

D

Eligibility Criteria

Section D Forms

Autism Checklist – Special Programs

Specific Learning Disability Checklist – Special Programs

Reference Sheets

Adverse Effects on Educational Performance

Evaluation Eligibility Criteria



Definitions

Academic achievement: A student's performance in relation to the continuum of the Indiana academic standards, including the foundations to the standards. This may include performance on norm-referenced, criterion-referenced, and other achievement measures.

Adaptive behavior: The effectiveness of or degree with which an individual meets the standards of personal independence and social responsibility expected of the individual's chronological age and cultural group.

Adversely affects educational performance: A student's disability has a consistent and significant negative impact on the student's:

- A. academic achievement; or
- B. functional performance; or
- C. both the student's academic achievement and functional performance

(See reference sheet: [Adverse Effects on Educational Performance](#))

Functional performance: A measure of skills, behaviors, and knowledge necessary to achieve self-sufficiency in areas that support those defined by academic achievement. This may include the following:

- A. Physical skills, such as sensory responses, fine and gross motor skills.
- B. Personal care skills, such as the following:
 - i. Eating
 - ii. Dressing
 - iii. Maintaining hygiene
- C. Social emotional adjustment, such as the following:
 - i. Interpersonal skills
 - ii. Intrapersonal regulation
 - iii. Habits of learning
- D. Independent living skills, such as the following:
 - i. Maintaining a household.
 - ii. Managing health needs.
 - iii. Using tools.
 - iv. Shopping.
 - v. Budgeting.
 - vi. Practicing safety.
 - vii. Accessing transportation.
 - viii. Recreation.
 - ix. Accessing community resources.
 - x. Employment.

*A student may be found eligible for special education services when a case conference committee has determined in accordance with special education law (Article 7) that a student's disability/impairment adversely affects the student's educational performance and consequently the student needs special education or related services. According to Article 7, adversely affecting educational performance means that a student's disability has a **consistent** and **significant** negative impact on the student's academic achievement, functional performance, or both.*

Adverse Effects on Educational Performance

Academic Achievement

No interference with the student's performance in the educational setting.

- ☐ Grades are average or above.
- ☐ Passing state testing.
- ☐ Average or above on standardized assessment.

Minimal impact on the student's performance in the educational setting.

- ☐ Grades are average.
- ☐ Passing state testing or near passing (within 10 points).
- ☐ Low average to average on standardized assessment (at least a standard score of 85).

Interferes with the student's performance in the educational setting.

- ☐ Below average grades.
- ☐ Below the cut score on state testing.
- ☐ Standardized assessment results below average (below 85).

Significantly interferes with the student's performance in the educational setting.

- ☐ Failing grades.
- ☐ Consistently poor performance on state testing.
- ☐ Significantly low score on standardized assessment (standardized score below 75).



Functional Performance

No interference with the student's performance in the educational setting.

- ☐ Adequate physical skills (sensory, gross motor, fine motor).
- ☐ Adequate personal care skills (e.g., eating, dressing, hygiene).
- ☐ Adequate social emotional adjustment (interpersonal skills, intrapersonal regulation, habits of learning).
- ☐ Rating scales within normal limits.
- ☐ Adequate independent living skills for age.

Minimal impact on the student's performance in the educational setting.

- ☐ Physical skills are near those of peers or are achieved with accommodations.
- ☐ Personal care skills slightly below those of peers.
- ☐ A few minor social emotional concerns.
- ☐ Rating scales show only a small number of at-risk scores or inconsistent ratings across raters.
- ☐ Developing independent living skills with some reminders.

Interferes with the student's performance in the educational setting.

- ☐ Needs some assistance and support to perform physical skills.
- ☐ Personal care skills moderately below those of peers or needs consistent reminders or some assistance to perform skills.
- ☐ Moderately more social emotional concerns than peers.
- ☐ One or more areas rated as significant on rating scales across raters.
- ☐ Independent living skills below average.

Significantly interferes with the student's performance in the educational setting.

- ☐ Is unable to perform physical skills or needs regular support to perform.
- ☐ Significant concerns for personal care skills, student needs regular assistance to perform.
- ☐ Significant social emotional concerns.
- ☐ Significantly low independent living skills.



Eligibility Criteria Guidelines

511 IAC 7-40-6

Upon completion of the educational evaluation, the case conference committee (CCC) must be convened to determine whether the student is eligible for special education and related services. If eligible, the CCC must determine the special education and related services necessary to meet the educational needs of the student.

The CCC must not determine that a student is eligible for special education and related services under Article 7 if the determinant factor is:

1. Lack of appropriate instruction in reading, including the essential components of reading instruction, which means explicit and systematic instruction in:
 - a. phonemic awareness;
 - b. phonics;
 - c. vocabulary development;
 - d. reading fluency, including oral reading skills; and
 - e. reading comprehension strategies;
2. Lack of appropriate instruction in math;
3. Limited English proficiency;
4. A student does not otherwise meet the eligibility criteria under Article 7.

When determining eligibility for special education and related services, the CCC must consider all of the information contained in the educational evaluation report; and not rely on any single measure or assessment as the sole criterion for determining eligibility or appropriate educational services.

If the CCC determines that the student only needs a related service, but not special education, the CCC must not determine that the student is eligible for services under Article 7.

If a determination is made that a student is eligible for special education and related services, an IEP that meets the special education and related service needs of the student must be developed.



Eligibility Criteria Procedures

The multidisciplinary team will complete an evaluation in accordance with the eligibility criteria as described in Rule 41 of Article 7. See **Evaluation Eligibility Criteria** Reference Sheet for a summary.

511 IAC 7-40-5 (e-g)

After an educational evaluation has been completed, the multidisciplinary team must compile the findings of the multidisciplinary team into an educational evaluation report.

For a student with the suspected disability of autism spectrum disorder, the educational evaluation report must include the results of the multidisciplinary team's assessments, observations, and collection of information as aligned to the characteristics of autism spectrum disorder. The **Autism Checklist** will be completed from Special Programs.

For a student with a suspected learning disability, the educational evaluation report must include the following:

1. For a student with a suspected learning disability, the educational evaluation report must include the following:
 - a. Documentation of previous parent notification about:
 - i. The:
 1. amount and nature of the student performance data that would be collected; and
 2. general education services that would be provided;
 - ii. strategies for increasing the student's rate of learning; and
 - iii. the parent's right to request an educational evaluation to determine eligibility for special education and related services; and
 - b. The:
 - i. Instructional strategies used; and
 - ii. Student centered data collected.
2. A synthesis of the required educational evaluation components in 511 IAC 7-41-12 in relationship to the following:
 - a. Whether the student:
 - i. Does not achieve adequately for the student's age or to meet state grade level standards in one (1) or more of the areas identified in 511 IAC 7-41-12(a)(1) when provided with learning experiences and instruction appropriate for the student's age or state grade level standards; and
 - ii. Meets either of the following criteria:
 1. The student does not make sufficient progress to meet age or state grade level standards in one (1) or more of the areas identified in 511 IAC 7-41-12(a)(1) when using a process based on the student's response to scientific, research-based intervention.
 2. The student exhibits a pattern of strengths and weaknesses in performance or achievement, or both, relative to age, state grade level standards, or intellectual development, that is determined by the



multidisciplinary team to be relevant to the identification of a specific learning disability. **The multidisciplinary team is prohibited from using a severe discrepancy between intellectual ability and achievement to meet this requirement.**

- b. The effects of any of the following factors on the student's achievement:
 - i. Visual, hearing, or motor disability
 - ii. Intellectual disability
 - iii. Emotional disturbance
 - iv. Cultural factors
 - v. Environmental or economic disadvantage
 - vi. Limited English proficiency
- c. Whether the multidisciplinary team believes the student has a specific learning disability and the basis for having that opinion. The opinion of the multidisciplinary team is utilized by the CCC to determine whether the student is eligible for special education. Each member of the multidisciplinary team must certify in writing whether the educational evaluation report reflects the member's opinion. The **Specific Learning Disability Checklist** will be completed from Special Programs.

If the report does not reflect the member's opinion, the member must submit a separate statement presenting the member's opinion.

Evaluation Eligibility Criteria

This chart illustrates the assessment components that are minimally required to be synthesized in an educational evaluation for each suspected disability as articulated in Rule 41. If more than one disability is suspected, then multiple columns would be considered.

511 IAC 7-41	ASD	BLV	ID	DHH	DB	DD*	ED	LI & SI	MD	OHI	OI	SLD	TBI
1. Development: Assessment of Developmental areas						X							
2. Cognition: Assessment of cognitive ability & functioning (norm referenced or criterion referenced)			X						X				X
3. Academic Achievement													
Assessment of current academic achievement as defined by 511 IAC 7-32-2	X	X	X	X	X		X	X	X	X	X	X	X
Assessment of progress & interventions								X(LI)				X	
An observation of the student in the learning environment to document academic progress & behaviors in areas of difficulty								X(LI)				X	
4. Functional Performance or Adaptive Behavior													
Assessment of functional skills or adaptive behavior across various environments from multiple sources	X	X	X	X	X				X	X	X		X
An assessment of emotional & behavioral functioning							X						
A Functional Behavioral Assessment (FBA) that includes an analysis of interventions used to address the behaviors leading to the referral							X						
Systematic observation across various environments	X	X			X	X			X	X			
5. Communication Skills													
Assessment of communication in the language or system utilized for instruction or student's preferred mode of communication that assesses the student's receptive and expressive language skills				X	X								
Assessment of the student's receptive, expressive, pragmatic & social communication	X												
Assessment of articulation, fluency, and voice								X(SI)					
Observation of student's speech by a SLP								X(SI)					

Evaluation Eligibility Criteria

	ASD	BLV	ID	DHH	DB	DD*	ED	LI & SI	MD	OHI	OI	SLD	TBI
Assessment of functional literacy		X			X								
511 IAC 7-41	ASD	BLV	ID	DHH	DB	DD*	ED	LI & SI	MD	OHI	OI	SLD	TBI
6. Motor and Sensory Abilities													
Vision & hearing screening						X							
Assessment of functional vision		X			X								
Assessment of motor skills & sensory responses	X												
Assessment of motor skills including travel skills		X			X								
Written report from an optometrist or ophthalmologist		X			X								
Written report from an educational or clinical audiologist, otologist, or otolaryngologist				X	X								
A statement from a physician if an organic cause is suspected								X(SI)					
7. Available Educationally Relevant Medical Information						X	X	X	X	X	X	X	X
...and mental health information							X						
8. Social and Developmental History	X	X	X	X	X	X	X	X	X	X	X	X	X
9. Any other assessments of information necessary to determine eligibility and inform the CCC	X	X	X	X	X	X	X	X	X	X	X	X	X

* If at least three (3) years of age and less than nine (9) years of age.

ASD - Autism Spectrum Disorder

ID - Intellectual Disability

DHH - Deaf/Hard of Hearing

DB - Deaf-Blind

DD - Developmental Delay

ED - Emotional Disability

LI & SI - Language Impairment & Speech Impairment

MD - Multiple Disabilities

OHI - Other Health Impairment

OI - Orthopedic Impairment

SLD - Specific Learning Disability

TBI - Traumatic Brain Injury