



Regulations, Policy and Guidance

Regulations must be followed

Federal and State considerations

Compliance

LEA Policy and Procedures

Guidance

Federal, State, or Local:

Evaluation and Eligibility

Disability or Process Specific

Requirements & Interpretive Authority

- Regulations must be followed
- Once a law or regulations is written, LEAs have “interpretive authority” when regulations are open for interpretation
 - Significant discrepancy
 - Educational impact
- Local interpretations cannot conflict with the law or regulation
- Local interpretations may be written as:
 - Policy
 - Procedures
 - Guidance

☆ It is the LEA’s responsibility to provide interpretation.

☆ Individual interpretation leads to inconsistency.

Sources of Data

Existing Data includes:

- Evaluations and information provided by the parent(s)
- Current classroom-based data, assessments, and observations by teachers and related services providers
- Screening data
- Grades
- Historical information

Newly Gathered Data Sources:

- Standardized assessments
- Informal
 - Observations
 - Outside information
 - Data from school & community

Types of Assessment Data

- Standardized and Norm-referenced tests
- Criterion-referenced measures
- Dynamic assessments
- Development scales
- Play-based assessments
- Checklists, observations, and interviews
- Portfolio review and review of student file



Educational Identification and Clinical/Medical Diagnoses

- Medical clinical diagnosis is not sufficient for determining eligibility
- Groups should address the difference between educational identification under IDEA and medical/clinical diagnosis
- Students may meet the criteria without having a medical/clinical diagnosis

Eligibility

- ☆ Determining if a child is or continues to be a child with a disability
- ☆ There is no 'dismissal criteria' in Virginia

Virginia Eligibility Criteria



For any disability area the team must provide documentation that:

Meets the federal definition

1. Impairment
2. Educational Impact
3. Need for Specially Designed Instruction

Addresses all exclusionary criteria

Lack of instruction in reading or math or LEP
Provided high quality instruction

Addresses all required components

Any 'disability specific' criteria
Observation in learning environment
Hearing screening

Team Review of Data for Eligibility

- “No single measure or assessment is used as the sole criterion”
- Look at all data for trends
- Consider outside reports and information
- Observation required for any eligibility
- Examine any inconsistencies
- Review criteria
- Discuss educational need
- Provide appropriate documentation

Examining Thresholds and Documentation Requirements

- Some included in regulation
 - Criteria
 - Evaluation components
- Some are set by the LEA
 - Thresholds
 - Documentation sources

What is “adverse educational impact”?

- Not just grades
- Behaviors, social emotional and other issues are permitted

What is “need for specially designed instruction”?

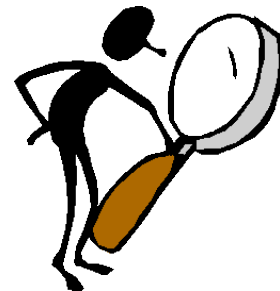
- Instruction that is distinctly different from general education in:
 - Content
 - Methodology
 - Delivery
 - Intensity
 - Setting
- Not just “accommodations”

Specific Disability Criteria: Review and Discussion**General Process**

Review specific disability criteria

What opportunities exist to:

- Establish data sources
- Set thresholds
- Provide guidance
- Clarify procedures or policy

**Identify Opportunities**

- Identify staff leaders or resources
- Strive for consistency
- Develop guidance or resources
- Seek additional professional development

Specific Learning Disability

“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 such conditions 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 disabilities; of emotional disabilities; of environmental, cultural, or economic disadvantage.

Activity: SLD Review and Team Discussion

Additional Areas

Consider developing guidance or establishing thresholds for:

- Related services
 - OT
 - PT
 - Assistive Technology
- Testing accommodations
 - Read aloud
- Manifestation determination review