



#247-21

**Commonwealth of Virginia
Virginia Department of Education
Superintendent's Memo #247-21**

DATE: August 27, 2021
TO: Division Superintendents
FROM: James F. Lane, Ed.D., Superintendent of Public Instruction
SUBJECT: **Public Comment for Virginia Department of Education (VDOE) Supplemental Guidance for Evaluation and Eligibility in Special Education and Sample Eligibility Forms and Disability Worksheets**

The proposed guidance document and revised eligibility worksheets were developed in response to the 2020 Joint Legislative Audit and Review Commission (JLARC) Kindergarten (K)-12 Special Education in Virginia Study. The supplemental guidance document and revised eligibility forms, listed as Forum 636, are available in the [Virginia Regulatory Town Hall Public Comment Forum](#). The public comment period opened August 16, 2021, and will conclude September 15, 2021.

The *VDOE Supplemental Guidance for Evaluation and Eligibility in Special Education* was developed to assist Individualized Education Program and Eligibility teams, including parents, as they engage in evaluation, eligibility determinations, and decisions regarding the need for related services. This guidance is an addendum to the Virginia Department of Education's [Guidance on Evaluation and Eligibility for Special Education and Related Services](#). This document was developed in response to Recommendations One and Two from the JLARC 2020 report. The Supplemental Guidance provides information about data sources that may be used to inform eligibility for special education services or a need for a related service, as well as information to assist in the local interpretation for terminology in the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia* that are not clearly

defined (e.g., determining “adverse educational impact” and determining the “need for specially designed instruction”). The *Sample Eligibility Forms and Disability Worksheets* reflects a revision to the existing [Guidance on Evaluation and Eligibility for Special Education Appendix](#) (Sample Evaluation and Eligibility Forms). This revision was made in response to Recommendation Two from the JLARC 2020 report. The sample forms and worksheets are provided to assist Local Educational Agencies in documenting eligibility determinations in accordance with the criteria contained in the *Regulations Governing Special Education Programs for Children with Disabilities in Virginia*.

For more information

For questions related to this guidance, please contact Marie Ireland, Speech Language Impairment, Eligibility and Related Services Specialist, at Marie.Ireland@doe.virginia.gov, or by telephone at (804) 786-9775.

JFL/MI/tc