

New Mexico TEAM Professional Development Module: Eligibility Determination Process and Use of Eligibility Determination Worksheets

[Slide 1] Welcome

Welcome to the New Mexico TEAM technical assistance module that provides an overview of the eligibility determination process and the use of the Eligibility Determination worksheets. This module will review the guidance of the NM TEAM section addressing these two processes. 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 Section 6 for reference during this module. We will be using the Hearing Impairment, Including Deafness, worksheet as a sample throughout this module. We have selected this worksheet as our sample because it will help us illustrate the process when only one eligibility category is being considered. We recommend that you also have a copy of the Hearing Impairment worksheet in front of you as you listen to this module.

In addition, you will find specific information within the “Eligibility Determination” Section of the NM TEAM and in the module for each eligibility category. Professional judgment plays a vital role in all evaluations and eligibility determination decisions. Please refer to the NM TEAM for a detailed discussion of this role.

[Slide 2] Learner Objectives

After successfully completing this module, you will have the knowledge to follow this process to make eligibility determination decisions under IDEA, as well a general understanding of how to use the Eligibility Determination Worksheets to guide and document the eligibility determination process. Please remember that specific worksheets and more detailed information can be found within each eligibility category’s section of the NM TEAM and the associated training module.

[Slides 2-6] Using the Eligibility Determination Worksheets to Guide and Document the Process

In this module, we will walk you through how to use the Eligibility Determination Worksheets that are included within each eligibility category in the NM TEAM. Please note that, in general, there are two eligibility determination worksheets within each eligibility category—one for initial evaluations and one for reevaluations. In this module, we will focus on the initial evaluation worksheets, but many of the questions are the same or similar across the two different forms. Please refer to the Reevaluation and Discontinuation sections of the NM TEAM for more information about the reevaluation process.

[Slide 3] It is important for you to remember that the NM TEAM is written to provide general guidance to schools and districts. It is not written to be prescriptive. It is important that teams document their decisions, rationale for decisions, and data used to support their decisions. As we move through the different components of the worksheet, we will discuss this documentation and the rationale that can be used for decisions.

New Mexico TEAM Professional Development Module: Eligibility Determination Process and Use of Eligibility Determination Worksheets

[Slide 4] To most clearly illustrate how to complete these worksheets, our focus will be on completing a worksheet for only one eligibility category. However, EDTs should remember that they might need to complete more than one eligibility worksheet simultaneously during the determination process for a particular student for whom two or more eligibility categories are being considered. After moving through the process for a single worksheet, we will provide information on how to complete the process with multiple worksheets.

Please take a moment to look through the initial evaluation Eligibility Determination Worksheet for Hearing Impairment, including Deafness. You'll see that the worksheet, like all of the other eligibility categories, has seven main components. In this module, we will highlight each of these components, with special emphasis on a few of them.

[Slide 5] 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.

[Slide 6] 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. We recommend 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 is presented at the meeting, those dates should be added to this worksheet at the meeting.

Now that we have highlighted the opening components of the worksheet, we will move into a more comprehensive discussion of the next three sections of the worksheet: determining the presence of a disability, determining a need for specially designed instruction, and determining eligibility for special education and related services.

[Slides 7] Making an Eligibility Determination Decision

[Slide 7] Eligibility Determination Teams, or EDTs, 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?"

New Mexico TEAM Professional Development Module: Eligibility Determination Process and Use of Eligibility Determination Worksheets

[Slides 8-17] Question 1: Determine the Presence of a Disability

[Slide 8] 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.

[Slide 9] Each question in this section specifically relates to one of the specific criteria for the eligibility category being considered. 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. 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. These few exceptions are discussed in more detail within the appropriate eligibility category. 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 student 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, the child should be referred back to the Student Assistance Team for continued support. Remember: to determine that a child is a child with the specific disability being considered, such as a hearing impairment, in most cases, the EDT must answer “YES” to every question within this section.

Now that we’ve addressed the general format of the worksheet, let’s look more specifically at the questions posed and the types of documentation used to respond to each question.

[Slide 10] Throughout the process of determining the presences of a disability, EDTs are asked to determine what is the primary reason for a child’s educational difficulties. This is referred to as the “determinant factor.” For example, is a child’s hearing impairment the determinant factor or is it that they have limited English proficiency? It is possible that a child’s educational performance is influenced by limited English proficiency and/or lack of appropriate instruction, such as that related to absenteeism, and yet the impact of these factors is not the PRIMARY reason for the difficulties they are experiencing. For example, a child with a hearing impairment may also 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 didn’t 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

New Mexico TEAM Professional Development Module: Eligibility Determination Process and Use of Eligibility Determination Worksheets

would check “YES” on the worksheet to say, “Yes, the EDT has eliminated the possibility that limited English proficiency is the determinant factor.”

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 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.

[Slide 11] 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 scores. 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 his 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.

[Slide 12] 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.

[Slide 13] First, 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. This is the case for the Hearing Impairment category—question three on the worksheet asks, “Has the EDT determined that the assessment and evaluation data demonstrate that the child is a child with a hearing impairment, including deafness, as defined by IDEA?” A few eligibility categories ask additional questions that help guide the EDT in answering this broader question, such as categories that have specific behavioral and/or testing criteria that must be met.

[Slide 14] 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; information gathered from parents, teachers, or the child; performance on informal tasks; etc. EDTs need to respond to each of these questions by documenting information from a variety of sources, never just from a single

New Mexico TEAM Professional Development Module: Eligibility Determination Process and Use of Eligibility Determination Worksheets

source. 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.

[Slide 15] 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:

[Slide 16] 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.

[Slide 17] 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 module and NM TEAM section for more information. And, as always, remember that if a child meets eligibility under any other category, he cannot be found eligible under the category of developmental delay.

New Mexico TEAM Professional Development Module: Eligibility Determination Process and Use of Eligibility Determination Worksheets

[Slides 18-19] Question 2 Overview

[Slide 18] Now that we've discussed the first question, "Does the child have a disability," we'll talk about the second question, "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.

[Slide 19] It is important that EDTs understand that if a child does not meet criteria 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.

[Slides 20-23] Question 2 Clarifications

[Slide 20] 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. In order to help EDTs make this determination, it is important to clarify a few terms.

[Slide 21] The role of the EDT is to document the child's need for specially designed instruction as a result of the child's disability. 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. [PAUSE]

[Slide 22] According to IDEA, special education means 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. This includes instruction in physical education, travel training, and vocational education.

[Slide 23] 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.

[Slide 24] 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. IEP teams, not EDTs, determine the most appropriate placement for the child and the child's need for related services based on the goals outlined in the child's IEP.

New Mexico TEAM Professional Development Module: Eligibility Determination Process and Use of Eligibility Determination Worksheets

[Slides 25-28] Question 2: Process

[Slide 25] Now that we've clarified some terms, let's go back and explore question, or part, 2 in more depth. 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.

[Slide 26] 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.

[Slide 27] 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:

[Slide 28] 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:

[Slide 29] 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

New Mexico TEAM Professional Development Module: Eligibility Determination Process and Use of Eligibility Determination Worksheets

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.

[Slide 30] 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 afterschool 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:

[Slide 31] 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:

[Slide 32] 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

New Mexico TEAM Professional Development Module: Eligibility Determination Process and Use of Eligibility Determination Worksheets

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.

[Slide 33] 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 those decisions are made by the IEP team 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:

[Slide 34] 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:

[Slide 35] 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

New Mexico TEAM Professional Development Module: Eligibility Determination Process and Use of Eligibility Determination Worksheets

that require specially designed instruction in order for him to be educated and participate with other children.

[Slide 36] We recognize that 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."

[Slide 37] Although we cannot provide you with 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.

[Slide 38] As we wrap up our discussion of these three questions related to the child's need for specially designed instruction, we'd like to remind you 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.

Please remember that 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.

[Slides 39-46] Eligibility Determination Decision

[Slide 39] 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. During this discussion we strongly encourage you to have the worksheet for hearing impairment, including deafness, in front of you so that you can clearly see how the information presented in this discussion directly relates to the information presented on the worksheet. Please remember

New Mexico TEAM Professional Development Module: Eligibility Determination Process and Use of Eligibility Determination Worksheets

that 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.

[Slide 40] 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. We'll discuss each of these possible decisions in a bit more depth now.

[Slide 41] 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.

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.

[Slide 42] The first reason that a child may be found to be not eligible for special education and related services under this category is simply that the EDT has determined that the child didn't meet the eligibility criteria under the category of hearing impairment, including deafness. 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 a hearing impairment, including deafness, 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.

[Slide 43] The second reason that a child may be found to be 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 a hearing impairment, including deafness, 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.

[Slide 44] The third reason that a child may be found to be not eligible for special education and related services under this category is that the EDT has determined that, although the child has

New Mexico TEAM Professional Development Module: Eligibility Determination Process and Use of Eligibility Determination Worksheets

a hearing impairment, including deafness, 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 we've 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. Those decisions are made by the IEP team 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.

[Slide 45] Finally, the fourth reason that a child may be found to be "not eligible" under this category is that the EDT has determined that, although the child has a hearing impairment, including deafness, 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.

[Slide 46] We've just discussed 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.

New Mexico TEAM Professional Development Module: Eligibility Determination Process and Use of Eligibility Determination Worksheets

As we are discussing the basic mechanics of completing the worksheets, EDTs should also remember that they may be completing more than worksheet on a child at the eligibility determination meeting. This would be the case if the EDT were considering eligibility under more than one category. To facilitate the process, the EDT can complete some of the basic information before the eligibility determination meeting. In addition, some of the documentation will carry across the forms. It is essential that the EDT considers the questions on each worksheet individually, though, as the considerations may be slightly different depending on the categories being considered.

[Slides 47-49] Wrapping Up the Process

[Slide 47] 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.

[Slide 48] 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.

[Slide 49] 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.

[Slide 50] 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.