

CHAPTER 4: EVALUATION AND ELIGIBILITY - TABLE OF CONTENTS

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CHAPTER 4: EVALUATION AND ELIGIBILITY

Chapter 3 discusses Child Find procedures used to locate and identify students with suspected disabilities. ~~This chapter contains the requirements for the special education evaluation and eligibility process, from referral to consider a special education evaluation through to the determination of eligibility.~~ This chapter contains the requirements for completing a special education evaluation from a referral to consider a special education evaluation through the determination of eligibility for special education services. The Idaho ~~State~~ Department of Education has provided State ~~Eligibility Criteria~~ eligibility criteria for special education services ~~for eligibility~~ consistent with the IDEA for districts to use ~~when~~ while determining eligibility.

Section 1. Evaluation Team

The evaluation team is a group of people outlined by IDEA ~~with the responsibility to make who~~ make decisions regarding evaluation, assessments, and eligibility. ~~This team includes the same membership as the individualized education program (IEP) team (although not necessarily the same individuals) and other qualified professionals as needed to ensure that appropriate and informed decisions are made.~~ The specific composition of the evaluation team ~~reviewing existing data~~ will vary depending upon the nature of the student's suspected disability and other relevant factors. ~~This tailored composition helps ensure that decisions are both~~ appropriate and well-informed. The parent/adult student is a member of the evaluation team and shall be ~~provided given~~ an opportunity to provide input and participate in making team decisions. The evaluation team may ~~conduct its~~ review existing data and/or make an eligibility decision without a meeting unless the parent/adult student requests that a meeting be held. However, all required team members must participate in the evaluation and eligibility process.

Team Membership Requirements:

1. Parent/adult student;
2. District representative;
3. General Education Teacher;
4. Special Education Teacher; and
5. Other qualified professionals including individual(s) who can interpret assessment results and instructional implications.

The following qualified professionals are required team members when considering the following disability categories:

	ASD	EBD	Intellectual Dis.	Language Imp.	Multiple Dis.	Other Health Imp.	Specific Learning Dis.	Speech Imp.
School Psychologist	x	x	x		x	x*	x	
Speech Language Pathologist	x			x			x**	x

Additional Team Membership Requirements

~~The determination of whether a student suspected of having a specific learning disability shall be made by the student's parents and a team of qualified professionals, which shall include:~~

- A. *The evaluation team for making an educational determination of ADHD when considering Other Health Impairment shall include a school psychologist.
- B. The evaluation team for identifying a Specific Learning Disability shall include:
 1. the student's ~~regular~~ general education teacher; or if the child does not have a ~~regular~~ general education teacher, a ~~regular~~ general education classroom teacher qualified to teach a child of his or her age; ~~and~~
 2. a school psychologist ~~is a required member of the team;~~ ~~and~~
 3. **when considering oral expression and/or listening comprehension as areas of concern under SLD, a speech language pathologist is a required member ~~who may collaborate with or replace the school psychologist as the professional required to conduct and interpret evaluative examinations.~~

See Chapter 5 for more information about IEP Team membership, roles, and responsibilities.

Section 2. Purpose of an Evaluation

The purpose of the evaluation process is to determine the eligibility of a student for special education services. This pertains to both initial determination and ~~three year review of eligibility, or re-evaluation. It is also a process for gathering important information about a student's strengths and special education and related services needs.~~ It is also a process for gathering information about a student's strengths and needs to inform the IEP team in determining special education and related service needs. An evaluation process shall include a variety of assessment tools and strategies to gather relevant functional, developmental, social, emotional, behavioral, and academic information about the student, including information provided by the parent.

A. Definitions

Although the terms “evaluation” and “assessment” are often interchanged, there are significant differences between the meanings of the two terms. ~~In an effort to clarify,~~ The terms are defined as follows:

1. Evaluation refers to procedures used to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.
2. Assessment is integral to the evaluation process and ~~includes~~ **refers to** the formal and informal processes of systematically observing, gathering, and recording credible information to help answer evaluation questions and make decisions. A test is one method of obtaining credible information. ~~within the assessment process. Tests may be standardized or non-standardized, criterion-referenced (e.g. curriculum-based measures), or norm-referenced, and usually elicit responses from students to situations, questions, or problems to be solved.~~ Assessment data may also include observations, interviews, medical reports, data regarding the effects of general education accommodations and interventions, and other formal or informal data.

~~The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.~~

B. ~~Evaluation Components~~ Initiation of an Evaluation

A parent or a public agency may initiate **a referral to consider a special education evaluation to determine whether an evaluation for special education is warranted.** ~~request for an initial evaluation to determine eligibility.~~ **If warranted,** ~~the~~ district shall conduct a **full, comprehensive** and individualized initial evaluation before **determining eligibility and prior to** the provision of special education and related services. **If an evaluation is not warranted, written notice shall be provided to parent/adult student detailing the basis for the decision.** ~~are provided to a student suspected of having a disability. A parent or a public agency may initiate a request for an initial evaluation to determine eligibility.~~

See Chapter 3 for more information about a referral to consider a special education evaluation.

~~To be eligible for services under the IDEA, a student must have a disability that:~~

- ~~1. meets the Idaho state disability criteria;~~
- ~~2. adversely affects educational performance; and~~
- ~~3. results in the need for specially designed instruction, and related services.~~

~~In addition, the information from the evaluation shall be used to consider the following:~~

- ~~1. the nature and extent of special education and related services needed by the student in order to participate and progress in the general education curriculum, or curriculum aligned to the Idaho Content Standards, or the Idaho Early Learning Guidelines (eGuidelines); and~~
- ~~2. the least restrictive environment (LRE) for the student.~~

~~The above information also pertains to evaluations for determining Part B eligibility for children transitioning from the Infant/Toddler Program (ITP).~~

Section 3. Written Notice, ~~and~~ Consent for Assessment, and Timelines

Written notice shall be provided and informed consent shall be obtained before assessments are administered to a student as part of an evaluation.

A. Written Notice Requirements

Written notice shall be provided to the parent/adult student within a reasonable amount of time in any of the following instances:

1. prior to conducting any new assessments;
2. to explain the LEA's refusal to initiate assessment or evaluation; and
3. when the evaluation team determines that new assessments are not required for an evaluation or to make an eligibility determination.

~~Written notice shall be provided to the parent/adult student within a reasonable time before the district proposes to initiate the evaluation or re-evaluation reevaluation of a student.~~

Written notice shall be in words understandable to the general public. It shall be provided in the native language or other mode of communication normally used by a parent/adult student unless it is clearly not feasible to do so.

If the native language or other mode of communication is not a written language, the district shall take steps to ensure: ~~the following:~~

1. the notice is translated orally or by other means in the native language or other mode of communication;
2. the parent/adult student understands the content of the notice; and

3. there is written evidence that the above two requirements have been met.

The written notice shall include ~~the following~~:

1. a description of the evaluation ~~or reevaluation~~ proposed or refused by the district;
2. an explanation of why the district proposes ~~or refuses~~ to ~~assess or~~ evaluate ~~or reevaluate~~ the student;
3. a description of any other options the district considered and the reasons why those options were rejected;
4. a description of each assessment, ~~procedure, test,~~ record, or report that the district used as a basis for the proposed or refused evaluation ~~or reevaluation~~;
5. a description of any other factors relevant to the evaluation ~~or reevaluation~~;
6. a statement ~~that the~~ ~~of the~~ parent/adult student's ~~has~~ special education rights and how to obtain a copy of the *Procedural Safeguards Notice* (Note: If this is the initial evaluation, the parent/adult student must be provided ~~should get~~ a copy of the ~~Procedural~~ ~~Safeguards Notice~~ ~~with the initial notice of~~ when initiating the referral to consider a special education evaluation process ~~special education evaluation~~); and
7. sources for parents to contact ~~in obtaining~~ for assistance in understanding the *Procedural Safeguards Notice*.

~~Written notice shall be provided to the parent/adult student within a reasonable time in the following instances:~~

- ~~4. to conduct any additional assessments and review initial information as part of the initial evaluation or reevaluation;~~
- ~~5. to explain refusal to initiate assessment; and~~
- ~~6. when the evaluation team determines that additional assessments are not required.~~

~~See Chapter 11 for more information on written notice.~~

B. Consent Requirements

Informed consent in special education is the process of ensuring that parents have the information they need to make a knowledgeable decision about a proposed activity for their student.

1. ~~Definition of Consent~~: Consent means that the parent/adult student:
 - a. has been fully informed in his or her native language or other mode of

communication of all information relevant to the assessment and/or evaluation for which consent is sought;

- b. understands and agrees in writing (as indicated by signature) to the activities described; and
- c. understands that granting ~~of~~ consent is voluntary and may be revoked in writing at any time *before* ~~the~~ ~~an~~ assessment and/or evaluation is completed. However, once ~~the~~ ~~an~~ assessment and/or evaluation has been completed, revocation of consent cannot be used to ~~have the assessment disregarded~~ disregard the results of assessments already administered.

2. Consent for initial evaluation

- a. Informed written consent shall be obtained from the parent/adult student before the district conducts ~~assessments as a part of~~ an initial evaluation of the student to determine whether the student qualifies for special education as a student with a disability. Written consent is required for initial evaluation even if the team determines no new assessments are necessary. ~~if he or she qualifies as a child with a disability;~~
- b. Parental consent for initial evaluation should not be construed as consent for initial provision of special education and related services;
- c. The school district shall make reasonable documented efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the ~~child~~ student has a disability and to identify the educational needs of the ~~child~~ student. If a parent refuses consent, the district does not violate its obligation to provide FAPE if it declines to pursue the evaluation. If the parent does not provide consent, the district may offer an SDE Idaho Department of Education facilitated meeting, or mediation, or request a due process hearing to challenge the decision. (See Chapter 13 for more information about dispute resolution processes.)
- d. If the ~~child~~ student is a ward of the State and is not residing with the ~~child's~~ student's parent, the district is not required to obtain informed consent from the parent for an initial evaluation to determine eligibility if:
 - 1) despite reasonable efforts to do so, the district cannot locate the parent;
 - 2) the rights of the parents of the child have been terminated in accordance with Idaho law; or
 - 3) the rights of the parent to make educational decisions have been subrogated by a judge in accordance with Idaho law and consent for initial evaluation has been given by an individual appointed by the judge to

represent the child.

- e. ~~If a district is using any data gathered during general education interventions for a student suspected of being a student with a disability, and that data may be used for a later eligibility determination, the district shall promptly request consent to evaluate the student.~~

C. Consent for Reevaluation

1. Written consent shall be sought for reevaluation that requires new assessments. Reevaluation consisting solely of review of existing data does not require written consent. ~~This includes a review of the student's educational files/records.~~
2. Informed parental consent for a reevaluation ~~need not be obtained~~ is not required if the ~~public agency LEA can~~ demonstrates ~~through documentation and documents~~ that it made reasonable efforts to obtain consent and the child's parent has failed to respond.

D. When Consent Is Not Required

Parental consent is *not* required for:

1. the review of existing data as part of an evaluation ~~or reevaluation~~;
2. ~~the administration of a test or other~~ an assessment that is administered to all students, unless consent is required ~~for of parents of~~ all students;
3. teacher or related service provider observations, ongoing classroom evaluations, or ~~criterion-referenced tests~~ ~~measures~~ that are used to determine the student's progress toward achieving goals on the IEP; and
4. screening by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation, which may include group or individual curriculum-based or norm-referenced measures.

E. Refusing Consent or Failure to Respond to a Request for Consent

1. The parent/adult student can refuse consent for assessment(s).
2. For an initial evaluation, if consent is refused or the parent/adult student fails to respond, the student cannot be ~~assessed~~ ~~evaluated~~. However, the district may request ~~SDE~~ Idaho Department of Education facilitation, mediation, or a due process hearing. If the mediation results in consent to assess, or if a hearing officer's decision indicates that ~~assessment~~ ~~evaluation~~ is appropriate and there is no appeal, then the student may be ~~evaluated~~ ~~assessed~~. However, the district does not violate its obligations to provide FAPE if it declines to pursue the evaluation. Consent for the initial evaluation shall not

be construed as consent for the initial provision of special education services should the student be deemed eligible.

- ~~If a parent of a child who is homeschooled or placed in a private school by the parents at their own expense does not provide consent for initial evaluation or reevaluation,~~ If a student is homeschooled or placed in a private school by the parents at their own expense, and the parent does not provide consent for evaluation, or the parent fails to respond to a request to provide consent, the district may not use [SDE Idaho Department of Education](#) mediation or due process procedures in order to gain consent and the district is not required to consider the child eligible for services.

Note: A district shall not use a parent's refusal for consent to one service or activity to deny the parent or student any other service, benefit, or activity. [In the case of assessment, this means that a parent/adult student's refusal of consent to assess a particular area cannot be used by the LEA to refuse assessment in other areas. The student's evaluation team should work to reach consensus on the components required to complete a comprehensive evaluation.](#)

See Chapter 11 for more information on consent and reasonable efforts.

F. Timeline

- The time between receiving written consent for initial assessment [and/or evaluation](#) and eligibility determination cannot exceed sixty (60) calendar days., ~~excluding periods when regular school is not in session for five (5) or more consecutive school days.~~ In unusual circumstances, an extension of the sixty (60) [calendar day period timeline](#) may apply for the purpose of initial assessment. These circumstances may include the following:
 - The child enrolls in a school in another school district after the sixty (60) [calendar day timeline began begins](#) and prior to the determination ~~of by~~ the child's eligibility in the previous school district. ~~If the new school district is making sufficient progress in determining eligibility,~~ [In such cases,](#) the parent and district may agree [in writing to a specific alternative timeline.](#) ~~specific time when the evaluation will be completed.~~
 - The parent repeatedly fails or refuses to produce the student for an [assessment or evaluation](#) after the district has made reasonable efforts to schedule. ~~an evaluation.~~
- The time between eligibility determination and the development [and implementation](#) of the IEP ~~cannot shall not~~ exceed thirty (30) calendar days. ~~The implementation of the IEP shall not exceed thirty (30) calendar days from the eligibility determination, unless all parties agree to an extension.~~

3. For children transferring from [Part C, the Infant Toddler Program \(ITP\)](#), to [Part B](#), eligibility shall be determined and an IEP developed by the child's third (3rd) birthday.
 - a. If a child turns three (3) during the summer, [is eligible for special education](#), and does not require Extended School Year (ESY) services, special education and related services may begin in the new school year.

See [Chapter 5](#) for additional information on collaboration with the ITP throughout the transition process.

~~In unusual circumstances, an extension of the sixty (60) day period may apply for the purpose of initial assessment. These circumstances may include the following:~~

- ~~1. The child enrolls in a school in another school district after the sixty (60) day timeline began and prior to the determination by the child's eligibility in the previous school district. If the new school district is making sufficient progress in determining eligibility, The parent and district may agree to a specific time when the evaluation will be completed.~~
- ~~2. The parent repeatedly fails or refuses to produce the student for an evaluation after the district has made reasonable efforts to schedule an evaluation.~~

Section 4. Information from Other Agencies or Districts

Consent for release of information shall be received before the district seeks to obtain information about the student from other agencies, unless otherwise authorized by law. Upon receipt of consent, the case manager will send [an Authorization to Exchange Confidential Information Form](#) ~~form~~ requesting information to individuals or agencies that have relevant information about the student. A copy of the signed [Authorization to Exchange Confidential Information Form](#) ~~for release of information shall be included with the letters and a copy~~ shall be retained in the student's confidential file. Sources of this additional information may include records from health and social service agencies, private preschool programs, legal service agencies, and non-school professionals such as physicians, social workers, and psychologists.

Federal laws and regulations do not require consent for the district to:

1. request information from other districts that the student has attended; or
2. send information to other districts in which the student intends to enroll.

~~For children transferring from the ITP, eligibility shall be determined and the IEP developed by the date that the child turns three (3) years of age. See Chapter 5 for additional information on collaboration with the ITP throughout the transition process.~~

Section 5. Evaluation and Eligibility Determination Procedures

A. Areas to Assess

The student shall be assessed in all areas of suspected need related to the suspected disability, which includes areas such as functional, behavioral, developmental, and academic skills needed to participate and progress in the general education curriculum. If needed, qualified personnel shall conduct ~~an individual assessment of assistive technology needs, including~~ a functional evaluation in the individual's customary environment to determine the need for assistive technology. The evaluation of each student with a suspected disability shall be full and individualized and sufficiently comprehensive to identify all of the student's suspected special education and related service needs whether or not commonly linked to the disability category in which the student may be classified. ~~For youth with IEPs, no later than age sixteen (16), appropriate transition assessments shall be conducted.~~

Beginning with the IEP to be in effect when a student is sixteen (16) years old (or younger if determined appropriate by the IEP team), appropriate transition assessments shall be conducted.

Evaluation teams shall be especially mindful of cultural and linguistic differences during the evaluation and eligibility process. ~~Caution is advised in the selection of informal or formal assessments that are nonbiased, administration of assessments, interpretation, and application of outcomes in order to appropriately identify culturally or linguistically diverse students for special education services.~~ Teams should use caution when choosing assessments, whether informal or formal, to ensure the assessments are unbiased. Attention should be given to how the assessments are administered, interpreted, and applied to accurately identify culturally or linguistically diverse students who may need special education services.

B. Determination of Needed Initial or Reevaluation Data

As part of an initial evaluation or reevaluation, the evaluation team shall review existing evaluation data regarding the student including:

1. assessments and information provided by the parent/adult student concerning the student, including medical reports, clinical assessment or evaluation data, and other information from non-school providers;
2. current classroom-based assessments and observations, and/or data regarding the student's response to scientific, evidence-based ~~research-based~~ interventions;
3. observations by teachers and related service providers; and
4. results from statewide and district-wide ~~district wide~~ testing.

Based on that review, and input from the parent/adult student, the evaluation team will decide on a case-by-case basis what additional data, if any, are needed to determine:

1. whether the student meets State eligibility criteria as a student with a disability ~~for special education~~;
2. the student's present levels of academic and functional performance, including academic achievement and related developmental needs of the student;
3. whether the student needs specially designed instruction; or
4. whether any additions to the special education and related services are needed to enable the student to:
 - a. meet the measurable annual goals set out in the student's IEP; and
 - b. be involved in and progress in the general education curriculum (for preschool students, to participate in age-appropriate activities).

If the evaluation team determines ~~additional new~~ assessments are not required for the purpose of determining whether the student meets eligibility criteria during an ~~initial evaluation or a reevaluation~~, the district shall provide written notice to the parent/adult student of the decision and the reasons for that decision.

The parent/adult student shall also be informed of his or her right to request assessments to determine eligibility and to determine the child's educational needs. The district will provide written notice if a parental request for additional assessment is denied. ~~In the case of an initial evaluation, written consent to conduct an initial evaluation for special education must be obtained, whether or not new assessments are required.~~

C. Assessment Procedures and Instruments

The district shall ensure the evaluation or reevaluation meets the following requirements:

- ~~1. The child shall be assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, motor abilities, and transition needs.~~
- ~~2. Assessments and other materials shall be selected and administered so as not to be discriminatory on a racial or cultural basis.~~
- ~~3. Assessments and other materials shall be provided and administered in the student's native language, and in the form most likely to yield accurate information on what the student knows and can do academically, behaviorally, developmentally, and functionally unless it is not feasible to provide or administer. Attempts to provide a qualified~~

examiner in the student's native language or mode of communication shall be documented.

4. In all direct contact with a student, the language normally used by the student in the home or learning environment shall be used. For an individual with blindness or deaf or hard of hearing, or for an individual with no written language, the mode of communication is that which is normally used by the individual (e.g., sign language, Braille, or oral communication).
5. Materials used to assess a student with limited English proficiency shall be selected and administered to ensure that they measure the extent to which the student has a disability and needs special education, rather than solely measuring the student's English language skills.
6. A variety of assessment tools and strategies shall be used to gather relevant academic, developmental, behavioral, and functional information about the student, including information provided by the parent/adult student and information related to enabling the student to be involved in and progress in the general education curriculum (or, for a preschooler, to participate in age-appropriate activities).
7. Assessments are used for the purposes for which the assessments or measures are valid and reliable.
8. Assessments shall be administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests.
9. Assessments and other evaluation materials shall include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient or standard score.
10. Assessments shall be selected and administered to ensure that if a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (unless those are the factors that the test purports to measure).
11. No single measure or assessment may be used as the sole criterion for determining whether a student is a student with a disability and for determining an appropriate educational program for the student.
12. The district shall use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors in addition to physical or developmental factors.
13. The district shall provide and use assessment tools and strategies that produce relevant information that directly assists persons in determining the educational needs of the

~~student.~~

~~14. All services and assessments shall be provided at no expense to the parent/adult student.~~

~~15. Assessments of children with disabilities who transfer from one public agency to another public agency in the same school year are coordinated with the child's prior and subsequent schools to ensure prompt completion of the full evaluation.~~

~~16. The evaluation shall be full and individualized and sufficiently comprehensive to identify all of the child's special education and related service needs, whether or not commonly linked to the disability category.~~

1. The evaluation shall be individualized and sufficiently comprehensive to identify all of the child's special education and related service needs, whether or not commonly linked to the disability category. This includes, if appropriate, assessment of health, vision, hearing, social and emotional skills, general intelligence, communication, motor skills, and transition needs.
2. All assessments shall be provided at no expense to the parent/adult student.
3. The district shall provide and use assessment tools and strategies that produce relevant information that directly assists the evaluation team in determining the educational needs of the student.
4. The district shall use technically sound instruments that are valid and reliable and are tailored to measure specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient or standard score.
5. A variety of assessment tools and strategies shall be used to gather relevant academic, developmental, behavioral, and functional information about the student, including information provided by the parent/adult student and information related to enabling the student to be involved in and progress in the general education curriculum (or, for a preschooler, to participate in age-appropriate activities).
6. No single measure or assessment may be used as the sole criterion for determining whether a student is a student with a disability and for determining an appropriate educational program for the student.
7. Assessments shall be administered by qualified and knowledgeable personnel in accordance with any instructions provided by the producer of the tests.
8. Assessments and other materials shall be selected and administered so as not to be discriminatory on a racial or cultural basis.

9. Materials used to assess a student with limited English proficiency shall be selected and administered to ensure that they measure the extent to which the student has a disability and needs special education, rather than solely measuring the student's English language skills.
10. Assessments and other materials shall be provided and administered in the student's native language and in the form most likely to yield accurate information on what the student knows and can do academically, behaviorally, developmentally, and functionally unless it is not feasible to provide or administer. Attempts to provide a qualified examiner in the student's native language or mode of communication shall be documented.
11. In all direct contact with a student, the language normally used by the student in the home or learning environment shall be used. For an individual with blindness/low vision, for an individual who is deaf or hard of hearing, or for an individual with no written language, the mode of communication is that which is normally used by the individual (e.g., sign language, Braille, or oral communication).
12. Assessments shall be selected and administered to ensure that if a test is administered to a student with impaired sensory, manual, or speaking skills, the test results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's impaired sensory, manual, or speaking skills (unless those are the factors that the test purports to measure).
13. Assessments of students with disabilities who transfer from one LEA to another LEA in the same school year shall be coordinated with the student's prior and subsequent schools to ensure prompt completion of the comprehensive evaluation.

D. Eligibility Determination

1. Upon completion of the student's initial evaluation or reevaluation, the evaluation team will consider the findings and determine whether the student meets or continues to meet eligibility criteria found in Section 7 of this chapter. The evaluation team will draw upon information from a variety of sources, such as norm-referenced, standardized tests, parent/adult student input, teacher input, physical condition, social or cultural background, adaptive behavior, **behavioral performance**, and functional assessments to interpret evaluation data and determine eligibility.
2. Special Rule for Eligibility Determination

A student cannot be identified as a student with a disability if the primary reason for such a decision is:

- a. lack of appropriate instruction in reading, including the essential components of reading instruction as defined by the Elementary and Secondary Education Act— phonemic awareness; phonics; vocabulary development; reading fluency, including oral reading skills; and reading comprehension strategies;
- b. lack of appropriate instruction in math; or
- c. Limited English Proficiency

3. Related Services

Related services ~~means~~ include transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and include speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy. Related services also include counseling services, orientation and mobility services, school health services, social work services, and parent counseling and training.

An IEP team may determine that a student found eligible for special education has a need for a related service. However, if a student with a disability needs only a related service and not special education, then the student is not eligible for the related service. ~~, unless it is considered to be special education under State standards, as in the case of speech therapy and language therapy.~~ In Idaho, speech and/or language services may be considered a special education service.

E. The Eligibility Report

The evaluation team shall prepare an Eligibility Report and provide a copy of the report to the parent/adult student.

The Eligibility Report shall include:

1. names and positions of all evaluation team members;
2. information regarding the student's need for specially designed instruction (special education and related services);
3. confirmation and supporting data that the disability is not primarily due to lack of appropriate instruction in reading, including the essential components of reading — phonemic awareness; phonics; vocabulary development; reading fluency, including oral reading skills; and reading comprehension strategies; or math;
4. information about how the student's disability adversely affects his or her educational performance;

5. ~~all~~ data on the student for all areas of suspected disability as required in the State Eligibility Criteria ~~for the areas of suspected disability~~;
6. confirmation and supporting data that the student's learning difficulties are not primarily due to Limited English Proficiency;
7. the date of the eligibility determination; and
8. the name and position of all those administering assessments; ~~and~~
9. ~~I~~n the case of Specific Learning Disability eligibility determination, certification in writing that the report reflects each member's conclusions (agreement). ~~, and I~~n the case of team member disagreement with the conclusions, a written statement shall be attached to the eligibility report presenting the dissenting team member's conclusions.

Section 6. Reevaluation and Continuing Eligibility

A. Reevaluation Requirements

The LEA shall ensure that a comprehensive, individualized reevaluation of each student with a disability is conducted in accordance with all the required evaluation procedures outlined in this chapter.

A reevaluation shall occur at least once every three (3) years. The evaluation team shall complete the reevaluation consideration process and the associated form to determine whether new assessment(s) are needed for the reevaluation. The evaluation team may agree that new assessments are not required to determine eligibility. Written notice shall be provided to the parent/adult student stating this decision and the reasons for it. The parent/adult student shall be notified of the right to request new assessment(s) as part of the reevaluation. An updated Eligibility Report, documenting all eligibility criteria, shall be completed by the reevaluation due date to establish and document continuing eligibility.

The LEA shall ensure a reevaluation is conducted more frequently than every three (3) years if it is determined that the education or related service needs, including present levels of academic achievement and functional performance, of the student warrant a reevaluation; or the parent/adult student or the student's teacher requests a reevaluation.

A reevaluation may not occur more than once per year unless the parent/adult student and the district agree otherwise. If the parent makes a request within the year and the LEA does not agree, the LEA shall send written notice of refusal.

~~A reevaluation:~~

- ~~1. Shall occur at least once every three (3) years unless the parent/adult student and the~~

~~district agree in writing that a three (3) year reevaluation is not necessary; and~~

- ~~a. However, an updated Eligibility Report, documenting all eligibility criteria, shall be completed by the reevaluation due date to establish and document continuing eligibility;~~
- ~~2. a reevaluation is not required more than once per year unless the parent/adult student and the district agree otherwise. If the parent makes a request within the year and the district does not agree, the district shall send written notice of refusal.~~

~~The district shall ensure a reevaluation is conducted more frequently than every three (3) years if:~~

- ~~1. it is determined that the education or related service needs, including academic achievement and functional performance, of the student warrants a reevaluation; or~~
- ~~2. if the parent/adult student or the student's teacher requests a reevaluation.~~

B. Reevaluation Prior to Discontinuation

1. The LEA ~~district~~ shall evaluate a student with a disability before the team determines that the student is no longer eligible for special education.
 - a. If a parent/adult student refuses consent for assessment, an evaluation may be completed using existing information.
2. Reevaluation is not required in the following two circumstances:
 - a. before the ~~discontinuation termination~~ of a ~~child's student's~~ eligibility due to graduation, if the student meets comparable academic requirements that are equally as rigorous as those required of nondisabled students and receives a regular diploma;
 - b. before the discontinuation of a student's eligibility due to the student reaching maximum age (i.e., the day before their twenty-second [22nd] birthday). ~~the student has reached the end of the semester in which he or she turns twenty-one (21) years of age.~~

Note: Although a reevaluation is not required in these two cases, the district shall provide the student with a summary of his or her academic achievement and functional performance, including recommendations on how to assist the student in meeting his or her ~~post school~~ ~~post-secondary~~ goals.

See Chapter 7 for more information about Summary of Performance.

C. Informing the Parent/Adult Student

~~Approximately one month b~~ Before the reevaluation is due, contact shall be made with the parent/adult student informing him or her: ~~that:~~

1. ~~that~~ the reevaluation will be ~~scheduled conducted;~~ ~~within the month;~~ ~~unless the district and parent/adult student agree it is unnecessary;~~
2. ~~whether~~ of the decision to conduct or not conduct new assessments for the reevaluation with appropriate written notice and/or written consent based on this decision; and
3. ~~that~~ input will be sought from the parent/adult student.

~~Note: The IDEA allows the process of reviewing existing data and determining what, if any, additional assessments are required without a meeting.~~

D. Nature and Extent of Reevaluation

Before any ~~reassessment~~ reevaluation of the student, the evaluation team will determine the nature and extent of the student's needs by reviewing existing data ~~using the reevaluation consideration process and the associated form.~~ ~~See Section 5 of this chapter for more information regarding the determination of needed data.~~

Based on this review, the evaluation team will proceed with one of the following options:

1. No ~~New Assessments~~ or Additional Information Needed
 - a. If the evaluation team decides that no ~~new or~~ additional assessments are needed to determine whether the student continues to be eligible for special education services, the district shall provide written notice to the parent/adult student of ~~this decision and~~ his or her right to request further assessment.
 - b. If the parent/adult student requests ~~an new or~~ additional ~~assessments~~ ~~assessment~~ to determine whether the student continues to meet criteria for special education services under the IDEA, then the ~~LEA is required to~~ ~~district shall~~ conduct the ~~assessments~~ ~~assessment~~.
 - c. If the parent/adult student requests an additional assessment for reasons other than eligibility, such as admission to college, then the district shall consider the request and provide written notice of its decision.
2. ~~Additional~~ ~~New~~ Assessments Needed

~~Based on recommendations from~~ If the evaluation team determines that new assessments are needed, the district will seek consent to administer the needed assessments and provide the parent/adult student with written notice regarding proposed assessments. If the parent/adult student fails to respond after the district has ~~made taken~~ reasonable measures efforts to obtain consent for assessments as part of a reevaluation, the district may proceed with the assessments. The district shall maintain documentation of its measures efforts to seek consent. See section 3B of this chapter for a definition of reasonable measures efforts.

- a. If the parent/adult student denies consent to reassess, no new assessments can be conducted ~~the student cannot be assessed~~. However, an evaluation may be conducted using existing information.

~~However, t~~ The district may request SDE Idaho Department of Education mediation or a due process hearing. If the mediation results in consent to assess, or if a hearing officer's decision indicates the assessment is appropriate and there is no appeal, then the student may be assessed. All reevaluation procedures shall be provided at no cost to the parent/adult student.

- b. Informed parental consent for a reevaluation need not be obtained if the district can demonstrate through documentation that it made reasonable efforts to obtain consent and the parent/adult student has failed to respond.

E. Eligibility Report for Reevaluations

The evaluation team shall consider evaluation findings and determine whether the student continues to meet criteria for special education services.

~~The evaluation team s required to shall prepare an Eligibility Report detailing the review of existing data demonstrates that the student continues to meet eligibility requirements even if no new assessments were conducted.~~ The evaluation team shall prepare an eligibility report detailing the review of existing data, the results of new assessments, and a summary demonstrating how the student continues to meet eligibility criteria. The eligibility report shall be completed even if no new assessments were conducted. The eligibility report shall address each required eligibility component and include results of previous assessments if they are being used to determine eligibility. Refer to Section 5 of this chapter for eligibility requirements.

Section 7. State Eligibility Criteria

The LEA ~~district will shall~~ use the eligibility criteria and assessment procedures set forth ~~by the SDE Idaho Department of Education in this Manual when for placement in~~ determining

eligibility for special education. This section contains a the definition and the eligibility criteria for each specific disability that shall be used to determine whether an individual qualifies as a student with a disability in need of special education.

All disabilities except ~~Specific Learning Disability (SLD) and~~ Developmental Delay (DD) are applicable for students from the age of three (3) through the day before the student's twenty-second (22nd) birthday ~~their twenty first (21) years of age. For Specific Learning Disability, students must be legal kindergarten age through twenty one (21) years.~~ Only students ages three (3) through nine (9) can be identified in the DD category. Use of the DD category is optional for the LEA district. If the LEA district elects to use the DD category, it applies only to students from age three (3) up until their tenth (10th) birthday. ~~,in addition to the criteria outlined in this chapter.~~

A. Three-Prong Test for Eligibility

To demonstrate eligibility for special education services all three of the following criteria shall be met and documented. This is often called the three-prong test for eligibility.

The Eligibility Report shall document each of the following three criteria:

1. the student has a disability according to the established ~~Idaho~~ State eligibility criteria;
2. the student's ~~condition~~ disability adversely affects educational performance; and
3. the student needs specially designed instruction.

Definitions

State Eligibility ~~Criteria-Requirements~~: The state eligibility requirements for specific disabilities listed in this chapter.

Adverse ~~Impact~~ Effect: A determination made by the evaluation team that the student's progress is impeded by the disability to the extent that the student's educational performance measures significantly and consistently below the level of similar-age, grade-level similar age peers, preventing the student from benefiting from general education. Educational performance refers to the student's performance in academic achievement, developmental, social, emotional, behavioral, and or functional skills. The phrases "adverse impact" and "adverse effect" are used interchangeably in this Manual and have the same meaning.

Specially Designed Instruction: Special education is specially designed instruction, provided at no cost to the parents, to meet the unique needs of a student with a disability. Specially designed instruction means ~~adapted, as appropriate to meet the needs of an eligible student, the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student's disability and to ensure access of the child to the general~~

~~curriculum so that he or she can meet Idaho Content Standards that apply to all students.~~
adapting the content, methodology, or delivery of instruction to address the unique needs of an eligible student that result from the student's disability and to ensure access to the general education curriculum so that the student can meet the Idaho Content Standards that apply to all students.

B. Disability Categories

1. Autism Spectrum Disorder

Definition: An Autism Spectrum Disorder (ASD) is a developmental disability, generally evident in the early developmental period, ~~before age three (3), significantly affecting verbal or nonverbal~~ communication and social interaction, ~~characterized by the following; and adversely affecting educational performance.~~

- a. Persistent deficits in social communication and ~~social~~ interaction across multiple contexts, currently or by history.;
- b. Symptoms must be present in the early developmental period, ~~generally before age three (3), but may not become~~ fully manifest until social demands exceed limited capacities, or may be masked by learned strategies in later life.
- c. Other characteristics often associated with ~~autism~~ ASD include, but are not limited to, engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and hyper- or hypo-reactivity to sensory input.
- d. Characteristics vary from mild to severe as well as in the number of symptoms present and are not primarily the result of intellectual disability, developmental delay, or an emotional behavioral disorder.

State Eligibility Criteria for Autism Spectrum Disorder (ASD): An evaluation team will determine that a student is eligible for special education services as a student with ~~autism~~ ASD when all of the following criteria are met:

- a. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted;
- b. The student has a developmental disability, generally evident in the early developmental period, ~~before age three (3), that significantly~~ affects social communication and social interaction;
- c. The student must meet the disability definition (above) of an autism spectrum disorder as determined by an evaluation team ~~to include that includes~~ a school

- psychologist and a speech-language pathologist. The A team must consider a private evaluation or diagnosis of ASD provided by a parent from a psychiatrist, a physician, or a licensed psychologist as meeting the definition of autism spectrum disorder;
- d. The student's ~~condition~~ disability adversely affects educational performance; and
 - e. The student needs specially designed instruction.

2. ~~Visual Impairment Including~~ Blindness or Low Vision

Definition: ~~Visual impairment means an impairment in vision that, even with correction, adversely affects a student's educational performance. The term includes both partial sight and blindness. Partial sight~~ Blindness refers to the prohibition of vision as a channel of learning, regardless of the adaptation of materials. Low vision refers to the ability to use vision as one channel of learning if educational materials are adapted. ~~Blindness refers to the prohibition of vision as a channel of learning, regardless of the adaptation of materials.~~

State Eligibility Criteria for ~~Visual Impairment~~ Blindness or Low Vision: An evaluation team will determine that a student is eligible for special education services as a student with blindness or low vision ~~a visual impairment~~ when all of the following criteria are met:

- a. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted; ~~;~~
- b. The student has documentation of blindness or low vision ~~a visual impairment~~, as determined by a qualified professional, including one or more of the following:
 - i. Blindness – visual acuity of 20/200 or less in the better eye with the best possible correction at distance and/or near, or visual field restriction of 20 degrees or less in the better eye;
 - ii. ~~Visual Impairment~~ Low Vision – visual acuity better than 20/200 but worse than 20/70 in the better eye with the best possible correction at distance and/or near, or visual field restriction of 70 degree or less but better than 20 degrees in the better eye;
 - iii. Eye condition – including oculomotor apraxia, cortical visual impairment, convergence insufficiency, or other condition;
 - iv. Progressive loss of vision which may affect a student's educational performance in the future;
 - v. Functional vision loss where acuity or visual field alone may not meet the criteria above; ~~;~~
- c. The student's ~~eye condition~~ disability, even with correction, adversely affects educational performance; ~~;~~ and

- d. The student needs specially designed instruction.

3. Deaf or Hard of Hearing

Definition: Deaf or Hard of Hearing means a child with a hearing loss, whether permanent or fluctuating, that impairs the access, comprehension, and/or use of linguistic information through hearing, with or without amplification, and that adversely affects a child's educational performance.

State Eligibility Criteria for Deaf or Hard of Hearing: An evaluation team will determine that a student is eligible for special education services as a student who is deaf or hard of hearing when all of the following criteria are met:

- a. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted;-
- b. The student exhibits a hearing loss that hinders his or her ability to access, comprehend, and/or use linguistic information through hearing, with or without amplification;-
- c. The student has been diagnosed by an audiologist as having a hearing loss;-
- d. The student's ~~condition~~ disability adversely affects educational performance;-
and
- e. The student needs specially designed instruction.

4. Deaf-Blindness

Definition: A student with deaf-blindness demonstrates simultaneous both hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that the student cannot be appropriately educated with special education services designed solely for students who are deaf/hard of hearing or blind/low vision with ~~deafness or blindness~~.

State Eligibility Criteria for Deaf-Blindness: An evaluation team will determine that a student is eligible for special education services as a student with deaf-blindness when all of the following criteria are met:

- a. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted;-

- b. The student exhibits simultaneous hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that the student cannot be accommodated with special education services designed solely for students who are deaf/hard of hearing or blind/low vision ~~with deafness or blindness~~;
- c. The student is diagnosed ~~with vision loss~~ by an optometrist or ophthalmologist ~~for vision loss~~ and ~~with hearing loss~~ by an ~~otologist~~, audiologist, ~~or physician for hearing loss to make a final diagnosis as deaf blindness~~;
- d. The student's ~~condition~~ disability adversely affects educational performance; ~~and~~
- e. The student needs specially designed instruction.

5. Developmental Delay

Definition: The term developmental delay ~~may be used only for~~ refers to students ages three (3) until their tenth (10th) birthday who ~~do not clearly meet criteria for another disability category and~~ are experiencing developmental delays as measured by appropriate diagnostic instruments and procedures in one or more of the following ~~broad developmental~~ areas:

- a. cognitive development – includes ~~skills involving~~ perceptual discrimination, memory, reasoning, pre-academic/academic skills, and/or conceptual development;
- b. physical development – includes ~~skills involving~~ coordination of ~~both~~ the large and/or small muscles of the body (~~i.e., e.g.,~~ gross, fine, and perceptual motor skills);
- c. communication development – includes ~~skills involving~~ expressive and/or receptive communication abilities, verbal and/or nonverbal;
- d. social or emotional development – includes ~~skills involving~~ meaningful social interactions with adults and/or other children as well as those involved in emotional/behavioral regulation; ~~and/or~~
- e. adaptive development – includes ~~skills involved in~~ independent functioning in major life activities, as well as self-help/daily living skills (e.g., eating, dressing, toileting, etc.).

~~The category of developmental delay should not be used when the student clearly meets the eligibility criteria for another specific disability category.~~

A student cannot qualify for special education services under developmental delay beyond his or her tenth (10th) birthday unless he or she has been determined to be eligible as having a disability other than developmental delay. If the student turns ten (10) before the due date of his or her next reevaluation, the evaluation team must conduct a reevaluation to determine whether the student is eligible under another disability category prior to the student's tenth (10th) birthday.

State Eligibility Criteria for Developmental Delay: An evaluation team may determine that a student is eligible for special education services as a student with a developmental delay when all of the following criteria are met:

- a. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted;-
- b. The student is at least three (3) years of age but less than ten (10) years of age;-
- c. The student does not clearly meet the eligibility criteria for another disability category;
- d. The student has developmental and/or learning problems that are not primarily the result of limited English proficiency, or cultural difference, ~~environmental disadvantage, or economic disadvantage~~;-
- e. The student meets either of the following two criteria, in one or more of the broad developmental areas listed below as measured by a score that combines multiple data points into a summary score, such as full scale, domain, composite, index, or quotient scores in the broad developmental area of concern;

1) Criteria:

- i. The student functions at least 2.0 standard deviations below the mean in one broad developmental area (30 percent delay in age equivalency, or functions at or below the ~~3rd~~ 2nd percentile).
- ii. The student functions at least 1.5 standard deviations below the mean in two or more broad developmental areas (25 percent delay in age equivalency, or functions at or below the 7th percentile).

2) Broad Developmental Areas:

- i. Cognitive development; ~~skills (e.g., perceptual discrimination, memory, reasoning, pre-academic/academic, and conceptual development)~~;
- ii. Physical development; ~~skills (i.e., fine, gross, and perceptual motor~~

- skills);
- iii. Communication development; ~~skills (includes skills involving expressive and receptive communication abilities, both verbal and nonverbal);~~
- iv. Social or emotional development; and/or ~~skills; or~~
- v. Adaptive development; ~~skills, including daily living/self help skills.~~
- f. The student's ~~condition~~ disability adversely affects educational performance; ~~and~~
- g. The student needs specially designed instruction.

6. Emotional Behavioral Disorder

Definition: A student with an emotional behavioral disorder exhibits one or more of the following characteristics over a long period of time, and to a marked degree: ~~that adversely affects his or her educational performance:~~

- a. an inability to learn that cannot be explained by intellectual, sensory, or health factors; ~~that is not primarily the result of intellectual disability, or other health impairment~~
- b. an inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
- c. inappropriate types of behavior or feelings under normal circumstances;
- d. a general pervasive mood of unhappiness or depression;
- e. a tendency to develop physical symptoms or fears associated with personal or school problems; or
- f. Schizophrenia.

The term *does not* include students who are socially maladjusted unless it is determined they have an emotional behavioral disorder.

State Eligibility Criteria for Emotional Behavioral Disorder: An evaluation team will determine that a student is eligible for special education services as a student with emotional behavioral disorder when all of the following criteria are met:

- a. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted;-
- b. The student has been ~~documented~~ identified as exhibiting characteristics consistent with the criteria (a-f in this section) by one or more of the following: school psychologist, licensed psychologist, psychiatrist, physician, or ~~certified~~ licensed social worker;-
- c. The student has been observed exhibiting one or more of the six (6) behavioral or emotional characteristics listed in the definition of emotional behavioral disorder; ~~disability~~.
- d. The characteristic(s) has been observed:
 - 1. for a long period of time (at least 6 months); and
 - 2. by more than one knowledgeable observer; and
 - 3. in more than one setting; and
 - 4. at a level of frequency, duration, and/or intensity that is significantly different from other students' behavior in the same or similar circumstances;-
- e. The student's ~~condition~~ disability adversely affects educational performance in the area(s) of academics, peer and teacher interaction, participation in class activities, and/or classroom conduct;- and
- f. The student needs specially designed instruction.

7. Intellectual Disability

Definition: Intellectual Disability is defined as significantly subaverage intellectual functioning that exists concurrently with deficits in adaptive behavior. These deficits are manifested during the student's developmental period. ~~,and adversely affect the student's educational performance.~~

State Eligibility Criteria for Intellectual Disability: An evaluation team will determine that a student is eligible for special education services as a student with an intellectual disability when all of the following criteria are met:

- a. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted;-

- b. The student has a full-scale intelligence ~~standard~~ score or intelligence quotient (IQ) at or below a ~~standard score~~ of 70, plus or minus the standard error of measurement ~~(at the 95 percent confidence level)~~ of the test being used, ~~based on~~ ~~an~~ The assessment ~~must be conducted~~ by a licensed psychologist or certified school psychologist using an individually administered intelligence test;
- c. The student exhibits concurrent deficits in adaptive functioning unexpected for his or her age in at least two of the following areas: communication, self-care, home living, social/interpersonal skills, use of community resources, self-direction, functional academic skills, work, leisure, health, or safety. “Concurrent deficits” means 2 SD below the mean plus or minus the standard error of measurement at the 95 percent confidence level;
- d. The student’s ~~condition~~ disability adversely affects educational performance; ~~and~~
- e. The student needs specially designed instruction.

If, due to the severity and complexity of a student's disability, an IQ score cannot be obtained, the school psychologist may determine the presence of Intellectual Disability using a preponderance of evidence which must include:

- a. an explanation why an IQ score cannot be obtained;
- b. evidence supporting the presence of an Intellectual Disability; and
- c. scores indicating severe and global adaptive deficits at least two (2) standard deviations below the mean as measured by a norm-referenced assessment of adaptive skills using the global adaptive score.

This is not to be used for students who are unable or unwilling to participate in an assessment solely due to behavior.

To prevent inappropriate identification of students as having an intellectual disability, caution ~~Caution~~ is advised when assessing students with cultural ~~and~~ or language ~~issues differences to prevent inappropriate identification of these students as having an intellectual disability~~. When determining eligibility, tests measuring intellectual ability shall be used with care; that is, only those tests designed and normed for the population being tested may be used. Tests measuring intellectual ability that are translated into another language by the examiner or an interpreter yield invalid test results and shall not be used.

8. ~~Speech or Language Impairment: Language~~

Definition: A language impairment exists when there is a disorder or delay in the development of comprehension and/or the uses of spoken or written language and/or other symbol systems. The impairment may involve any one or a combination of the following:

- a. the form of language (morphological and syntactic systems);
- b. the content of language (semantic systems); and/or
- c. the function of language in communication (pragmatic systems).

A language disorder does not exist when language differences are due to non-standard English or regional dialect or when the evaluator cannot rule out environmental, cultural, or economic disadvantage as primary factors causing the impairment. If hearing may be an issue, the evaluation team should consider whether a hearing screening should be conducted, if one has not previously been completed. ~~The evaluation team is encouraged to ask if a hearing screening has been completed.~~ If the student has or is suspected of having hearing loss, the team must consider consulting the District Audiologist and Deaf and Hard of Hearing Teacher and/or Idaho Educational Services for the Deaf and Blind (IESDB). If the criteria for Deaf or Hard of Hearing have not been met, the student can be considered as having a Language Impairment when the criteria below are met. ~~if the criteria for.~~

State Eligibility Criteria for Language Impairment: An evaluation team will determine that a student is eligible for special education and related services as a student who has a language impairment when all of the following criteria are met:

- a. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.
- b. At least two procedures, ~~at least~~ one of which yields a standard score, are used to assess receptive language and/or expressive language.
- c. The student has attained scores on a standardized measure that are 1.5 standard deviations or more below the mean, ~~or~~ at or below the 7th percentile, in either receptive or expressive language.
- d. The student's disability adversely affects educational performance.
- e. The student needs specially designed instruction. (~~Speech/L~~Language therapy can be considered a special education service or ~~specially designed instruction or~~ a related service.)

Caution is advised when evaluating a student whose ~~native~~ primary language is other than English. The acquisition of the English language is not to be mistaken as a language impairment. When assessing a student whose primary language is not English and an appropriate standardized measure is not available in the student's primary language, the speech language pathologist may determine the presence of Language Impairment using a preponderance of evidence which must include:

- a. information regarding the student's language history and background (e.g., language exposure for all languages spoken, age of acquisition for each

- language, use of each language);
- b. developmental history, in order to consider patterns of development and to determine if other areas of development should also be considered during the evaluation;
 - c. assessment in both languages to differentiate between language difference and a Language Impairment. The assessment may include the following:
 - 1. Standardized measures if they are culturally and linguistically appropriate and available in the student's primary language. The administration of these assessments should follow the guidelines of the testing manuals and be administered by a person competent in the language being assessed. An interpreter should not be used to translate a standardized language assessment not designed for the population represented by the student. Note: If there are not culturally and linguistically appropriate standardized tests available, the preponderance of evidence takes the place of required standardized assessment scores listed in the Language Impairment eligibility criteria.
 - 2. Dynamic Assessment, a pretest-intervention-posttest approach to evaluate a student's learning of language. It is an approach that focuses on how a child learns and responds to instruction.
 - d. peer comparison information;
 - e. parent and teacher reports regarding the student's language use and performance in different settings; and
 - f. information regarding cultural considerations that may impact language development and assessment (e.g., cultural values, beliefs, practices, and dialect differences).

Required evidence (listed above) supporting the presence of a Language Impairment for multilingual learners must be present in the Eligibility Report.

NOTE: A student may receive language services if he or she is eligible for special education under another disability category and needs language services as a related service in order to benefit from special education without meeting the eligibility criteria for Language Impairment. As a special education or related service under another eligibility category, there is no specific score that indicates the need or lack of need for language therapy.

9. Multiple Disabilities

Definition: Multiple disabilities are two or more co-existing, severe impairments, one of which usually includes an intellectual disability, such as intellectual disability/blindness, intellectual disability/orthopedic impairment, etc. Students with multiple disabilities exhibit impairments that are ~~likely to be~~ life long, significantly interfere with independent functioning, and ~~may~~ necessitate environmental accommodations or adaptations to enable the student to participate in school and society. ~~The term does not include deaf-blindness.~~

If the student meets eligibility criteria for both Deaf or Hard of Hearing and Blind or Low Vision, the student would be identified under Deaf-Blindness, not Multiple Disabilities. However, a student who meets criteria under Deaf-Blindness and another disability listed below may meet the criteria for Multiple Disabilities.

One of the disabilities included must be:

Autism;
Blind or Low Vision;
Deaf or Hard of Hearing;
Deaf-Blindness;
Intellectual Disability; or
Orthopedic Impairment.

One of the disabilities may not include:

Developmental Delay;
Language Impairment.
Specific Learning Disability; or
Speech Impairment.

State Eligibility Criteria for Multiple Disabilities: An evaluation team will determine that a student is eligible for special education services as a student with multiple disabilities when all of the following criteria are met:

- a. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted;-
- b. The student meets eligibility criteria for severe-~~concomitant~~ co-existing impairments as defined above, the combination of which causes such significant educational problems that the student cannot be accommodated by special education services designed solely for one of the disabilities;-
- c. The student meets State eligibility criteria ~~Eligibility Criteria~~ as outlined for each disability category;-
- d. The student's ~~condition~~ disability adversely affects educational performance;- and

- e. The student needs specially designed instruction.

10. Orthopedic Impairment

Definition: Orthopedic impairment means a severe physical limitation ~~that adversely affects a student's educational performance.~~ The term includes impairments caused by congenital anomaly (clubfoot, absence of an appendage, etc.), an impairment caused by disease (poliomyelitis, bone tuberculosis, etc.), ~~or~~ and an impairment from other causes (cerebral palsy, amputations, and fractures or burns that cause contractures).

State Eligibility Criteria for Orthopedic Impairment: An evaluation team will determine that a student is eligible for special education services as a student with an orthopedic impairment when all of the following criteria are met:

- a. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted;-
- b. The student exhibits a severe orthopedic impairment. The term includes congenital anomalies, impairments caused by disease, and impairments from other causes that are so severe as to require special education services;-
- c. The student has documentation of the condition by a physician or other qualified professional;-
- d. The student's ~~condition~~ disability adversely affects educational performance;-
and
- e. The student needs specially designed instruction.

11. Other Health Impairment (OHI)

Definition: A student classified as having Other Health Impairment exhibits limited strength, vitality, or alertness, including heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems. These health problems may include, but are not limited to, asthma, ~~attention deficit disorder (ADD),~~ attention deficit hyperactivity disorder (ADHD), cancer, diabetes, epilepsy, Fetal Alcohol Syndrome, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, Tourette syndrome, and stroke. ~~to such a degree that it adversely affects the student's educational performance.~~

A student with ~~ADD/ADHD~~ may also be eligible under another category (generally **Specific Learning Disability** ~~specific learning disability~~ or **Emotional Behavioral Disorder** ~~emotional behavioral disorder~~) if he or she meets the criteria for that other category and needs special

education and related services. All students with a diagnosis of ~~ADD~~/ADHD are not necessarily eligible to receive special education under the IDEA, just as all students who have one of the other conditions listed under **Other Health Impairment** ~~other health impairment~~ are not necessarily eligible, unless it is determined **the disability** adversely affects educational performance and **the student** requires specially designed instruction.

State Eligibility Criteria for Other Health Impairment: An evaluation team will determine that a student is eligible for special education services as a student with an Other Health Impairment when all of the following criteria are met:

- a. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted;-
- b. The student exhibits limited strength, vitality, or alertness, including heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems;-
- c. The student has been diagnosed by a physician with a condition consistent with an Other Health Impairment **as** described above. In the case of ~~ADD~~/ADHD, an educational determination may be provided by a school psychologist. Diagnosis from a licensed psychologist or other diagnostician **provided to the LEA** must be considered by the evaluation team;-
- d. The student's ~~condition~~ **disability** adversely affects educational performance;- **and**
- e. The student needs specially designed instruction.

Educational Determination of ADHD: Attention-deficit/hyperactivity disorder (ADHD) is a condition characterized by an ongoing pattern of inattentive, hyperactive, and/or impulsive behaviors manifested to a significant degree, over time, and in more than one setting. While school personnel are not typically qualified to make a formal, clinical diagnosis of ADHD, an educational determination may be made by a certified school psychologist.

It is important that evaluation teams draw from a variety of sources of information to gather the most comprehensive view of the student's performance across environments. There is no single assessment or measure that identifies ADHD. An educational determination of ADHD must include:

1. Observation of the student in the general education classroom setting as well as any other educational settings in which the student's educational performance may be impacted;
2. Review of the student's educational, family, and medical history;

3. Formal assessment(s) comparing the student's inattentive, hyperactive, and/or impulsive behavior to that of other students of the same sex and age (rating scales, continuous performance assessments, etc.); and
4. Informal assessment(s) such as interviews, review of classroom work, feedback from staff or parents, behavior trackers, etc.

The school psychologist, in conjunction with the evaluation team, should also consider whether the following assessments are needed when making an educational determination of ADHD:

1. Intellectual/cognitive assessment;
2. Speech or Language assessment;
3. Vision assessment;
4. Hearing assessment; and/or
5. Other assessments that may be necessary to support decision and/or rule out other conditions that may be impacting the student's educational performance.

An educational determination of ADHD should not be used to avoid consideration of another category that may better explain the student's learning difficulties.

12. Specific Learning Disability

Definition: Specific Learning Disability (SLD) 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 conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

IDEA recognizes dyslexia as a type of SLD. [The International Dyslexia Association](#) states that **dyslexia is** characterized by "difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction." When considering SLD, particularly in the areas of Basic Reading Skills and Reading Fluency, the evaluation team may determine if there is a need to conduct assessment(s) specific to dyslexia.

Specific Learning Disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, ~~of~~ intellectual disability, ~~of~~ emotional behavioral disorder, or ~~of~~ environmental, cultural, or economic disadvantage.

State Eligibility Criteria for Specific Learning Disability: In determining whether a student child has ~~an SLD~~ a Specific Learning Disability, the ~~child~~ student must meet, at a minimum, the following criteria:

a. **Exclusionary Factors.** The student's lack of achievement is not primarily the result of:

- 1) A visual, hearing, or motor impairment;
- 2) Intellectual disability;
- 3) Emotional behavioral disorder;
- 4) Environmental, cultural or economic disadvantage;
- 5) Limited English Proficiency;
- 6) A lack of appropriate instruction in reading, including the essential components of reading; and/or
- 7) A lack of appropriate instruction in math.

AND

b. **Evidence of Low Achievement.** The student demonstrates low achievement in the area(s) of suspected disability listed below as evidenced by a norm-referenced, standardized achievement assessment in the area(s) of:

- 1) Oral expression;
- 2) Listening comprehension;
- 3) Written expression;
- 4) Basic reading skills;
- 5) Reading comprehension;
- 6) Reading fluency;
- 7) Mathematics calculation; and/or
- 8) Mathematics problem solving.

AND

c. **Observation.** The student has been observed in their learning environment to document academic performance and behavior in ~~the~~ each area(s) of concern.

AND

d. **Response to Intervention OR Pattern of Strengths and Weaknesses.**

1) Response to Intervention. The student does not make sufficient progress in response to effective, evidence-based instruction and intervention for the student's age or to meet state-approved, grade-level standards in one or more of the following areas:

- 1) Oral expression;

- 2) Listening comprehension;
- 3) Written expression;
- 4) Basic reading skills;
- 5) Reading comprehension;
- 6) Reading fluency;
- 7) Mathematics calculation; and/or
- 8) Mathematics problem solving.

OR

2) Pattern of Strengths and Weaknesses. The student demonstrates a pattern of strengths and weaknesses in psychological processing skills that impact learning.

AND

e. **Adverse Impact.** The disability adversely impacts the student's educational performance.

AND

f. **Need for Specially Designed Instruction.** The student **requires needs** specially designed instruction.

Required Evidence

Required Evidence. The evaluation for determining initial Specific Learning Disability eligibility and requirements for parent notification and involvement shall be conducted in accordance with the procedures detailed in Chapter 4 of this Manual. To demonstrate initial student eligibility under this category, the following evidence must be provided:

a. **Exclusionary Factors.** The team must provide evidence that the student's learning difficulty is not primarily the result of:

- 1) A visual, hearing, or motor impairment;
If prior to or during the *Referral to Consider a Special Education Evaluation* process, a vision, hearing, and/or motor impairment was suspected or identified as an area of concern for the student, provide evidence that such impairment is not the primary factor in the student's learning difficulties.
- 2) Intellectual disability;

Provide evidence that the student does not have an intellectual disability that is best served under the category of Intellectual Disability as defined in this *Manual*.

3) Emotional behavioral disorder;

If prior to or during the *Referral to Consider a Special Education Evaluation* process, an emotional behavioral disorder was suspected or identified as an area of concern for the student, provide evidence that such impairment is not the primary factor in the student's learning difficulties.

4) Environmental, cultural or economic disadvantage;

If prior to or during the *Referral to Consider a Special Education Evaluation* process, an environmental, cultural, and/or economic disadvantage was suspected or identified as an area of concern for the student, provide evidence that such factors are not the primary factor(s) in the student's learning difficulties.

5) Limited English Proficiency;

If the student is an English Learner, provide evidence that English language acquisition is not the primary factor in the student's learning difficulties. ~~If the student is an English Learner,~~ and provide evidence that the student received meaningful and equitable access to general education curriculum and English Learner services.

6) A lack of appropriate instruction in reading, including the essential components of reading; or

Attendance. Provide evidence that the student has attended school regularly. If the student meets the criteria as a student who is or has been chronically absent, provide evidence that attendance is not the primary factor in the student's learning difficulties.

General Education Instruction. Provide evidence that the student has received grade-level, standards-aligned instruction in the regular education setting in reading. If the student has not received grade-level, standards-aligned instruction in reading, provide evidence that lack of access to general education instruction in reading is not the primary factor in the student's learning difficulties.

Qualified Personnel. Provide evidence that the student has received grade-level, standards-aligned instruction in the regular education setting in reading from a qualified teacher. If the student has not received grade-level, standards-aligned instruction in reading from a certified teacher, provide evidence that lack of instruction from qualified personnel in reading is not the primary factor in the student's learning difficulties.

7) A lack of appropriate instruction in math.

Attendance. Provide evidence that the student has attended school regularly. If the student meets the criteria as a student who is or has been chronically absent, provide evidence that attendance is not the primary factor in the student's learning difficulties.

General Education Instruction. Provide evidence that the student has received grade-level, standards-aligned instruction in the regular education setting in math. If the student has not received grade-level, standards-aligned instruction in math, provide evidence that lack of access to general education instruction in math is not the primary factor in the student's learning difficulties.

Qualified Personnel. Provide evidence that the student has received grade-level, standards-aligned instruction in the regular education setting in math from a qualified teacher. If the student has not received grade-level, standards-aligned instruction in math from a certified teacher, provide evidence that lack of instruction from qualified personnel in math is not the primary factor in the student's learning difficulties.

AND

b. **Evidence of Low Achievement.** Provide evidence of low achievement in each area of concern. These include:

- 1) Oral expression;
- 2) Listening comprehension;
- 3) Written expression;
- 4) Basic reading skills;
- 5) Reading comprehension;
- 6) Reading fluency;
- 7) Mathematics calculation; and/or

8) Mathematics problem solving.

This evidence must indicate performance that is significantly below the mean on a norm-referenced, standardized academic achievement assessment in each area of concern. Significantly below the mean is defined as 1.5 standard deviations (SD) below the mean, with a standard score (SS) of 78 or lower. When the preponderance of evidence indicates the likely presence of a Specific Learning Disability (SLD), a more lenient threshold of 1.0 standard deviations below the mean or a standard score of 85 or lower may be used.

Scores must be reported for each area of concern using:

- 1) A cluster or composite score comprised of two or more subtests; or
- 2) Two or more subtest scores.

There are cases when the use of norm-referenced assessment is not appropriate. For example, this may not be appropriate for students who are culturally and linguistically diverse. In such cases, teams may consider the preponderance of evidence when providing evidence of low achievement.

AND

c. **Observation.** Provide a record of an observation in the student's learning environment (including the regular education setting) of the student's behavior and academic performance in EACH academic area of concern. The observation(s) must be conducted by an evaluation team member other than the student's general education teacher and may be conducted in one or both of the following ways:

- 1) Use information from an existing, current, and relevant observation in routine classroom instruction and monitoring of the student's performance that was conducted before the student was referred for an evaluation; or
- 2) Have at least one member of the team conduct observation(s) after the student has been referred for an evaluation and written parental consent has been obtained.

AND

d. **Response to Intervention OR Pattern of Strengths and Weaknesses in Psychological Processing.** All students being considered for Specific Learning Disability must

participate in grade-level instruction **delivered by qualified personnel** and evidence-based intervention in general education in a tiered system of support (e.g., RTI or MTSS) prior to or as part of the referral process. Provide documentation of either failure to respond to scientific, evidence-based intervention (RTI) or the presence of a pattern of processing strengths and weaknesses that impact learning.

*Provide evidence for items 1 and 2. Then provide evidence for **either** item 3 **OR** item 4, listed below.*

1) Parent Notification of General Education Instruction and Intervention.

Documentation that prior to or as part of the intervention and referral process, parents were notified about:

- a. The state's policies regarding the amount and nature of student performance data collected and the general education services provided;
- b. Strategies for increasing the student's rate of learning; and
- c. The parents' right to request an evaluation.

This requirement may be met by providing such notification to parents using the document provided by the Idaho Department of Education or through an LEA-created document that addresses the above-listed requirements.

2) Effectiveness of Core Curriculum. Provide documentation that instruction in the core curriculum is effective for most students. This is demonstrated using current data that helps establish that the grade-level, standards-aligned core curriculum is effective for most (50% plus 1) students based on growth and/or proficiency.

If the referred student belongs to a population of students whose performance is regularly disaggregated, data for the disaggregated group shall also be reviewed and considered.

3) Option 1: Response to Intervention. Provide evidence that the student failed to respond to scientific, evidence-based intervention in specific area(s) of concern.

- a. Provide a description of each targeted intervention that was provided to address specific skill deficit(s) in each area of concern; and

- b. Provide evidence that progress was monitored on identified skill deficits in each area of concern using a standardized, norm-referenced or criterion-referenced progress monitoring measure.
 - i. For each area of concern, provide information about the progress made during the intervention(s). The information must include a visual representation (e.g., graph or table) and description of each of the following:
 1. Aimline;
 2. Trendline;
 3. Decision points;
 4. The student's rate of improvement; and
 5. National or local norms describing expected performance for grade level peers.
 - ii. Provide a summary of how the evaluation team used this information to determine that the student has not made sufficient progress toward grade-level expectations and performs significantly and consistently below grade level peers.

OR

- 4) **Option 2:** Pattern of Processing Strengths and Weaknesses. Provide evidence of a pattern of strengths and weaknesses in psychological processing skills that impact learning.

Provide evidence that the student's psychological processing skills are linked to the failure to achieve adequately in the academic area(s) of concern. Evidence must rely on standardized assessments. These assessments must be conducted by a professional who is qualified to administer and interpret the assessment results. The student's performance on a psychological processing assessment demonstrates a pattern of strengths and weaknesses that ~~helps~~ help explain why and how the student's learning difficulties occur. Such tests may include measures of memory, phonological skills, processing speed as well as other measures which explicitly test psychological processing.

- a. Report and describe processing strengths and weaknesses.

- b. Provide a description of how the identified pattern of strengths and weaknesses ~~helps help~~ explain learning difficulties in the area(s) of concern.

AND

- e. **Adverse Effect.** The disability adversely affects the student's educational performance.

AND

- f. **Need for Specially Designed Instruction.** The student ~~requires needs~~ specially designed instruction.

13. ~~Speech or Language Impairment; Speech~~

The term speech impairment includes articulation/phonology disorders, voice disorders, or fluency disorders that adversely impact a child's educational performance. The following eligibility criteria and minimum assessment procedures have been established for all three types of speech impairments.

a. **Articulation/Phonology Disorder**

Definition: Articulation is the ability to speak distinctly and connectedly. Articulation disorders are incorrect productions of speech sounds including omissions, distortions, substitutions, and/or additions that may interfere with intelligibility. Phonology is the process used in our language that has common elements (sound patterns) that affect different sounds. Phonology disorders are errors involving phonemes, sound patterns, and the rules governing their combinations.

- 1) An articulation/phonology disorder exists when:
 - i. the disorder is exhibited by omissions, distortions, substitutions, or additions;
 - ii. the articulation interferes with communication ~~and calls attention to itself~~; and
 - iii. the disorder adversely affects educational or developmental performance.
- 2) An articulation/phonology disorder does not exist when:
 - i. errors are temporary in nature or are due to temporary conditions such as dental changes;

- ii. differences are due to culture, bilingualism or dialect, or from being non-English speaking; or
- iii. there are delays in developing the ability to articulate only the most difficult blends of sound or consonants within the broad range for the student's age.

State Eligibility Criteria for Articulation/Phonology Disorder: An evaluation team will determine that a student is eligible for special education and related services as a student who has an articulation/phonology disorder (speech impairment) when all of the following criteria are met:

- 1) An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.
- 2) At least two procedures are used to assess the student, one of which yields a standard score.
- 3) The student must have a score that is at least 1.5 standard deviations below the mean, ~~or~~ at or below the 7th percentile, on a standardized articulation/phonological assessment, or the speech impairment is judged as moderate on the standardized measure. ~~for students ages three (3) through twenty-one (21) years.~~
- 4) The student's disability adversely affects educational performance.
- 5) The student needs specially designed instruction. (Speech/~~language~~ therapy ~~can be considered a special education service or specially designed instruction or~~ a related service.)

b. Fluency Disorder

Definition: A fluency disorder consists of stoppages in the flow of speech that ~~is~~ **are** abnormally frequent and/or abnormally long. The stoppages usually take the form of repetitions of sounds, syllables, or single syllable words; prolongations of sounds; or blockages of airflow and/or voicing in speech.

- 1) A fluency disorder exists when an abnormal rate of speaking, speech, interruptions, repetitions, prolongations, blockages of airflow and/or voicing interferes with effective communication.
- 2) A fluency disorder does not exist when developmental dysfluencies are part of normal speech development and do not interfere with educational or developmental performance.

State Eligibility Criteria for Fluency Disorder: An evaluation team will determine that an individual is eligible for special education and related services as a student who has a fluency

disorder (speech impairment) when all of the following criteria are met:

- 1) An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.
- 2) The student has a fluency rating of moderate or severe on the Fluency Communication Rating Scale for the student's age. ~~three (3) through twenty-one (21) years~~. See the documents and resources provided on the [SDE Idaho Department of Education website](#) under ~~section of this~~ Chapter 4 for the Fluency Communication Rating Scale.
- 3) The student's disability adversely affects educational performance.
- 4) The student needs specially designed instruction. (Speech/~~language~~ therapy [can be considered a special education service](#) or ~~specially designed instruction or~~ a related service.)

c. Voice Disorder

Definition: Voice disorders are the absence or abnormal production of voice quality, pitch, intensity, or resonance. Voice disorders may be the result of a functional or an organic condition.

A student who has a suspected laryngeal-based voice disorder and has not been evaluated by an ear, nose, and throat (ENT) physician (otorhinolaryngologist/otolaryngologist) may not receive voice therapy services from a speech-language pathologist.

- 1) A voice disorder exists when the vocal characteristics of quality, pitch, intensity, or resonance:
 - i. interfere with communication;
 - ii. draw unfavorable attention to the speaker;
 - iii. adversely affect the speaker or listener; or
 - iv. are inappropriate to the age and gender of the speaker.
- 2) A voice disorder ~~does not exist~~ **exists** when the vocal characteristics of quality, pitch, intensity, or resonance:
 - i. are the result of temporary physical factors such as allergies, colds, or abnormal tonsils or adenoids;
 - ii. are the result of regional dialectic or cultural differences or economic disadvantage; or

iii. do not interfere with educational or developmental performance.

State Eligibility Criteria for Voice Disorder: An evaluation team will determine that a student is eligible for special education and related services as a student who has a voice disorder (speech impairment) when all of the following criteria are met:

- 1) An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted.
- 2) The student has a voice production rating of moderate or severe on the Voice Rating Scale. ~~for students aged three (3) through twenty-one (21) years.~~ See the documents [and resources provided on the SDE Idaho Department of Education website under section of this Chapter 4](#) for the Voice Rating Scale.
- 3) An ear, nose, and throat (ENT) physician's (otorhinolaryngologist) statement documents that voice therapy is not contraindicated.
- 4) The student's disability adversely affects educational performance.
- 5) The student needs specially designed instruction. (Speech ~~/language~~ therapy [can be considered a special education service or specially designed instruction or](#) a related service.)

See the documents [and resources provided on the SDE Idaho Department of Education website under section of this Chapter 4](#) for information on documenting adverse effects on educational performance for students with speech ~~/language~~ disorders.

NOTE: A student may receive speech ~~or language~~ services if he or she is eligible for special education under another disability category and needs speech ~~or language~~ services as a related service in order to benefit from special education without meeting the eligibility criteria for speech ~~and language~~ impairment. [As a special education or related service under another eligibility category, there is no specific score that indicates the need or lack of need for speech therapy.](#)

14. Traumatic Brain Injury (TBI)

Definition: Traumatic brain injury means an acquired injury to the brain caused by an external physical force resulting in a total or partial functional disability or psychosocial impairment, or both, ~~that adversely affects educational performance.~~ The term applies to open or closed head injuries resulting in impairments in one or more areas such as cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functions, information processing, and ~~/or~~ speech. The term does not apply to congenital or degenerative brain injuries or to brain injuries induced by birth trauma.

State Eligibility Criteria for Traumatic Brain Injury: An evaluation team will determine that a student is eligible for special education services as a student who has a traumatic brain injury when all of the following criteria are met:

- a. An evaluation that meets the procedures outlined in Section 5 of this chapter has been conducted;-
- b. The student has an acquired injury to the brain caused by an external physical force resulting in a total or partial functional disability or psychosocial impairment, or both;-
- c. The student has **medical** documentation of a traumatic brain injury;-
- d. The student's ~~condition~~ **disability** adversely affects educational performance;-
and
- e. The student needs specially designed instruction.

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