) be involved in and make progress in the general education curriculum; (b) participate in extracurricular and other nonacademic activities; and/or (c) be educated and participate with other children with disabilities and nondisabled children.

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**NOTE:** If the child is determined to be eligible for special education and related services under the category of multiple disabilities (MD), then he or she would not be eligible under the category of developmental delay (DD). Eligibility under all other disability categories must be excluded before DD can be considered. (Subsection F (2) (a) of 6.31.2.10 NMAC)

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**Reevaluation.** The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special education and related services. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

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**NOTE:** Research has clearly documented that children's performance on standardized assessments increases with multiple administration due to the effect of practice. As such, the evaluator must carefully weigh the practice effects against the justification for re-administering the same assessment within a relatively short amount of time.

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As part of this process, the EDT must answer these two questions:

1. What, if any, assessment information (formal or informal) needs to be collected to determine whether the child continues to be eligible for and in need of special education and related services under the eligibility criteria of MD?
2. What, if any, assessment information (formal or informal) needs to be collected to develop an appropriate Individualized Education Program (IEP) to meet the child's unique needs?

Reevaluation does not necessarily mean more testing. If existing data do not provide adequate information to answer these critical questions, additional assessments may need to be conducted to provide necessary data to determine continued eligibility; provide solid information for program planning; and address concerns, questions, or developments since the last evaluation. To assist the EDT in determining what assessments, if any, may be needed, the team should:

1. Review existing evaluation data on the child to include:
  - a. Current classroom-based, short-cycle, and/or state assessments;
  - b. Observations and information provided by teachers and related service providers; and
  - c. Observations, information, and/or evaluations provided by the child's parents.

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**NOTE:** Additional information may include, but is not limited to, feedback from the child, grades, and attendance.

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2. Based on this review, and including input from the child's teachers, parents, and other service providers, the team must answer each of these questions:
  - a. What are the child's present levels of academic achievement and functional performance?
  - b. What are the child's educational needs?
  - c. Does the child continue to have a disability?
  - d. Does the student continue to need specialized instruction and related services? and
  - e. What, if any, changes to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child's IEP and to participate, as appropriate, in the general education curriculum?

If the EDT decides that additional assessment information is needed to answer the questions above, the reevaluation should include assessments that are deemed necessary as a result of concerns, questions, or developments since the last evaluation.

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**NOTE:** There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the Review of Existing Evaluation Data (REED) process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

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**NOTE:** The assessment of cognitive abilities may be important if the most current cognitive results were gathered before age eight (Neisworth & Bagnato 1992).

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**Discontinuation of Special Education Services.** It is important to avoid prematurely discontinuing special education supports and services, as children with MD will likely continue to need special education and/or related services throughout their school tenure. With appropriate special education supports, the child's functioning will generally improve and the intensity of their supports may simply need to be adapted.

Children should be considered for discontinuation of special education supports and services when they demonstrate the ability to function independently, access and perform adequately in the general curriculum, including extracurricular and nonacademic activities, and no longer demonstrate a need for special education services. The local education agency (LEA) must evaluate the child before determining that the child is no longer a child with a disability (34 CFR Sec. 300.305(e)(1)).

Any child whose special education services are discontinued must be referred to the SAT at his or her school to ensure that the child is supported in this important transition period. For a child with MD, the SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

## Resources

Association of University Centers for Excellence (AUCE)  
301-588-8252  
<http://www.auce.org/>

Hands and Voices  
866-422-0422  
<http://www.handsandvoices.org/>

The American Association on Intellectual and Developmental Disabilities  
202-387-1968  
<http://www.aaid.org/>

The Arc of New Mexico  
Toll free: 800-358-6493  
<http://www.arcnm.org/>

The Association for Persons with Severe Handicaps (TASH)  
202-540-9020  
<http://www.tash.org/>

The National Rehabilitation Information Center (NARIC)  
Toll free: 800-346-2742  
<http://www.naric.com/>

United Cerebral Palsy (UCP)  
Toll free: 800-872-5827  
<http://www.ucp.org/>

**Notes:**

# Eligibility Determination: Multiple Disabilities

Child Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

Multiple disabilities means concomitant impairments (such as intellectual disability and blindness or intellectual disability and orthopedic impairment), the combination of which produces such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities does not include deaf-blindness. (34 CFR Sec. 300.8(c)(7))

Children eligible for special education and related services under the category of multiple disabilities (MD) must meet the eligibility criteria in two or more IDEA categories. This eligibility category is characterized by the need for extensive and/or pervasive intensities of educational supports and, as such, is an extremely low-incidence category. It involves complex, inseparable interactions between two or more disabilities and it is neither possible nor appropriate to designate the disabilities within this category as primary and secondary.

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**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in making an eligibility determination under the category of multiple disabilities.**

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**Document assessment and evaluation data.** The EDT must review and/or complete the evaluations and/or assessments established in the New Mexico Technical Evaluation and Assistance Manual (NM TEAM 2017) for each of the suspected disability categories. Eligibility determination forms for the other disability categories considered must be attached to this eligibility determination form.

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The assessment and evaluation data must demonstrate that the child is a child with a disability according to the requirements of IDEA (34 CFR Sec. 300.8(c)(7)) listed above.

---

**Determine the presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child is a child with multiple disabilities according to the requirements of IDEA (34 CFR Sec. 300.8(c)(7)). The questions below should

be answered to help the EDT determine whether or not the child has a disability as defined by IDEA (2004).

---

**NOTE:** It is imperative that EDTs remember that multiple sources of evaluation data (including standardized and non-standardized) must be used for all eligibility determination decisions. It is essential that teams look at the whole child, not simply test scores. EDTs are strongly encouraged to review the introduction to this manual, particularly sections related to professional judgment (section 3), multilingual assessment issues (section 4), and the use and interpretation of standardized assessments and obtained scores (section 5).

---

1. Has the EDT eliminated the possibility that either the lack of (a) appropriate instruction in reading or math **and/or** (b) the opportunity to participate in developmentally appropriate early childhood experiences is a determinant factor?

YES                       NO

Documentation:

√ If answered NO, the child is not eligible under the multiple disabilities category.

2. Has the EDT eliminated the possibility that limited English proficiency is a determinant factor?

YES                       NO

Documentation:

√ If answered NO, the child is not eligible under the multiple disabilities category.

3. Has the EDT determined that the assessment and evaluation data demonstrate that the child's primary disability is deaf-blindness?

YES                       NO

Documentation:

√ If answered YES, the child is not eligible under the multiple disabilities category.

4. Has the EDT determined that these assessments and evaluation data demonstrate that the child is a child with multiple disabilities as defined by IDEA (2004)?

- a. Has the EDT determined that the child meets eligibility in two or more of the following IDEA eligibility categories (check categories below)?

YES                       NO

- Autism
- Deaf-blindness (only considered if the child demonstrates another disability)
- Hearing impairment, including deafness (cannot be paired solely with visual impairment, including blindness)
- Intellectual disability
- Orthopedic impairment

- Other health impairment (medical conditions such as ADD/ADHD, diabetes, or asthma would not be considered under the category of MD due to the lack of intensive and pervasive support needs associated with these condition)
- Traumatic brain injury
- Visual impairment, including blindness (cannot be paired solely with hearing impairment, including deafness)

Documentation (Complete and attach eligibility determination worksheets for each eligibility category identified.):

√ If answered NO, the child is not eligible under the multiple disabilities category.

- b. Has the EDT determined that they cannot designate one of the above eligibility categories as the primary disability impacting the child's educational performance?

YES                       NO

Documentation:

√ If answered NO, the child is not eligible under the multiple disabilities category.

- c. Has the EDT determined that the child's needs are so extensive and pervasive due to the multiple disabilities that they cannot be met under one disability category alone (i.e., the EDT cannot identify a primary disability)?

YES                       NO

Documentation:

√ If answered NO, the child is not eligible under the multiple disabilities category.

5. Has the EDT determined that no single eligibility category better describes this child's disability?

YES                       NO

Documentation:

√ If answered NO, the child is not eligible under the multiple disabilities category.

**Determine need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child requires specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004).

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

YES                       NO  
Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

YES                       NO  
Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?

YES                       NO  
Rationale/Documentation:

√Answering “yes” to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

### **Determination of eligibility for special education and related services.**

The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child is eligible under the eligibility category of multiple disabilities.
  - The results of the evaluation documents that the child is eligible for and in need of special education services under the eligibility category of multiple disabilities as defined by IDEA (2004).
  
- The child is not eligible under the eligibility category of multiple disabilities.
  - The results of the evaluation indicate that the child does not have multiple disabilities as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.
  - The results of the evaluation indicate that the child does not have multiple disabilities as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_.  
(Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that the child has multiple disabilities as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child’s primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)
  
- The results of the evaluation indicate that although the child has multiple disabilities as defined by IDEA (2004), the EDT has determined that the child’s educational needs can be met without specially designed instruction.
  
- The EDT is unable to determine eligibility under the eligibility category of multiple disabilities. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:
  - Additional information from:
  - Additional assessments in the following areas:
  - Other:

## Eligibility Determination Team Participants

	Title/Name	Date	Signature
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

**Notes:**

## Reevaluation Eligibility Determination: Multiple Disabilities

Child Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

Multiple disabilities means concomitant impairments (such as intellectual disability and blindness or intellectual disability and orthopedic impairment), the combination of which produces such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities does not include deaf-blindness. (34 CFR Sec. 300.8(c)(7))

Children eligible for special education and related services under the category of multiple disabilities (MD) must meet the eligibility criteria in two or more IDEA categories. This eligibility category is characterized by the need for extensive and/or pervasive intensities of educational supports and, as such, is an extremely low-incidence category. It involves complex, inseparable interactions between two or more disabilities and it is neither possible nor appropriate to designate the disabilities within this category as primary and secondary.

---

**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in determining continued eligibility under the category of multiple disabilities.**

---

**Review of evaluation data.** The EDT reviewed and/or completed the evaluations and/or assessments established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017) for each of the disability categories under which the child is currently receiving special education and related services. Eligibility determination forms for those disability categories must be attached to this reevaluation eligibility determination form.

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The assessment and evaluation data must demonstrate that the child is a child with a disability according to the requirements of IDEA (34 CFR Sec. 300.8(c)(7)) listed above.

---

**Determine the continued presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child continues to be a child with multiple disabilities according to the requirements of IDEA (34 CFR Sec. 300.8(c)(7)). The questions below should be answered to help the EDT determine whether or not the child has a disability as defined by IDEA (2004).

To answer the following questions, the EDT should consider (a) the child's present levels of academic achievement and functional performance, (b) the child's educational needs, and (c) any necessary changes to the child's educational program.

1. Has the EDT determined that these assessments and evaluation data demonstrate that the child continues to be a child with multiple disabilities as defined by IDEA (2004) in two or more of the following IDEA eligibility categories (check categories below)?

YES  NO

- Autism
- Deaf-blindness (only considered if the child demonstrates another disability)
- Hearing impairment, including deafness (cannot be paired solely with visual impairment, including blindness)
- Intellectual disability
- Orthopedic impairment
- Other health impairment (medical conditions such as ADD/ADHD, diabetes, or asthma would not be considered under the category of MD due to the lack of intensive and pervasive support needs associated with these condition)
- Traumatic brain injury
- Visual impairment, including blindness (cannot be paired solely with hearing impairment, including deafness)

Documentation (Complete and attach eligibility determination worksheets for each eligibility category identified.):

√ If answered NO, the child is no longer eligible under the multiple disabilities category.

2. Has the EDT determined that no single eligibility category better describes this child's disability?

YES  NO

Documentation:

√ If answered NO, the child is no longer eligible under the multiple disabilities category.

---

**NOTE:** There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

---

**Determine continued need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child continues to require specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004).

To answer the following questions, the EDT should consider (a) the child's present levels of academic achievement and functional performance, (b) the child's educational needs, and (c) any necessary changes to the child's educational program.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?  
 YES       NO  
Rationale/Documentation:
  
2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?  
 YES       NO  
Rationale/Documentation:
  
3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?  
 YES       NO  
Rationale/Documentation:

√Answering "yes" to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

**Determination of continued eligibility for special education and related services.** The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child continues to be eligible under the eligibility category of multiple disabilities.
  - The results of the evaluation documents that the child continues to be eligible for and in need of special education services under the eligibility category of multiple disabilities as defined by IDEA (2004).
  
- The child is no longer eligible under the eligibility category of multiple disabilities.
  - The results of the evaluation indicate that the child no longer has multiple disabilities as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.

- The results of the evaluation indicate that the child no longer has multiple disabilities as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_ . (Complete appropriate eligibility determination form for that category.)
- The results of the evaluation indicate that the child continues to have multiple disabilities as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child's primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)
- The results of the evaluation indicate that although the child continues to have multiple disabilities as defined by IDEA (2004), the EDT has determined that the child's educational needs can be met without specially designed instruction.
- The EDT is unable to determine continued eligibility under the eligibility category of multiple disabilities. The following information is needed in order for the EDT to reconvene and make a continued eligibility determination decision:
  - Additional information from:
  - Additional assessments in the following areas:
  - Other:

## Reevaluation Eligibility Determination Team Participants

	<b>Title/Name</b>	<b>Date</b>	<b>Signature</b>
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

**Notes:**

# Orthopedic Impairment

**Definition.** Orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures). (34 CFR Sec. 300.8(c)(8))

**Characteristics and Educational Impact.** An orthopedic impairment (OI) involves a chronic physical or structural limitation of the skeleton, joints, muscles, and/or fascia. Disabilities may be congenital or acquired anomalies, excluding traumatic brain injury.

Children who are eligible for special education and related services under the category of OI have a disability that adversely affects their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To identify characteristics and educational impact, the eligibility determination team (EDT) must address the question of "How do these characteristics of the disability manifest in the child's natural environment (e.g., home, classroom, recess, etc.)?"

Educational performance related to OI may include the child's ability to:

- Access the general education curriculum;
- Participate in general education classrooms;
- Safely negotiate throughout the school campus;
- Utilize school resources, including but not limited to playground equipment, cafeteria, science labs, media centers, social groups, athletics, and restrooms; and/or
- Participate in physical education activities that are required of or provided for children without disabilities in the same grades and schools.

As with all disabilities, the characteristics and educational impact for children with OI will vary greatly. The following sections outline characteristics that may be associated with OI and possible educational impact of those characteristics. This information does not represent an exhaustive list of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with OI will demonstrate all of the following characteristics.

**Preschool-aged Children.** For preschool-aged children with OI, it is important to consider developmentally appropriate skill levels and behaviors for the child's age, since they are not necessarily involved in the general education curriculum. For preschool-aged children with OI, the observed characteristics are very similar (although not identical) to those demonstrated by school-aged children with OI. The impact of the disability may be manifested in one or more ways, including, but not limited to:

## Physical/Motor

- Deficits with gross motor skills, including difficulty:
  - Participating in play activities outside or on a playground;
  - Moving through the home and community environments (e.g., crawling, walking, etc.)

- Navigating over varied terrain, such as sidewalks, parks, etc.
- Deficits with fine motor skills, including difficulty:
  - Using crayons and scissors;
  - Playing with developmentally appropriate toys; and/or
  - Participating in age-appropriate self-help activities, such as toileting, dressing, and eating.
- Limited access to learning environments.

### **Communication**

- Deficits in speech skills, including difficulty:
  - Fully communicating their ideas, needs, and desires at home and in the community; and/or
  - Fully participating in family and community activities.

### **Social/Emotional**

- Delayed social/emotional skills due to decreased opportunities for social interactions with peers.

**School-aged Children.** For school-aged children with OI, the impact of the disability may be manifested in one or more ways, including, but not limited to:

### **Physical/Motor**

- Deficits with gross motor skills, including difficulty:
  - Moving independently;
  - Having the endurance to participate in school activities;
  - Sitting in standard chairs, at the lunch table, or at desks; and/or
  - Moving from one location to another, including negotiating the school campus and exploring the school environment.
- Deficits with fine motor skills, including difficulty:
  - Using standard writing tools;
  - Turning pages of a book; and/or
  - Accessing computers, keyboards, and a standard mouse.
- Medical factors related to the disability, including:
  - Pain and discomfort;
  - Fatigue;
  - Absenteeism; and/or
  - Side effects of medication.

### **Communication**

- Deficits in speech skills, including difficulty:
  - Fully communicating their ideas, needs, and desires at school;
  - With academic performance and their ability to ask for clarification; and/or
  - Fully participating in educational and social activities.

### **Social/Emotional**

- Psychological factors that affect their educational performance, including:
  - Lack of motivation to initiate and complete tasks;
  - Learned helplessness, leading to increased need for support to complete activities; and/or
  - Depression related to physical or medical status, resulting in decreased participation in and enjoyment of academic and

other school activities.

- Self-esteem issues related to physical self-image and/or independence, which can result in increased absenteeism or avoidance of school.
- Increased absenteeism or avoidance of school.

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**NOTE:** Children with OI are often stereotyped as having cognitive impairments. This perception may inappropriately limit educational expectations for the child and may also contribute negatively to the psychological factors described above. As such, when assessing for cognitive functioning, it is important to select instruments whose results are not negatively impacted by the orthopedic disability (e.g., Block Design, written responses, timed tests, etc.).

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**Special Considerations for Assessment.** A Section 504 Accommodation Plan may be appropriate for a child with OI who does not meet Individuals with Disabilities Education Act (IDEA 2004) eligibility criteria (i.e., require specially designed instruction).

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**NOTE:** It is imperative that EDTs remember that multiple sources of evaluation data (including standardized and non-standardized) must be used for all eligibility determination decisions. It is essential that teams look at the whole child, not simply test scores. EDTs are strongly encouraged to review the introduction to this manual, particularly sections related to professional judgment (section 3), multilingual assessment issues (section 4), and the use and interpretation of standardized assessments and obtained scores (section 5).

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Consistent with IDEA (2004), it is essential that assessment results accurately reflect the factors being assessed (e.g., cognitive skills, achievement level, etc.), rather than other factors (e.g., sensory, motor, or speaking skills). This is particularly relevant when assessing a child with a known or suspected OI, and it is important that assessment techniques are not negatively impacted by the child's physical skills.

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**NOTE:** IDEA does not necessarily require a school district to conduct a medical evaluation for the purpose of determining whether a child has orthopedic impairment, which may lead to an eligibility determination under the category of OI. If the EDT believes that a medical evaluation by a licensed physician is needed as part of the evaluation to determine whether a child suspected of having orthopedic impairment meets the eligibility criteria of OI, or any other disability category under the IDEA, the LEA must ensure that this evaluation is conducted at no cost to the parents. (See OSEP Letter to Williams (March 14, 1994))

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**Initial Evaluation.** The list below provides the evaluation team with highly recommended components of an initial evaluation to determine whether a child is eligible for and in need of special education and related services under the eligibility category of OI:

1. For preschool-aged children, review existing screening data and/or any previously conducted evaluation data. For school-aged children, review and consider complete SAT file documentation and existing evaluation data, such as school health records, previous test scores, grades, and home language survey.
2. Gather and analyze developmental/educational, medical (including vision and hearing), family, and social history, including an interview with the parent(s)/guardian(s).
3. Document medical diagnosis of a chronic orthopedic impairment (Appendix B).

4. Complete multiple direct observations across both structured and unstructured settings and various times;
5. Conduct a motor skills assessment by a licensed occupational therapist, licensed physical therapist, or both.
6. Complete a systematic review of individual academic achievement, including formal and informal measures.
7. Administer an individual academic achievement assessment in the area(s) of suspected disability and for which instruction and intervention have been documented.
8. Conduct a transition assessment, including a vocational evaluation (as appropriate).
9. When an evaluation in any area is unable to be completed using standardized measures, the evaluation team should use alternative methods of obtaining data to gather information about the child's present levels of performance.

**Potential additional components** of an initial evaluation, as determined by the evaluation team:

1. Conduct an assessment of cognitive abilities.
2. Conduct a speech/language/communication evaluation.
3. Conduct an assistive technology evaluation.

**Eligibility Determination.** For a child to be eligible to receive special education and related services under the eligibility category of OI, as defined by IDEA (2004), the EDT must document that the child meets all of the following eligibility criteria:

1. The EDT has eliminated the possibility that lack of appropriate instruction in reading or math is a determinant factor. For preschool children, consider whether the child has had the opportunity to participate in developmentally appropriate early childhood experiences;
2. The EDT has eliminated the possibility that limited English proficiency is a determinant factor;
3. The EDT has determined that no other eligibility category better describes the child's disability; and
4. The assessment and evaluation demonstrate the child meets the requirements of the OI definition.

In addition, the EDT must document that the child demonstrates a need for special education and related services because, as a result of the disability, the child requires specially designed instruction in order to: (a) be involved in and make progress in the general education curriculum; (b) participate in extracurricular and other nonacademic activities; and/or (c) be educated and participate with other children with disabilities and nondisabled children.

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**NOTE:** If the child is determined to be eligible for special education and related services under the category of orthopedic impairment (OI), then he or she would not be eligible under the category of developmental delay (DD). Eligibility under all other disability categories must be excluded before DD can be considered. (Subsection F (2) (a) of 6.31.2.10 NMAC)

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**Reevaluation.** The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special education and related services. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

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**NOTE:** Research has clearly documented that children’s performance on standardized assessments increases with multiple administration due to the effect of practice. As such, the evaluator must carefully weigh the practice effects against the justification for re-administering the same assessment within a relatively short amount of time.

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As part of this process, the EDT must answer these two questions:

1. What, if any, assessment information (formal or informal) needs to be collected to determine whether the child continues to be eligible for and in need of special education and related services under the eligibility criteria of OI?
2. What, if any, assessment information (formal or informal) needs to be collected to develop an appropriate Individualized Education Program (IEP) to meet the child’s unique needs?

Reevaluation does not necessarily mean more testing. If existing data do not provide adequate information to answer these critical questions, additional assessments may need to be conducted to provide necessary data to determine continued eligibility; provide solid information for program planning; and address concerns, questions, or developments since the last evaluation. To assist the EDT in determining what assessments, if any, may be needed, the team should:

1. Review existing evaluation data on the child to include:
  - a. Current classroom-based, short-cycle, and/or state assessments;
  - b. Observations and information provided by teachers and related service providers; and
  - c. Observations, information, and/or evaluations provided by the child’s parents.

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**NOTE:** Additional information may include, but is not limited to, feedback from the child, grades, and attendance.

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2. Based on this review, and including input from the child’s teachers, parents, and other service providers, the team must answer each of these questions:
  - a. What are the child’s present levels of academic achievement and functional performance?
  - b. What are the child’s educational needs?
  - c. Does the child continue to have a disability?
  - d. Does the child continue to need specialized instruction and related services?  
and
  - e. What, if any, changes to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child’s IEP and to participate, as appropriate, in the general education curriculum?

If the EDT decides that additional assessment information is needed to answer the questions above, the reevaluation should include assessments that are deemed necessary as a result of concerns, questions, or developments since the last evaluation.

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**NOTE:** There are no specific reevaluation eligibility criteria; therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED (Review of Existing Evaluation Data) process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

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**Discontinuation of Special Education Services.** Discontinuation of special education services for children with OI should be considered when a child demonstrates the ability to function independently, access and perform adequately in the general education curriculum, including extracurricular and nonacademic activities, with adaptations that are available in the general education classroom, and no longer demonstrates a need for specially designed instruction and related services. Children with OI may make significant progress in terms of their medical program, technological support(s), and academic programs that help to alleviate their educational concerns. The local education agency (LEA) must evaluate the child before determining that the child is no longer a child with a disability (34 CFR Sec. 300.305(e)(1)).

Any child whose special education services are discontinued must be referred to the SAT at his or her school to ensure that the child is supported in this important transition period. For a child with OI, the SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

## Resources

Carrie Tingley Hospital  
505-272-2111  
<http://orthopaedics.unm.edu/patients/clinics/pediatrics.html>

Carrie Tingley Hospital Foundation  
505-243-6626  
<http://carrietingleyhospitalfoundation.org>

Disabled Sports USA  
301-217-0960  
<http://www.dsusa.org/>

Easter Seals Foundation  
312-726-6200  
Toll free: 800-221-6827  
<http://www.easterseals.com/>

Kiwanis Club  
317-875-8755 (X411)  
Toll free: 800-549-2647 [X411]  
<http://www.kiwanis.org/>

New Mexico Technology Assistance Program (NMTAP)  
505-841-4464  
Toll free: 877-696-1470  
<http://www.nmtap.com/>

Shriners of North America  
813-281-0300  
<http://www.shrinershq.org/>

Very Special Arts (VSA) New Mexico  
505-345-2872  
<http://www.vsartsnm.org/>

**Notes:**

## Eligibility Determination: Orthopedic Impairment

Child's Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

Orthopedic impairment means a severe orthopedic impairment (OI) 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), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures). (34 CFR Sec. 300.8(c)(8))

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**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in making an eligibility determination under the category of orthopedic impairment.**

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**Document assessment and evaluation data.** The EDT must review and/or complete the following evaluations and/or assessments according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017):

- screening data/previously conducted evaluation data (preschool aged children); SAT file documentation (school aged children)  
Date: \_\_\_\_\_
- child's history, including an interview with the parent(s)/guardian(s)  
Date: \_\_\_\_\_
- medical diagnosis of a chronic orthopedic impairment  
Date: \_\_\_\_\_
- complete multiple direct observations across both structured and unstructured settings and various times  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- motor skills assessment  
Date: \_\_\_\_\_
- systematic review of individual academic achievement performance  
Date: \_\_\_\_\_

- academic achievement assessment  
Date: \_\_\_\_\_
- transition assessment, as appropriate  
Date: \_\_\_\_\_
- Other \_\_\_\_\_ Date: \_\_\_\_\_
- Other \_\_\_\_\_ Date: \_\_\_\_\_
- Other \_\_\_\_\_ Date: \_\_\_\_\_

**Determine the presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child is a child with orthopedic impairment according to the requirements of IDEA (34 CFR Sec. 300.8(c)(8)). The questions below should be answered to help the EDT determine whether or not the child has a disability as defined by IDEA (2004).

---

**NOTE:** It is imperative that EDTs remember that multiple sources of evaluation data (including standardized and non-standardized) must be used for all eligibility determination decisions. It is essential that teams look at the whole child, not simply test scores. EDTs are strongly encouraged to review the introduction to this manual, particularly sections related to professional judgment (section 3), multilingual assessment issues (section 4), and the use and interpretation of standardized assessments and obtained scores (section 5).

---

1. Has the EDT eliminated the possibility that either the lack of (a) appropriate instruction in reading or math **and/or** (b) the opportunity to participate in developmentally appropriate early childhood experiences is a determinant factor?
- YES       NO
- Documentation:

√ If answered NO, the child is not eligible under the orthopedic impairment category.

2. Has the EDT eliminated the possibility that limited English proficiency is a determinant factor?
- YES       NO
- Documentation:

√ If answered NO, the child is not eligible under the orthopedic impairment category

3. Has the EDT determined that the assessment and evaluation data demonstrate that the child is a child with orthopedic impairment as defined by IDEA (2004)?
- YES       NO
- Documentation:

√ If answered NO, the child is not eligible under the orthopedic impairment category.

4. Has the EDT determined that no other eligibility category better describes this child's disability?

YES       NO

Documentation:

√If answered NO, the child is not eligible under the orthopedic impairment category.

**Determine need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child requires specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004).

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

YES       NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

YES       NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?

YES       NO

Rationale/Documentation:

√Answering "yes" to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

**Determination of eligibility for special education and related services.**

The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child is eligible under the eligibility category of orthopedic impairment.
  - The results of the evaluation documents that the child is eligible for and in need of special education services under the eligibility category of orthopedic impairment as defined by IDEA (2004).
  
- The child is not eligible under the eligibility category of orthopedic impairment.
  - The results of the evaluation indicate that the child does not have orthopedic impairment as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.
  - The results of the evaluation indicate that the child does not have orthopedic impairment as defined by IDEA (2004), but the child is eligible for special

- education and related services under the category of \_\_\_\_\_.  
(Complete appropriate eligibility determination form for that category.)
- The results of the evaluation indicate that the child has orthopedic impairment as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child's primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that although the child has orthopedic impairment as defined by IDEA (2004), the EDT has determined that the child's educational needs can be met without specially designed instruction.
- The EDT is unable to determine eligibility under the eligibility category of orthopedic impairment. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:
- Additional information from:
  - Additional assessments in the following areas:
  - Other:

## Eligibility Determination Team Participants

	Title/Name	Date	Signature
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

**Notes:**

## Reevaluation Eligibility Determination: Orthopedic Impairment

Child's Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

Orthopedic impairment means a severe orthopedic impairment (OI) 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), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures). (34 CFR Sec. 300.8(c)(8))

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**The PED highly recommends that the Eligibility Determination Team (EDT) use the following information in making an eligibility determination under the category of orthopedic impairment.**

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**Review of evaluation data.** The EDT reviewed and/or completed the following evaluations and/or assessments as part of the reevaluation process according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017):

- current classroom-based, short-cycle, and/or state assessments  
Date: \_\_\_\_\_
- complete multiple direct observations across both structured and unstructured settings and various times  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- observations and information provided by teachers and related service providers  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- observations, information, and/or evaluations provided by the child's parents  
Date(s): \_\_\_\_\_

Other assessment information included:

- motor skills assessment  
Date: \_\_\_\_\_
- academic achievement assessment  
Date: \_\_\_\_\_
- transition assessment, as appropriate  
Date: \_\_\_\_\_
- Other \_\_\_\_\_ Date: \_\_\_\_\_
- Other \_\_\_\_\_ Date: \_\_\_\_\_
- Other \_\_\_\_\_ Date: \_\_\_\_\_

**Determine the continued presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child continues to be a child with orthopedic impairment according to the requirements of IDEA (34 CFR Sec. 300.8(c)(8)). The questions below should be answered to help the EDT determine whether or not the child continues to have a disability as defined by IDEA (2004).

1. Has the EDT determined that the assessment and evaluation data demonstrate that the child continues to be a child with orthopedic impairment as defined by IDEA (2004)?

YES       NO

Documentation:

√ If answered NO, the child is no longer eligible under the orthopedic impairment category.

2. Has the EDT determined that no other eligibility category better describes this child's disability?

YES       NO

Documentation:

√ If answered NO, the child is no longer eligible under the orthopedic impairment category.

---

**NOTE:** There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

---

**Determine continued need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child continues to require specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004).

To answer the following questions, the EDT should consider (a) the child's present levels of academic achievement and functional performance, (b) the child's educational needs, and (c) any necessary changes to the child's educational program.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

YES  NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

YES  NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?

YES  NO

Rationale/Documentation:

√Answering "yes" to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

### **Determination of continued eligibility for special education and related services.**

The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child continues to be eligible under the eligibility category of orthopedic impairment.
- The results of the evaluation documents that the child continues to be eligible for and in need of special education services under the eligibility category of orthopedic impairment as defined by IDEA (2004).
- The child is no longer eligible under the eligibility category of orthopedic impairment.
- The results of the evaluation indicate that the child no longer has orthopedic impairment as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.
- The results of the evaluation indicate that the child no longer has orthopedic impairment as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_ . (Complete appropriate eligibility determination form for that category.)
- The results of the evaluation indicate that the child continues to have orthopedic impairment as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child's primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)
- The results of the evaluation indicate that although the child continues to have orthopedic impairment as defined by IDEA (2004), the EDT has determined that the child's educational needs can be met without specially designed instruction.

- The EDT is unable to determine continued eligibility under the eligibility category of orthopedic impairment. The following information is needed in order for the EDT to reconvene and make a continued eligibility determination.
  - Additional information from:
  - Additional assessments in the following areas:
  - Other:

## Eligibility Determination Team Participants

	Title/Name	Date	Signature
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

**Notes:**

# 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 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 adversely affects the child's educational performance. (34 CFR Sec. 300.8(c)(9))

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**NOTE:** Remember that the presence of a medical diagnosis or a diagnosis based on current DSM criteria does not make a child automatically eligible for special education and related services under Individuals With Disabilities Education Act (IDEA 2004). Determination of eligibility for special education and related services is based on both: (a) an identified disability as defined by IDEA (2004) and (b) a documented need for special education and related services.

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**Characteristics and Educational Impact.** Children who are eligible for special education and related services under the category of other health impairment (OHI) have a disability that adversely affects their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To identify characteristics and educational impact, the eligibility determination team (EDT) must address the question of "How do these characteristics of the disability manifest in the child's natural environment (e.g., home, classroom, recess, etc.)?"

As with all disabilities, the characteristics and educational impact for children with OHI will vary greatly. The following sections outline characteristics that may be associated with OHI and possible educational impact of those characteristics. This information does not represent an exhaustive list of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with OHI will demonstrate all of the following characteristics.

**Preschool-aged Children.** For preschool-aged children with OHI it is important to consider developmentally appropriate skill levels and behaviors for the child's age, since they are not necessarily involved in the general education curriculum. For preschool-aged children with OHI, the observed characteristics are very similar (although not identical) to those demonstrated by school-aged children with OHI. The impact of the disability may be manifested in one or more ways, including, but not limited to:

## Physical

- Difficulty participating in activities across the day, including:
  - o Engaging in play activities outside or on a playground;
  - o Moving through the home and community environments (e.g., crawling, walking, etc., over developmentally appropriate distances); and/or
  - o Attending to and engaging in activities for developmentally appropriate lengths of time.
- Decreased opportunities for and/or ability to participate in developmentally appropriate activities due to complex physical and/or medical needs (perhaps requiring nursing services throughout the day).

### **Social/Emotional**

- Difficulty with age-appropriate social skills (e.g., developing and maintaining friendships and participating in activities with peers) due to:
  - o Limited opportunities for social interactions (e.g., because of time spent in medical/health related tasks);
  - o Different life experiences from typically developing peers due to health management needs; and/or
  - o Deficits in skills such as attention, alertness, endurance, vitality, etc.
- Difficulty following rules.
- Difficulty participating in cooperative group learning activities due to limited opportunities and/or skill deficits.

### **Pre-Academics**

- Delayed development of pre-academic skills, including emergent literacy, early math, etc., related to limited opportunities due to chronic health issues (e.g., illness, surgery, or prolonged periods of recuperation).
- Difficulty focusing on and engaging in pre-academic activities due to a variety of factors, including:
  - o Seizures;
  - o Medical procedures;
  - o Medication; and/or
  - o An impairment such as ADHD.

**School-aged Children.** For school-aged children with OHI, the impact of the disability may be manifested in one or more ways, including, but not limited to:

### **Physical**

- Difficulty engaging in activities across the school day, including:
  - o Participating in play activities outside, on a playground, or during physical education;
  - o Moving through the home, school, and community environments, such as transitioning between classes or walking to the bus stop; and/or
  - o Attending to and engaging in activities for developmentally appropriate lengths of time.
- Decreased opportunities for and/or ability to participate in activities due to complex physical and/or medical needs (possibly requiring nursing services throughout the day), including:
  - o Participation in extracurricular activities;
  - o Accessing materials and environments at school; and/or
  - o Demonstrating an appropriate energy level across the school day.
- Medical factors related to the disability, including:
  - o Pain and discomfort;
  - o Fatigue;
  - o Absenteeism; and/or
  - o Side effects of medication.

### **Social/Emotional**

- Difficulty with age-appropriate social skills (e.g., developing and maintaining friendships and participating in peer and group activities) due to:
  - o Limited opportunities for social interactions (e.g., because of time spent in medical/health related tasks);

- o Different life experiences from typically developing peers due to health management needs; and/or
- o Deficits in skills such as attention, alertness, etc.
- Difficulty following rules.
- Difficulty participating in cooperative group learning activities due to limited opportunities and/or skill deficits.
- Psychological factors that impact educational performance, including:
  - o Lack of motivation to initiate and complete tasks; and/or
  - o Depression and/or low self-esteem related to physical or medical status, resulting in decreased participation in and enjoyment of academic and other school activities.

### **Academics**

- Academic achievement delays related to:
  - o Limited opportunities due to chronic medical issues (e.g., illness, surgery, or prolonged periods of recuperation);
  - o Frequent absences related to illness, medical procedures, etc.; and/or
  - o Difficulty focusing on, engaging in, and completing academic tasks (e.g., due to seizures, medical procedures, medication, an impairment such as ADHD, etc.).

## **Special Considerations for Assessment.**

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**NOTE:** IDEA does not necessarily require a school district to conduct a medical evaluation for the purpose of determining whether a child has a health impairment, which may lead to an eligibility determination under the category of OHI. If the EDT believes that a medical evaluation by a licensed physician is needed as part of the evaluation to determine whether a child suspected of having a health impairment meets the eligibility criteria of OHI, or any other disability category under the IDEA, the LEA must ensure that this evaluation is conducted at no cost to the parents. (See OSEP Letter to Williams (March 14, 1994))

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In almost all cases, documentation of a health impairment will come from a licensed physician or a qualified mental health professional; however, consistent with OSEP guidance, the NM TEAM allows EDTs to make an eligibility determination of OHI without a medical diagnosis. For example, the EDT may make an eligibility determination of OHI without a medical diagnosis for a child with ADD/ADHD because the team is making an educational determination, rather than medical diagnosis.

If the EDT believes that there are other appropriate and effective methods for determining whether a child suspected of having a health impairment meets eligibility requirements of the OHI category AND the EDT has the expertise to make an eligibility determination without a medical diagnosis, they have the option of using the data they collect during the evaluation process to make an eligibility determination decision as long as all of the protections in evaluation procedures are met (see OSEP Letter to Williams, (March 14, 1994)). The EDT must document any decision to determine eligibility without documentation from a licensed physician, including the rationale and supporting documentation used.

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**NOTE:** It is imperative that EDTs remember that multiple sources of evaluation data (including standardized and non-standardized) must be used for all eligibility determination decisions. It is essential that teams look at the whole child, not simply test scores. EDTs are strongly encouraged to review the introduction to this manual, particularly sections related to professional judgment (section 3), multilingual assessment issues (section 4), and the use and interpretation of standardized assessments and obtained scores (section 5).

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**Initial Evaluation.** The list below provides the evaluation team with highly recommended components of an initial evaluation to determine whether a student is eligible for and in need of special education and related services under the eligibility category of OHI:

1. For preschool-aged children, review existing screening data and/or any previously conducted evaluation data. For school-aged children, review and consider complete SAT file documentation and existing evaluation data, such as school health records, previous test scores, grades, and home language survey.
2. Gather and analyze developmental/educational, medical (including vision and hearing), family, and social history, including an interview with the parent(s)/guardian(s).
3. Obtain documentation from a licensed physician or other qualified health professional, licensed to determine such conditions, that includes a diagnosis of a chronic or acute physical, physiological, or neurological impairment that results in limited strength, vitality, and/or alertness.
4. Complete an analysis of individual academic achievement, including formal and informal measures.
5. Administer an individual academic achievement assessment in the areas of suspected disability and for which instruction and intervention have been documented.
6. Complete direct observations across multiple settings, both structured and unstructured and various times.
7. If the referral concern being considered is attention, focus, and/or hyperactivity, the following must be obtained:
  - a. Behavior rating scales/checklists to collect data about the frequency and intensity of behaviors of concern (internalizing and externalizing);
  - b. Multiple time-sampled classroom observations; and
  - c. A functional behavioral assessment.
8. Conduct a transition assessment, including a vocational evaluation (as appropriate).
9. When an evaluation in any area is unable to be completed using standardized measures, the evaluation team should use alternative methods of obtaining data to gather information about the child's present levels of performance.

**Potential additional components** of an initial evaluation, as determined by the evaluation team:

1. Conduct an assessment of cognitive abilities.
2. Conduct a speech/language/communication assessment.
3. Conduct a motor skills assessment.
4. Conduct an assistive technology evaluation.

**Eligibility Determination.** For a child to be eligible to receive special education and related services under the eligibility category of OHI, as defined by IDEA (2004), the EDT must document that the child meets all of the following eligibility criteria:

1. The EDT has eliminated the possibility that lack of appropriate instruction in reading or math is a determinant factor. For preschool children, consider whether the child has had the opportunity to participate in developmentally appropriate early childhood experiences;
2. The EDT has eliminated the possibility that limited English proficiency is a determinant factor;
3. The EDT has determined that no other eligibility category better describes the child's disability; and
4. The assessment and evaluation demonstrate the child meets the requirements of the OHI definition.

In addition, the EDT must document that the child demonstrates a need for special education and related services because, as a result of the disability, the child requires specially designed instruction in order to: (a) be involved in and make progress in the general education curriculum; (b) participate in extracurricular and other nonacademic activities; and/or (c) be educated and participate with other children with disabilities and nondisabled children.

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**NOTE:** If the child is determined to be eligible for special education and related services under the category of other health impairment (OHI), then he or she would not be eligible under the category of developmental delay (DD). Eligibility under all other disability categories must be excluded before DD can be considered. (Subsection F (2) (a) of 6.31.2.10 NMAC)

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**Reevaluation.** The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special education and related services. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

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**NOTE:** Research has clearly documented that children's performance on standardized assessments increases with multiple administration due to the effect of practice. As such, the evaluator must carefully weigh the practice effects against the justification for re-administering the same assessment within a relatively short amount of time.

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As part of this process, the EDT must answer these two questions:

1. What, if any, assessment information (formal or informal) needs to be collected to determine whether the child continues to be eligible for and in need of special education and related services under the eligibility criteria of other health impairment?
2. What, if any, assessment information (formal or informal) needs to be collected to develop a reasonably calculated Individualized Education Plan (IEP) to meet the child's unique needs?

Reevaluation does not necessarily mean more testing. If existing data do not provide adequate information to answer these critical questions, additional assessments may need to be conducted to provide necessary data to determine continued eligibility, provide solid information for program planning, and address concerns, questions, or developments since the last evaluation. To assist the EDT in determining what assessments, if any, may be needed, the team should:

1. Review existing evaluation data on the child to include:
  - a. Current classroom-based, short-cycle, and/or state assessments;
  - b. Observations and information provided by teachers and related service providers; and
  - c. Observations, information, and/or evaluations provided by the child's parents; and,
  - d. Current documentation from a licensed physician, or other qualified health professional, licensed to determine such conditions, of a diagnosis that includes a chronic or acute physical, physiological, or neurological impairment that results in limited strength, vitality, and/or alertness.

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**NOTE:** Additional information may include, but is not limited to, feedback from the child, grades, and attendance.

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2. Based on this review, and including input from the child's teachers, parents, and other service providers, the team must answer each of these questions:
  - a. What are the child's present levels of academic achievement and functional performance?
  - b. What are the child's educational needs?
  - c. Does the child continue to have a disability?
  - d. Does the child continue to need specialized instruction and related services? and
  - e. What, if any, changes to the special education and related services are needed to participate, as appropriate, in the general education curriculum?

If the EDT decides that additional assessment information is needed to answer the questions above, the reevaluation should include assessments that are deemed necessary as a result of concerns, questions, or developments since the last evaluation.

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**NOTE:** There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the Review of Existing Evaluation Data (REED) process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

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**Discontinuation of Special Education Services.** Children with OHI should be considered for discontinuation of special education supports and services when they demonstrate the ability to function independently, access and perform adequately in the general curriculum, including extracurricular and nonacademic activities, and no longer demonstrate a need for specially designed instruction and related services. Children with OHI may make significant progress in terms of their medical program, technological support(s), and academic programs that help to alleviate their educational concerns. The local education agency (LEA) must evaluate the child before determining that the child is no longer a child with a disability (34 CFR Sec. 300.305(e)(1)).

Any child whose special education services are discontinued must be referred to the SAT at his or her school to ensure that the student is supported in this important transition period. The SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

## Resources

Access Unlimited

<http://www.accessunlimited.com/>

American Burn Association (ABA)

<http://www.ameriburn.org/>

American Cancer Society (ACS)

<http://www.cancer.org/docroot/home/index.asp>

American Diabetes Association (ADA)

<http://www.diabetes.org/home.jsp>

Asthma and Allergy Foundation of America

<http://www.aafa.org/>

Amyotrophic Lateral Sclerosis Association (ALSA)

<http://www.alsa.org/>

Children and Adults with Attention Deficit/Hyperactivity Disorder (CHADD)

<http://www.chadd.org/>

Epilepsy Foundation of America

<http://www.epilepsyfoundation.org/>

Lupus Foundation of America

<http://www.lupus.org/>

Multiple Sclerosis Foundation (MSF)

<http://msfocus.org/>

Muscular Dystrophy Association (MDA)

[www.mda.org](http://www.mda.org)

National Hemophilia Foundation

<http://www.hemophilia.org/NHFWeb/MainPgs/MainNHF>

National Organization for Rare Disorders (NORD)

<http://rarediseases.org/>

National Spinal Cord Injury Association (NSCIA)

<http://www.spinalcord.org/>

Tourette Syndrome Association (TSA)

<http://www.tsa-usa.org/>

## Eligibility Determination: Other Health Impairment

Child Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

Other health impairment (OHI) 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, sickle cell anemia, and Tourette Syndrome; and adversely affects the child's educational performance. (34 CFR Sec. 300.8(c)(9))

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**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in making an eligibility determination under the category of other health impairment.**

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**Document assessment and evaluation data.** The EDT must review and/or complete the following evaluations and/or assessments according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017):

- screening data/previously conducted evaluation data (preschool aged children); SAT file documentation (school aged children)  
Date: \_\_\_\_\_
- child's history, including an interview with the parent(s)/guardian(s)  
Date: \_\_\_\_\_
- medical documentation of a chronic or acute physical, physiological, or neurological impairment that results in limited strength, vitality, and/or alertness  
Date: \_\_\_\_\_
- complete multiple direct observations across both structured and unstructured settings and various times  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_

- systematic review of individual academic achievement performance  
Date: \_\_\_\_\_
- academic achievement assessment  
Date: \_\_\_\_\_
- if attention is a referral concern, review and/or complete the following:
  - behavior rating scales/checklists Date: \_\_\_\_\_
  - functional behavioral assessment Date: \_\_\_\_\_
- transition assessment, as appropriate  
Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_

**Determine the presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child is a child with other health impairment according to the requirements of IDEA (34 CFR Sec. 300.8(c)(9)). The questions below should be answered to help the EDT determine whether or not the child has a disability as defined by IDEA (2004).

---

**NOTE:** It is imperative that EDTs remember that multiple sources of evaluation data (including standardized and non-standardized) must be used for all eligibility determination decisions. It is essential that teams look at the whole child, not simply test scores. EDTs are strongly encouraged to review the introduction to this manual, particularly sections related to professional judgment (section 3), multilingual assessment issues (section 4), and the use and interpretation of standardized assessments and obtained scores (section 5).

---

1. Has the EDT eliminated the possibility that either the lack of (a) appropriate instruction in reading or math **and/or** (b) the opportunity to participate in developmentally appropriate early childhood experiences is a determinant factor?

YES                       NO

Documentation:

√ If answered NO, the child is not eligible under the other health impairment category.

2. Has the EDT eliminated the possibility that limited English proficiency is a determinant factor?

YES                       NO

Documentation:

√ If answered NO, the child is not eligible under the other health impairment category.

3. Has the EDT determined that the assessment and evaluation data demonstrate that the child is a child with other health impairment as defined by IDEA (2004)?

YES                       NO

Documentation:

√ If answered NO, the child is not eligible under the other health impairment category.

4. Has the EDT determined that no other eligibility category better describes this child's disability?

YES  NO

Documentation:

√If answered NO, the child is not eligible under the other health impairment category.

**Determine need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child requires specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004).

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

YES  NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

YES  NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?

YES  NO

Rationale/Documentation:

√Answering "yes" to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

### **Determination of eligibility for special education and related**

**services.** The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child is eligible under the eligibility category of other health impairment.  
 The results of the evaluation documents that the child is eligible for and in need of special education services under the eligibility category of other health impairment as defined by IDEA (2004).
- The child is not eligible under the eligibility category of other health impairment.  
 The results of the evaluation indicate that the child does not have other health impairment as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.

- The results of the evaluation indicate that the child does not have other health impairment as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_.  
(Complete appropriate eligibility determination form for that category.)
- The results of the evaluation indicate that the child has other health impairment as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child's primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)
- The results of the evaluation indicate that although the child has other health impairment as defined by IDEA (2004), the EDT has determined that the child's educational needs can be met without specially designed instruction.
- The EDT is unable to determine eligibility under the eligibility category of other health impairment. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:
  - Additional information from:
  - Additional assessments in the following areas:
  - Other:

## Eligibility Determination Team Participants

	Title/Name	Date	Signature
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

**Notes:**

## Reevaluation Eligibility Determination: Other Health Impairment

Child Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

Other health impairment (OHI) 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, sickle cell anemia, and Tourette Syndrome; and adversely affects the child's educational performance. (34 CFR Sec. 300.8(c)(9))

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**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in determining continued eligibility under the category of other health impairment.**

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**Review of evaluation data.** The EDT reviewed and/or completed the following evaluations and/or assessments as part of the reevaluation process according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017):

- current classroom-based, short-cycle, and/or state assessments  
Date: \_\_\_\_\_
- complete multiple direct observations across both structured and unstructured settings and various times  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- observations and information provided by teachers and related service providers  
Date: \_\_\_\_\_

- observations, information, and/or evaluations provided by the child's parents  
Date(s): \_\_\_\_\_

Other assessment information included:

- academic achievement assessment  
Date: \_\_\_\_\_
- behavior rating scales/checklists  
Date: \_\_\_\_\_
- functional behavioral assessment  
Date: \_\_\_\_\_
- transition assessment, as appropriate  
Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_

**Determine the continued presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child continues to be a child with other health impairment according to the requirements of IDEA (34 CFR Sec. 300.8(c)(9)). The questions below should be answered to help the EDT determine whether or not the child continues to have a disability as defined by IDEA (2004).

1. Has the EDT determined that the assessment and evaluation data demonstrate that the child continues to be a child with other health impairment as defined by IDEA (2004)?  
 YES  NO  
Documentation:

√ If answered NO, the child is no longer eligible under the other health impairment category.

2. Has the EDT determined that no other eligibility category better describes this child's disability?  
 YES  NO  
Documentation:

√ If answered NO, the child is no longer eligible under the other health impairment category.

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**NOTE:** There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

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**Determine continued need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child continues to require specially designed instruction as a result of the disability according to

the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004).

To answer the following questions, the EDT should consider (a) the child's present levels of academic achievement and functional performance, (b) the child's educational needs, and (c) any necessary changes to the child's educational program.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

YES  NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

YES  NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?

YES  NO

Rationale/Documentation:

√Answering "yes" to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

### **Determination of continued eligibility for special education and related services.**

The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child continues to be eligible under the eligibility category of other health impairment.

The results of the evaluation documents that the child continues to be eligible for and in need of special education services under the eligibility category of other health impairment as defined by IDEA (2004).

- The child is no longer eligible under the eligibility category of other health impairment.

The results of the evaluation indicate that the child no longer has other health impairment as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.

The results of the evaluation indicate that the child no longer has other health impairment as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_.

(Complete appropriate eligibility determination form for that category.)

The results of the evaluation indicate that the child continues to have other health impairment as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child's primary disability that

results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)

- The results of the evaluation indicate that although the child continues to have other health impairment as defined by IDEA (2004), the EDT has determined that the child's educational needs can be met without specially designed instruction.

- The EDT is unable to determine continued eligibility under the eligibility category of other health impairment. The following information is needed in order for the EDT to reconvene and make a continued eligibility determination decision:

- Additional information from:
- Additional assessments in the following areas:
- Other:

## Reevaluation Eligibility Determination Team Participants

	Title/Name	Date	Signature
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

**Notes:**

# Specific Learning Disability

**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 conditions such 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 disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage. (34 CFR Sec. 300.8(c)(10))

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**NOTE:** Subsection B of 6.31.2.7 NMAC, defines dyslexia as “a condition of neurological origin that is characterized by difficulty with accurate or fluent word recognition and by poor spelling and decoding abilities, which characteristics typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction and may result in problems in reading comprehension and reduced reading experience that may impede the growth of vocabulary and background knowledge.” The New Mexico Public Education Department highly recommends that the EDT use the information in the New Mexico Differential Diagnosis for Dyslexia Worksheet included in this manual to document decisions related to the identification of dyslexia in children with known or suspected specific learning disability (SLD).

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A SLD is a disability rooted in a neurological processing deficit (e.g., auditory processing, memory, processing speed, phonological processing, visual/perceptual processing, etc.) and results in significant academic underachievement despite sustained, high-quality, scientific, research-based instruction and intervention. SLD may be manifested in the following areas:

- Basic reading skills
- Reading fluency skills
- Reading comprehension skills
- Written expression
- Mathematics calculation
- Mathematics problem solving
- Oral expression
- Listening comprehension

SLD is unique to the individual and is not the result of exclusionary factors. In order to identify SLD, the following three elements must be documented:

1. The child demonstrates significant academic underachievement that is documented and supported by a pattern of strengths and weaknesses in performance and/or achievement. This underachievement persists despite sustained, high-quality, scientific, research-based instruction and intervention.
2. There is evidence of basic neurological processing deficit(s). There should be a research-based connection between the academic weakness and the identified neurological processing deficits. The following list of neurological processing deficits (and research-based related academic areas) should not be viewed to be all-inclusive, but is provided as a starting point to guide aid EDTs in considering the most likely connections between neurological processing and academic areas.

- Visual spatial processing (e.g., math problem solving)
  - Non-verbal reasoning
  - Left-right visual orientation
  - Visual discrimination
  - Visual-motor integration
  - Visual-spatial perception and reasoning
  - Visual memory
- Language processing (e.g., basic reading skills, reading fluency, reading comprehension, math problem solving, oral expression, listening comprehension)
 

*Reminder: This section does not refer to the presence of a language disorder. Instead it is highlighting underlying neurological processing deficits that may be impacting specific academic areas.)*

  - Auditory processing
  - Phonological processing
  - Sound discrimination
  - Verbal comprehension
  - Verbal reasoning
- Working memory (e.g., basic reading skills, reading fluency, reading comprehension, math problem solving, oral expression, listening comprehension)
  - Short-term memory
  - Memory span
- Long-term storage and retrieval (e.g., basic reading skills, reading fluency, reading comprehension, math calculation, oral expression)
  - Long term (permanent) memory (visual, verbal, motor, historical)
  - Sound-symbol correspondence
  - Rapid automatic naming
  - Word retrieval fluency
- Fluid reasoning (e.g., reading comprehension, math calculation, math problem solving, written expression, oral expression, listening comprehension)
  - Cognitive fluency/speed/efficiency
  - Deductive/inductive reasoning
  - Inference
  - Non-verbal reasoning
  - Problem-solving
  - Sequential processing
  - Simultaneous processing
  - Verbal reasoning
- Processing speed (e.g., basic reading skills, reading fluency, math calculation, written expression, oral expression, listening comprehension)
  - Cognitive fluency/speed/efficiency
  - Rapid automatic naming
- Phonological awareness (rhyming, phoneme segmentation, deletion, elision, isolation, blending, matching, and substitution) (e.g., basic reading skills, listening comprehension)
  - Auditory processing
  - Phonological processing
  - Sound awareness

- Sensorimotor function  
*(Note: Although sensorimotor function is not a basic psychological process, these skills provide the foundation for other psychological processes and may be contributing factors for difficulties in areas such as math calculation and written expression. It is essential to include the expertise of other specialists when a child demonstrates any indication that he may have impaired sensorimotor function, as indicated by poor performance on assessments requiring motor function (e.g., visual-motor assessments, coding/cancellation tasks, etc.).*
- Attention (e.g., basic reading skills, reading fluency, reading comprehension, math calculation, math problem solving, written expression, oral expression, listening comprehension)
  - Attention span
  - Sustained attention
  - Selective attention
  - Divided attention
  - Shifting attention
- Orthographic processing (e.g., basic reading skills, reading fluency, math calculation)
- Executive functions (e.g., basic reading skills, reading fluency, reading comprehension, math calculation, math problem solving, written expression, oral expression, listening comprehension)

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**NOTE:** It is imperative that EDTs include specialists, such as speech-language pathologists and occupational therapists, early in the assessment process to assist in conducting parts of this evaluation. For example, an SLP will likely need to be involved when any of the language and/or verbal processing areas are suspected to be impacted and an OT will likely need to be involved when attention, executive functioning, motor, and/or visual processing areas are suspected to be impacted.

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3. The child's challenges are not caused by following exclusionary factors:
- Lack of appropriate instruction in reading;
  - Lack of appropriate instruction in math;
  - Limited English proficiency
  - Visual, hearing, or motor disability;
  - Intellectual disability;
  - Emotional disturbance;
  - Cultural factors; or
  - Environmental or economic factors.

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**NOTE:** There may be an overlap between the SLD category and the speech or language impairment category in the area of language. Oral expression and listening comprehension are academic areas and should be treated as such in the evaluation process. The information provided through a speech-language evaluation may support the presence of a specific learning disability.

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**Characteristics and Educational Impact.** Children who are eligible for special education and related services under the category of SLD have a disability that adversely affects their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To identify characteristics and educational impact, the EDT must address the question of “How do these characteristics of the disability manifest in the child’s natural environment (e.g., home, classroom, recess, etc.)?”

As with all disabilities, the characteristics and educational impact for children with SLD will vary greatly. The following sections outline characteristics that may be associated with SLD and possible educational impact of those characteristics. This information does not represent an exhaustive list of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with SLD will demonstrate all of the following characteristics.

**Preschool-aged Children.** Because children with SLD are identified based on academic underachievement despite access to high-quality instruction, it is highly unlikely for SLD to be identified in preschool-aged children.

**School-aged Children.** There are several main factors related to SLD that can adversely impact a child’s educational performance. For school-aged children with SLD, the impact of the disability may be manifested in one or more of the following ways, including, but not limited to:

### **Academics**

- Less than expected academic gains or progress in the general curriculum:
  - Despite intensive, systematic instruction and interventions; and
  - When compared to same-grade peers with similar social-cultural backgrounds.
- Patterns of strengths and weaknesses, including:
  - Across content areas (e.g., average to above average in some content areas with pronounced difficulty in another);
  - Across time; and/or
  - Performance in one content area influenced by deficits in another (e.g., a child with an SLD in reading comprehension may perform poorly on math and written language tasks due to the disability in reading comprehension).

### **Cognition**

- Deficits with executive functioning, including difficulty:
  - Organizing himself or herself, school materials, and written work;
  - Using age-appropriate study skills, such as note-taking, test/quiz preparation, prioritizing assignments and self-checking work;
  - Planning, monitoring, and completing tasks.
  - Recalling/retrieving previously learned information or data bases without memory lapses, excessive forgetting or having to continually relearn a concept/skill;
  - Paying careful attention to details and thus avoiding careless errors or glossing over important facts;
  - Maintaining attention and focus without becoming distracted from the learning activity or information source
  - Prioritizing task completion by considering a variety of factors, such as due dates, length/difficulty, time available and personal interest;
  - Generalizing and synthesizing learned information beyond the classroom setting to other classes or life situations;
  - Ordering and sequencing information so as to understand cause-effect

- relationships or time/temporal relationship between facts or events;
- Using abstraction in recognizing and understanding concepts or ideas that are not concrete or obvious;
- Using inference to develop theories or educated guesses from limited or partial facts;
- Memorizing large data bases (e.g., math facts, historical dates, grammar rules, etc.) by effectively using attention/focus, short term memory strategies and repetitive practice in order to maintain the learning; and/or
- Age-appropriate meta-cognition through the ability to self-monitor and self-direct one's own behavior or actively develop strategies that are particular to the current problem/task.

### **Social/Emotional**

- Difficulties related to:
  - Self-esteem;
  - Communicating with others;
  - Ability to cope with everyday expectations; and/or
  - Others' perceptions of the child as not trying hard enough or lacking in motivation.

**Special Considerations for Assessment.** The category of SLD may not be appropriate for children in preschool, kindergarten, or early in first grade. SLD manifests in academic underachievement following quality instruction and intervention. In the early years, instruction may not have been focused on the specific instruction and intervention necessary for academic achievement. Instead, early childhood curriculum is likely geared toward developmental gains and global educational curriculum. It is not until a child's educational instruction has been documented and their educational progress and performance has been quantified that SLD would be appropriate as a possible eligibility category.

Consistent with federal and New Mexico state regulations, two distinct models of determining SLD eligibility have been established: severe discrepancy and dual discrepancy. Regardless of the model, areas to be covered in an initial evaluation are identical and therefore are outlined only one time below. It is not the components but the interpretation and use of the results that differs from model to model. To successfully make an appropriate eligibility determination under the SLD category, EDTs must understand the criteria for each of the models (i.e., severe discrepancy and dual discrepancy).

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**NOTE:** The use of the dual discrepancy model for interpreting the assessment data is dependent upon frequent (at least bi-weekly, but ideally weekly or semi-weekly), reliable, and appropriate progress monitoring data and a comprehensive Response to Intervention (RtI) system at the school and/or district level.

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In addition, for any child who has been referred for an evaluation due to specific difficulties in reading or written expression, assessments should be conducted to determine whether the child demonstrates the characteristics of dyslexia pursuant to Subsection B (6) of 6.31.2.7 NMAC. It is important to recognize that not all children with SLD in reading and/or written expression will demonstrate the characteristics of dyslexia, as dyslexia is defined as a specific pattern of processing deficits. However, EDTs must consider dyslexia for all students referred for an evaluation for potential eligibility under the category of SLD in the areas of reading and/or written expression.

No single measure can be used to identify this pattern of characteristics, but the worksheet included in this manual outlines a collection of assessments that, when examined within the context of one another, can be used to determine whether or not a child demonstrates the characteristics of dyslexia. This may require administration of additional assessments, so the worksheet should be used as a guide to ensure a comprehensive evaluation.

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**NOTE:** The regulations at 34 CFR Sec. 300.301(b) allow a parent to request an initial evaluation at any time to determine if a child is a child with a disability. The use of Response to Intervention (RtI) strategies cannot be used to delay or deny the provision of a full and individual evaluation, pursuant to 34 CFR Secs. 300.304-300.311, to a child suspected of having a disability under 34 CFR Sec. 300.8. If a parent requests an initial evaluation for their child and the LEA agrees that the evaluation should be conducted, the LEA must evaluate the child. (OSEP, 2011)

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**Initial Evaluation.** The list below provides the evaluation team with highly recommended components of an initial evaluation to determine whether a child is eligible for and in need of special education and related services under the eligibility category of SLD:

1. For school-aged children, review and consider complete SAT file documentation and existing evaluation data, such as school health records, previous test scores, grades, and home language survey.
2. Gather and analyze development/educational, medical (including vision and hearing), family and social history, including an interview with the parent(s) guardian(s).
3. Complete direct observations across multiple settings, both structured and unstructured and various times.
4. Analyze observation completed in the child's learning environments including the general classroom setting, either through the SAT process or as part of the initial evaluation process. The observation must be completed in all areas of difficulty.
5. Conduct a comprehensive assessment of cognitive abilities, including verbal and nonverbal skills.

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**NOTE:** Under the Dual Discrepancy model, the results from the assessment of cognitive abilities should be utilized solely to determine the level of the child's cognitive functioning. The data are not to be used for making discrepancy determinations.

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6. Gather and analyze informal individual academic achievement data, including benchmark testing, progress monitoring, curriculum-based measures, running records, work samples, and criterion-referenced testing.
7. Gather and analyze formal individual academic achievement data in the area of suspected disability, including basic reading skills, reading fluency, reading comprehension, math, written expression, oral expression, and/or listening comprehension.

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**NOTE:** Evaluations must include a review and/or assessment of all components within the specific area of difficulty. For example, if concerns are documented in any area of reading, all associated areas (e.g., phonics, fluency, phonemic awareness, vocabulary, and comprehension) must be reviewed and/or assessed.

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8. Conduct an assessment of cognitive processing skills in the areas related to the suspected area(s) of disability.
9. Conduct a transition assessment, including a vocational evaluation (as appropriate).
10. When an evaluation in any area is unable to be completed using standardized measures, the evaluation team should use alternative methods of obtaining child's present levels of performance.

**Potential additional components** of an initial evaluation, as determined by the evaluation team:

1. Conduct a speech/language/communication assessment.
2. Conduct a social/emotional assessment across multiple settings.
3. Conduct a functional behavior assessment.
4. Conduct a motor skills assessment.
5. Obtain a current physical examination consistent with area(s) of suspected disability.

**Eligibility Determination.** In determining eligibility under the category of SLD, regardless of whether the dual discrepancy or severe discrepancy model is used, the EDT must determine the following:

- a. the child does not achieve adequately for age or to meet grade level standards,
- b. the child does not make sufficient progress and/or has a pattern of strengths and weaknesses, and
- c. the child's difficulties are not primarily the result of specific rule out factors.

The list below outlines the criteria that must be documented by the EDT when determining eligibility under the category of SLD.

For a child to be eligible to receive special education and related services under the eligibility category of SLD, as defined by IDEA (2004) and Subsection C of 6.31.2.10 NMAC, the EDT must document that the child meets all of the following eligibility criteria:

1. The EDT has determined and documented that the child was provided with high quality, scientific, research-based instruction and intervention by qualified personnel in general education settings;
2. The EDT has determined and documented that the child has been provided with learning experiences and instruction appropriate for the child's age or State-approved grade-level standards;
3. The EDT has eliminated the possibility that the learning difficulties are the result of lack of appropriate instruction in reading; lack of appropriate instruction in math; visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; or environmental or economic disadvantage;
4. The EDT has eliminated the possibility that limited English proficiency is a determinant factor;
5. The EDT has determined that no other eligibility category better describes the child's disability;
6. The EDT has documented that the child does not achieve adequately for the child's age

or meet State-approved grade-level standards directly related to one or more of the specified SLD areas. This documentation must be evidenced through multiple sources (including but not limited to standards-based assessments (SBAs), progress monitoring, individual academic achievement measures, and /or curriculum-based measures) and is both below the average range (defined as at least 1 standard deviation below the mean for use with the severe discrepancy model and at least 1.5 standard deviations below the mean for use with the dual discrepancy model) and supports the discrepancy in the area(s) of concern;

7. The EDT has documented that the child demonstrates evidence of a basic neurological processing deficit(s); and
8. The assessment and evaluation demonstrate the child meets the requirements of the SLD definition under one of two distinct eligibility determination models: severe discrepancy or dual discrepancy (see below).

### **Severe Discrepancy Model. Optional for grades 4-12. Not to be used for grades K through 3.**

When considering whether a child qualifies under the eligibility category of SLD using the severe discrepancy model, the following criteria must be met, in addition to the criteria listed above (1-7):

The child must demonstrate a severe discrepancy between his/her predicted achievement level and actual achievement in the area(s) of concern based on standardized assessment scores.

- When using co-normed assessments, base rates of score differences should be reported and a severe discrepancy is considered a base rate of 10% or less (refer to Section 5 for more information regarding base rate). When a child's base rate is between 5 and 10%, EDTs should pay close attention to the other data sources to ensure that an appropriate eligibility determination decision is reached.
- When the assessments are not co-normed, it is expected that EDTs use the regression table found at the end of this section to identify severe discrepancies (refer to Section 5 for information regarding the use of the regression table).

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**NOTE:** It is imperative that when using this severe discrepancy model, EDTs weigh all of the assessment data, including formal and informal data sources as listed in the Highly Recommended Components above. Also EDTs should refer back to Section 5 regarding formula-based decision-making.

The discussion related to determining a pattern of strengths and weaknesses (below) also provides a framework for EDTs to use within the severe discrepancy model to determine the trustworthiness and validity of the data before making eligibility determination decision.

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**OR**

### **Dual Discrepancy Model. Required for grades K through 3. Optional for grades 4-12.**

When considering whether a child qualifies under the eligibility category of SLD using the dual discrepancy model, there are two factors that must be met, in addition to the criteria listed above (1-7):

**Factor 1 – Level of Achievement, and  
Factor 2 – Rate of Improvement (Growth).**

**Factor 1 – Level of Achievement:**

Using the data documented in number 6 above the child must demonstrate a pattern of performance that is (a) consistent with at least one of specified SLD areas and (b) documented by a 1.5 standard deviation difference between the child’s achievement scores and that of his/her same age or grade peers using local or national normative data. It is the LEA’s responsibility to determine which assessments in number 6 above provide the most reliable and valid data.

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**NOTE:** Low Level of Achievement (Factor 1) may be evident by data, such as, but not limited to:

- percentile ranks at or below the 6th percentile (e.g., DIBELS and other CBMs, short-cycle assessments, standards based assessments, etc.), and/or;
  - standard scores 1.5 SD below the mean (individual academic achievement testing)
- 

**Factor 2 – Rate of Improvement (Growth) or Patterns of Strengths and Weaknesses**

**Factor 2a: Rate of Improvement (Growth)**

The EDT must analyze the child’s rate of improvement data (Factor 2a) to determine if the child is making sufficient progress to meet age or State approved grade-level standards directly related to one or more of the specified SLD areas. Using the child’s frequent (at least bi-weekly, but ideally weekly or semi-weekly) progress-monitoring assessment data, the determination of insufficient progress must be evidenced by a difference of 1.5 standard deviations between a child’s progress-monitoring assessment rate of improvement (growth) and that of the rate of improvement of same grade peers within the LEA.

If the child does not meet Factor 2a or if the data are unavailable due to the school’s and/or district’s procedures, the EDT may consider Factor 2b: Patterns of Strengths and Weaknesses.

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**NOTE:** EDTs are reminded to use multiple sources of data when evaluating children for suspected specific learning disability (SLD), including data that demonstrate level of achievement, rate of improvement, and neurological processing. Children who are advancing from grade-to-grade are part of the LEA’s Child Find responsibility. (6.31.2.10(A) NMAC). “Each child’s educational needs are determined on a case-by-case basis, using the evaluation procedures at 34 CFR §§ 300.530-300.534, and the additional criteria at 34 CFR §§ 300.540-300.543 when evaluating children with learning disabilities.” (23 IDELR 714)

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## Factor 2b: Pattern of Strengths and Weaknesses

The EDT must identify a highly consistent pattern of strengths and weaknesses as evidenced by multiple data points from a variety of sources to support the identification of an SLD in the area(s) of concern. This pattern may be present in the child's performance, achievement, and/or cognitive abilities relative to age or State-approved grade level standards.

The following information regarding identifying a pattern of strengths and weaknesses comes from Schultz, Simpson, & Lynch (2012). It is recommended that EDTs refer to that article for a more comprehensive discussion of the information presented below.

### Step 1 of 4: Gathering the data

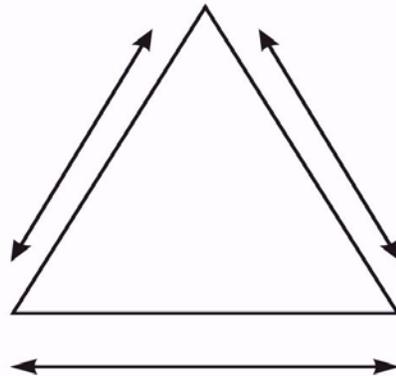
In reviewing a child's strengths and weaknesses, the EDT should gather data from three different assessment areas in order to support their decisions, including:

1. interviews, observations, and other information;
2. informal assessments; and
3. formal assessments.

It is essential for teams to triangulate all three of these assessment areas in order to obtain a comprehensive profile of the child's academic difficulties and strengths. When data from only one of these sources is used, EDTs are at great risk for misidentification of the nature of the child's educational needs. The additional consideration of the other two data sources increases the likelihood of accurate eligibility determination decision, when the data are evaluated for trustworthiness and consistency across areas.

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**Interviews, Observations, Extant Information:** school health records, previous test scores, grades, developmental history, home language survey



**Informal Assessment:**  
benchmark testing,  
progress monitoring,  
curriculum-based measures,  
running records, work  
samples, criterion-  
referenced-tests

**Formal Assessment:**  
Reading Comprehension,  
Reading Fluency,  
Basic Reading Skills,  
Math, Written Expression,  
Oral Expression,  
Listening Comprehension,  
Cognitive Processing

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Schultz, E. K., Simpson, C. G., and Lynch, S. (2012). Specific learning disability identification: What constitutes a pattern of strengths and weaknesses?, *Learning Disabilities*, 18(2), 87-97.

**Step 2 of 4: Evaluating the data**

As part of the process, it is essential that EDTs evaluate the trustworthiness of the data collected in each area. For example, teams should ask questions such as the following: How much confidence do they have in the accuracy of the data? Was the progress monitoring data collected reliably? Were the interventions implemented with fidelity? Were there other factors that may have influenced the child’s performance (e.g., fatigue, illness, family events, school activities, etc.)?

**Step 3 of 4: Graph and document the data**

After the data have been collected and evaluated for trustworthiness to ensure that the data are valid representations of the child’s skills, the EDT must systematically analyze the data for patterns of strengths and weaknesses. The EDT analyzes each piece of information to determine whether it reflects a strength, weakness, or neither. The figure below provides concrete guidance for teams to use during discussions to identify strengths and weaknesses.

Area	Strength	Weakness
Progress monitoring	Meeting/exceeding aimline	Falling below aimline for at least 4 data points
CBM (Benchmark) screening	At benchmark level or above grade-level median score	At the “at risk” level or below 7%ile if using local norms
Criterion-referenced assessment	Proficient	Below proficiency or otherwise below expectations/“cut-off” scores
Norm-referenced achievement tests (including assessments in all SLD areas: reading, math, written expression, listening comprehension, and oral expression)	Percentile Rank ≥ 84% Standard Score ≥ 115	Severe discrepancy: Percentile Rank ≤ 16% Standard Score ≤ 85 Dual discrepancy: Percentile Rank ≤ 6% Standard Score ≤ 77
Other norm-referenced tests (cognitive, processing, etc.)	Percentile Rank ≥ 84% Standard Score ≥ 115	Percentile Rank ≤ 16% Standard Score ≤ 85
Curriculum Assessments	Scores ≥ 80%	Scores ≤ 70%
Grades	A/B or “meets/exceeds expectations”	D/F or “does not meet expectations”
Teacher Report	Based upon professional judgment of teacher in comparing the child to others in classroom	Based upon professional judgment of teacher in comparing the child to others in classroom
Observation-Academic	Average understanding of academic content compared to other students in classroom	Does not understand the academic content
Observations, Interviews, and/or progress monitoring - Functional	Typical functional skills compared to other students in classroom	Most functional skills appear to be well below average in comparison to other students in classroom
Cumulative Records Review	Documentation of at least average skills in specific academic areas	Documentation of failing/weakness in specific academic areas

Adapted from Schultz, E. K., Simpson, C. G., and Lynch, S. (2012). Specific learning disability identification: What constitutes a pattern of strengths and weaknesses?, *Learning Disabilities, 18*(2), 87-97.

This analysis can be represented visually using a format similar to the one provided here. As part of this analysis, the EDT visually determines (e.g., circles or highlights) whether the area is a strength, weakness, or neither so that a pattern, if any, can be seen.

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**NOTE:** EDTs should be aware of the impact of certain foundational skills on higher-level skills and be thoughtful about the eligibility determination decision made and the PSW worksheets they choose to complete. For example, a child with significant difficulties in the area of basic reading will also have difficulty with reading comprehension deficits, but that would not likely be indicative of an SLD in the area of reading comprehension. Similar patterns are seen between math computation and math problem solving.

EDTs should complete the PSW worksheet(s) that most closely align to the child's primary areas of suspected deficits, rather than all worksheets in a particular curriculum area.

IEP teams and EDTs also should be aware that eligibility determination decisions do NOT determine the services provided to a child and that children must receive support in all areas of concern, regardless of their eligibility category. In other words, a child with an SLD in basic reading will likely also need support to develop reading fluency and reading comprehension skills.

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#### **Step 4 of 4: Inspect data for logical connections**

The final step in evaluating a child's performance for a pattern of strengths and weaknesses is to inspect the data to determine if there is a logical connection between the data that supports a consistent, valid pattern of strengths and weaknesses that can be documented to provide explanation for the child's learning difficulties. Some questions that the EDTs should ask during this process are:

1. Do academic weaknesses in the referral correlate with the data gathered in all three areas identified above (reference the triangle figure)?
2. Is there a research-based connection between the areas of academic weakness and the patterns of strengths and weaknesses derived from cognitive assessment?
3. Are there data that are discrepant (that contradict one another) and would provide a different explanation of the academic weakness other than SLD?
4. Does additional information need to be examined, such as additional conversations with teachers, a re-examination of work samples, etc.?

"If the data indeed do confirm a patterns of strengths and weaknesses, we can be more confident in our diagnosis. However, this determination is not made simply by examining test scores." (Schultz, Simpson, & Lynch, 2012, pg. 94).

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**NOTE:** If the child is determined to be eligible for special education and related services under the category of specific learning disability (SLD), then he or she would not qualify under the eligibility category of developmental delay (DD). Eligibility under all other disability categories must be excluded before DD can be considered. (Subsection F(2)(a) of 6.31.2.10 NMAC)

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**Reevaluation.** The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special education and related services. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

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**NOTE:** Research has clearly documented that children’s performance on standardized assessments increases with multiple administration due to the effect of practice. As such, the evaluator must carefully weigh the practice effects against the justification for re-administering the same assessment within a relatively short amount of time.

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As part of this process, the EDT must answer these two questions:

1. What, if any, assessment information (formal or informal) needs to be collected to determine whether the child continues to be eligible for and in need of special education and related services under the eligibility criteria of SLD?
2. What, if any, assessment information (formal or informal) needs to be collected to develop an appropriate Individualized Education Program (IEP) to meet the child’s unique needs?

Reevaluation does not necessarily mean more testing. If existing data do not provide adequate information to answer these critical questions, additional assessments may need to be conducted to provide necessary data to determine continued eligibility, provide solid information for program planning, and address concerns, questions, or developments since the last evaluation. To assist the EDT in determining what assessments, if any, may be needed, the team should:

1. Review existing evaluation data on the child to include:
  - Current classroom-based, short-cycle, and/or state assessments;
  - Classroom-based observations;
  - Observations and information provided by teachers and related service providers; and
  - Observations, information, and/or evaluations provided by the child’s parents.

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**NOTE:** Additional information may include, but is not limited to, feedback from the child, grades, and attendance.

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2. Based on this review, and including input from the child’s teachers, parents, and other service providers, the team must answer each of these questions:
  - What are the child’s present levels of academic achievement and functional performance?
  - What are the child’s educational needs?
  - Does the child continue to have a disability?
  - Does the child continue to need specialized instruction and related services? and
  - What, if any, changes to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child’s IEP and to participate, as appropriate, in the general education curriculum?

If the EDT decides that additional assessment information is needed to answer the questions above, the reevaluation should include assessments that are deemed necessary as a result of concerns, questions, or developments since the last evaluation.

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**NOTE:** There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

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**NOTE:** The assessment of cognitive abilities may be important if the most current cognitive results were gathered before age eight (Neisworth & Bagnato, 1992).

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**Discontinuation of Special Education Services.** Children with SLD should be considered for discontinuation of special education supports and services when they demonstrate the ability to function independently, access and perform adequately in the general curriculum, including extracurricular and nonacademic activities, and no longer demonstrate a need for special education services. The local education agency (LEA) must evaluate the child before determining that the child is no longer a child with a disability (34 CFR Sec. 300.305(e)(1)).

Any child whose special education services are discontinued should promptly be referred to the SAT at his or her school to ensure that the child is supported in this important transition period. For a child with SLD, the SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

## Resources

International Dyslexia Association  
[www.interdys.org](http://www.interdys.org)

LD Online  
<http://www.ldonline.org/>

Learning Disabilities Association of America  
[www.ldanatl.org](http://www.ldanatl.org)

National Research Center on Learning Disabilities  
<http://www.nclld.org/>

National Center on Student Progress Monitoring  
[www.studentprogress.org](http://www.studentprogress.org)  
<http://www.ldanatl.org/>

Portland Public Schools Identification of Specific Learning Disabilities via Patterns of Strengths and Weaknesses Manual  
<http://www.pps.net/cms/lib8/OR01913224/Centricity/Domain/178/PPS%20PSW%20Manual.pdf>

Response to Intervention Resources  
New Mexico Public Education Department  
<http://ped.state.nm.us/ped/Rtldocs/Rtl%20Manual%20Resources.pdf>

RTI Action Network  
<http://rtinetwork.org>  
Contact: <http://rtinetwork.org/contact-us>

Schultz, E. K., Simpson, C. G., and Lynch, S. (2012). Specific learning disability identification: What constitutes a pattern of strengths and weaknesses?, *Learning Disabilities*, 18(2), 87-97. [http://ped.state.nm.us/ped/Rtldocs/Rtl Manual Resources.pdf](http://ped.state.nm.us/ped/Rtldocs/Rtl%20Manual%20Resources.pdf)  
[ldaamerica.org/wp-content/uploads/2013/10/Journal-Vol-18-2\\_article.pdf](http://ldaamerica.org/wp-content/uploads/2013/10/Journal-Vol-18-2_article.pdf)

Southwest International Dyslexia Association (SWIDA)  
505-255-8234  
[www.southwestida.com](http://www.southwestida.com)

**Notes:**

## Eligibility Determination: Specific Learning Disability (Dual Discrepancy Model)

Child Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

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 conditions such 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 disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage. (34 CFR Sec. 300.8(c)(10))

SLD is a disability rooted in a neurological processing deficit (e.g., auditory processing, memory, processing speed, phonological processing, visual/perceptual processing, etc.) and results in significant academic underachievement following sustained, high-quality, scientific, research-based instruction and intervention. SLD may be manifested in the following areas:

- Basic reading skills
- Reading fluency skills
- Reading comprehension skills
- Written expression
- Mathematics calculation
- Mathematics problem solving
- Oral expression
- Listening comprehension

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**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in making an eligibility determination under the category of specific learning disability.**

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**Document assessment and evaluation data.** The EDT must review and/or complete the following evaluations and/or assessments according to the requirements established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017):

- screening data/previously conducted evaluation data (school-aged children); SAT file documentation (school aged children)  
Date: \_\_\_\_\_
- child's history, including an interview with the parent(s)/guardian(s)  
Date: \_\_\_\_\_
- complete multiple direct observations in all areas of difficulty, across both structured and unstructured settings, including in the general education classroom, and at various times  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- assessment of cognitive abilities, including both verbal and nonverbal skills  
Date: \_\_\_\_\_
- informal academic achievement data, including benchmark testing, progress monitoring, curriculum-based measures, running records, work samples, and criterion-referenced testing  
Date: \_\_\_\_\_
- formal individual academic achievement data in the area of suspected disability, including basic reading skills, reading fluency, reading comprehension, written expression, math calculation, math problem solving, oral expression, and/or listening comprehension  
Date: \_\_\_\_\_
- assessment of cognitive processing skills in the areas related to the suspected area(s) of disability  
Date: \_\_\_\_\_
- transition assessment, as appropriate  
Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_

**Determine the presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child is a child with specific learning disability according to the requirements of IDEA (34 CFR Sec. 300.8(c)(10)). The questions below should be answered to help the EDT determine whether or not the child has a disability as defined by IDEA (2004).

1. Has the EDT determined and documented that the child was provided with high quality, scientific, research-based instruction and intervention by qualified personnel in general education settings?  
 YES       NO  
 Documentation: \_\_\_\_\_

√If answered NO, the child is not eligible under the specific learning disability category.

2. Has the EDT determined and documented that the child has been provided with learning experiences and instruction appropriate for the child's age or State-approved grade-level standards?

YES                       NO

Documentation:

√If answered NO, the child is not eligible under the specific learning disability category.

3. Has the EDT eliminated the possibility that the learning difficulties are the result of all of the following factors:

Lack of appropriate instruction in reading

YES                       NO

Documentation:

Lack of appropriate instruction in math

YES                       NO

Documentation:

Visual, hearing, or motor disability

YES                       NO

Documentation:

Intellectual disability

YES                       NO

Documentation:

Emotional disturbance

YES                       NO

Documentation:

Cultural factors

YES                       NO

Documentation:

Limited English proficiency

YES                       NO

Documentation:

Environmental or economic factors

YES                       NO

Documentation:

√If answered NO to any of the above questions, the child is not eligible under the specific learning disability category.

4. Has the EDT determined that no other eligibility category better describes this child's disability?

YES                       NO

Documentation:

√If answered NO, the child is not eligible under the specific learning disability category.

5. **Factor 1:** Using the triangulation of multiple data sources, has the EDT determined that the child demonstrates a pattern of performance that indicates the child does not achieve adequately for the child's age or has not met State-approved grade-level standards (a) consistent with at least one of the specified SLD areas and (b) documented by data such as:

- a. a 1.5 standard deviation difference between the child's achievement scores and that of his/her same age or grade peers using local or national normative data; and/or
- b. percentile ranks at or below the 6th percentile (e.g., DIBELS and other CBMs, short-cycle assessments, standards based assessments, etc.)?

Basic reading skills

YES                       NO

Documentation:

Reading fluency skills

YES                       NO

Documentation:

Reading comprehension skills

YES                       NO

Documentation:

Written expression skills

YES                       NO

Documentation:

Mathematics calculation

YES                       NO

Documentation:

Mathematics problem solving

YES                       NO

Documentation:

Oral expression

YES                       NO

Documentation:

Listening comprehension

YES                       NO

Documentation:

---

**Reminder:** EDTs must consider dyslexia for all students referred for an evaluation for potential eligibility under the category of SLD in the areas of reading and/or written expression.

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√If answered NO to all of the above questions, the child is not eligible under the specific learning disability category.

6. Has the EDT determined that child demonstrates a basic neurological processing deficit(s) related to the area(s) of academic need?

YES                       NO

Documentation:

√ If answered NO, the child is not eligible under the specific learning disability category.

7. Factor 2: Has the EDT determined and documented that the child's rate of improvement (growth) and/or patterns of strengths and weaknesses support(s) an eligibility determination of specific learning disability:

Yes, as evidenced by at least one of the following:

Factor 2(a): the child's frequent (at least bi-weekly, but ideally weekly or semi-weekly) progress-monitoring assessment data demonstrate a difference of 1.5 standard deviations or more between the child's progress monitoring growth and that of the rate of improvement of same grade peers; AND/OR

Factor 2(b): the child demonstrates a highly consistent pattern of strengths and weaknesses (in performance, achievement, and/or cognitive abilities relative to age or State-approved grade level standards) as evidenced by the triangulation of multiple data points from a variety of sources using the process outlined in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017).

Documentation:

No, the child's progress-monitoring growth does not indicate insufficient progress AND the child does not demonstrate a highly consistent pattern of strengths and weaknesses.

Documentation:

√If answered NO, the child is not eligible under the specific learning disability category.

8. Has the EDT determined that the assessment and evaluation demonstrate that the child is a child with a specific learning disability, as defined by IDEA (2004)?

YES       NO

Documentation:

√ If answered NO, the child is not eligible under the specific learning disability category.

**Determine need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child requires specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004).

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

YES       NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

YES       NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?

YES       NO

Rationale/Documentation:

√ Answering “yes” to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

**Determination of continued eligibility for special education and related services.** The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child is eligible under the eligibility category of specific learning disability.
- The results of the evaluation documents that the child is eligible for and in need of special education services under the eligibility category of specific learning disability as defined by IDEA (2004).
- The child also demonstrates the characteristics of dyslexia. (*This question only needs to be answered for children with reading and/or written expression concerns*).

- The child is not eligible under the eligibility category of specific learning disability.
- The results of the evaluation indicate that the child does not have specific learning disability as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.

- The results of the evaluation indicate that the child does not have specific learning disability as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_ . (Complete appropriate eligibility determination form for that category.)
- The results of the evaluation indicate that the child has specific learning disability as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child's primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)
- The results of the evaluation indicate that although the child has specific learning disability as defined by IDEA (2004), the EDT has determined that the child's educational needs can be met without specially designed instruction.
- The EDT is unable to determine eligibility under the eligibility category of specific learning disability. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:
  - Additional information from:
  - Additional assessments in the following areas:
  - Other:

## Eligibility Determination Team Participants

	Title/Name	Date	Signature
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

## Eligibility Determination: Specific Learning Disability (Severe Discrepancy Model)

Child Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

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 conditions such 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 disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage. (34 CFR Sec. 300.8(c)(10))

Specific learning disability (SLD) is a disability rooted in a neurological processing deficit (e.g., auditory processing, memory, processing speed, phonological processing, visual/perceptual processing, etc.) and results in significant academic underachievement following sustained, high-quality, scientific, research-based instruction and intervention. SLD may be manifested in the following areas:

- Basic reading skills
- Reading fluency skills
- Reading comprehension skills
- Written expression
- Mathematics calculation
- Mathematics problem solving
- Oral expression
- Listening comprehension

---

**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in making an eligibility determination under the category of specific learning disability.**

---

**Document assessment and evaluation data.** The EDT must review and/or complete the following evaluations and/or assessments according to the requirements established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017):

- screening data/previously conducted evaluation data (school-aged children); SAT file documentation (school aged children)  
Date: \_\_\_\_\_
- child's history, including an interview with the parent(s)/guardian(s)  
Date: \_\_\_\_\_
- complete multiple direct observations in all areas of difficulty, across both structured and unstructured settings, including in the general education classroom, and at various times  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- assessment of cognitive abilities, including both verbal and nonverbal skills  
Date: \_\_\_\_\_
- informal academic achievement data, including benchmark testing, progress monitoring, curriculum-based measures, running records, work samples, and criterion-referenced testing systematic review of individual academic achievement performance  
Date: \_\_\_\_\_
- formal individual academic achievement data in the area of suspected disability, including basic reading skills, reading fluency, reading comprehension, written expression, math calculation, math problem solving, oral expression, and/or listening comprehension academic achievement assessment  
Date: \_\_\_\_\_
- assessment of cognitive processing skills in the areas related to the suspected area(s) of disability  
Date: \_\_\_\_\_
- transition assessment, as appropriate  
Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_

**Determine the presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child is a child with specific learning disability according to the requirements of the IDEA (34 CFR Sec. 300.8(c)(10)). The questions below should be answered to help the EDT determine whether or not the child has a disability as defined by IDEA (2004).

1. Has the EDT determined and documented that the child was provided with high quality, scientific, research-based instruction and intervention by qualified personnel in general education settings?

YES       NO

Documentation:

√If answered NO, the child is not eligible under the specific learning disability category.

2. Has the EDT determined and documented that the child has been provided with learning experiences and instruction appropriate for the child's age or State-approved grade-level standards?

YES                       NO

Documentation:

√If answered NO, the child is not eligible under the specific learning disability category.

3. Has the EDT eliminated the possibility that the learning difficulties are the result of all of the following factors:

Basic reading skills

YES                       NO

Documentation:

Reading fluency skills

YES                       NO

Documentation:

Reading comprehension skills

YES                       NO

Documentation:

Written expression skills

YES                       NO

Documentation:

Mathematics calculation

YES                       NO

Documentation:

Mathematics problem solving

YES                       NO

Documentation:

Oral expression

YES                       NO

Documentation:

Listening comprehension

YES                       NO

Documentation:

√If answered NO to any of the above questions, the child is not eligible under the specific learning disability category.

4. Has the EDT determined that no other eligibility category better describes this child's disability?

YES                       NO

Documentation:

√If answered NO, the child is not eligible under the specific learning disability category.

5. Using the triangulation of multiple data sources, has the EDT determined that the child does not achieve adequately for the child's age or met State-approved grade-level standards directly related to one or more of the specified SLD areas?

Basic reading skills

YES                       NO

Documentation:

Reading fluency skills

YES                       NO

Documentation:

Reading comprehension skills

YES                       NO

Documentation:

Written expression skills

YES                       NO

Documentation:

Mathematics calculation

YES                       NO

Documentation:

Mathematics problem solving

YES                       NO

Documentation:

Oral expression

YES                       NO

Documentation:

Listening comprehension  
 YES       NO  
Documentation:

---

**Reminder:** EDTs must consider dyslexia for all students referred for an evaluation for potential eligibility under the category of SLD in the areas of reading and/or written expression.

---

√ If answered NO to all of the above questions, the child is not eligible under the specific learning disability category.

6. Has the EDT determined that child demonstrates a basic neurological processing deficit(s) related to the area(s) of academic concern?  
 YES       NO  
Documentation:

√ If answered NO, the child is not eligible under the specific learning disability category.

7. Has the EDT determined and documented that the child demonstrates a severe discrepancy between his/her predicted achievement level and actual achievement in the area(s) of concern based on standardized assessment data, as described in the NM TEAM (2017)?

Basic reading skills  
 YES       NO  
Documentation:

Reading fluency skills  
 YES       NO  
Documentation:

Reading comprehension skills  
 YES       NO  
Documentation:

Written expression skills  
 YES       NO  
Documentation:

Mathematics calculation  
 YES       NO  
Documentation:

Mathematics problem solving

YES  NO

Documentation:

Oral expression

YES  NO

Documentation:

Listening comprehension

YES  NO

Documentation:

√ If answered NO, the child is not eligible under the specific learning disability category.

8. Has the EDT determined that the assessment and evaluation data demonstrate that the child is a child with a specific learning disability, as defined by IDEA (2004)?

YES  NO

Documentation:

√ If answered NO, the child is not eligible under the specific learning disability category.

**Determine need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child requires specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004).

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

YES  NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

YES  NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?

YES  NO

Rationale/Documentation:

√ Answering “yes” to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

## Determination of eligibility for special education and related services.

The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child is eligible under the eligibility category of specific learning disability.
  - The results of the evaluation documents that the child is eligible for and in need of special education services under the eligibility category of specific learning disability as defined by IDEA (2004).
    - The child also demonstrates the characteristics of dyslexia. (*This question only needs to be answered for children with reading and/or written expression concerns*).
  
- The child is not eligible under the eligibility category of specific learning disability.
  - The results of the evaluation indicate that the child does not have specific learning disability as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.
  - The results of the evaluation indicate that the child does not have specific learning disability as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_ . (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that the child has specific learning disability as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child's primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that although the child has specific learning disability as defined by IDEA (2004), the EDT has determined that the child's educational needs can be met without specially designed instruction.
  
- The EDT is unable to determine eligibility under the eligibility category of specific learning disability. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:
  - Additional information from:
  - Additional assessments in the following areas:
  - Other:

## Eligibility Determination Team Participants

	Title/Name	Date	Signature
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

## Reevaluation Eligibility Determination: Specific Learning Disability

Child Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

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 conditions such 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 disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage. (34 CFR Sec. 300.8(c)(10))

Specific learning disability (SLD) is a disability rooted in a neurological processing deficit (e.g., auditory processing, memory, processing speed, phonological processing, visual/perceptual processing, etc.) and results in significant academic underachievement following sustained, high-quality, scientific, research-based instruction and intervention. SLD may be manifested in the following areas:

- Basic reading skills
- Reading fluency skills
- Reading comprehension skills
- Written expression
- Mathematics calculation
- Mathematics problem solving
- Oral expression
- Listening comprehension

---

The PED highly recommends that the Eligibility Determination Team (EDT) use the following information in making a continued eligibility determination under the category of specific learning disability.

---

**Review of evaluation data.** The EDT reviewed and/or completed the following evaluations and/or assessments as part of the reevaluation process according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017):

- current classroom-based, short-cycle, and/or state assessments (including, but not limited to benchmark testing, progress monitoring, curriculum-based measures, running records, work samples, and criterion-referenced testing)  
Date: \_\_\_\_\_
- classroom-based observations  
Date: \_\_\_\_\_
- observations and information provided by teachers and related service providers  
Date: \_\_\_\_\_
- observations and information provided by other professionals  
Date: \_\_\_\_\_
- observations, information, and/or evaluations provided by the child's parents  
Date(s): \_\_\_\_\_

Other assessment information included:

- assessment of cognitive abilities, including both verbal and nonverbal skills  
Date: \_\_\_\_\_
- formal individual academic achievement data in the area of suspected disability, including basic reading skills, reading fluency, reading comprehension, written expression, math calculation, math problem solving, oral expression, and/or listening comprehension  
Date: \_\_\_\_\_
- assessment of cognitive processing skills in the areas related to the area(s) of academic concern  
Date: \_\_\_\_\_
- transition assessment, as appropriate  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_

**Determine the continued presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child continues to be a child with specific learning disability according to the requirements of IDEA (34 CFR Sec. 300.8(c)(10)). The questions below should be answered to help the EDT determine whether or not the child continues to have a disability as defined by IDEA (2004).

1. Has the EDT determined that the assessment and evaluation data demonstrate that the child continues to be a child with specific learning disability as defined by IDEA (2004) in one or more of the following areas?

Basic reading skills  
 YES       NO  
Documentation:

Reading fluency skills  
 YES       NO  
Documentation:

Reading comprehension skills  
 YES       NO  
Documentation:

Written expression skills  
 YES       NO  
Documentation:

Mathematics calculation  
 YES       NO  
Documentation:

Mathematics problem solving  
 YES       NO  
Documentation:

Oral expression  
 YES       NO  
Documentation:

Listening comprehension  
 YES       NO  
Documentation:

√If answered NO, the child is not eligible under the specific learning disability category.

---

**NOTE:** Continued eligibility (no change in eligibility classification) is not dependent upon meeting initial eligibility criteria. For children eligible under the category of specific learning disability, this means that EDTs are not required to use the dual discrepancy or severe discrepancy models to determine that a child continues to have a specific learning disability.

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2. Has the EDT determined that no other eligibility category better describes this child's disability?

YES                       NO

Documentation:

√If answered NO, the child is not eligible under the specific learning disability category.

---

**NOTE:** There are no specific reevaluation eligibility criteria; therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED (Review of Existing Evaluation Data) process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

---

**Determine continued need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child continues to require specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004).

To answer the following questions, the EDT should consider (a) the child's present levels of academic achievement and functional performance, (b) the child's educational needs, and (c) any necessary changes to the child's educational program.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

YES                       NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

YES                       NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?

YES                       NO

Rationale/Documentation:

√Answering "yes" to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

## Determination of continued eligibility for special education and related services.

The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child is eligible under the eligibility category of specific learning disability.
  - The results of the evaluation documents that the child is eligible for and in need of special education services under the eligibility category of specific learning disability as defined by IDEA (2004).
    - The child also demonstrates the characteristics of dyslexia. (*This question only needs to be answered for children with reading and/or written expression concerns*).
  
- The child is not eligible under the eligibility category of specific learning disability.
  - The results of the evaluation indicate that the child does not have specific learning disability as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.
  - The results of the evaluation indicate that the child does not have specific learning disability as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_.  
(Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that the child has specific learning disability as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child's primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that although the child has specific learning disability as defined by IDEA (2004), the EDT has determined that the child's educational needs can be met without specially designed instruction.
  
- The EDT is unable to determine eligibility under the eligibility category of specific learning disability. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:
  - Additional information from:
  - Additional assessments in the following areas:
  - Other:

## Reevaluation Eligibility Determination Team Participants

	Title/Name	Date	Signature
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

## Specific Learning Disability Severe Discrepancy Regression Table

(Size of Discrepancy = 1.5 SD x SEe) (Updated 2016)

Instructions: This table is to be used when making eligibility determination decisions under the eligibility category of Specific Learning Disability under the Severe Discrepancy model using cognitive ability and academic achievement assessments that are not co-normed.

1. Identify the appropriate column (.7, .6, or .5) to use based on the cognitive ability assessment used. *Cognitive ability assessments that are not on this list should not be used to determine the presence of a severe discrepancy.*
2. Locate the child's "Obtained Cognitive Ability Score" in the first column.
3. Identify the "Academic Achievement Score Consistent with Severe Discrepancy."
4. If the child's achievement score is equal to or less than the score identified in Step 3, the child demonstrates a severe discrepancy between ability and achievement based on these data.

Obtained Cognitive Ability Score	Academic Achievement Score Consistent with Severe Discrepancy			Identification of Appropriate Column Based on the Best Measure of the Child's Cognitive Ability
	.7	.6	.5	
130	105	100	95	Use .7 column for: DAS-2 Special Nonverbal Composite DAS-2 General Conceptual Ability Scales KABC-II Mental Processing Index KABC-II Fluid-crystallized Index SB-V Full Scale IQ SB-V Verbal IQ TONI-4 Full Scale UNIT-2 Full Scale UNIT-2 Reasoning UNIT-2 Quantitative WAIS-IV Full Scale IQ WAIS-IV Verbal Comprehension Index WAIS-IV Perceptual Reasoning Index WAIS-IV General Ability Index WISC-V Full Scale IQ WISC-V Verbal Comprehension Index WISC-V General Ability Index WPPSI-IV Full Scale IQ WPPSI-IV Verbal Comprehension WJ-IV General Intellectual Ability WJ-IV Gf-Gc W-M Bateria (Cognitive) III Full Scale W-M Bateria (Cognitive) III Thinking
129	104	99	95	
128	104	99	94	
127	103	98	94	
126	102	98	93	
125	102	97	93	
124	101	96	92	
123	100	96	92	
122	99	95	91	
121	99	95	91	
120	98	94	90	Use .6 column for: CAS-2 Full Scale DAS-2 Verbal Ability DTLA-4 Verbal Composite DTLA-4 General Mental Ability KABC-II Nonverbal Index KAIT Crystallized Scale and Fluid Scale NNAT-2 Ability Index SB-V Nonverbal IQ UNIT-2 Memory WNV Nonverbal IQ WISC-V Nonverbal Index
119	97	93	90	
118	97	93	89	
117	96	92	89	
116	95	92	88	
115	95	91	88	
114	94	90	87	
113	93	90	87	
112	92	89	86	
111	92	89	86	
110	91	88	85	Use .5 column for: C-TONI-2 Full Scale DAS-2 Nonverbal Reasoning Ability DAS-2 Spatial Ability Scales DTLA-4 Nonverbal Composite RIAS-2 Composite Intelligence Index RIAS-2 Verbal Intelligence Index
109	90	87	85	
108	90	87	84	
107	89	86	84	
106	88	86	83	
105	88	85	83	
104	87	84	82	
103	86	84	82	
102	85	83	81	
101	85	83	81	
100	84	82	80	
99	83	81	80	
98	83	81	79	
97	82	80	79	
96	81	80	78	
95	81	79	78	
94	80	78	77	
93	79	78	77	
92	78	77	76	
91	78	77	76	
90	77	76	75	
89	76	75	75	
88	76	75	74	
87	75	74	74	
86	74	74	73	
85	74	73	73	
84	73	72	72	
83	72	72	72	
82	71	71	71	
81	71	71	71	
80	70	70	70	
79	69	69	70	
78	69	68	69	
77	68	68	69	
76	67	67	68	
75	67	66	68	
74	66	66	67	
73	65	65	66	
72	64	65	66	
71	64	64	65	

**Notes:**

## Pattern of Strengths and Weaknesses Basic Reading Worksheet

EDTs should complete the PSW worksheet(s) that most closely align to the child's primary areas of suspected deficits, rather than all worksheets in a particular curriculum area. See New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017). For guidance on identifying strengths and weaknesses see step 3 of 4 under the dual discrepancy factor 2b section in the SLD chapter of NM TEAM 2017.

Is the main cause of the child's Basic Reading difficulties:					
Lack of Appropriate Instruction in Basic Reading	Yes	No	Emotional Disturbance	Yes	No
Limited Proficiency in English	Yes	No	Cultural Factors	Yes	No
Visual, hearing, or motor disability	Yes	No	Environmental or Economic Factors	Yes	No
Intellectual Disability	Yes	No			

To answer each of the following questions, EDTs should answer the question: "Does \_\_\_\_\_ indicate that basic reading is a strength, a weakness, or neither?" For example, "Does the child's developmental history indicate that his basic reading skills are a strength, weakness, or neither?"

### Area 1: Interviews, Observations, and Extant Information

School Health Records/Medical History	S	W	N
Previous Test Scores	S	W	N
Grades	S	W	N
Developmental History	S	W	N
Home Language Proficiency	S	W	N
In-Class Observations (multiple)	S	W	N
Observations Conducted by Other Specialists (e.g., evaluators, SLPs, OTs, etc.)	S	W	N
Parent Interview Information	S	W	N
Teacher Report (compared to other children in classroom)	S	W	N
Academic Observations	S	W	N
Functional Observations/Interviews	S	W	N
Cumulative Records Review (history of strengths/needs in specific academic area)	S	W	N

### Neurological Processing Associated with Area 1.

1. Not all areas need to be identified as a strength or weakness in each category; 2. Processing areas not listed may be used to support an eligibility determination under the category of SLD. EDTs must clearly document the link between the processing deficit and academic needs across all three assessment areas on this worksheet. 3. To respond to this in Area 1, teams should look at the child's functional behavior based on observation and the other information listed above.

Language Processing:	S	W	N	NA	Attention:	S	W	N	NA
Working Memory:	S	W	N	NA	Rapid Automatic Naming:	S	W	N	NA
Long-Term Storage-Retrieval:	S	W	N	NA	Orthographic Processing:	S	W	N	NA
Processing Speed:	S	W	N	NA	Executive Functions:	S	W	N	NA
Phonological Awareness:	S	W	N	NA	Other_____:	S	W	N	NA

## Area 2: Informal Assessments

EDTs must document information in this area as well in order to have the information necessary to triangulate the data.

Benchmark Testing (____ LEA indicates data are not available)	S	W	N
Progress Monitoring	S	W	N
Curriculum-Based Measures (____ LEA indicates data are not available)	S	W	N
Running Records (____ LEA indicates data are not available)	S	W	N
Work Samples	S	W	N
Criterion-Referenced Tests	S	W	N

### Neurological Processing Associated with Area 2.

1. Not all areas need to be identified as a strength or weakness in each category; 2. Processing areas not listed may be used to support an eligibility determination under the category of SLD. EDTs must clearly document the link between the processing deficit and academic needs across all three assessment areas on this worksheet. 3. To respond to this in Area 2, teams should look at informal assessment data, such as those listed above.

Language Processing:	S	W	N	NA	Attention:	S	W	N	NA
Working Memory:	S	W	N	NA	Rapid Automatic Naming:	S	W	N	NA
Long-Term Storage-Retrieval:	S	W	N	NA	Orthographic Processing:	S	W	N	NA
Processing Speed:	S	W	N	NA	Executive Functions:	S	W	N	NA
Phonological Awareness:	S	W	N	NA	Other_____:	S	W	N	NA

## Area 3: Formal Assessments

Individual Academic Achievement Testing	S	W	N
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### Neurological Processing Associated with Area 3.

1. Not all areas need to be identified as a strength or weakness in each category; 2. Processing areas not listed may be used to support an eligibility determination under the category of SLD. EDTs must clearly document the link between the processing deficit and academic needs across all three assessment areas on this worksheet. 3. To respond to this in Area 3, teams should look at formal assessment data from standardized assessments.

Language Processing:	S	W	N	NA	Attention:	S	W	N	NA
Working Memory:	S	W	N	NA	Rapid Automatic Naming:	S	W	N	NA
Long-Term Storage-Retrieval:	S	W	N	NA	Orthographic Processing:	S	W	N	NA
Processing Speed:	S	W	N	NA	Executive Functions:	S	W	N	NA
Phonological Awareness:	S	W	N	NA	Other_____:	S	W	N	NA

Adapted from: Portland Public Schools Identification of Specific Learning Disabilities via Patterns of Strengths and Weaknesses Manual & Schultz, E. K., Simpson, C. G., and Lynch, S. (2012). Specific learning disability identification: What constitutes a pattern of strengths and weaknesses?, *Learning Disabilities*, 18(2), 87-97.

## Pattern of Strengths and Weaknesses Reading Fluency Worksheet

EDTs should complete the PSW worksheet(s) that most closely align to the child's primary areas of suspected deficits, rather than all worksheets in a particular curriculum area. See New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017).. For guidance on identifying strengths and weaknesses see step 3 of 4 under the dual discrepancy factor 2b section in the SLD chapter of NM TEAM 2017.

Is the main cause of the child's Reading Fluency difficulties:					
Lack of Appropriate Instruction in Reading Fluency	Yes	No	Emotional Disturbance	Yes	No
Limited English Proficiency	Yes	No	Cultural Factors	Yes	No
Visual, hearing, or motor disability	Yes	No	Environmental or Economic Factors	Yes	No
Intellectual Disability	Yes	No			

To answer each of the following questions, EDTs should answer the question: "Does \_\_\_\_\_ indicate that Reading Fluency is a strength, a weakness, or neither?" For example, "Does the child's developmental history indicate that his Reading Fluency skills are a strength, weakness, or neither?"

### Area 1: Interviews, Observations, and Extant Information

School Health Records/Medical History	S	W	N
Previous Test Scores	S	W	N
Grades	S	W	N
Developmental History	S	W	N
Home Language Proficiency	S	W	N
In-Class Observations (multiple)	S	W	N
Observations Conducted by Other Specialists (e.g., evaluators, SLPs, OTs, etc.)	S	W	N
Parent Interview Information	S	W	N
Teacher Report (compared to other children in classroom)	S	W	N
Academic Observations	S	W	N
Functional Observations/Interviews	S	W	N
Cumulative Records Review (history of strengths/needs in specific academic area)	S	W	N

### Neurological Processing Associated with Area 1.

1. Not all areas need to be identified as a strength or weakness in each category; 2. Processing areas not listed may be used to support an eligibility determination under the category of SLD. EDTs must clearly document the link between the processing deficit and academic needs across all three assessment areas on this worksheet. 3. To respond to this in Area 1, teams should look at the child's functional behavior based on observation and the other information listed above.

Language Processing:	S	W	N	NA	Attention:	S	W	N	NA
Working Memory:	S	W	N	NA	Rapid Automatic Naming:	S	W	N	NA
Long-Term Storage-Retrieval:	S	W	N	NA	Orthographic Processing:	S	W	N	NA
Processing Speed:	S	W	N	NA	Executive Functions:	S	W	N	NA
					Other_____:	S	W	N	NA

## Area 2: Informal Assessments

EDTs must document information in this area as well in order to have the information necessary to triangulate the data.

Benchmark Testing (____ LEA indicates data are not available)	S	W	N
Progress Monitoring	S	W	N
Curriculum-Based Measures (____ LEA indicates data are not available)	S	W	N
Running Records (____ LEA indicates data are not available)	S	W	N
Work Samples	S	W	N
Criterion-Referenced Tests	S	W	N

### Neurological Processing Associated with Area 2.

1. Not all areas need to be identified as a strength or weakness in each category; 2. Processing areas not listed may be used to support an eligibility determination under the category of SLD. EDTs must clearly document the link between the processing deficit and academic needs across all three assessment areas on this worksheet. 3. To respond to this in Area 2, teams should look at informal assessment data, such as those listed above..

Language Processing:	S	W	N	NA	Attention:	S	W	N	NA
Working Memory:	S	W	N	NA	Rapid Automatic Naming:	S	W	N	NA
Long-Term Storage-Retrieval:	S	W	N	NA	Orthographic Processing:	S	W	N	NA
Processing Speed:	S	W	N	NA	Executive Functions:	S	W	N	NA
					Other_____:	S	W	N	NA

## Area 3: Formal Assessments

Individual Academic Achievement Testing	S	W	N
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### Neurological Processing Associated with Area 3.

1. Not all areas need to be identified as a strength or weakness in each category; 2. Processing areas not listed may be used to support an eligibility determination under the category of SLD. EDTs must clearly document the link between the processing deficit and academic needs across all three assessment areas on this worksheet. 3. To respond to this in Area 3, teams should look at formal assessment data from standardized assessments.

Language Processing:	S	W	N	NA	Attention:	S	W	N	NA
Working Memory:	S	W	N	NA	Rapid Automatic Naming:	S	W	N	NA
Long-Term Storage-Retrieval:	S	W	N	NA	Orthographic Processing:	S	W	N	NA
Processing Speed:	S	W	N	NA	Executive Functions:	S	W	N	NA
					Other_____:	S	W	N	NA

Adapted from: Portland Public Schools Identification of Specific Learning Disabilities via Patterns of Strengths and Weaknesses Manual & Schultz, E. K., Simpson, C. G., and Lynch, S. (2012). Specific learning disability identification: What constitutes a pattern of strengths and weaknesses?, *Learning Disabilities*, 18(2), 87-9

## Pattern of Strengths and Weaknesses Reading Comprehension Worksheet

EDTs should complete the PSW worksheet(s) that most closely align to the child's primary areas of suspected deficits, rather than all worksheets in a particular curriculum area. See New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017). For guidance on identifying strengths and weaknesses see step 3 of 4 under the dual discrepancy factor 2b section in the SLD chapter of NM TEAM 2017.

Is the main cause of the child's Reading Comprehension difficulties:					
Lack of Appropriate Instruction in Reading Comprehension	Yes	No	Emotional Disturbance	Yes	No
Limited Proficiency in English	Yes	No	Cultural Factors	Yes	No
Visual, hearing, or motor disability	Yes	No	Environmental or Economic Factors	Yes	No
Intellectual Disability	Yes	No			

To answer each of the following questions, EDTs should answer the question: "Does \_\_\_\_\_ indicate that Reading Comprehension is a strength, a weakness, or neither?" For example, "Does the child's developmental history indicate that his Reading Comprehension skills are a strength, weakness, or neither?"

### Area 1: Interviews, Observations, and Extant Information

School Health Records/Medical History	S	W	N
Previous Test Scores	S	W	N
Grades	S	W	N
Developmental History	S	W	N
Home Language Proficiency	S	W	N
In-Class Observations (multiple)	S	W	N
Observations Conducted by Other Specialists (e.g., evaluators, SLPs, OTs, etc.)	S	W	N
Parent Interview Information	S	W	N
Teacher Report (compared to other children in classroom)	S	W	N
Academic Observations	S	W	N
Functional Observations/Interviews	S	W	N
Cumulative Records Review (history of strengths/needs in specific academic area)	S	W	N

### Neurological Processing Associated with Area 1.

1. Not all areas need to be identified as a strength or weakness in each category; 2. Processing areas not listed may be used to support an eligibility determination under the category of SLD. EDTs must clearly document the link between the processing deficit and academic needs across all three assessment areas on this worksheet. 3. To respond to this in Area 1, teams should look at the child's functional behavior based on observation and the other information listed above.

Language Processing:	S	W	N	NA	Attention:	S	W	N	NA
Working Memory:	S	W	N	NA	Executive Functions:	S	W	N	NA
Long-Term Storage-Retrieval:	S	W	N	NA	Other _____:	S	W	N	NA

## Area 2: Informal Assessments

EDTs must document information in this area as well in order to have the information necessary to triangulate the data.

Benchmark Testing (____ LEA indicates data are not available)	S	W	N
Progress Monitoring	S	W	N
Curriculum-Based Measures (____ LEA indicates data are not available)	S	W	N
Running Records (____ LEA indicates data are not available)	S	W	N
Work Samples	S	W	N
Criterion-Referenced Tests	S	W	N

### Neurological Processing Associated with Area 2.

1. Not all areas need to be identified as a strength or weakness in each category; 2. Processing areas not listed may be used to support an eligibility determination under the category of SLD. EDTs must clearly document the link between the processing deficit and academic needs across all three assessment areas on this worksheet. 3. To respond to this in Area 2, teams should look at informal assessment data, such as those listed above.

Language Processing:	S	W	N	NA	Attention:	S	W	N	NA
Working Memory:	S	W	N	NA	Executive Functions:	S	W	N	NA
Long-Term Storage-Retrieval:	S	W	N	NA	Other_____:	S	W	N	NA

## Area 3: Formal Assessments

Individual Academic Achievement Testing	S	W	N
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### Neurological Processing Associated with Area 3.

1. Not all areas need to be identified as a strength or weakness in each category; 2. Processing areas not listed may be used to support an eligibility determination under the category of SLD. EDTs must clearly document the link between the processing deficit and academic needs across all three assessment areas on this worksheet. 3. To respond to this in Area 3, teams should look at formal assessment data from standardized assessments.

Language Processing:	S	W	N	NA	Attention:	S	W	N	NA
Working Memory:	S	W	N	NA	Executive Functions:	S	W	N	NA
Long-Term Storage-Retrieval:	S	W	N	NA	Other_____:	S	W	N	NA

Adapted from: Portland Public Schools Identification of Specific Learning Disabilities via Patterns of Strengths and Weaknesses Manual & Schultz, E. K., Simpson, C. G., and Lynch, S. (2012). Specific learning disability identification: What constitutes a pattern of strengths and weaknesses?, *Learning Disabilities*, 18(2), 87-97.

## Pattern of Strengths and Weaknesses Written Expression Worksheet

EDTs should complete the PSW worksheet(s) that most closely align to the child's primary areas of suspected deficits, rather than all worksheets in a particular curriculum area. See New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017). For guidance on identifying strengths and weaknesses see step 3 of 4 under the dual discrepancy factor 2b section in the SLD chapter of NM TEAM 2017.

Is the main cause of the child's Written Expression difficulties:					
Lack of Appropriate Instruction in Written Expression	Yes	No	Emotional Disturbance	Yes	No
Limited English Proficiency	Yes	No	Cultural Factors	Yes	No
Visual, hearing, or motor disability	Yes	No	Environmental or Economic Factors	Yes	No
Intellectual Disability	Yes	No			

To answer each of the following questions, EDTs should answer the question: "Does \_\_\_\_\_ indicate that Written Expression is a strength, a weakness, or neither?" For example, "Does the child's developmental history indicate that his Written Expression skills are a strength, weakness, or neither?"

### Area 1: Interviews, Observations, and Extant Information

School Health Records/Medical History	S	W	N
Previous Test Scores	S	W	N
Grades	S	W	N
Developmental History	S	W	N
Home Language Proficiency	S	W	N
In-Class Observations (multiple)	S	W	N
Observations Conducted by Other Specialists (e.g., evaluators, SLPs, OTs, etc.)	S	W	N
Parent Interview Information	S	W	N
Teacher Report (compared to other children in classroom)	S	W	N
Academic Observations	S	W	N
Functional Observations/Interviews	S	W	N
Cumulative Records Review (history of strengths/needs in specific academic area)	S	W	N

### Neurological Processing Associated with Area 1.

1. Not all areas need to be identified as a strength or weakness in each category; 2. Processing areas not listed may be used to support an eligibility determination under the category of SLD. EDTs must clearly document the link between the processing deficit and academic needs across all three assessment areas on this worksheet. 3. To respond to this in Area 1, teams should look at the child's functional behavior based on observation and the other information listed above.

Language Processing:	S	W	N	NA	Attention:	S	W	N	NA
Working Memory:	S	W	N	NA	Orthographic Processing:	S	W	N	NA
Processing Speed:	S	W	N	NA	Executive Functions:	S	W	N	NA
Sensorimotor Functions	S	W	N	NA	Other_____:	S	W	N	NA

## Area 2: Informal Assessments

EDTs must document information in this area as well in order to have the information necessary to triangulate the data.

Benchmark Testing (____ LEA indicates data are not available)	S	W	N
Progress Monitoring	S	W	N
Curriculum-Based Measures (____ LEA indicates data are not available)	S	W	N
Running Records (____ LEA indicates data are not available)	S	W	N
Work Samples	S	W	N
Criterion-Referenced Tests	S	W	N

### Neurological Processing Associated with Area 2.

1. Not all areas need to be identified as a strength or weakness in each category; 2. Processing areas not listed may be used to support an eligibility determination under the category of SLD. EDTs must clearly document the link between the processing deficit and academic needs across all three assessment areas on this worksheet. 3. To respond to this in Area 2, teams should look at informal assessment data, such as those listed above.

Language Processing:	S	W	N	NA	Attention:	S	W	N	NA
Working Memory:	S	W	N	NA	Orthographic Processing:	S	W	N	NA
Processing Speed:	S	W	N	NA	Executive Functions:	S	W	N	NA
Sensorimotor Functions	S	W	N	NA	Other_____:	S	W	N	NA

## Area 3: Formal Assessments

Individual Academic Achievement Testing	S	W	N
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### Neurological Processing Associated with Area 3.

1. Not all areas need to be identified as a strength or weakness in each category; 2. Processing areas not listed may be used to support an eligibility determination under the category of SLD. EDTs must clearly document the link between the processing deficit and academic needs across all three assessment areas on this worksheet. 3. To respond to this in Area 3, teams should look at formal assessment data from standardized assessments.

Language Processing:	S	W	N	NA	Attention:	S	W	N	NA
Working Memory:	S	W	N	NA	Orthographic Processing:	S	W	N	NA
Processing Speed:	S	W	N	NA	Executive Functions:	S	W	N	NA
Sensorimotor Functions	S	W	N	NA	Other_____:	S	W	N	NA

Adapted from: Portland Public Schools Identification of Specific Learning Disabilities via Patterns of Strengths and Weaknesses Manual & Schultz, E. K., Simpson, C. G., and Lynch, S. (2012). Specific learning disability identification: What constitutes a pattern of strengths and weaknesses?, *Learning Disabilities*, 18(2), 87-97.

### Pattern of Strengths and Weaknesses Math Calculation Worksheet

EDTs should complete the PSW worksheet(s) that most closely align to the child's primary areas of suspected deficits, rather than all worksheets in a particular curriculum area. See New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017). For guidance on identifying strengths and weaknesses see step 3 of 4 under the dual discrepancy factor 2b section in the SLD chapter of NM TEAM 2017.

Is the main cause of the child's Math Calculation difficulties:					
Lack of Appropriate Instruction in Math Calculation	Yes	No	Emotional Disturbance	Yes	No
Limited English Proficiency	Yes	No	Cultural Factors	Yes	No
Visual, hearing, or motor disability	Yes	No	Environmental or Economic Factors	Yes	No
Intellectual Disability	Yes	No			

To answer each of the following questions, EDTs should answer the question: "Does \_\_\_\_\_ indicate that Math Calculation is a strength, a weakness, or neither?" For example, "Does the child's developmental history indicate that his Math Calculation skills are a strength, weakness, or neither?"

#### Area 1: Interviews, Observations, and Extant Information

School Health Records/Medical History	S	W	N
Previous Test Scores	S	W	N
Grades	S	W	N
Developmental History	S	W	N
Home Language Proficiency	S	W	N
In-Class Observations (multiple)	S	W	N
Observations Conducted by Other Specialists (e.g., evaluators, SLPs, OTs, etc.)	S	W	N
Parent Interview Information	S	W	N
Teacher Report (compared to other children in classroom)	S	W	N
Academic Observations	S	W	N
Functional Observations/Interviews	S	W	N
Cumulative Records Review (history of strengths/needs in specific academic area)	S	W	N

#### Neurological Processing Associated with Area 1.

1. Not all areas need to be identified as a strength or weakness in each category; 2. Processing areas not listed may be used to support an eligibility determination under the category of SLD. EDTs must clearly document the link between the processing deficit and academic needs across all three assessment areas on this worksheet. 3. To respond to this in Area 1, teams should look at the child's functional behavior based on observation and the other information listed above.

Working Memory:	S	W	N	NA	Attention:	S	W	N	NA
Long-Term Storage-Retrieval:	S	W	N	NA	Rapid Automatic Naming:	S	W	N	NA
Fluid Reasoning	S	W	N	NA	Orthographic Processing:	S	W	N	NA
Processing Speed:	S	W	N	NA	Executive Functions:	S	W	N	NA
Sensorimotor:	S	W	N	NA	Other _____:	S	W	N	NA

## Area 2: Informal Assessments

EDTs must document information in this area as well in order to have the information necessary to triangulate the data.

Benchmark Testing (____ LEA indicates data are not available)	S	W	N
Progress Monitoring	S	W	N
Curriculum-Based Measures (____ LEA indicates data are not available)	S	W	N
Running Records (____ LEA indicates data are not available)	S	W	N
Work Samples	S	W	N
Criterion-Referenced Tests	S	W	N

### Neurological Processing Associated with Area 2.

1. Not all areas need to be identified as a strength or weakness in each category; 2. Processing areas not listed may be used to support an eligibility determination under the category of SLD. EDTs must clearly document the link between the processing deficit and academic needs across all three assessment areas on this worksheet. 3. To respond to this in Area 2, teams should look at informal assessment data, such as those listed above..

Working Memory:	S	W	N	NA	Sensorimotor:	S	W	N	NA
Long-Term Storage-Retrieval:	S	W	N	NA	Attention:	S	W	N	NA
Fluid Reasoning	S	W	N	NA	Rapid Automatic Naming:				
Processing Speed:	S	W	N	NA	Orthographic Processing:	S	W	N	NA
	S	W	N	NA	Executive Functions:	S	W	N	NA
					Other_____:	S	W	N	NA

## Area 3: Formal Assessments

Individual Academic Achievement Testing	S	W	N
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### Neurological Processing Associated with Area 3.

1. Not all areas need to be identified as a strength or weakness in each category; 2. Processing areas not listed may be used to support an eligibility determination under the category of SLD. EDTs must clearly document the link between the processing deficit and academic needs across all three assessment areas on this worksheet. 3. To respond to this in Area 3, teams should look at formal assessment data from standardized assessments.

Working Memory:	S	W	N	NA	Attention:	S	W	N	NA
Long-Term Storage-Retrieval:	S	W	N	NA	Rapid Automatic Naming:	S	W	N	NA
Fluid Reasoning	S	W	N	NA	Orthographic Processing:				
Processing Speed:	S	W	N	NA	Executive Functions:	S	W	N	NA
Sensorimotor:	S	W	N	NA	Other_____:	S	W	N	NA

Adapted from: Portland Public Schools Identification of Specific Learning Disabilities via Patterns of Strengths and Weaknesses Manual & Schultz, E. K., Simpson, C. G., and Lynch, S. (2012). Specific learning disability identification: What constitutes a pattern of strengths and weaknesses?, *Learning Disabilities*, 18(2), 87-97.

## Pattern of Strengths and Weaknesses Math Problem Solving Worksheet

EDTs should complete the PSW worksheet(s) that most closely align to the child's primary areas of suspected deficits, rather than all worksheets in a particular curriculum area. See New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017). For guidance on identifying strengths and weaknesses see step 3 of 4 under the dual discrepancy factor 2b section in the SLD chapter of NM TEAM 2017.

Is the main cause of the child's Math Problem Solving difficulties:					
Lack of Appropriate Instruction in Math Problem Solving	Yes	No	Emotional Disturbance	Yes	No
Limited English Proficiency	Yes	No	Cultural Factors	Yes	No
Visual, hearing, or motor disability	Yes	No	Environmental or Economic Factors	Yes	No
Intellectual Disability	Yes	No			

To answer each of the following questions, EDTs should answer the question: "Does \_\_\_\_\_ indicate that Math Problem Solving is a strength, a weakness, or neither?" For example, "Does the child's developmental history indicate that his Math Problem Solving skills are a strength, weakness, or neither?"

### Area 1: Interviews, Observations, and Extant Information

School Health Records/Medical History	S	W	N
Previous Test Scores	S	W	N
Grades	S	W	N
Developmental History	S	W	N
Home Language Proficiency	S	W	N
In-Class Observations (multiple)	S	W	N
Observations Conducted by Other Specialists (e.g., evaluators, SLPs, OTs, etc.)	S	W	N
Parent Interview Information	S	W	N
Teacher Report (compared to other children in classroom)	S	W	N
Academic Observations	S	W	N
Functional Observations/Interviews	S	W	N
Cumulative Records Review (history of strengths/needs in specific academic area)	S	W	N

### Neurological Processing Associated with Area 1.

1. Not all areas need to be identified as a strength or weakness in each category; 2. Processing areas not listed may be used to support an eligibility determination under the category of SLD. EDTs must clearly document the link between the processing deficit and academic needs across all three assessment areas on this worksheet. 3. To respond to this in Area 1, teams should look at the child's functional behavior based on observation and the other information listed above.

Visual Spatial Processing:	S	W	N	NA	Fluid Reasoning:	S	W	N	NA
Language Processing:	S	W	N	NA	Attention:	S	W	N	NA
Working Memory:	S	W	N	NA	Executive Functions:	S	W	N	NA
					Other_____:	S	W	N	NA

## Area 2: Informal Assessments

EDTs must document information in this area as well in order to have the information necessary to triangulate the data.

Benchmark Testing (____ LEA indicates data are not available)	S	W	N
Progress Monitoring	S	W	N
Curriculum-Based Measures (____ LEA indicates data are not available)	S	W	N
Running Records (____ LEA indicates data are not available)	S	W	N
Work Samples	S	W	N
Criterion-Referenced Tests	S	W	N

### Neurological Processing Associated with Area 2.

1. Not all areas need to be identified as a strength or weakness in each category; 2. Processing areas not listed may be used to support an eligibility determination under the category of SLD. EDTs must clearly document the link between the processing deficit and academic needs across all three assessment areas on this worksheet. 3. To respond to this in Area 2, teams should look at informal assessment data, such as those listed above.

Visual Spatial Processing:	S	W	N	NA	Fluid Reasoning:	S	W	N	NA
Language Processing:	S	W	N	NA	Attention:	S	W	N	NA
Working Memory:	S	W	N	NA	Executive Functions:	S	W	N	NA
					Other_____:	S	W	N	NA

## Area 3: Formal Assessments

Individual Academic Achievement Testing	S	W	N
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### Neurological Processing Associated with Area 3.

1. Not all areas need to be identified as a strength or weakness in each category; 2. Processing areas not listed may be used to support an eligibility determination under the category of SLD. EDTs must clearly document the link between the processing deficit and academic needs across all three assessment areas on this worksheet. 3. To respond to this in Area 3, teams should look at formal assessment data from standardized assessments.

Visual Spatial Processing:	S	W	N	NA	Fluid Reasoning:	S	W	N	NA
Language Processing:	S	W	N	NA	Attention:	S	W	N	NA
Working Memory:	S	W	N	NA	Executive Functions:	S	W	N	NA
					Other_____:	S	W	N	NA

Adapted from: Portland Public Schools Identification of Specific Learning Disabilities via Patterns of Strengths and Weaknesses Manual & Schultz, E. K., Simpson, C. G., and Lynch, S. (2012). Specific learning disability identification: What constitutes a pattern of strengths and weaknesses?, *Learning Disabilities*, 18(2), 87-97.

## Pattern of Strengths and Weaknesses Oral Expression Worksheet

EDTs should complete the PSW worksheet(s) that most closely align to the child's primary areas of suspected deficits, rather than all worksheets in a particular curriculum area. See New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017). For guidance on identifying strengths and weaknesses see step 3 of 4 under the dual discrepancy factor 2b section in the SLD chapter of NM TEAM 2017.

Is the main cause of the child's Oral Expression difficulties:					
Lack of Appropriate Instruction in Oral Expression	Yes	No	Emotional Disturbance	Yes	No
Limited English Proficiency	Yes	No	Cultural Factors	Yes	No
Visual, hearing, or motor disability	Yes	No	Environmental or Economic Factors	Yes	No
Intellectual Disability	Yes	No			

To answer each of the following questions, EDTs should answer the question: "Does \_\_\_\_\_ indicate that Oral Expression is a strength, a weakness, or neither?" For example, "Does the child's developmental history indicate that his Oral Expression skills are a strength, weakness, or neither?"

### Area 1: Interviews, Observations, and Extant Information

School Health Records/Medical History	S	W	N
Previous Test Scores	S	W	N
Grades	S	W	N
Developmental History	S	W	N
Home Language Proficiency	S	W	N
In-Class Observations (multiple)	S	W	N
Observations Conducted by Other Specialists (e.g., evaluators, SLPs, OTs, etc.)	S	W	N
Parent Interview Information	S	W	N
Teacher Report (compared to other children in classroom)	S	W	N
Academic Observations	S	W	N
Functional Observations/Interviews	S	W	N
Cumulative Records Review (history of strengths/needs in specific academic area)	S	W	N

### Neurological Processing Associated with Area 1.

1. Not all areas need to be identified as a strength or weakness in each category; 2. Processing areas not listed may be used to support an eligibility determination under the category of SLD. EDTs must clearly document the link between the processing deficit and academic needs across all three assessment areas on this worksheet. 3. To respond to this in Area 1, teams should look at the child's functional behavior based on observation and the other information listed above.

Language Processing:	S	W	N	NA	Fluid Processing:	S	W	N	NA
Working Memory:	S	W	N	NA	Attention:	S	W	N	NA
Long-Term Storage-Retrieval:	S	W	N	NA	Executive Functions:	S	W	N	NA
	S	W	N	NA	Other_____:	S	W	N	NA

## Area 2: Informal Assessments

EDTs must document information in this area as well in order to have the information necessary to triangulate the data.

Benchmark Testing (____ LEA indicates data are not available)	S	W	N
Progress Monitoring	S	W	N
Curriculum-Based Measures (____ LEA indicates data are not available)	S	W	N
Running Records (____ LEA indicates data are not available)	S	W	N
Work Samples	S	W	N
Criterion-Referenced Tests	S	W	N

### Neurological Processing Associated with Area 2.

1. Not all areas need to be identified as a strength or weakness in each category; 2. Processing areas not listed may be used to support an eligibility determination under the category of SLD. EDTs must clearly document the link between the processing deficit and academic needs across all three assessment areas on this worksheet. 3. To respond to this in Area 2, teams should look at informal assessment data, such as those listed above.

Language Processing:	S	W	N	NA	Fluid Processing:	S	W	N	NA
Working Memory:	S	W	N	NA	Attention:	S	W	N	NA
Long-Term Storage-Retrieval:	S	W	N	NA	Executive Functions:	S	W	N	NA
	S	W	N	NA	Other: _____	S	W	N	NA

## Area 3: Formal Assessments

Individual Academic Achievement Testing	S	W	N
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### Neurological Processing Associated with Area 3.

1. Not all areas need to be identified as a strength or weakness in each category; 2. Processing areas not listed may be used to support an eligibility determination under the category of SLD. EDTs must clearly document the link between the processing deficit and academic needs across all three assessment areas on this worksheet. 3. To respond to this in Area 3, teams should look at formal assessment data from standardized assessments.

Language Processing:	S	W	N	NA	Fluid Processing:	S	W	N	NA
Working Memory:	S	W	N	NA	Attention:	S	W	N	NA
Long-Term Storage-Retrieval:	S	W	N	NA	Executive Functions:	S	W	N	NA
	S	W	N	NA	Other: _____	S	W	N	NA

Adapted from: Portland Public Schools Identification of Specific Learning Disabilities via Patterns of Strengths and Weaknesses Manual & Schultz, E. K., Simpson, C. G., and Lynch, S. (2012). Specific learning disability identification: What constitutes a pattern of strengths and weaknesses?, *Learning Disabilities*, 18(2), 87-97.

## Pattern of Strengths and Weaknesses Listening Comprehension Worksheet

EDTs should complete the PSW worksheet(s) that most closely align to the child's primary areas of suspected deficits, rather than all worksheets in a particular curriculum area. See New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017). For guidance on identifying strengths and weaknesses see step 3 of 4 under the dual discrepancy factor 2b section in the SLD chapter of NM TEAM 2017.

Is the main cause of the child's Listening Comprehension difficulties:					
Lack of Appropriate Instruction in Listening Comprehension	Yes	No	Emotional Disturbance	Yes	No
Limited English Proficiency	Yes	No	Cultural Factors	Yes	No
Visual, hearing, or motor disability	Yes	No	Environmental or Economic Factors	Yes	No
Intellectual Disability	Yes	No			

To answer each of the following questions, EDTs should answer the question: "Does \_\_\_\_\_ indicate that Listening Comprehension is a strength, a weakness, or neither?" For example, "Does the child's developmental history indicate that his Listening Comprehension skills are a strength, weakness, or neither?"

### Area 1: Interviews, Observations, and Extant Information

School Health Records/Medical History	S	W	N
Previous Test Scores	S	W	N
Grades	S	W	N
Developmental History	S	W	N
Home Language Proficiency	S	W	N
In-Class Observations (multiple)	S	W	N
Observations Conducted by Other Specialists (e.g., evaluators, SLPs, OTs, etc.)	S	W	N
Parent Interview Information	S	W	N
Teacher Report (compared to other children in classroom)	S	W	N
Academic Observations	S	W	N
Functional Observations/Interviews	S	W	N
Cumulative Records Review (history of strengths/needs in specific academic area)	S	W	N

### Neurological Processing Associated with Area 1.

1. Not all areas need to be identified as a strength or weakness in each category; 2. Processing areas not listed may be used to support an eligibility determination under the category of SLD. EDTs must clearly document the link between the processing deficit and academic needs across all three assessment areas on this worksheet. 3. To respond to this in Area 1, teams should look at the child's functional behavior based on observation and the other information listed above.

Language Processing:	S	W	N	NA	Phonological Awareness:	S	W	N	NA
Working Memory:	S	W	N	NA	Attention:	S	W	N	NA
Fluid Reasoning:	S	W	N	NA	Executive Functions:	S	W	N	NA
Processing Speed:	S	W	N	NA	Other_____:	S	W	N	NA

## Area 2: Informal Assessments

EDTs must document information in this area as well in order to have the information necessary to triangulate the data.

Benchmark Testing (____ LEA indicates data are not available)	S	W	N
Progress Monitoring	S	W	N
Curriculum-Based Measures (____ LEA indicates data are not available)	S	W	N
Running Records (____ LEA indicates data are not available)	S	W	N
Work Samples	S	W	N
Criterion-Referenced Tests	S	W	N

### Neurological Processing Associated with Area 2.

1. Not all areas need to be identified as a strength or weakness in each category; 2. Processing areas not listed may be used to support an eligibility determination under the category of SLD. EDTs must clearly document the link between the processing deficit and academic needs across all three assessment areas on this worksheet. 3. To respond to this in Area 2, teams should look at informal assessment data, such as those listed above..

Language Processing:	S	W	N	NA	Phonological Awareness:	S	W	N	NA
Working Memory:	S	W	N	NA	Attention:	S	W	N	NA
Fluid Reasoning:	S	W	N	NA	Executive Functions:	S	W	N	NA
Processing Speed:	S	W	N	NA	Other: _____	S	W	N	NA

## Area 3: Formal Assessments

Individual Academic Achievement Testing	S	W	N
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### Neurological Processing Associated with Area 3.

1. Not all areas need to be identified as a strength or weakness in each category; 2. Processing areas not listed may be used to support an eligibility determination under the category of SLD. EDTs must clearly document the link between the processing deficit and academic needs across all three assessment areas on this worksheet. 3. To respond to this in Area 3, teams should look at formal assessment data from standardized assessments.

Language Processing:	S	W	N	NA	Phonological Awareness:	S	W	N	NA
Working Memory:	S	W	N	NA	Attention:	S	W	N	NA
Fluid Reasoning:	S	W	N	NA	Executive Functions:	S	W	N	NA
Processing Speed:	S	W	N	NA	Other _____:	S	W	N	NA

Adapted from: Portland Public Schools Identification of Specific Learning Disabilities via Patterns of Strengths and Weaknesses Manual & Schultz, E. K., Simpson, C. G., and Lynch, S. (2012). Specific learning disability identification: What constitutes a pattern of strengths and weaknesses?, *Learning Disabilities*, 18(2), 87-97.

# New Mexico TEAM Differential Diagnosis for Dyslexia Worksheet

Date Worksheet Completed \_\_\_\_\_ Evaluator Completing Form \_\_\_\_\_  
 Student Name \_\_\_\_\_ ID # \_\_\_\_\_ School \_\_\_\_\_

PROFILE ANALYSIS - MANDATORY	CLINICAL INTERPRETATIONS
<p>This form provides a framework for considering whether a child who meets eligibility criteria under the category of Specific Learning Disabled in the areas of reading and/or written language also demonstrates the diagnostic profile associated with dyslexia. All components listed below must be addressed and professional judgment and observation must be utilized throughout this process. Provide standard scores and percentiles in all areas.</p>	<p>This is a profile analysis. When deficits occur within the starred areas (below left boxes **), it is indicative of dyslexia.</p>
<b>EVALUATION COMPONENTS</b>	
<b>GENERAL INTELLIGENCE:</b>	
<p>Assessment used: _____</p> <p>Date administered: _____</p> <p>Overall Composite: SS _____ % _____</p>	<p>Overall intellectual ability is within the average range or higher. The use of a robust measure of cognitive ability, which provides a rich interpretive profile, is recommended. This may include scores such as Full Scale, General Intellectual Ability, General Conceptual Ability, Mental Processing Index, etc.</p>
<p><b>**READING AND SPELLING</b></p> <p>Most recent test results: Date administered: _____:</p> <p>1) Measure of silent reading ability: (1 subtest)        Name of assessment _____        SS: _____ %ile: _____</p> <p>2) Word Recognition: (2 Subtests)        Name of assessment 1: _____        SS: _____ %ile: _____        Name of assessment 2: _____        SS: _____ %ile: _____</p> <p>3) Word Analysis: Pseudoword Decoding: (Only one standardized subtest score required)        Name of assessment: _____        SS: _____ %ile: _____</p> <p>Must administer at least 2 subtests in each of the following areas:</p> <p>4) Spelling: (2 subtests)        Name of assessment 1: _____        SS: _____ %ile: _____        Name of assessment 2: _____        SS: _____ %ile: _____</p> <p>5) Reading Comprehension: (2 factors)        Name of assessment 1: _____        SS: _____ %ile: _____        Name of assessment 2: _____        SS/%ile: _____        Score: SS/%ile: _____</p>	<p>Test results in reading and spelling are complete and are consistent with the diagnostic profile of dyslexia: Word Recognition, Word Analysis and/or Spelling are in the low to below average range, when considering SEM. Reading Comp may or may not be below average depending on age/grade Silent reading rate may be low to below average.</p> <p>Silent reading rate/efficiency is usually low within the dyslexia profile, esp. as the child increases in age &amp; encounters complex text.</p>
<p><b>**PHONOLOGICAL PROCESSING (1 or more scores):</b></p> <p>Name of assessment 1: _____        SS: _____ %ile: _____</p> <p>Name of assessment 2: _____        SS: _____ %ile: _____</p> <p>*Note: If a language evaluation (previous or current) is available, results should be cited in the Education History section of full evaluation report. Direct consultation with SLP should occur whenever possible.</p>	<p>Phonological skills below average range when considering SEM.</p>
<p><b>**ADDITIONAL PROCESSING MEASURES TO SUPPORT DYSLEXIA PROFILE (Accessible through WJ-IV Tests of Cognitive Processing as well as other measures.)</b></p> <p>Working Memory SS/%ile: _____</p> <p>Long-Term Memory SS/%ile: _____</p> <p>Processing Speed SS/%ile: _____</p> <p>Fluid Reasoning SS/%ile: _____</p> <p>Orthographic Processing SS/%ile: _____</p> <p>Executive Functions SS/%ile: _____</p> <p>Auditory Processing SS/%ile: _____</p> <p>Attention SS/%ile: _____</p> <p>Other Area: _____ SS/%ile: _____</p>	<p>General processing skills are below average when considering SEM. Deficits do not have to be identified in every area. Choosing which areas should be assessed is based on profile analysis in order to support any area/s of weakness identified during the current evaluation or through referral information.</p>

The following guidelines are intended to provide clarification for the Differential Diagnosis for Dyslexia worksheet:

**General Intelligence:**

Composite IQ score from a comprehensive measure of intelligence such as : WISC-V, WJ-IV Cognitive, DAS-II, KABC-II, SB-5, or another comprehensive measure of intelligence,

**Reading and Spelling:**

**Silent Reading Ability:**

At least one subtest such as: TOSWRF, TOSREC, Nelson Denny-rate, etc.

**Word Recognition:**

**At least two of the following:** WJ-IV (Letter-Word Identification), WIAT-III (Word Reading), KTEA-3 (Letter & Word Recognition), WIST (Word Identification), or another standardized measure of word recognition.

**Word Analysis/Pseudoword Decoding:**

**At least one of the following:** WJ-IV (Word Attack), WIAT-III (Pseudoword Decoding), KTEA-3 (Nonsense Word Decoding), or another standardized measure of pseudoword decoding.

**Spelling (encoding):**

At least two of the following: WJ-IV (Spelling), WIST (Spelling), WIAT-III (Spelling) or another standardized measure of spelling.

**Reading Comprehension:**

At least two of the following: WJ-IV (Reading Comprehension), WIAT-III (Reading Comprehension) or KTEA-3 (Reading Comprehension), Gray Silent Reading Test, Nelson Denny Reading Test-HS or another standardized measure of reading comprehension.

**Phonological Processing:**

At least one or more of the following: CTOPP-2, KTEA-3, TOPA-2, TPAT, LAC-3, RAN/RAS or another standardized measure of phonological processing.

**Basic Psychological Processing Areas**

At least one or more assessment of processing areas related to reading or writing, including Working Memory, Long Term Memory, Processing Speed, Fluid Reasoning, Orthographic Processing, Executive Functions, Auditory Processing and/or Attention.

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**NOTE:** If there is a current language evaluation, testing may be available in the area of phonological processing and should not be repeated, but summarized in the diagnostic report.

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# Speech or Language Impairment

**Definition.** A speech or language impairment means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment that adversely affects a child's educational performance. (34 CFR Sec. 300.8(c)(11))

**Characteristics and Educational Impact.** Children who are eligible for special education and related services under the category of speech or language impairment (SLI) have a disability that adversely affects their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To identify characteristics and educational impact, the eligibility determination team (EDT) must address the question of "How do these characteristics of the disability manifest in the child's natural environment (e.g., home, classroom, recess, etc.)?"

As with all disabilities, the characteristics and educational impact for children with SLI will vary greatly. The following sections outline characteristics that may be associated with SLI and possible educational impact of those characteristics. This information does not represent an exhaustive list of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with SLI will demonstrate all of the following characteristics.

**Preschool-aged Children.** For preschool-aged children with SLI, it is important to consider developmentally appropriate skill levels and behaviors for the child's age, because they are not necessarily involved in the general education curriculum. For preschool-aged children with SLI, the observed characteristics are very similar (although not identical) to those demonstrated by school-aged children with SLI. These difficulties may impact the child in one or more ways, including, but not limited to:

## Speech

- Deficits with speech production, including difficulty:
  - o Correctly articulating sounds and words;
  - o Formulating words, phrases, and/or sentences; and/or
  - o Speaking clearly enough to get basic wants and needs met.

## Language

- Deficits understanding language (receptive language), including difficulty:
  - o Following basic directions;
  - o Understanding what peers and adults are saying;
  - o Learning and understanding age-appropriate vocabulary; and/or
  - o Learning age-appropriate concepts, such as positions, sizes, etc.
- Deficits generating language (expressive language skills), including difficulty:
  - o Expressing wants, needs, and/or feelings;
  - o Retelling stories and experiences;
  - o Sharing information; and/or
  - o Using age-appropriate vocabulary.
- Deficits with social communication (including social interaction, social cognition, verbal and nonverbal pragmatics, and language processing) including difficulty:
  - o Engaging in appropriate social interaction, including taking and sharing turns with others;
  - o Engaging in coordinated attention;

- o Interacting appropriately with peers and adults; and/or
- o Responding to verbal and nonverbal cues from others.
- Deficits with phonological awareness skills, including difficulty:
  - o Learning nursery rhymes;
  - o Discriminating between sounds; and/or
  - o Acquiring pre-reading skills.

**School-aged Children.** For school-aged children with SLI, the impact of the disability may be manifested in one or more ways, including, but not limited to:

### Speech

- Deficits with speech production, which may lead to difficulty with or reluctance in:
  - o Correctly articulating sounds and words;
  - o Participating in class discussions and oral presentations; and/or
  - o Participating in social activities.

### Language

- Deficits understanding language (receptive language), including difficulty:
  - o Understanding classroom discussions and instruction (auditory comprehension);
  - o Understanding age-appropriate vocabulary;
  - o Learning and understanding new curriculum-based vocabulary;
  - o Recognizing rules regarding interpersonal skills; and/or
  - o Acquiring the skills required for early reading success.
- Deficits generating language (expressive language), including difficulty:
  - o Formulating grammatically-correct sentences;
  - o Explaining and describing people, places, events, etc.; and/or
  - o Using age-appropriate vocabulary.
- Deficits with social communication (including social interaction, social cognition, verbal and nonverbal pragmatics, and language processing) including difficulty:
  - o Interacting appropriately with peers and adults;
  - o Taking turns in conversation;
  - o Responding to verbal and nonverbal cues from others; and/or
  - o Repairing communication break-downs.
- Deficits with phonological awareness skills, including difficulty:
  - o Discriminating between sounds; and/or
  - o Acquiring reading skills

**Special Considerations for Assessment.** As outlined by the American Speech and Hearing Association (ASHA), it is essential that eligibility determination teams and evaluators differentiate a speech or language impairment from a speech or language difference which may be due to bilingualism, dialectical or cultural differences in language use, or being non-English dominant.

Accents and dialects reflect regional and social backgrounds and are not indicative of a speech or language disorder. It is the responsibility of evaluators and eligibility determination teams to “understand the rules and linguistic features of American English dialects represented by their clientele and be familiar with nondiscriminatory testing and dynamic assessment procedures” (ASHA 2014). Additionally, evaluators should “recognize that a regional, social, or cultural/ethnic variation of a communication system is rule-based and should not be considered a disorder of speech or language” (ASHA 2014).

As part of the assessment process, evaluators should work with the evaluation team, including the child's parents and other members of his/her community, as appropriate, to examine the speech or language patterns of a child within the context of the regional, social, or cultural/ethnic norms. This will help minimize the risk of over-identifying children as having speech or language impairments due to communication differences.

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**NOTE:** It is imperative that EDTs remember that multiple sources of evaluation data (including standardized and non-standardized) must be used for all eligibility determination decisions. It is essential that teams look at the whole child, not simply test scores. EDTs are strongly encouraged to review the introduction to this manual, particularly sections related to professional judgment (section 3), multilingual assessment issues (section 4), and the use and interpretation of standardized assessments and obtained scores (section 5).

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**Initial Evaluation.** The list below provides the evaluation team with highly recommended components of an initial evaluation to determine whether a student is eligible for and in need of special education and related services under the eligibility category of SLI. Due to the different natures of the evaluations, the highly recommended components of a speech evaluation and a language evaluation are delineated below.

### **Speech Disorders**

1. For preschool-age children, review existing screening data and/or any previously conducted evaluation data. For school-age children, review and consider complete SAT (student assistance team) file.
2. Gather and analyze developmental/educational, medical, including vision and hearing, family, and social history, including an interview with the parent(s)/guardian(s).
3. Multiple, direct observations across both structured and unstructured settings and various times.
4. Conduct a functional communication assessment.
5. Assess intelligibility of speech.
6. Administer an oral mechanism/oral motor exam.
7. Complete an analysis of a spontaneous speech sample with a focus on areas of concern.
8. Conduct a transition assessment, including a vocational evaluation (as indicated).
9. When an evaluation in any area is unable to be completed using standardized measures, the evaluation team should use alternative methods of obtaining data to gather information about the child's present levels of performance.

In addition to the components listed above, the following are **highly recommended** components of an evaluation assessing **articulation**:

- Assess stimulability.
- Complete standardized and/or non-standardized inventory(ies) of speech sounds/phonological processes.

In addition to the components listed above, the following is a **highly recommended** component of an evaluation assessing **voice**:

- Complete measures of and/or qualitative descriptions of quality, resonance, pitch, and volume.

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**NOTE:** IDEA does not necessarily require a school district to conduct a medical evaluation for the purpose of determining whether a child has a speech disorder (voice), which may lead to an eligibility determination under the category of SLI. If the EDT believes that a medical evaluation by a licensed physician is needed as part of the evaluation to determine whether a child suspected of having a speech or language impairment meets the eligibility criteria of SLI, or any other disability category under the IDEA, the LEA must ensure that this evaluation is conducted at no cost to the parents. (See OSEP Letter to Williams (March 14, 1994))

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**NOTE:** A voice evaluation by an SLP may begin in the absence of diagnostic medical information regarding the concern. However, decisions regarding the need for specially designed instruction should be deferred until the medical evaluation is available in order for teams to have complete information regarding any medical needs and to make appropriate eligibility determination decisions.

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In addition to the components listed above, the following are **highly recommended** component of an evaluation assessing **fluency**:

- Assessment of speech rate.
- Complete observations of oral, laryngeal, and respiratory behaviors.
- Complete a qualitative description of non-measurable aspects of fluency (i.e., coping behaviors, such as circumlocution, starter devices, postponement tactics, or attempts to disguise stuttering and emotional reactions).

**Potential additional components** of an initial evaluation for speech disorders, as determined by the evaluation team:

1. Conduct an assistive technology evaluation.
2. Conduct a sensory and motor skills assessment.
3. Conduct a current, comprehensive audiological evaluation to determine hearing levels (both aided and unaided) and gather other audiological information deemed necessary by a licensed audiologist to determine the degree and type of hearing loss.
4. Conduct or obtain a psychological evaluation consistent with area(s) of suspected disability.

### **Language Disorders**

1. For preschool-age children, review existing screening data and/or any previously conducted evaluation data. For school-age children, review and consider complete SAT file.
2. Gather and analyze developmental/educational, medical, including vision and hearing, family, and social history, including an interview with the parent(s)/guardian(s).
3. Multiple, direct observations across both structured and unstructured settings and various times.
4. Conduct a functional communication assessment.
5. Administer standardized and non-standardized assessments of receptive and expressive language in the areas of content (semantics), form (morphology and syntax), and use (pragmatics).

6. Complete a systematic review of individual academic achievement, including formal and informal measures.
7. Conduct a transition assessment, including a vocational evaluation (as appropriate).
8. When an evaluation in any area is unable to be completed using standardized measures, the evaluation team should use alternative methods of obtaining data to gather information about the child's present levels of performance.

**Potential additional components** of an initial evaluation for language disorders, as determined by the evaluation team:

1. Cognitive abilities assessment.
2. Administer an individual academic achievement assessment in the area(s) of suspected need and for which instruction and intervention have been documented.
3. Conduct an assistive technology evaluation.
4. Conduct a sensory and motor skills assessment.
5. Conduct a current, comprehensive audiological evaluation to determine hearing levels (both aided and unaided) and gather other audiological information deemed necessary by a licensed audiologist to determine the degree and type of hearing loss.
6. Conduct or obtain a psychological evaluation consistent with area(s) of suspected disability.

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**NOTE:** Determination of eligibility for services should not be made on the basis of a discrepancy between cognitive and language measures. "According to researchers, the relationship between language and cognition is not that simple. Some language abilities are more advanced, others closely correlated, and others less advanced than general cognitive level. Research results in recent years have demonstrated that cognitive prerequisites are neither sufficient nor even necessary for language to emerge." (American Speech-Language-Hearing Association, 2003).

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**Eligibility Determination.** For BOTH speech and language disorders, for a child to be eligible to receive special education and related services under the eligibility category of SLI, as defined by IDEA (2004), the EDT must document that the child meets all of the following eligibility criteria:

1. The EDT has eliminated the possibility that lack of appropriate instruction in reading or math is a determinant factor. For preschool children, consider whether the child has had the opportunity to participate in developmentally appropriate early childhood experiences.
2. The EDT has eliminated the possibility that limited English proficiency is a determinant factor.
3. The EDT has determined that no other eligibility category better describes the child's disability.
4. The child is not merely exhibiting a language difference AND has a speech or language impairment in one or more of the following areas:
  - a. Speech (articulation and/or voice and/or fluency), and/or,
  - b. Language (expressive and/or receptive and/or pragmatics).
5. A pattern of assessment data, including both formal and informal measures, support the eligibility under the category of SLI.
  - a. Standard scores yielded by formal assessments must be statistically significant, e.g., two or more standard deviations below the mean considering SEM.

- b. When the results of formal and informal measures are discrepant, a weight of evidence from multiple descriptive measures must support the existence of a speech or language impairment.
- c. When standard scores are unavailable or cannot be interpreted within the context of a two or more standard deviation difference (for example, when evaluating articulation, fluency, or voice), information provided by the test authors and other sources must support the existence of a speech or language impairment.

In addition, the EDT must document that the child demonstrates a need for special education and related services because, as a result of the disability, the child requires specially designed instruction in order to: (a) be involved in and make progress in the general education curriculum; (b) participate in extracurricular and other nonacademic activities; and/or (c) be educated and participate with other children with disabilities and nondisabled children.

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**NOTE:** As authorized by 34 CFR Secs. 300.8(a)(2)(ii) and 300.39(a)(2)(i), speech-language services may be considered as special education or as a related service. In New Mexico, speech- language services may be considered special education, rather than a related service, if the following standards are met:

1. The service is provided to a child who has received appropriate Tier I universal screening, core instruction with differentiation and interventions, before being properly evaluated and found eligible under the category of SLI (34 CFR Secs. 300.301-300.306 and Subsection D of 6.31.2.10 NMAC); and
2. The EDT finds that the child has a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance; and
3. The speech-language pathology service consists of specially designed instruction that is provided to enable the child to have access to the general curriculum and meet the educational standards of the public agency that apply to all children; and
4. The service is provided at no cost to the parents under a properly developed Individualized Education Program (IEP) (Subsection B of 6.31.2.11 NMAC).

If all above standards are met, the service will be considered as special education rather than a related service.

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**NOTE:** If the child is determined to be eligible for special education and related services under the category of speech or language impairment (SLI), then he or she would not be eligible under the category of developmental delay (DD). Eligibility under all other disability categories must be excluded before DD can be considered. (Subsection F (2) (a) of 6.31.2.10 NMAC)

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**Reevaluation.** The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special education and related services. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

As part of this process, the EDT must answer these two questions:

1. What, if any, assessment information (formal or informal) needs to be collected to determine whether the child continues to be eligible for and in need of special education and related services under the eligibility criteria of SLI?

2. What, if any, assessment information (formal or informal) needs to be collected to develop an appropriate IEP to meet the child's unique needs?

Reevaluation does not necessarily mean more testing. If existing data do not provide adequate information to answer these critical questions, additional assessments may need to be conducted to provide necessary data to determine continued eligibility, provide solid information for program planning, and address concerns, questions, or developments since the last evaluation. To assist the EDT in determining what assessments, if any, may be needed, the team should:

1. Review existing evaluation data on the child to include:
  - a. Current classroom-based, short-cycle, and/or state assessments;
  - b. Observations and information provided by teachers and related service providers; and
  - c. Observations, information, and/or evaluations provided by the child's parents.

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**NOTE:** Additional information may include, but is not limited to, feedback from the student, grades, and attendance.

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2. Based on this review, and including input from the child's teachers, parents, and other service providers, the team must answer each of these questions:
  - a. What are the child's present levels of academic achievement and functional performance?
  - b. What are the child's educational needs?
  - c. Does the child continue to have a disability?
  - d. Does the child continue to need specialized instruction and related services? and
  - e. What, if any, changes to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child's IEP and to participate, as appropriate, in the general education curriculum?

If the EDT decides that additional assessment information is needed to answer the questions above, the reevaluation should include assessments that are deemed necessary as a result of concerns, questions, or developments since the last evaluation.

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**NOTE:** There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the Review of Existing Evaluation Data (REED) process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

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**NOTE:** Research has clearly documented that children's performance on standardized assessments increases with multiple administration due to the effect of practice. As such, the evaluator must carefully weigh the practice effects against the justification for re-administering the same assessment within a relatively short amount of time.

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**Discontinuation of Special Education Services.** Children with SLI should be considered for discontinuation of special education supports and services when they demonstrate the ability to function independently, access and perform adequately in the general curriculum, including extracurricular and nonacademic activities, and no longer demonstrate a need for specially designed instruction and related services. The local education agency (LEA) must evaluate the child before determining that the child is no longer a child with a disability. (34 CFR 300.305(e)(1)).

Any child whose special education services are discontinued must be referred to the SAT at his or her school to ensure that the student is supported in this important transition period. The SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

## Resources

American Speech-Language-Hearing Association  
Members: 800-498-2071  
Non-Member: 800-638-8255  
[www.asha.org](http://www.asha.org)

American Cleft Palate-Craniofacial Association  
Toll free: 800-24CLEFT (242-5338)  
919-933-9044  
[www.cleftline.org](http://www.cleftline.org)

Childhood Apraxia of Speech Association  
412-343-7102  
[www.apraxia-kids.org](http://www.apraxia-kids.org)

New Mexico Speech and Hearing Association  
505-899-6674  
[www.nmsha.net](http://www.nmsha.net)  
email: [nmsha505@gmail.com](mailto:nmsha505@gmail.com)

Stuttering Foundation of America  
Toll free: 800-992-9392  
[www.stutteringhelp.org](http://www.stutteringhelp.org)

**Notes:**

## Eligibility Determination: Speech or Language Impairment

Child Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

A speech or language impairment means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance. (34 CFR Sec. 300.8(c)(11))

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**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in making an eligibility determination under the category of speech or language impairment.**

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**Document assessment and evaluation data.** The EDT must review and/or complete the following evaluations and/or assessments specific to the type of evaluation being conducted (i.e., speech and/or language) according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017):

### Speech Disorders

- screening data/previously conducted evaluation data (preschool-aged children); SAT file documentation (school-aged children)  
Date: \_\_\_\_\_
- child's history, including an interview with the parent(s)/guardian(s)  
Date: \_\_\_\_\_
- complete multiple direct observations across both structured and unstructured settings and various times  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- functional communication assessment  
Date: \_\_\_\_\_

- assessment of intelligibility of speech
  - Date: \_\_\_\_\_
  - oral mechanism/oral motor exam
    - Date: \_\_\_\_\_
  - analysis of spontaneous speech sample
    - Date: \_\_\_\_\_
  - transition assessment, as appropriate
    - Date: \_\_\_\_\_
  - other \_\_\_\_\_ Date: \_\_\_\_\_
  - other \_\_\_\_\_ Date: \_\_\_\_\_
  - other \_\_\_\_\_ Date: \_\_\_\_\_
  - individual assessment in areas of suspected disability, including one or more of the following areas:

**Articulation**

- stimulability assessment Date: \_\_\_\_\_
- standardized and/or nonstandardized inventory(ies) of speech sounds/phonological processes Date: \_\_\_\_\_

**Voice**

- measures of and/or qualitative descriptions of quality, resonance, pitch, and volume Date: \_\_\_\_\_

**Fluency**

- assessment of speech rate Date: \_\_\_\_\_
- observations of oral, laryngeal, and respiratory behaviors
  - Date: \_\_\_\_\_
- qualitative description of non-measurable aspects of fluency
  - Date: \_\_\_\_\_

**Language Disorders**

- screening data/previously conducted evaluation data (preschool aged children); SAT file documentation (school aged children)
  - Date: \_\_\_\_\_
- child's history, including an interview with the parent(s)/guardian(s)
  - Date: \_\_\_\_\_
- multiple, direct observations across both structured and unstructured settings and various times
  - Date: \_\_\_\_\_
  - Date: \_\_\_\_\_
  - Date: \_\_\_\_\_
- functional communication assessment
  - Date: \_\_\_\_\_
- standardized and non-standardized assessments of receptive and expressive language in the areas of content (semantics), form (morphology and syntax), and/or use (pragmatics)
  - Date: \_\_\_\_\_
- systematic review of individual academic achievement performance
  - Date: \_\_\_\_\_
- analysis of spontaneous language sample

Date: \_\_\_\_\_  
 transition assessment, as appropriate  
 Date: \_\_\_\_\_  
 other \_\_\_\_\_ Date: \_\_\_\_\_  
 other \_\_\_\_\_ Date: \_\_\_\_\_  
 other \_\_\_\_\_ Date: \_\_\_\_\_

**Determine the presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child is a child with speech or language impairment according to the requirements of IDEA (34 CFR Sec. 300.8(c)(11)). The questions below should be answered to help the EDT determine whether or not the child has a disability as defined by IDEA (2004).

1. Has the EDT eliminated the possibility that either the lack of (a) appropriate instruction in reading or math **and/or** (b) the opportunity to participate in developmentally appropriate early childhood experiences is a determinant factor?

YES  NO

Documentation:

√ If answered NO, the child is not eligible under the speech or language impairment category.

2. Has the EDT eliminated the possibility that limited English proficiency is a determinant factor?

YES  NO

Documentation:

√ If answered NO, the child is not eligible under the speech or language impairment category.

3. Has the EDT determined that the assessment and evaluation data demonstrate that the child is a child with speech or language impairment as defined by IDEA (2004) and evidenced by meeting at least one of the following criteria:

- a. Significant limitations in language abilities demonstrated by valid language assessment scores that are 2 or more standard deviations below the mean considering SEM.

YES  NO

Documentation:

- b. Significant limitations in speech abilities (articulation, fluency, or voice) consistent with information provided by the test authors and other sources that supports the existence of a speech impairment.

YES  NO

Documentation:

√ If answered NO to **both** of the above, the child is not eligible under the speech or language impairment category.

4. Has the EDT determined that no other eligibility category better describes this

child's disability?

YES  NO

Documentation:

√If answered NO, the child is not eligible under the speech or language impairment category.

**Determine need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child requires specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004).

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

YES  NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

YES  NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?

YES  NO

Rationale/Documentation:

√Answering "yes" to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

**Determination of eligibility for special education and related services.**

The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child is eligible under the eligibility category of speech or language impairment.
  - The results of the evaluation documents that the child is eligible for and in need of special education services under the eligibility category of speech or language impairment as defined by IDEA (2004).
- The child is not eligible under the eligibility category of speech or language impairment.
  - The results of the evaluation indicate that the child does not have speech or language impairment as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.
  - The results of the evaluation indicate that the child does not have speech or language impairment as defined by IDEA (2004), but the child is eligible for special education and related services under the category of

- \_\_\_\_\_ . (Complete appropriate eligibility determination form for that category.)
- The results of the evaluation indicate that the child has speech or language impairment as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child's primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that although the child has speech or language impairment as defined by IDEA (2004), the EDT has determined that the child's educational needs can be met without specially designed instruction.
- The EDT is unable to determine eligibility under the eligibility category of speech or language impairment. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:
- Additional information from:
  - Additional assessments in the following areas:
  - Other:

## Eligibility Determination Team Participants

	Title/Name	Date	Signature
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

## Reevaluation Eligibility Determination: Speech or Language Impairment

Child Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

A speech or language impairment means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance. (34 CFR Sec. 300.8(c)(11))

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**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in determining continued eligibility under the category of speech or language impairment.**

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**Review of evaluation data.** The EDT reviewed and/or completed the following evaluations and/or assessments specific to the type of evaluation being conducted (i.e., speech and/or language) as part of the reevaluation process according to the recommendations established in the New Mexico Technical Evaluation and Assistance Manual (NM TEAM 2017):

- classroom-based observations  
Date: \_\_\_\_\_
- observations and information provided by teachers and related service providers  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- observations, information, and/or evaluations provided by the child's parents  
Date(s): \_\_\_\_\_

Other assessment information included:

**Speech Disorders**

- multiple, direct observations across both structured and unstructured settings and various times
  - functional communication assessment  
Date: \_\_\_\_\_
- assessment of intelligibility of speech  
Date: \_\_\_\_\_
- oral mechanism/oral motor exam  
Date: \_\_\_\_\_
- analysis of spontaneous speech sample  
Date: \_\_\_\_\_
- analysis of spontaneous speech sample  
Date: \_\_\_\_\_
- transition assessment, as appropriate  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- individual assessment in areas of suspected disability, including one or more of the following areas:

**Articulation**

- stimulability assessment  
Date: \_\_\_\_\_
- standardized and/or nonstandardized inventory(ies) of speech sounds/phonological processes  
Date: \_\_\_\_\_

**Voice**

- measures of and/or qualitative descriptions of quality, resonance, pitch, and volume  
Date: \_\_\_\_\_

**Fluency**

- assessment of speech rate  
Date: \_\_\_\_\_
- observations of oral, laryngeal, and respiratory behaviors  
Date: \_\_\_\_\_
- qualitative description of non-measurable aspects of fluency  
Date: \_\_\_\_\_

**Language Disorders**

- multiple, direct observations across both structured and unstructured settings and various times

- functional communication assessment  
Date: \_\_\_\_\_
- standardized and non-standardized assessments of receptive and expressive language in the areas of content (semantics), form (morphology and syntax), and/or use (pragmatics)  
Date: \_\_\_\_\_
- Analysis of spontaneous language sample  
Date: \_\_\_\_\_
- transition assessment, as appropriate  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_
- other \_\_\_\_\_  
Date: \_\_\_\_\_

**Determine the continued presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child continues to be a child with speech or language impairment according to the requirements of IDEA (34 CFR Sec. 300.8(c)(11)). The questions below should be answered to help the EDT determine whether or not the child continues to have a disability as defined by IDEA (2004).

1. Has the EDT determined that the assessment and evaluation data demonstrate that the child continues to be a child with speech or language impairment as defined by IDEA (2004)?  
 YES                       NO  
 Documentation:

√ If answered NO, the child is no longer eligible under the speech or language impairment category.

2. Has the EDT determined that no other eligibility category better describes this child's disability?  
 YES                       NO  
 Documentation:

√ If answered NO, the child is no longer eligible under the speech or language impairment category.

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**NOTE:** There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

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**Determine continued need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child continues to require specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered

to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004).

To answer the following questions, the EDT should consider (a) the child's present levels of academic achievement and functional performance, (b) the child's educational needs, and (c) any necessary changes to the child's educational program.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?  
 YES       NO  
Rationale/Documentation:
  
2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?  
 YES       NO  
Rationale/Documentation:
  
3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?  
 YES       NO  
Rationale/Documentation:

√Answering "yes" to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

### **Determination of continued eligibility for special education and related services.**

The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child continues to be eligible under the eligibility category of speech or language impairment.
  - The results of the evaluation documents that the child continues to be eligible for and in need of special education services under the eligibility category of speech or language impairment as defined by IDEA (2004).
  
- The child is no longer eligible under the eligibility category of speech or language impairment.
  - The results of the evaluation indicate that the child no longer has speech or language impairment as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.
  - The results of the evaluation indicate that the child no longer has speech or language impairment as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_ . (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that the child continues to have speech or language impairment as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child's primary disability that results in a need

for specially designed instruction. (Complete appropriate eligibility determination form for that category.)

The results of the evaluation indicate that although the child continues to have speech or language impairment as defined by IDEA (2004), the EDT has determined that the child's educational needs can be met without specially designed instruction.

The EDT is unable to determine continued eligibility under the eligibility category of speech or language impairment. The following information is needed in order for the EDT to reconvene and make a continued eligibility determination decision:

Additional information from:

Additional assessments in the following areas:

Other:

## Reevaluation Eligibility Determination Team Participants

	Title/Name	Date	Signature
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

# Traumatic Brain Injury

**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. (34 CFR Sec. 300.8(c)(12))

**Characteristics and Educational Impact.** Children who are eligible for special education and related services under the category of traumatic brain injury (TBI) have a disability that adversely affects their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To identify characteristics and educational impact, the eligibility determination team (EDT) must address the question of “How do these characteristics of the disability manifest in the child’s natural environment (e.g., home, classroom, recess, etc.)?”

As with all disabilities, the characteristics and educational impact for children with TBI will vary greatly. The following sections outline characteristics that may be associated with TBI and possible educational impact of those characteristics. This information does not represent an exhaustive list of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with TBI will demonstrate all of the following characteristics.

**Preschool-aged Children.** For preschool-aged children it is important to consider both: (a) the child’s pre-injury skills, and (b) developmentally appropriate skill levels and behaviors for the child’s age. For preschool-aged children with TBI, the observed characteristics are very similar (although not identical) to those demonstrated by school-aged children with TBI. The impact of the disability may be manifested in one or more ways, including, but not limited to:

## Cognition

- Deficits with executive functioning, including difficulty:
  - Initiating play activities alone or with others;
  - Initiating conversations with others;
  - Identifying and using strategies to meet goals, such as requesting; and/or
  - Completing multiple step tasks, e.g., getting dressed or putting a puzzle together.
- Deficits in memory, including difficulty:
  - Remembering and keeping track of belongings; and/or
  - Learning new concepts and skills, such as colors, numbers, shapes, and other people’s names (Note: The child may remember content learned prior to his/her injury).
- Deficits in information processing, including difficulty:
  - Following lengthy or multistep instructions; and/or
  - Sequencing, such as learning the alphabet, telling about a story or event, or getting dressed.

- Deficits in problem solving, including difficulty:
  - Figuring out how to solve basic problems, for example, knowing to ask for a drink or to get one independently, using a stool to reach objects, etc.; and/or
  - Trying new strategies to solve problems if the strategy is tried unsuccessful.
- Deficits with attention and concentration, including difficulty:
  - Maintaining focus on activities without being distracted;
  - Tolerating noise and activity level (e.g., cries or hides with too much noise, activity, or in new or stressful situations);
  - Taking and waiting for a turn during simple games; and/or
  - Staying with a task until the activity is completed, e.g., listening to a short story until it is over.

### **Communication**

- Deficits with abstract ideas, including difficulty:
  - Understanding double language meanings (e.g., idioms); and/or
  - Understanding and using age-appropriate humor.
- Deficits with word retrieval, including:
  - Using vague referents and fillers (e.g., “um”, “you know”, and “that thing”).
- Deficits with expressive language organization, including difficulty:
  - Telling stories that are organized appropriately for child’s age; and/or
  - Describing their experiences and feelings.
- Deficits with pragmatics, including difficulty:
  - Noticing and/or understanding nonverbal cues;
  - Turn-taking in play and conversations; and/or
  - Having a varied repertoire of topics and responses.

### **Physical/Motor**

- Deficits with gross motor control, including difficulty:
  - Changing positions, such as from sitting to standing;
  - Accessing playground equipment and playing outside;
  - Carrying toys and materials;
  - Kicking balls;
  - Sitting independently on the floor, e.g., during circle time activities; and/or
  - Transitioning from one walking surface to another (e.g., from carpet to tile, sidewalk to dirt, etc.).
- Deficits with fine motor control, including difficulty:
  - Catching a ball with one or both hands;
  - Coloring or writing; and/or
  - Eating or drinking.

**School-aged Children.** Although students with TBI may seem to perform much like children with other disabilities, it is important to recognize that the sudden onset of a severe disability resulting from trauma provides a very different context. In addition, it is important to consider the child’s pre-injury skills. For school-aged children with TBI, the impact of the disability may be manifested in one or more ways, including, but not limited to:

### **Cognition**

- Deficits with executive functioning, including difficulty:
  - Initiating school work, play, and/or social activities;
  - Keeping school work and materials organized;
  - Identifying and using strategies to meet goals, such as completing a class

- project; and/or
- Completing multiple step tasks, e.g., complex math problems, comprehensive class projects, etc.
- Deficits in memory, including:
  - Remembering and keeping track of belongings;
  - Remembering due dates and appointments; and/or
  - Learning new concepts and skills across academic areas  
(Note: The child may remember content learned prior to his/her injury).
- Deficits in information processing, including difficulty:
  - Following lengthy or multistep instructions;
  - Sequencing, such as telling about events and completing assignments in the appropriate order;
  - Following a daily schedule;
  - Starting a given task at the beginning; and/or
  - Responding appropriately to instructions.
- Deficits in problem solving, including difficulty:
  - Figuring out how to solve problems, such as how to resolve conflict or request clarification; and/or
  - Trying new strategies to solve problems.
- Deficits with attention and concentration, including difficulty:
  - Maintaining focus on activities without being distracted;
  - Tolerating noise and activity level;
  - Taking and waiting for turns during games, discussions, etc.;
  - Maintaining place when reading; and/or
  - Staying with a task until the activity is completed.

### **Communication**

- Deficits with abstract ideas, including difficulty:
  - Understanding double language meanings, e.g., idioms; and/or
  - Understanding and using age-appropriate humor.
- Difficulty with word retrieval, including:
  - Using vague referents and fillers (e.g., “um”, “you know”, and “that thing”).
- Deficits with expressive language organization, including difficulty:
  - Telling stories that are organized appropriately; and/or
  - Describing experiences and feelings.
- Deficits with pragmatics, including difficulty:
  - Noticing and understanding nonverbal cues;
  - Taking turns appropriately during activities and conversations; and/or
  - Having a varied repertoire of topics and responses.

### **Physical/Motor**

- Deficits with gross motor control, including difficulty:
  - Changing positions, such as from sitting to standing;
  - Sitting in standard chairs because of balance problems;
  - Accessing playground equipment and physical education activities;
  - Carrying materials around the classroom and through the school environment; and/or
  - Transitioning from one walking surface to another (e.g., from carpet to tile, sidewalk to dirt, etc.).
- Deficits with fine motor control, including difficulty:
  - Coloring, cutting, or writing;

- Using a keyboard and/or mouse;
- Eating or drinking; and/or
- Managing clothing during self-care activities.

**Special Considerations for Assessment.** There are significant considerations when assessing children with TBI that are unique to this disability. Specifically, Ylvisaker and Gioia (1998) describe the complexities of assessing children and adolescents with TBI as follows:

1. Inconsistency in test scores is commonly observed in children with TBI.
2. Most children with severe TBI improve neurologically in ways that are difficult to predict for several weeks or months or possibly even years after the injury. Therefore, an assessment completed in the early weeks or months following injury may quickly lose its predictive validity as an accurate description of the child's profile of strengths and weaknesses.
3. Executive function deficits (associated with prefrontal lobe injury) are notoriously resistant to identification and classification with standardized tests alone.
4. Pronounced inconsistency in a child's performance, related to neurologic, emotional, and contextual factors, adds to the difficulty of straightforward interpretation of test results.
5. A child may perform poorly when new information or skills are required or when effective behavior regulation is necessary but perform adequately when knowledge and skill acquired before the injury are needed.

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**NOTE:** It is imperative that EDTs remember that multiple sources of evaluation data (including standardized and non-standardized) must be used for all eligibility determination decisions. It is essential that teams look at the whole child, not simply test scores. EDTs are strongly encouraged to review the introduction to this manual, particularly sections related to professional judgment (section 3), multilingual assessment issues (section 4), and the use and interpretation of standardized assessments and obtained scores (section 5).

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Formal, standardized assessments may lack predictive validity, as well as necessary reliability (especially with children who have sustained prefrontal injury). When assessing a child with TBI, there are no single, formal, standardized assessments to rely on. Rather, the evaluation must include using a variety of assessment tools and focus on processes such as: (a) attention, memory, executive process; (b) memory and learning; (c) organization and reasoning; and (d) knowledge base, speech, and language.

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**NOTE:** A child with a medical diagnosis of shaken baby syndrome may be found eligible for special education and related services under the eligibility category of TBI. However, children with brain injuries induced by birth trauma cannot be considered for eligibility under the category of TBI.

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**Initial Evaluation.** The evaluation for TBI must address functioning in terms of cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem-solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, information processing, and speech. In order to address these areas, the following documentation, assessments, and/or evaluations must be reviewed and/or conducted.

The list below provides the evaluation team with highly recommended components of an initial evaluation to determine whether a student is eligible for and in need of special education and related services under the eligibility category of TBI:

1. For preschool-aged children, review existing screening data and/or any previously conducted evaluation data. For school-aged children, review and consider complete SAT file documentation and existing evaluation data, such as school health records, previous test scores, grades, and home language survey. Specific to this eligibility category, it is vital to obtain any pre-injury information that may be available. This would include information regarding functioning at school, home, and in the community.
2. Gather and analyze developmental/educational, medical (including vision and hearing), family, and social history, including an interview with the parent(s)/guardian(s).
3. Obtain medical or historical documentation of a TBI, including premorbid functioning, if available.

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**NOTE:** A parent may report that a TBI has occurred, but medical or historical documentation has not been provided. If this documentation cannot be obtained, information reported by the parents needs to be considered. In addition, the EDT might consider obtaining current medical and/or neuropsychological evaluation(s) to gain further insight into the child's brain functioning. Final eligibility under the category of TBI should not be made unless sufficient data supports the eligibility decision.

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4. Conduct a speech/language/communication assessment.
5. Conduct an assessment of cognitive abilities.
6. Complete a systematic review of individual academic achievement, including formal and informal measures.
7. Administer an individual academic achievement assessment in the area(s) of suspected disability for which instruction and intervention have been documented.
8. Conduct a sensory processing and motor skills assessment.
9. Obtain adaptive behavior information in the areas of conceptual, social, and practical skills.
10. Complete multiple direct observations across both structured and unstructured settings and various times.
11. Conduct a transition assessment, including a vocational evaluation (as appropriate).
12. When an evaluation in any area is unable to be completed using standardized measures, the evaluation team should use alternative methods of obtaining data to gather information about the child's present levels of performance.

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**NOTE:** Due to the sudden onset and associated medical complications of TBI, completion of formal evaluation measures may not be possible or appropriate at the time of initial eligibility determination. This should not delay the eligibility determination and/or provision of FAPE (free appropriate public education) for these children.

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**Potential additional components** of an initial evaluation, as determined by the evaluation team:

1. Conduct an assistive technology evaluation.
2. Obtain a neuropsychological assessment.
3. Use rating scales /checklists to collect data about frequency and intensity of behaviors (internalizing or externalizing).

**Eligibility Determination.** For a child to be eligible to receive special education and related services under the eligibility category of traumatic brain injury, as defined by Individuals with Disabilities Education Act (IDEA 2004), the EDT must document that the child meets all of the following eligibility criteria:

1. The EDT has eliminated the possibility that lack of appropriate instruction in reading or math is a determinant factor. For preschool children, consider whether the child has had the opportunity to participate in developmentally appropriate early childhood experiences;
2. The EDT has eliminated the possibility that limited English proficiency is a determinant factor;
3. The EDT has determined that no other eligibility category better describes the child's disability; and
4. The assessment and evaluation demonstrate the child meets the requirements of the traumatic brain injury definition, including medical documentation or historical documentation of a TBI.

In addition, the EDT must document that the child demonstrates a need for special education and related services because, as a result of the disability, the child requires specially designed instruction in order to: (a) be involved in and make progress in the general education curriculum; (b) participate in extracurricular and other nonacademic activities; and/or (c) be educated and participate with other children with disabilities and nondisabled children.

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**NOTE:** If the child is determined to be eligible for special education and related services under the category of traumatic brain injury (TBI), then he or she would not be eligible under the category of developmental delay (DD). Eligibility under all other disability categories must be excluded before DD can be considered. (Subsection F (2) (a) of 6.31.2.10 NMAC)

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**Reevaluation.** The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special education and related services unless the parent and the public agency agree that a reevaluation is unnecessary, (34 CFR Sec. 300.303(a)). However, a reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

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**NOTE:** Research has clearly documented that children's performance on standardized assessments increases with multiple administration due to the effect of practice. As such, the evaluator must carefully weigh the practice effects against the justification for re-administering the same assessment within a relatively short amount of time.

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As part of this process, the EDT must answer these two questions:

1. What, if any, assessment information (formal or informal) needs to be collected to determine whether the child continues to be eligible for and in need of special education or related services under the eligibility criteria of TBI?
2. What, if any, assessment information (formal or informal) needs to be collected to develop an appropriate Individualized Education Program (IEP) to meet the child's unique needs?

Reevaluation does not necessarily mean more testing. If existing data do not provide adequate information to answer these critical questions, additional assessments may need to

be conducted to provide necessary data to determine continued eligibility, provide solid information for program planning, and address concerns, questions, or developments since the last evaluation. To assist the EDT in determining what assessments, if any, may be needed, the team should:

1. Review existing evaluation data on the child to include:
  - a. Current classroom-based, short-cycle, and/or state assessments;
  - b. Complete multiple direct observations across both structured and unstructured settings and various times;
  - c. Observations and information provided by teachers and related service providers; and
  - d. Observations, information, and/or evaluations provided by the child's parents.

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**NOTE:** Additional information may include, but is not limited to, feedback from the child, grades, and attendance.

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2. Based on this review, and including input from the child's teachers, parents, and other service providers, the team must answer each of these questions:
  - a. What are the child's present levels of academic achievement and functional performance?
  - b. What are the child's educational needs?
  - c. Does the child continue to have a disability?
  - d. Does the child continue to need specialized instruction and related
  - e. services? and
  - f. What, if any, changes to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child's IEP and to participate, as appropriate, in the general education curriculum?

If the EDT decides that additional assessment information is needed to answer the questions above, the reevaluation should include assessments that are deemed necessary as a result of concerns, questions, or developments since the last evaluation.

A child's eligibility for special education under the category of TBI could change to another disability category based on information obtained during a reevaluation. This may be the case if the only residual problem from the diagnosis of TBI is more appropriately described by another eligibility category. The team will likely need to collect additional data to support eligibility under a new category.

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**NOTE:** There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the Review of Existing Evaluation Data (REED) process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

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**NOTE:** The assessment of cognitive abilities may be important if the most current cognitive results were gathered before age eight. (Neisworth & Bagnato 1992)

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**Discontinuation of Special Education Services.** Children with TBI should be considered for discontinuation of special education supports and services only when they demonstrate the ability to function independently, access and perform adequately in the general curriculum, including extracurricular and nonacademic activities, and no longer demonstrate a need for special education services. The local education agency (LEA) must evaluate the child before determining that the child is no longer a child with a disability (34 CFR Sec. 300.305(e)(1)).

Any child whose special education services are discontinued should promptly be referred to the SAT at his or her school to ensure that the child is supported in this important transition period. Monitoring of social skills, behavior, communication, current levels of academic performance, and independence may continue to be necessary. The SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

## Resources

Brain Injury Association of New Mexico  
Toll free: 888-292-7415  
[www.braininjurynm.org](http://www.braininjurynm.org)

National Brain Injury Association of America  
Toll free: 800-444-6443  
<http://www.biausa.org/Pages/splash.html>

National Resource Center on Traumatic Brain Injury  
<http://www.neuro.pmr.vcu.edu/>

The Brain Trauma Foundation  
<http://www.braintrauma.org/>

The New Mexico Public Education Department, Division of Vocational Rehabilitation  
505-954-8500  
<http://www.dvrgetsjobs.com/>

**Notes:**

## Eligibility Determination: Traumatic Brain Injury

Child Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury (TBI) does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma. (34 CFR Sec. 300.8(c)(12))

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**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in making an eligibility determination under the category of traumatic brain injury.**

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**Document assessment and evaluation data.** The EDT must review and/or complete the following evaluations and/or assessments according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017):

- screening data/previously conducted evaluation data (preschool aged children); SAT file documentation (school aged children)  
Date: \_\_\_\_\_
- child's history, including an interview with the parent(s)/guardian(s)  
Date: \_\_\_\_\_
- medical documentation of a TBI  
Date: \_\_\_\_\_
- speech/language/communication assessment  
Date: \_\_\_\_\_
- assessment of cognitive abilities  
Date: \_\_\_\_\_
- systematic review of individual academic achievement performance  
Date: \_\_\_\_\_

- academic achievement assessment  
Date: \_\_\_\_\_
- sensory processing and motor skills assessment  
Date: \_\_\_\_\_
- adaptive behavior assessment  
Date: \_\_\_\_\_
- complete multiple direct observations across both structured and unstructured settings and various times  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- transition assessment, as appropriate  
Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_

**Determine the presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child is a child with traumatic brain injury according to the requirements of IDEA (34 CFR Sec. 300.8(c)(12)). The questions below should be answered to help the EDT determine whether or not the child has a disability as defined by IDEA (2004).

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**NOTE:** It is imperative that EDTs remember that multiple sources of evaluation data (including standardized and non-standardized) must be used for all eligibility determination decisions. It is essential that teams look at the whole child, not simply test scores. EDTs are strongly encouraged to review the introduction to this manual, particularly sections related to professional judgment (section 3), multilingual assessment issues (section 4), and the use and interpretation of standardized assessments and obtained scores (section 5).

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1. Has the EDT eliminated the possibility that either the lack of (a) appropriate instruction in reading or math **and/or** (b) the opportunity to participate in developmentally appropriate early childhood experiences is a determinant factor?

YES                       NO

Documentation:

√ If answered NO, the child is not eligible under the traumatic brain injury category.

2. Has the EDT eliminated the possibility that limited English proficiency is a determinant factor?

YES                       NO

Documentation:

√ If answered NO, the child is not eligible under the traumatic brain injury category.

3. Has the EDT determined that the assessment and evaluation data demonstrate that the child is a child with traumatic brain injury as defined by IDEA (2004)?  
 YES       NO  
Documentation:

√ If answered NO, the child is not eligible under the traumatic brain injury category.

4. Has the EDT determined that no other eligibility category better describes this child's disability?  
 YES       NO  
Documentation:

√ If answered NO, the child is not eligible under the traumatic brain injury category.

**Determine need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child requires specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004).

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?  
 YES       NO  
Rationale/Documentation:
2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?  
 YES       NO  
Rationale/Documentation:
3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?  
 YES       NO  
Rationale/Documentation:

√ Answering "yes" to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

**Determination of eligibility for special education and related services.** The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child is eligible under the eligibility category of traumatic brain injury.  
 The results of the evaluation documents that the child is eligible for and in need of special education services under the eligibility category of traumatic brain injury as defined by IDEA (2004).

- The child is not eligible under the eligibility category of traumatic brain injury.
  - The results of the evaluation indicate that the child does not have traumatic brain injury as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.
  - The results of the evaluation indicate that the child does not have traumatic brain injury as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_. (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that the child has traumatic brain injury as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child's primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that although the child has traumatic brain injury as defined by IDEA (2004), the EDT has determined that the child's educational needs can be met without specially designed instruction.
  
- The EDT is unable to determine eligibility under the eligibility category of traumatic brain injury. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:
  - Additional information from:
  - Additional assessments in the following areas:
  - Other:

## Eligibility Determination Team Participants

	Title/Name	Date	Signature
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

**Notes:**

## Reevaluation Eligibility Determination: Traumatic Brain Injury

Child Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury (TBI) does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma. (34 CFR Sec. 300.8(c)(12))

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**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in making an eligibility determination under the category of traumatic brain injury.**

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**Review of evaluation data.** The EDT reviewed and/or completed the following evaluations and/or assessments as part of the reevaluation process according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017):

- current classroom-based, short-cycle, and/or state assessments  
Date: \_\_\_\_\_
- complete multiple direct observations across both structured and unstructured settings and various times  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- observations and information provided by teachers and related service providers  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_

- observations, information, and/or evaluations provided by the child's parents  
Date(s): \_\_\_\_\_

Other assessment information included:

- speech/language/communication assessment  
Date: \_\_\_\_\_
- assessment of cognitive abilities  
Date: \_\_\_\_\_
- academic achievement assessment  
Date: \_\_\_\_\_
- sensory processing and motor skills assessment  
Date: \_\_\_\_\_
- adaptive behavior assessment  
Date: \_\_\_\_\_
- transition assessment, as appropriate  
Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_

**Determine the continued presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child continues to be a child with traumatic brain injury according to the requirements of IDEA (34 CFR Sec. 300.8(c)(12)). The questions below should be answered to help the EDT determine whether or not the child continues to have a disability as defined by IDEA (2004).

1. Has the EDT determined that the assessment and evaluation data demonstrate that the child continues to be a child with traumatic brain injury as defined by IDEA (2004)?  
 YES       NO

Documentation:

√ If answered NO, the child is no longer eligible under the traumatic brain injury category.

2. Has the EDT determined that no other eligibility category better describes this child's disability?  
 YES       NO

Documentation:

√ If answered NO, the child is no longer eligible under the traumatic brain injury category.

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**NOTE:** There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

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**Determine continued need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child continues

to require specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004).

To answer the following questions, the EDT should consider (a) the child's present levels of academic achievement and functional performance, (b) the child's educational needs, and (c) any necessary changes to the child's educational program.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?  
 YES       NO  
Rationale/Documentation:
  
2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?  
 YES       NO  
Rationale/Documentation:
  
3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?  
 YES       NO  
Rationale/Documentation:

√Answering "yes" to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

**Determination of continued eligibility for special education and related services.** The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child continues to be eligible under the eligibility category of traumatic brain injury.
  - The results of the evaluation documents that the child continues to be eligible for and in need of special education services under the eligibility category of traumatic brain injury as defined by IDEA (2004).
  
- The child is no longer eligible under the eligibility category of traumatic brain injury.
  - The results of the evaluation indicate that the child no longer has traumatic brain injury as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.
  - The results of the evaluation indicate that the child no longer has traumatic brain injury as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_.  
(Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that the child continues to have traumatic brain injury as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child's primary disability that results in a need

for specially designed instruction. (Complete appropriate eligibility determination form for that category.)

The results of the evaluation indicate that although the child continues to have traumatic brain injury as defined by IDEA (2004), the EDT has determined that the child's educational needs can be met without specially designed instruction.

The EDT is unable to determine continued eligibility under the eligibility category of traumatic brain injury. The following information is needed in order for the EDT to reconvene and make a continued eligibility determination decision:

Additional information from:

Additional assessments in the following areas:

Other:

## Reevaluation Eligibility Determination Team Participants

	Title/Name	Date	Signature
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

**Notes:**

# Visual Impairment, including Blindness

**Definition.** A 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. (34 CFR Sec. 300.8(c)(13))

**Characteristics and Educational Impact.** Children who are eligible for special education and related services under the category of visual impairment (VI), including blindness, have a disability that adversely affects their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To determine the educational impact of VI, the eligibility determination team (EDT) must address the question of “How do these characteristics of the disability manifest in the child’s natural environment (e.g., home, classroom, recess, etc.)?”

As with all disabilities, the characteristics and educational impact for children with VI will vary greatly. The following sections outline characteristics that may be associated with VI and possible educational impact of those characteristics. This information does not represent an exhaustive list of areas of need or of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with VI will demonstrate all of the following characteristics.

**Preschool-aged Children.** For preschool-aged children with VI, it is important to consider developmentally appropriate skill levels and behaviors for the child’s age, since they are not necessarily involved in the general education curriculum. For preschool-aged children with VI, the observed characteristics are very similar (although not identical) to those demonstrated by school-aged children with VI. The impact of the disability may be manifested in one or more ways, including, but not limited to:

## Physical/Motor

- Difficulties with gross motor control, including delays in:
  - Exploring the environment, such as moving through his/her house, playing in kitchen cabinets, and maneuvering from room to room; and/or
  - Crawling, walking, etc.
- Difficulties with fine motor control, including delays in:
  - Dressing, toileting, and/or eating independence; and/or
  - Using age-appropriate tools (e.g., forks, spoons, crayons, etc.).

## Social/Emotional

- Delayed social skills, including difficulty:
  - Learning from non-verbal cues, such as people’s facial expressions conveying emotion; and/or
  - Responding appropriately to other people’s communication, like understanding when people are unhappy, when they want the child to do something that isn’t directly stated, etc.

## Learning Opportunities

- Limited opportunities for age-appropriate learning, including:
  - Inability to access learning through incidental learning opportunities; and/or
  - Limited participation in home and community activities.

### **Pre-academic**

- Difficulty learning visual concepts, including, sizes, shapes, colors, etc.; and/or
- Delayed development in pre-academic skills, including emergent literacy, early math, etc.

**School-aged Children.** For school-aged children with VI, the impact of the disability may be manifested in one or more ways, including, but not limited to:

### **Physical/Motor**

- Deficits with gross motor control, including difficulties:
  - Transitioning through the environment, e.g., between parts of the school building or within the community; and/or
  - Walking, running, etc.
- Deficits with fine motor control, including difficulties:
  - Dressing, toileting, cooking, and/or eating independence; and/or
  - Using age-appropriate tools (e.g., computers, etc.).

### **Social/Emotional**

- Difficulties with age-appropriate social skills, including difficulty:
  - Observing behavior in social situations, such as to understand dynamics between other people;
  - Learning from non-verbal cues, such as eye gaze and gestures; and/or
  - Responding appropriately to other people's communication, particularly when the communication involves a significant amount of visual information.

### **Learning Opportunities**

- Limited opportunities for age-appropriate learning, including:
  - Inability to access learning through incidental learning opportunities;
  - Limited participation in recreational activities; and/or
  - Limited participation in home and community activities.

### **Academic**

- Difficulty learning visual concepts, including geometry, science, etc.; and/or
- Academic achievement delays due to difficulty accessing educational materials.

**Special Considerations for Assessment.** Few formal assessments have been standardized with students who have VI. Thus, the evaluation team must rely heavily on informal, individually planned assessment information for evaluation and program planning.

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**NOTE:** It is imperative that EDTs remember that multiple sources of evaluation data (including standardized and non-standardized) must be used for all eligibility determination decisions. It is essential that teams look at the whole child, not simply test scores. EDTs are strongly encouraged to review the introduction to this manual, particularly sections related to professional judgment (section 3), multilingual assessment issues (section 4), and the use and interpretation of standardized assessments and obtained scores (section 5).

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The evaluation for a child with known or suspected VI should include information that will guide the educational team in making appropriate accommodations and modifications. These may include: Braille or large print materials, tactile graphs or maps, manipulatives for math or

science, talking calculators, magnifiers, abacuses, verbal descriptions of activities or environmental information, and lighting appropriate to the visual condition.

Consistent with IDEA (2004), it is essential that assessment results accurately reflect the factors being assessed (e.g., cognitive skills, achievement level, etc.), rather than other factors (e.g., sensory, motor, or speaking skills). This is particularly relevant when assessing a child with a known or suspected VI and it is important that assessment results are not negatively impacted by the child's visual skills because of the assessment techniques used.

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**NOTE:** It is possible for a child to have both a hearing impairment and/or visual impairment and intellectual disability. As with all eligibility determination decisions, EDT teams are reminded to use multiple sources of information when making decisions regarding a child's eligibility for special education and related services under the category of intellectual disability.

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**Initial Evaluation.** The list below provides the evaluation team with highly recommended components of an initial evaluation to determine whether a student is eligible for and in need of special education and related services under the eligibility category of VI:

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**NOTE:** It is highly recommended that a functional vision evaluation and a learning media assessment conducted by a licensed Teacher(s) of Students with Blindness/Visual Impairment be completed prior to the educational assessments.

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1. For preschool-aged children, review existing screening data and/or any previously conducted evaluation data. For school-aged children, review and consider complete SAT file documentation and existing evaluation data, such as school health records, previous test scores, grades, and home language survey.
2. Gather and analyze developmental/educational, medical (including vision and hearing), family, and social history, including an interview with the parent(s)/guardian(s).
3. Obtain a current eye examination (within one year) conducted by a licensed eye specialist such as an ophthalmologist or optometrist to determine the presence of an eye condition. A written report (e.g., Appendix B) must be on file that includes the diagnosis of the eye condition, visual acuity, and recommendations in regard to the wearing of prescription lenses.
4. Conduct a functional vision evaluation. This assessment must be conducted by a licensed Teacher(s) of Students with Blindness/Visual Impairment or a certified orientation and mobility specialist.
5. Conduct a learning media assessment. This must be conducted by a licensed Teacher(s) of Students with Blindness/Visual Impairment and should (a) address the sensory channels the child uses to access information and (b) determine the student's primary literacy medium. A statement of need for continuing assessment of literacy media should be included if the student is a prereader or an emergent reader.

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**NOTE:** "Learning media" are defined as the materials or methods that a child uses for reading and writing as well as the sensory channels utilized to access information.

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6. Complete multiple direct observations across both structured and unstructured settings and various times.
7. Complete a systematic review of individual academic achievement, including formal and informal measures.
8. Administer an individual academic achievement assessment in the area(s) of suspected need and for which instruction and intervention have been documented.

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**NOTE:** For the assessments of cognitive abilities and academic achievement above, the evaluator will need to consider the results of the student's functional vision evaluation and learning media assessment. The evaluator may wish to consult with a licensed Teacher of Students with Blindness/Visual Impairment regarding choice of test instruments and any modifications in the methods, materials, and environment that might enhance the assessment.

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9. Complete a transition assessment, including a vocational evaluation (as appropriate).
10. When an evaluation in any area is unable to be completed using standardized measures, the evaluation team should use alternative methods of obtaining data to gather information about the child's present levels of performance.

**Potential additional components** of an initial evaluation, as determined by the evaluation team:

1. Conduct an assessment of cognitive abilities.
2. Conduct a Braille assessment.
3. Conduct an orientation and mobility skills assessment.
4. Conduct social/emotional assessments across settings.
5. Conduct a motor skills assessment.

**Eligibility Determination.** For a child to be eligible to receive special education and related services under the eligibility category of visual impairment, including blindness, as defined by IDEA (2004), the EDT must document that the child meets all of the following eligibility criteria:

1. The EDT has eliminated the possibility that lack of appropriate instruction in reading or math, is a determinant factor. For preschool children, consider whether the child has had the opportunity to participate in developmentally appropriate early childhood experiences;
2. The EDT has eliminated the possibility that limited English proficiency is a determinant factor;
3. The EDT has determined that no other eligibility category better describes the child's disability; and
4. The assessment and evaluation demonstrate the child meets the requirements of the visual impairment, including blindness, definition.

In addition, the EDT must document that the child demonstrates a need for special education and related services because, as a result of the disability, the child requires specially designed instruction in order to: (a) be involved in and make progress in the general education curriculum; (b) participate in extracurricular and other nonacademic activities;

and/or (c) be educated and participate with other children with disabilities and nondisabled children.

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**NOTE:** If the child is determined to be eligible for special education and related services under the category of visual impairment, including blindness, then he or she would not be eligible under the category of developmental delay (DD). Eligibility under all other disability categories must be excluded before DD can be considered. (Subsection F (2) (a) of 6.31.2.10 NMAC)

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**Reevaluation.** The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special education and related services. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

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**NOTE:** Research has clearly documented that children's performance on standardized assessments increases with multiple administration due to the effect of practice. As such, the evaluator must carefully weigh the practice effects against the justification for re-administering the same assessment within a relatively short amount of time.

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As part of this process, the EDT must answer these two questions:

1. What, if any, assessment information (formal or informal) needs to be collected to determine whether the child continues to be eligible for and in need of special education and related services under the eligibility criteria of visual impairment, including blindness?
2. What, if any, assessment information (formal or informal) needs to be collected to develop an appropriate Individualized Education Program (IEP) to meet the child's unique needs?

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**NOTE:** It is extremely important for teams to consider conducting a functional vision evaluation and a learning media assessment every three years, even if other evaluations are not determined to be necessary as part of the reevaluation process.

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Reevaluation does not necessarily mean more testing. If existing data do not provide adequate information to answer these critical questions, additional assessments may need to be conducted to provide necessary data to determine continued eligibility, provide solid information for program planning, and address concerns, questions, or developments since the last evaluation. To assist the EDT in determining what assessments, if any, may be needed, the team should:

1. Review existing evaluation data on the child to include:
  - a. Current classroom-based, short-cycle, and/or state assessments;
  - b. Observations and information provided by teachers and related service providers; and

- c. Observations, information, and/or evaluations provided by the child's parents.

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**NOTE:** Additional information may include, but is not limited to, feedback from the student, grades, and attendance.

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2. Based on this review, and including input from the child's teachers, parents, and other service providers, the team must answer each of these questions:
  - a. What are the child's present levels of academic achievement and functional performance?
  - b. What are the child's educational needs?
  - c. Does the child continue to have a disability?
  - d. Does the child continue to need specialized instruction and related services? and
  - e. What, if any, changes to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child's IEP and to participate, as appropriate, in the general education curriculum?

If the EDT decides that additional assessment information is needed to answer the questions above, the reevaluation should include assessments that are deemed necessary as a result of concerns, questions, or developments since the last evaluation.

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**NOTE:** There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the Review of Existing Evaluation Data (REED) process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

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**Discontinuation of Special Education Services.** Children with visual impairments, including blindness should be considered for discontinuation of special education supports and services only when they demonstrate the ability to function independently, access and perform adequately in the general curriculum, including extracurricular and nonacademic activities, and no longer demonstrate a need for special education services. The local education agency (LEA) must evaluate the child before determining that the child is no longer a child with a disability. (34 CFR 300.305(e)(1))

Any child whose special education services are discontinued should promptly be referred to the SAT at his or her school to ensure that the child is supported in this important transition period. For a child with a visual impairment including blindness, the SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

## Resources

American Printing House for the Blind (APH)  
Toll free: 800-223-1839  
<http://www.aph.org/>

American Foundation for the Blind (AFB)  
Toll free: 800-232-5463  
<http://www.afb.org/>

Association for the Education and Rehabilitation for the Blind and Visually Impaired (AER)  
703-671-4500  
<http://www.aerbvi.org/>  
email: [aer@aerbvi.org](mailto:aer@aerbvi.org)

Learning Ally  
Toll free: 800-221-4792  
<http://www.rfbd.org/>

Local Lion's Club  
<http://www.lionsclubs.org/>

Library of Congress  
Toll free: 800-NLS-READ (424-8567)  
<http://www.loc.gov/nls>

National Federation of the Blind  
410-659-9314  
<http://www.nfb.org/nopbc.htm>

National Organization of Parents of Blind Children (NOPOBC)  
410-659-9314  
<http://www.nfb.org/nopbc.htm>

New Mexico Academy of Ophthalmology  
505-366-3273  
[www.nmao.org/](http://www.nmao.org/)

New Mexico Commission for the Blind  
<http://www.cfb.state.nm.us/>

New Mexico School for the Blind and Visually Impaired  
Toll free: 800-437-3505  
<http://www.nmsbvi.k12.nm.us/>

New Mexico State Library for the Blind and Physically Handicapped  
Toll free: 800-456-5515  
<http://www.nmstatelibrary.org/direct-services/lbph>

Texas School for the Blind and Visually Impaired  
512-454-8631  
<http://www.tsbvi.edu/>

**Notes:**

## Eligibility Determination: Visual Impairment, including Blindness

Child Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

A 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. (34 CFR Sec. 300.8(c)(13))

---

**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in making an eligibility determination under the category of visual impairment, including blindness.**

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**Document assessment and evaluation data.** The EDT must review and/or complete the following evaluations and/or assessments according to the recommendations established in the New Mexico Technical Evaluation and Assistance Manual (NM TEAM 2017):

- screening data/previously conducted evaluation data (preschool aged children); SAT file documentation (school aged children)  
Date: \_\_\_\_\_
- child's history, including an interview with the parent(s)/guardian(s)  
Date: \_\_\_\_\_
- eye examination conducted by licensed eye specialist  
Date: \_\_\_\_\_
- functional vision evaluation  
Date: \_\_\_\_\_
- learning media assessment  
Date: \_\_\_\_\_
- complete multiple direct observations across both structured and unstructured settings and various times  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- systematic review of individual academic achievement performance Date: \_\_\_\_\_

- academic achievement assessment  
Date: \_\_\_\_\_
- transition assessment, as appropriate  
Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_

**Determine the presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child is a child with visual impairment, including blindness, according to the requirements of IDEA (34 CFR Sec. 300.8(c)(13)). The questions below should be answered to help the EDT determine whether or not the child has a disability as defined by IDEA (2004).

---

**NOTE:** It is imperative that EDTs remember that multiple sources of evaluation data (including standardized and non-standardized) must be used for all eligibility determination decisions. It is essential that teams look at the whole child, not simply test scores. EDTs are strongly encouraged to review the introduction to this manual, particularly sections related to professional judgment (section 3), multilingual assessment issues (section 4), and the use and interpretation of standardized assessments and obtained scores (section 5).

---

1. Has the EDT eliminated the possibility that either the lack of (a) appropriate instruction in reading or math **and/or** (b) the opportunity to participate in developmentally appropriate early childhood experiences is a determinant factor?

- YES       NO

Documentation:

√ If answered NO, the child is not eligible under the visual impairment, including blindness, category.

2. Has the EDT eliminated the possibility that limited English proficiency is a determinant factor?

- YES       NO

Documentation:

√ If answered NO, the child is not eligible under the visual impairment, including blindness, category.

3. Has the EDT determined that the assessment and evaluation data demonstrate that the child is a child with visual impairment, including blindness, as defined by IDEA (2004)?

- YES       NO

Documentation:

√ If answered NO, the child is not eligible under the visual impairment, including blindness, category.

4. Has the EDT determined that no other eligibility category better describes this child's disability?

YES  NO

Documentation:

√ If answered NO, the child is not eligible under the visual impairment, including blindness, category.

**Determine need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child requires specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004).

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

YES  NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

YES  NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?

YES  NO

Rationale/Documentation:

√ Answering "yes" to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

## Determination of eligibility for special education and related

**services.** The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child is eligible under the eligibility category of visual impairment, including blindness.
  - The results of the evaluation documents that the child is eligible for and in need of special education services under the eligibility category of visual impairment, including blindness as defined by IDEA (2004).
  
- The child is not eligible under the eligibility category of visual impairment, including blindness.
  - The results of the evaluation indicate that the child does not have visual impairment, including blindness as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.
  - The results of the evaluation indicate that the child does not have visual impairment, including blindness as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_ . (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that the child has visual impairment, including blindness as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child's primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that although the child has visual impairment, including blindness as defined by IDEA (2004), the EDT has determined that the child's educational needs can be met without specially designed instruction.
  
- The EDT is unable to determine eligibility under the eligibility category of visual impairment, including blindness. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:
  - Additional information from:
  - Additional assessments in the following areas:
  - Other:

## Eligibility Determination Team Participants

	Title/Name	Date	Signature
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

**Notes:**

## Reevaluation Eligibility Determination: Visual Impairment, including Blindness

Child Name:	DOB:
Gender:	Age:
School:	Grade:
Parent/Guardian:	Address:
Parent/Guardian:	Address:
Home Phone:	Work Phone:
Home Language:	Language Proficiency:
Primary Language:	Referral Date:
Test Dates:	Report Date:

A 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. (34 CFR Sec. 300.8(c)(13))

---

**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in determining continued eligibility under the category of visual impairment, including blindness.**

---

**Review of evaluation data.** The EDT reviewed and/or completed the following evaluations and/or assessments as part of the reevaluation process according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017):

- current classroom-based, short-cycle, and/or state assessments  
Date: \_\_\_\_\_
- complete multiple direct observations across both structured and unstructured settings and various times  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_  
Date: \_\_\_\_\_
- observations and information provided by teachers and related service providers Date: \_\_\_\_\_
- observations, information, and/or evaluations provided by the child's parents  
Date(s): \_\_\_\_\_

Other assessment information included:

- eye examination  
Date: \_\_\_\_\_
- functional vision evaluation  
Date: \_\_\_\_\_
- learning media assessment  
Date: \_\_\_\_\_
- academic achievement assessment  
Date: \_\_\_\_\_
- transition assessment, as appropriate  
Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_
- other \_\_\_\_\_ Date: \_\_\_\_\_

**Determine the continued presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child continues to be a child with visual impairment, including blindness, according to the requirements of IDEA (34 CFR Sec. 300.8(c)(13)). The questions below should be answered to help the EDT determine whether or not the child continues to have a disability as defined by IDEA (2004).

1. Has the EDT determined that the assessment and evaluation data demonstrate that the child continues to be a child with visual impairment, including blindness as defined by IDEA (2004)?

- YES                       NO

Documentation:

√ If answered NO, the child is no longer eligible under the visual impairment, including blindness category.

2. Has the EDT determined that no other eligibility category better describes this child's disability?

- YES                       NO

Documentation:

√ If answered NO, the child is no longer eligible under the visual impairment, including blindness category.

---

**NOTE:** There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

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**Determine continued need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child continues to require specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004).

To answer the following questions, the EDT should consider (a) the child's present levels of academic achievement and functional performance, (b) the child's educational needs, and (c) any necessary changes to the child's educational program.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

YES  NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

YES  NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?

YES  NO

Rationale/Documentation:

√Answering "yes" to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

**Determination of continued eligibility for special education and related services.** The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

- The child continues to be eligible under the eligibility category of visual impairment, including blindness.
- The results of the evaluation documents that the child continues to be eligible for and in need of special education services under the eligibility category of visual impairment, including blindness as defined by IDEA (2004).
- The child is no longer eligible under the eligibility category of visual impairment, including blindness.
- The results of the evaluation indicate that the child no longer has visual impairment, including blindness as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.
- The results of the evaluation indicate that the child no longer has visual impairment, including blindness as defined by IDEA (2004), but the child is eligible for special education and related services under the category of

- \_\_\_\_\_. (Complete appropriate eligibility determination form for that category.)
- The results of the evaluation indicate that the child continues to have visual impairment, including blindness as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_ (as defined by IDEA, 2004) better describes the child's primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)
  - The results of the evaluation indicate that although the child continues to have visual impairment, including blindness as defined by IDEA (2004), the EDT has determined that the child's educational needs can be met without specially designed instruction.
- The EDT is unable to determine continued eligibility under the eligibility category of visual impairment, including blindness. The following information is needed in order for the EDT to reconvene and make a continued eligibility determination decision:
- Additional information from:
  - Additional assessments in the following areas:
  - Other:

# Reevaluation Eligibility Determination Team Participants

	<b>Title/Name</b>	<b>Date</b>	<b>Signature</b>
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Parent/Guardian		
<input type="checkbox"/>	Child		
<input type="checkbox"/>	Special Education Teacher		
<input type="checkbox"/>	General Education Teacher		
<input type="checkbox"/>	District Representative		
<input type="checkbox"/>	Person Interpreting Evaluation Results		
<input type="checkbox"/>	Educational Diagnostician		
<input type="checkbox"/>	Speech Language Pathologist		
<input type="checkbox"/>	Occupational Therapist		
<input type="checkbox"/>	Physical Therapist		
<input type="checkbox"/>	School Psychologist		
<input type="checkbox"/>	Social Worker		
<input type="checkbox"/>	Other		

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

**Notes:**

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# Appendix A:

## Glossary of Terms / Acronyms

### Glossary of Terms

**Assessment:** pieces of information used during the evaluation process, including formal, informal, standardized, and nonstandardized measures of child performance

**Child:** a person between the ages of 3 and 21 who has not yet graduated from high school.

**Eligibility Determination Team (EDT):** a group of people who determine whether the child is eligible for and in need of special education and related services under one or more of the eligibility categories defined by IDEA (2004). This group must include: the child's parents, the child's general education teacher(s), the child's special education teacher(s), a representative of the public agency, an individual who can interpret evaluation results, other individuals who have knowledge and expertise, and the child (as appropriate). If the child does not have a general education and/or special education teacher, a teacher who is qualified to teach children of the child's age should participate on this team.

**Evaluation:** procedures used in accordance with Sec. Sec. 300.304 through 300.311 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs (34 CFR Sec. 300.15).

**Individualized Education Program (IEP) Team:** a group of people who are responsible for reviewing, developing or revising the Individualized Education Program (IEP) for a child with a disability (34 CFR Sec. 300.23). Like the EDT, the IEP team must include: the child's parents, the child's general education teacher(s), the child's special education teacher(s), a representative of the public agency, an individual who can interpret evaluation results, other individuals who have knowledge and expertise, and the child (as appropriate). The responsibility of this team is educational planning rather than eligibility determination (34 CFR Sec. 300.321).

**Patterns of Strengths and Weaknesses (PSW):** a critical consideration for eligibility determination decisions under the category of specific learning disability (SLD). A PSW approach is dependent the analysis of strong, multiple sources of data (interviews/observations, informal assessment, and formal assessment) collected over a period of time. The essential steps of a PSW process "are (a) identifying an academic need in one of the seven areas found in federal guidelines for SLD, (b) determining if there is an area or areas of cognitive weakness that have a research-based link to problems in the identified academic areas, (c) establishing whether there are other cognitive areas which are average or above, and (d) analyzing these findings for a pattern that will rule out or confirm the presence of SLD" (Schultz, Simpson, & Lynch, 2012, p. 88).

**Review of Existing Evaluation Data Process:** an active process that guides teams through gathering existing data regarding a child's strengths and concerns in order to determine if additional assessment data are needed in order to answer one or more questions outlined by IDEA, including (a) whether a child continues to have a disability; (b) the educational needs of the child, (c) the present levels of academic achievement, functional performance, and related developmental needs of the child; (d) whether the child continues to need special education and related services; and (e) 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 and to participate, as appropriate, in the general education curriculum.

**Review of Existing Evaluation Data Form:** a form that guides teams through the documentation of the REED process.

**Student Assistance Team (SAT):** a school-based group of people, including educators, administrators, and the child's parents, who develop a plan to provide targeted, supplemental, and individualized supports for students who are performing below expectations and for whom universal interventions and supports prove insufficient.

## Acronyms:

**CFR:** Code of Federal Regulations (IDEA 2004 Regulations)

**CLD:** Culturally and Linguistically Diverse

**DSM-5:** Diagnostic and Statistical Manual of Mental Disorders

**EDT:** Eligibility Determination Team

**IDEA:** Individuals with Disabilities Education Act (2004)

**IEP Team:** Individualized Education Program Team

**LEA:** Local Education Agency (e.g., local school district)

**NMAC:** New Mexico Administrative Code

**OSEP:** Office of Special Education Programs

**OSERS:** Office of Special Education and Rehabilitative Services

**PED:** New Mexico Public Education Department

**PSW:** Patterns of Strengths and Weaknesses

**REED:** Review of Existing Evaluation Data

**RtI:** Response to Intervention

**SAT:** Student Assistance Team

**SEA:** State Education Agency (e.g., PED)

**SEM:** Standard Error of Measure

# Appendix B:

## Obtaining Medical Information

As part of the evaluation and eligibility determination process, it may be necessary to obtain current medical information. This section includes a form for Authorization for Disclosure of Protected Health Information and a Medical Examination Form. Additional forms, such as Medication Authorization Forms and Individualized Health Care Plans, may also be necessary for the eligibility determination process. These forms are available from individual school districts and from <http://www.nmschoolhealthmanual.org/resources/forms.htm>

It is important to involve the school nurse early in the evaluation and eligibility determination process for children with known or suspected medical/health concerns. The school nurse is a necessary and important member of the eligibility determination team for these children.



**Authorization for Disclosure of Protected Health Information, Form One**

**AUTHORIZATION FOR USE OR DISCLOSURE OF HEALTH INFORMATION BETWEEN MEDICAL PROVIDERS and SCHOOL DISTRICTS** Completion of this document authorizes the disclosure and/or use of individually identifiable health information, as set forth below, consistent with Federal laws (including HIPAA) concerning the privacy of such information. Failure to provide all information requested may invalidate this authorization.

**USE AND DISCLOSURE INFORMATION:**

Patient/Child's Name: \_\_\_\_\_  
Last First MI Date of Birth

I, the undersigned, do hereby authorize:

(1) \_\_\_\_\_  
(name of agency and/or health care providers)

(2) \_\_\_\_\_  
(name of agency and/or health care providers)

to provide health information from the above-named child's medical record to and from:

\_\_\_\_\_  
School District to Which Disclosure is Made Address / City and State / Zip Code

\_\_\_\_\_  
Contact Person at School District Area Code and Telephone Number

The disclosure of health information is required for the following purpose:

\_\_\_\_\_

Requested information shall be limited to the following:

- All minimum necessary health information; or
- Condition-specific information as described:

**DURATION:**

This authorization shall become effective immediately and shall remain in effect until \_\_\_\_\_  
(enter date) or for one year from the date of signature, if no date entered.

**RESTRICTIONS:**

Law prohibits the Requestor from making further disclosure of my health information unless the Requestor obtains another authorization form from me or unless such disclosure is specifically required or permitted by law.

**YOUR RIGHTS:**

I understand that I have the following rights with respect to this Authorization: *I may revoke this Authorization at any time. My revocation must be in writing, signed by me or on my behalf, and delivered to the school district/health care agencies/persons listed above. My revocation will be effective upon receipt, but will not be effective to the extent that the Requestor or others have acted in reliance to this Authorization.*

**RE-DISCLOSURE:**

I understand that the Requestor (School District) will protect this information as prescribed by the Family Educational Rights and Privacy Act (FERPA) and that the information becomes part of the student’s educational record. The information will be shared with individuals working at or with the School District for the purpose of providing safe, appropriate and least restrictive educational settings and school health services and programs .I have a right to receive a copy of this Authorization. Signing this Authorization may be required in order for this student to obtain appropriate services in the educational setting.

**APPROVAL:**

\_\_\_\_\_  
Name Signature Date Printed

\_\_\_\_\_  
Relationship to Patient/Child Area Code and Telephone Number

Adapted from West Virginia Department of Education (<http://wvde.state.wv.us/healthyschools/>).

**Authorization for Disclosure of Protected Health Information, Form Two**

**I hereby authorize workforce members of \_\_\_\_\_**  
[Health Information Provider – HIP] **to disclose information from the health records of**  
Patient's Name: \_\_\_\_\_ DOB: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_ Phone: \_\_\_\_\_  
\_\_\_\_\_ E-mail \_\_\_\_\_

**This authorization is valid covering the time period(s):** Fill in ranges of dates.  
from \_\_\_\_\_ to \_\_\_\_\_; from \_\_\_\_\_ to \_\_\_\_\_; from \_\_\_\_\_ to \_\_\_\_\_

**Information that I authorize to be disclosed:**

\_\_\_\_\_  
(district) (phone)  
\_\_\_\_\_  
(address)

**This information is to be disclosed for the following purposes:**

1. At my request
  2. Other (specify): \_\_\_\_\_
- \_\_\_\_\_

**I understand that:**

- a. [HIP] \_\_\_\_\_ may not place conditions upon treatment, payment, enrollment, or eligibility for benefits based on whether I sign this agreement;
- b. my health information may potentially be redisclosed by the recipient identified in this authorization. [HIP] \_\_\_\_\_ is not responsible for any such disclosures. [HIP] \_\_\_\_\_ and its workforce are released from any legal responsibility of liability for disclosures made pursuant to this authorization.;
- c. this authorization may be revoked in writing at any time, except to the extent that action has been taken in reliance on this authorization. Unless revoked, this authorization will expire on the following date, event, or condition: \_\_\_\_\_

\_\_\_\_\_  
Signature of Parent, Student, or Legal Representative Date

Description of authority of Representative acting on behalf of the student:  
\_\_\_\_\_



## Medical Examination Form

**MEDICAL EXAMINATION** (To be completed by a licensed medical professional, including physician, psychiatrist, physician assistant, etc.)

**NOTE TO LICENSED MEDICAL PROFESSIONAL:** Appropriate educational programming for certain children requires that they receive a current physical examination and recommendations from a licensed medical professional. Please detail the child's medical diagnosis and etiology for any cognitive, physical, behavioral, emotional, health, and/or speech/language impairments, including prognosis, physical limitations, medications, and description of any prosthetic devices. The information that the school obtains through this form will be utilized as part of the evaluation and eligibility determination process, as well as educational program planning.

Name of Child	Date of Birth		Date(s) of Exam
School	Sex	Grade	Student ID #
<b>Primary Medical Diagnosis/Concern:</b> (including any cognitive, physical, behavioral, emotional, health, and/or speech/language impairments)			
<b>Etiology of Primary Medical Diagnosis/Concern:</b>			
<b>Prognosis of Primary Medical Diagnosis/Concern:</b>			
<b>Additional Medical Diagnosis/Concern, if applicable:</b>			
<b>Etiology of Additional Medical Diagnosis/Concern, if applicable:</b>			

**Prognosis of Additional Medical Diagnosis/Concern, if applicable:**

**Impact:** Describe how the condition(s) listed above impact the child's performance of and/or functioning in everyday activities:

**Current Medication:** Is child taking any medication? Yes ( ) No ( ) If yes, list and note the dosage, frequency, and time of day the medication should be administered to be most effective, if applicable:

If yes, please describe any possible side effects of the medication that the school should be aware of:

If the medication will be administered at school, please indicate that and complete a Medication Administration Form.

**NOTE:** Medication Administration Authorization forms are available from <http://www.nmschoolhealthmanual.org/resources/forms.htm> or from the child's school district.

**Allergies:** Please list any known allergies and describe any allergic reactions:

**Nutrition:** Please explain any significant concerns about the child's nutritional needs, including mealtime difficulties (e.g., special diet and/or difficulty with eating, swallowing, etc.):

**Nursing Procedures:** Will any nursing procedures or treatments be required at school? (e.g., catheterization, suction, tube feeding, etc.) Yes ( ) No ( ) If yes, please explain briefly below and complete an Individualized Health Care Plan form.

**NOTE:** Individualized Health Care Plan forms are available from <http://www.nmschoolhealthmanual.org/resources/forms.htm> or from the child's school district.

**Assistive Devices:** Does this child require any assistive devices (e.g., hearing aids, eyeglasses, splints, positioning devices, prosthetics, etc.)? Yes ( ) No ( ) If yes, describe the device(s) and parameters of use:

**Safety Needs:** Secondary to the medical conditions noted above, do you have specific recommendations or additional relevant information regarding the child's safety needs at school? Yes ( ) No ( ) If yes, please explain:

**Other Pertinent Information:**

---

Licensed Medical Professional's Signature

Date

---

Licensed Medical Professional's Name (Please print or type)

Phone

---

Licensed Medical Professional's Address



**Eye Examination Form**

District: \_\_\_\_\_

Patient's Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

**Ocular History** (e.g., previous eye diseases, injuries, or operations):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ Age of Onset: \_\_\_\_\_

**History of Treatment**

- Glasses
  - Patches (schedule) R \_\_\_\_\_ L \_\_\_\_\_
  - Medication \_\_\_\_\_
  - Refer for other medical treatment/exam \_\_\_\_\_
  - Other \_\_\_\_\_
- \_\_\_\_\_  
\_\_\_\_\_

**Without Glasses      With Best Correction**

**Near Distance      Near Distance**

**RRRR**

**LLLL**

**Is depth perception impaired?      YES      NO**

**If acuity cannot be measured, please check the most appropriate estimation:**

- hand movements       counts fingers       object perception
- light perception       totally blind (NIL)
- functions at definition of blindness (due to brain injury/dysfunction, cortical/cerebral impairment)



### Hearing Screening Form

Student: \_\_\_\_\_ DOB: \_\_\_\_\_ School: \_\_\_\_\_

Date of Referral: \_\_\_\_\_ Teacher: \_\_\_\_\_ Person Referring: \_\_\_\_\_

<b>PROBLEM</b>	<b>YES</b>	<b>NO</b>	<b>RIGHT EAR</b>	<b>LEFT EAR</b>
Wears Hearing Aid(s)				
Cerumen				
Has known hearing loss				
Ear infection today				
Cold/flu symptoms today				

If "YES" is checked by any of the above questions, DO NOT TEST the student's hearing. Students who wear hearing aid(s) and/or have known hearing loss should be referred to the school audiologist. When cerumen impaction, ear infections, and cold/flu are resolved, proceed with the hearing test.

#### PURE TONE RESULTS (Hearing Levels)

	<b>RIGHT EAR</b>	<b>LEFT EAR</b>
1000 Hz		
2000 Hz		
4000 Hz		

Students who fail to detect tone at 20 dB in either ear should be referred to the school Audiologist or ENT Physician.

Results of this Evaluation: \_\_\_\_\_ Date Parent/Guardian Notified (if failed): \_\_\_\_\_  
Pass Fail

\_\_\_\_\_  
 Evaluator's Signature Position Date

-----  
 Copy of individual screens to appropriate student file as indicated (e.g. student health record, special education file, etc.)



# Appendix C: Resources

Center for Development and Disability (CDD)  
505-272-3000  
<http://cdd.unm.edu/>

Council for Exceptional Children (CEC)  
888-CEC-SPED (232-7733)  
[www.cec.sped.org](http://www.cec.sped.org)

CDD Information Network Library  
Toll Free: 800-827-6380

Developmental Disabilities Supports Division  
Regional Offices Metro: 800-283-5548  
Northwest: 866-315-7123  
Northeast: 866-742-5226  
Southwest: 866-895-9138

Early Childhood Evaluation Program Center for Development & Disability  
University of New Mexico  
Toll Free: 800-337-6076  
505-272-2756 (Albuquerque)

Family Infant Toddler Program (FIT)  
Long Term Services Division  
New Mexico Department of Health  
Toll Free: 1-877-696-1472

Indian Health Services  
505-248-4500  
<http://www.ihs.gov/>

LINC (Library and Information Network for the Community)  
University of New Mexico  
Toll Free: 800-827-6380 (toll free)  
505-272-0281 (Albuquerque)

National Dissemination Center for Students with Disabilities  
<http://www.nichcy.org/>

New Mexico Administrative Code  
<http://164.64.110.239/nmac/>

New Mexico Kids  
[www.newmexicokids.org](http://www.newmexicokids.org)

New Mexico School Health Manual  
<http://www.nmschoolhealthmanual.org/index.html>  
Blank Individualized Health Care Plan Form:  
[http://www.nmschoolhealthmanual.org/forms/sectionV/36\\_ihp.doc](http://www.nmschoolhealthmanual.org/forms/sectionV/36_ihp.doc)

New Mexico Technology Assistance Program (NMTAP)  
Toll Free: 800-866-2253  
<http://www.nmtap.com/>

Office of Special Education Programs  
<http://www2.ed.gov/about/offices/list/osers/osep/index.html>

Parents for Behaviorally Different Children  
Toll Free: 800-273-7232  
[www.pbdconline.org](http://www.pbdconline.org)

Parents Reaching Out  
Toll Free: 800-524-5176 (toll free)  
505-247-0192 (Albuquerque)  
[www.parentsreachingout.org](http://www.parentsreachingout.org)

Public Education Department Special Education Bureau  
505-827-1457  
[www.ped.state.nm.us/seo/index.htm](http://www.ped.state.nm.us/seo/index.htm)

University of New Mexico Center for Development and Disability (UNM-CDD)  
505-272-3000  
<http://cdd.unm.edu>

The New Mexico Public Education Department, Division of Vocational Rehabilitation  
505-954-8500  
<http://www.dvrgetsjobs.com>

The United Way  
505-247-3671  
<https://www.unitedway.org/>

What Works Clearinghouse  
[www.whatworks.ed.gov](http://www.whatworks.ed.gov)

# Appendix D: References

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