

New Mexico TEAM Professional Development Module: Multiple Disabilities

[Slide 1]: Welcome

Welcome to the New Mexico TEAM technical assistance module on making eligibility determinations under the category of multiple disabilities. This module will review the guidance of the NM TEAM section on multiple disabilities. During this module, you will sometimes be referred back to a different module or other resources for additional information. We encourage you to have a copy of the NM TEAM available and open to the section on multiple disabilities for reference during this module.

[Slide 2]: Learner Objectives

After successfully completing this module, you will have the knowledge to use evaluation data effectively to make an eligibility determination under the category of multiple disabilities, also known as MD. Specifically, you will be able to: understand the federal definition of MD, understand how the potential characteristics and educational impact of MD will uniquely reflect the interaction between the particular disabilities for a given child, and recognize special considerations for assessment for children with known or suspected MD. Additionally, you will understand how to determine the highly recommended and potential components of an evaluation for MD, know the criteria required for eligibility under the category of MD, and understand how to document the team's eligibility determination decisions.

[Slide 3]: Definition

When teams are making eligibility determination decisions, IDEA outlines a two-step approach. Each of these steps involves responding to a specific question—the first question is “Does the child have a disability as defined by IDEA?” and the second question is “Does the child require specially designed instruction as a result of this disability?”

This module will walk you through answering those two questions. First, we'll talk about the definition of MD, as defined by IDEA, to help you begin to better understand the disability itself. Next, we'll talk about the impact of the disability on educational performance to help you understand when a child might require specially designed instruction as a result of MD. Later, after establishing this basic framework, we'll talk more specifically about the evaluation components and the eligibility determination decisions.

IDEA's definitions of disability terms are the cornerstones of eligibility determination decisions. The definition, combined with comprehensive assessment data, including detailed information about the child's background, educational strengths and needs, and other pertinent factors, helps schools, educators, and parents determine if the child is eligible for and in need of special education and related services. Please take a moment to read the IDEA definition of MD and then we'll take a closer look at it.

[Slide 4]: Now let's take a closer look at the definition. This definition of the disability will help teams answer the question: “Does the child have a disability as defined by IDEA?”

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First, children eligible for special education and related services under the category of MD must meet the eligibility criteria in two or more IDEA categories. MD is characterized by the need for extensive and/or pervasive intensities of educational supports and, as a result is an extremely low-incidence eligibility category. Children eligible for special education and related services under the categories of autism; deaf-blindness; hearing impairment, including deafness; intellectual disability; orthopedic impairment; other health impairment; traumatic brain injury; and/or visual impairment, including blindness might be considered when determining a possible eligibility under MD.

[Slide 5]: Eligibility under the category of MD does not apply to children who are eligible for special education and related services in two high incidence eligibility categories such as SLD and SLI, or SLD and OHI. In addition, medical conditions such as ADD/ADHD, diabetes, or asthma would not typically be considered under the category of MD due to the lack of intensive and pervasive support needs associated with these conditions. If your eligibility determination team, also known as an EDT, is considering eligibility for a child with one of these diagnoses, please refer to the OHI module and the OHI section of the NM TEAM for further guidance and support. Remember MD should only be considered if the nature of the health impairment is significantly linked to another disability to the extent that they are interrelated and pervasive. For example, a child with a seizure disorder and intellectual disability may have significant difficulty managing his health needs because of the intellectual disability, so the EDT may determine that the child is eligible under the category of MD.

Eligibility under the category of MD involves complex and inseparable interactions between two or more disabilities. These disabilities interact to such an extent that it is neither possible nor appropriate to describe the disabilities as primary and secondary.

To illustrate this, consider the following examples of children who have been determined eligible for special education and related services as a child with MD. The examples include children who have been determined to be eligible for special education and related services under two categories, such as: traumatic brain injury and visual impairment; autism and intellectual disability; hearing impairment and orthopedic impairment; or deaf-blindness and intellectual disability. In each of these examples the EDT determined that the child was eligible for special education and related services under each eligibility category, and that the relationship between the two disabilities and their educational impact was so complex that it was not possible or appropriate for the team to identify one as a primary disability and one as a secondary disability.

[Slide 6]: As we wrap up this examination of the definition, please note that the IDEA definition specifies that deaf-blindness is not considered a multiple disability. An EDT should only consider a child with deaf-blindness for eligibility under MD, if the child also demonstrates another disability in addition to deaf-blindness.

It is important to remember that this disability must adversely affect the child's educational performance in order for him to be found eligible for special education and related services. Now, we'll

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talk about this second step to eligibility determination decisions by first talking about educational performance in general and then looking specifically at issues related to MD.

[Slides 7-13]: Educational Performance

[Slide 7]: To determine the impact of a disability on a child's educational performance, the team needs to answer the question: "Does the child require specially designed instruction as a result of this disability?" If a child with a disability does not require specially designed instruction, then the child would not qualify under IDEA and teams should consider the implementation of a Section 504 plan or other classroom interventions to address the child's needs.

[Slide 8]: According to IDEA, specially designed instruction 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.

[Slide 9] In New Mexico, services provided by a speech-language pathologist may also be considered special education, not simply a related service, if the services meet the requirements outlined in the New Mexico Administrative Code, typically referred to as NMAC.

[Slide 10]: When considering a child for potential eligibility for special education and related services under the eligibility category of MD, according to IDEA, it is important that teams remember to consider three aspects of the child's educational performance. This includes the child's ability to: be involved and make progress in the general education curriculum, participate in extracurricular and other nonacademic activities, and be educated and participate with other children with and without disabilities.

[Slide 11]: Teams are probably most familiar and most comfortable with the first of these areas: determining if a child's disability results in a need for specially designed instruction in order to be involved in and make progress in the general education curriculum. While this includes academic progress, it may also include social skills, problem solving, communication, and other general curriculum areas.

[Slide 12]: Second, it is also important for teams to consider 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. For example, a child with MD may be performing satisfactorily in classroom activities because of the amount of supports inherent in the classroom environment. However, this child may have difficulty with participation in extracurricular activities, like soccer or choir, because of the interaction between his disabilities and the nature of the activities. According to IDEA, this child may be found eligible for special education and related services because of the impact of his disabilities on his ability to participate in these activities. An example of this might be a child with MD who requires supplementary aids and services to participate in after-school clubs. It is important to recognize that IDEA doesn't guarantee children access to competitive teams or groups **because** of their disability. However, they should be permitted the same opportunity as other

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children to try out for the activities and/or teams. The New Mexico Activities Association provides guidance regarding academic eligibility for participation for children enrolled in special education programs.

[Slide 13]: The third and final area for teams to consider is the child's ability to be educated and participate with other children, including those with and without disabilities. This is essentially a question of educational environment. For example, a child with MD, may be able to access the general **curriculum** and participate in extracurricular activities, but because of his disabilities, it may be especially difficult for him to be educated in the general education classroom. This is not a discussion about where services will be delivered, but what services are necessary. For example, an EDT may determine that a child with challenging behaviors needs specially designed instruction in order to develop and support appropriate classroom behaviors and interactions. Other examples include a child with attention difficulties who requires specially designed instruction to learn strategies to improve his attention and focus in the classroom, or a child who needs specially designed instruction in the form of social skills interventions in order to participate in activities with peers. Where the first question teams ask relates to access to curriculum, this question addresses the educational setting for the child.

Now that we've talked in general about educational performance, let's look specifically at the possible adverse effects of MD on a child's education.

[Slides 14-15]: Characteristics and Educational Impact

[Slide 14]: As we just discussed, 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 education curriculum, including extracurricular and nonacademic activities, and/or their participation in developmentally appropriate activities. Please remember that not only do EDTs need to document the educational impact of each disability that the child has, but also to document the impact of the interaction between the disabilities.

To identify the educational impact for a child with MD, the EDT must examine the demands of various settings and environments and the child's abilities to meet those demands by addressing the question of "How do the characteristics of the disability manifest in the child's natural environments (including home, classroom, recess, and others)?" This determination needs to be made at a very individual level for each child and must be based on comprehensive information about the child and his environments, including information gained from observing a child's functional and academic performance across a variety of settings.

[Slide 15]: It is important to recognize that the effects of MD will vary considerably, depending in large part on the interaction between the child's characteristics and their school, family, and community supports. The potential educational impact for a child with MD will also reflect the unique interaction between the particular disabilities present for a given child. For some children with MD, the need for assistance or services may only be in one aspect of their everyday lives. For other children with MD,

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these needs not only span the many aspects of their everyday lives, but across their school years and into adulthood.

The EDT will need to refer to the specific chapters in the NM TEAM for the potential educational impacts of the special education disabilities that are being considered as one interacting component of a multiple disability. For example, when a disability such as intellectual disability (ID) interacts with one or more additional identified disabilities such as autism, orthopedic impairment, or visual impairment, the result can be significant challenges in mental information processing and development of independent life skills. Let's consider a child with ID who also has a visual impairment. He will likely demonstrate needs that are quite distinct from his typically developing peers, other children with ID, and other children with visual impairments. This child's educational program will 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.

As you reference the "Characteristics and Educational Impact" sections of the NM TEAM for more detailed information for relevant eligibility categories, please remember that the characteristics presented in NM TEAM are not meant to be exhaustive nor is the NM TEAM suggesting that all children will demonstrate all of the presented characteristics for a given disability. It is important for teams to recognize that these characteristics may lead to limited opportunities for engaging in age-appropriate activities, opportunities to be educated with peers, and the learning that accompanies these activities.

[Slide 16]: Special Considerations for Assessment

It is important for EDTs to be aware of issues related to evaluating young children and children with known or suspected disabilities, regardless of the eligibility categories being considered. For example, when evaluating young children, it is imperative that the impact of the family, home environment, home language, and developmental history be considered. Specifically, EDTs must determine that a possible lack of exposure to developmentally appropriate activities is not the primary reason for the child's difficulties. In addition, for a child with a known or suspected disability, EDTs must ensure that the assessment results accurately reflect the areas being assessed. For example, be careful that you are not measuring the child's sensory, motor, or speaking skills, unless those are the skills you wish to assess. Please review NM TEAM section 6 for more information on these issues.

[Slides 17-19]: Initial Evaluation: Multiple Disabilities

[Slide 17]: To answer the questions on the eligibility determination worksheets and make eligibility decisions, it is important to discuss the evaluation components that are outlined in the NM TEAM. A number of the components are the same across most, if not all, of the eligibility categories. These components are outlined and discussed in the Conducting Initial Evaluations Module.

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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.

While all of the highly recommended components for each suspected disability category are important and should be addressed in an evaluation, some of the elements need to be discussed in a bit more depth to help evaluators more clearly understand the components within the context of MD.

Please remember that the assessments chosen must be tailored to assess specific areas of suspected disability and educational need. Assessment of children for whom MD is suspected should be multidisciplinary, comprehensive, and conducted by individuals experienced in evaluating individuals with the suspected disabilities and children with MD. Given the range of variability of children with MD, there is no single definitive assessment or assessment protocol. The use of multiple tools, as well as the professional judgment and skill of the professionals who conducted the evaluation, will be necessary to ensure accurate findings.

[Slide 18]: First, let's talk about the information gathered during a review of existing data, the child's history, and direct observations of the child's behavior. When evaluating a child for suspected MD, EDTs should pay particular attention to information highlighted in each section of the NM TEAM related to the areas of suspected disability. EDTs need to use this information to make a thoughtful decision about the type of assessments used and data gathered so that they obtain a comprehensive view of the child's abilities and deficits.

[Slide 19]: Finally, it is important to recognize that decisions regarding transition assessments need to be highly individualized for each child and situation. In New Mexico, transition planning must be documented on the first IEP in effect when the child turns 14 or during their 8th grade year, whichever comes sooner. This type of transition planning specifically relates to the child's progression from the public schools to post-secondary settings. However, EDTs should recognize first that this planning may need to start earlier for children with MD, and second, that transitions occur throughout a child's school tenure. For example, children transition from preschool to elementary school, from elementary school to middle school, between schools, and from one grade or classroom or one program to another. These transitions may require more attention for children with MD. EDTs should ensure that they have the information necessary to support children through all of these critical transitions, as appropriate for each individual child.

[Slide 20]: Potential Additional Components

It is the responsibility of the team to answer any questions that may arise throughout the evaluation process, including what eligibility category best describes the child's primary disability and what supports and services the child needs. The highly recommended evaluation components for each eligibility category being considered are highlighted in the NM TEAM and should help teams answer many of the questions that they might have. In some situations, teams may require additional information. NM TEAM presents a list of potential additional components that can be found in the Initial

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Evaluation section of each eligibility category. This list may be helpful as teams make eligibility determination decisions, but should not be considered as the only additional areas that the EDT may wish to explore.

[Slides 21-35]: Eligibility Determination Process for Multiple Disabilities

[Slide 21]: Before we examine criteria that are specific to the eligibility determination decision for MD, we would like to remind you that general information regarding the eligibility process and use of the eligibility determination worksheets is presented in the module, “Eligibility Determination and Use of Eligibility Determination Worksheets.” We encourage you to listen to that module and to review the information presented in the NM TEAM in “Section Six. Essential Components of Eligibility Determination.”

For this discussion, you will find it helpful to refer specifically to the “Eligibility Determination” and “Eligibility Determination Worksheets” sections within the MD chapter of the NM TEAM.

[Slide 22]: To determine that a child is eligible for special education and related services as a child with MD, an EDT must first determine that the child is a child with two or more disabilities, and second that the child demonstrates a need for specialized instruction as a result of his disabilities.

[Slide 23]: The Eligibility Determination Worksheets are structured to guide the EDT in making these decisions. They provide a detailed road map to guide teams not only in working through the process, but also in documenting their decisions. We will use the Eligibility Determination: Multiple Disabilities worksheet as a guide for the rest of this discussion.

[Slide 24]: First, the EDT must document relevant identifying information and the assessment and evaluation data they have collected and will be using in the eligibility determination process. This information should reflect data collected from multiple data sources.

[Slide 25]: Second, under the “Determine the presence of a disability” section, the EDT will address five questions that specifically relate to determining if a child has MD.

[Slide 26]: The first two questions, questions 1 and 2, which are consistent across almost all of the eligibility categories, require that the EDT discuss determinant factors related to the child’s performance, specifically the lack of appropriate instruction in reading and math, as well as limited English proficiency. Essentially EDTs must consider all of the factors contributing to the child’s difficulties and decide which factors are the primary cause or causes of the child’s difficulties. Like all decisions, these decisions must be made based on comprehensive evaluation data and with the input of all of the members of the EDT. It is important that EDTs recognize that a child may have experienced a lack of appropriate instruction and/or have limited English proficiency, but if these factors are not the primary reasons for the child’s difficulties, they would not be considered determinant factors. Once the EDT has ruled out either of these factors, they check “Yes” on the Worksheet. This communicates that “Yes, they have eliminated the possibility that one of these factors is a determinant factor.” As the EDT will have

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considered two or more potential eligibility categories, these first two questions would be answered the same and use the same documentation across all of the categories. EDTs must complete multiple worksheets during this particular determination process. Additionally, EDTs should remember that lack of appropriate instruction for preschool-aged children is considered to be a lack of opportunities to participate in developmentally appropriate activities. It is important to remember that the lack of opportunities must be due to a reason other than the nature of the child's disability in order for it to be considered a determinant factor. For example, it may be that a young child has significant behavioral challenges that make it difficult for the family to involve the child in family and community activities. In this situation, even though the child has had a lack of opportunity to participate in these activities, EDTs should not consider this as the determinant factor for the child's learning difficulties. Rather, this information might be helpful and used as further documentation to support a decision that indicates that a child is eligible for special education and related services.

[Slide 27]: The next two questions, questions 3 and 4, are unique to MD. When answering question 3, the team must recognize that children whose primary disability is deaf-blindness are not eligible under the category of MD unless they also have another documented disability that interacts with the deaf-blindness to such an extent that it is not appropriate to identify the disabilities as primary and secondary. If the EDT answers "yes" to question 3, indicating that deaf-blindness is the child's **primary** disability, then the child would **not** be eligible under the category of MD.

[Slide 28]: For question 4, the team must determine and document three distinct aspects of MD. First, the team must determine that the child meets eligibility criteria in one or more of the IDEA eligibility categories listed on the Eligibility Determination Worksheet. Second, the team must determine and document that they cannot designate one of these eligibility categories as the primary disability impacting the child's education performance. Finally, the EDT must determine that the child's needs are so extensive and pervasive due to the multiple disabilities that these needs cannot be appropriately described by one disability alone. That is, the team cannot identify a single primary disability for the child.

[Slide 29]: The fifth and final question to be addressed is also consistent across all eligibility categories, like the questions related to the determinant factors. In this case, the EDT is determining if any other eligibility category better describes the child's disability. If the child demonstrates two or more disabilities, and the EDT determines that MD **best** describes the child's disability, they would respond "Yes, we've determined that no other category better describes the child's disability." Although the MD section of the NM TEAM indicates that the EDT may determine that, although the child has MD, he is eligible under another eligibility category, this is actually **not** a choice when determining eligibility under MD. For other eligibility categories, this question relates to the issue of primary and secondary disabilities, however MD should not be considered in this discussion. If the EDT is able to identify one disability as primary and another as secondary then, by definition, the child is not eligible under the category of MD. MD is only appropriate for a child who has two or more disabilities that are so

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interconnected that they cannot be identified as primary and secondary. In other words, it is not appropriate to indicate that a child has autism and MD, MD and intellectual disability, and so forth.

Again, the EDT will need to complete the “Determine the presence of a disability” section of the worksheets for each of the eligibility categories being considered and for MD.

In addition to answering each of the questions “yes” or “no” in this section, it is critical that the EDT briefly describe the documentation that supported each of their decisions.

[Slide 30]: Each of the five questions serve as a stopping point in the process, depending on the EDT’s answer. For most of the questions, if the EDT answers “no,” they have determined that the child is not a child with MD. The exception to this is question three, as we’ve discussed. For question three, a “yes” answer serves as a stopping point. If the EDT hits a stopping point, they should stop moving through those five questions. If the EDT either is not considering another potential eligibility category or has already completed the “Determine the presence of a disability” section for other potential categories, the EDT should move to the “Determination of eligibility for special education and related services” section of the worksheet. At this point, the EDT will document the determination that “The child is not eligible under the eligibility category of MD.” They also need to indicate why that decision was reached by indicating either that the child doesn’t have MD or that a different category best describes the child’s disability. The process then stops for this eligibility category.

The responses to these five questions determine whether or not the EDT will proceed to the section of the worksheet, “Determination of the need for specially designed instruction.” Remember, if you have even one “no” response to any question other than question three or a “yes” response on question three, you skip over the “Determination of the need for specially designed instruction” section.

[Slide 31]: To determine the need for specially designed instruction, using the assessment and evaluation data collected, the EDT must determine if, as a result of MD, the child requires special education and related services in one or more areas outlined in IDEA.

[Slide 32]: These areas include: being involved in and making progress in the general education curriculum or developmentally appropriate activities; participating in extracurricular and other nonacademic activities; and/or being educated and participating with other children with and without disabilities. The EDT would have already answered “yes” to at least one of the questions in this section on two or more other eligibility category worksheets, such as autism and ID, because they need to indicate that the child requires specially designed instruction due to two or more identified disabilities.

[Slide 33]: After answering these three questions, the EDT moves into the final phase of the eligibility determination process—documenting the final eligibility determination decision. This section of the worksheet, “Determination of eligibility for special education and related services,” allows EDTs to document that either the child is eligible for special education and related services under the category of

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MD, is not eligible under the category of MD, or that more information needs to be collected to make a determination.

[Slide 34]: If the EDT determines that the results of the evaluation indicate that the child requires specially designed instruction as a result of MD, the child would be eligible under the category of MD.

[Slide 35]: If the EDT determines that the child is not eligible under the category of MD, they must indicate the rationale for that decision by checking one of the four options within that decision. These options allow EDTs to document either that the child doesn't have MD or any other disability, that the child does not have MD, but is eligible under another eligibility category, or that the child has MD, but doesn't demonstrate a need for specially designed instruction. Again, although the worksheet indicates that the EDT may determine that the child has MD but is eligible under another category, this is actually not a choice when determining eligibility under this category for the reasons we have already discussed.

EDTs should clearly read the questions presented on the worksheet and determine which situation most accurately describes the child being evaluated. Any child who is found to be "not eligible" for special education and related services must be referred to the SAT.

Finally, if the EDT is unable to make an eligibility determination, they may identify additional information that need to be gathered. They would then reconvene later to make the final eligibility determination decision.

[Slide 36]: Reevaluation and Discontinuation of Services

The Reevaluation worksheets in the NM TEAM will support the EDT through the documentation and decision-making process during reevaluations.

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 years. 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 whose special education services are discontinued should be referred to the Student Assistance Team (SAT) at the school in which he resides. This will ensure that necessary services and supports are not simply dropped or discontinued as the child makes this important transition. 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.

[Slide 37]: Closing

Thank you for participating in this NM TEAM training module. We hope this information has been helpful in clarifying and expanding on the information presented in the manual.