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))

**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.**

**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).

**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 traumatic brain injury category.

1. 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.

1. 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.

1. 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** |
|  | Parent/Guardian |  |  |
|  | Parent/Guardian |  |  |
|  | Child |  |  |
|  | Special Education Teacher |  |  |
|  | General Education Teacher |  |  |
|  | District Representative |  |  |
|  | Person Interpreting Evaluation Results |  |  |
|  | Educational Diagnostician |  |  |
|  | Speech Language Pathologist |  |  |
|  | Occupational Therapist |  |  |
|  | Physical Therapist |  |  |
|  | School Psychologist |  |  |
|  | Social Worker |  |  |
|  | Other |  |  |
|  | Other |  |  |
|  | Other |  |  |
|  | 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))

**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.**

**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.

**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 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** |
|  | Parent/Guardian |  |  |
|  | Parent/Guardian |  |  |
|  | Child |  |  |
|  | Special Education Teacher |  |  |
|  | General Education Teacher |  |  |
|  | District Representative |  |  |
|  | Person Interpreting Evaluation Results |  |  |
|  | Educational Diagnostician |  |  |
|  | Speech Language Pathologist |  |  |
|  | Occupational Therapist |  |  |
|  | Physical Therapist |  |  |
|  | School Psychologist |  |  |
|  | Social Worker |  |  |
|  | Other |  |  |
|  | Other |  |  |
|  | Other |  |  |
|  | 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: