

# Special Education Eligibility and Evaluation Standards

The [Standards](#) are to be used in initial eligibility determinations, re-evaluations, and considerations of exit from special education for learners ages 3-21. They describe the process to determine whether a child has a disability and needs special education. This document is not meant to replace the full Standards document, but rather to be used as a quick summary guide to the Standards.

## **Standard 1: Qualified professionals must be part of all decisions about a child’s special education eligibility**

A group of qualified professionals (as described in this Standard and who are knowledgeable of these Standards) and the parents of the child, determine whether a child is or continues to be an eligible individual. Typically, this group contains all members listed in the rule describing the required members of an IEP team.

## **Standard 2: All special education decisions are based on sound data**

Eligibility and service decisions must be based on comprehensive, valid, reliable, and objective information (i.e., “sound data”). The nature of the required information may vary based on the areas of concern; however, all areas of concern must be addressed with data. Data must come from multiple sources and the team must consider data from the learner’s educational setting (e.g., information provided by teachers, about the educational expectations, about the learner’s functioning in their educational setting). One must not disregard otherwise sound data solely because it was gathered by non-educators.

## **Standard 3: When a public agency suspects that a child might have a disability that might require special education, the agency seeks parental consent for an initial evaluation**

Whenever a public agency suspects a child of being eligible, it must seek parental consent for an evaluation. A public agency cannot delay acting on its suspicions because it has not completed a predetermined number of “tiers” or “levels” of intervention. If a parent requests an evaluation, the public agency must consider the parent’s request and determine whether it suspects a disability. If it suspects a disability, it seeks parental consent. If it does not suspect a disability, it provides the parent a prior written notice, explaining why it does not suspect a disability.

## **Standard 4: Children and parents receive procedural protections whenever special education eligibility is questioned, reviewed, or established**

Each public agency must provide the IDEA’s procedural safeguards to parents during all processes relating to a child’s eligibility. These procedural safeguards are in addition to the parents’ right to provide information in the evaluation process and the public agencies’ obligations to seek it. Procedural safeguards includes the following parent rights; to participate in decisions, to give or refuse consent, to information, to Independent Educational Evaluations, to receive Prior Written Notices, to use Dispute Resolution options, and Transfer of Rights.

## **Standard 5: Evaluations are fair, thorough and comply with the requirements of special education law**

The law requires that special education evaluations be fair to students of all backgrounds, thorough enough to cover all areas of suspected disability, and comply with other provisions of the law. If an evaluation does not do so, in addition to not being legally defensible, the information obtained from that evaluation is unreliable and inadequate to make an eligibility determination.

## **Standard 6: To be eligible for special education, a child must have a “disability”**

What is a Disability? While the particular characteristics of each of the IDEA’s disability categories vary, all categories have the following core concepts: (1) a physical or mental condition that (2) adversely affects educational performance and (3) that is not primarily due to lack of opportunity to learn and/or cultural or language differences (see Standard Seven). In Iowa, teams use performance domains to analyze the “physical or mental condition” component. Those domains are: Academic, Social Emotional Behavior, Adaptive Behavior, Physical, Health, Vision, Hearing, and Communication. In Iowa, disability is determined by progress and discrepancy.

## **Standard 7: If a child’s low performance is due to lack of opportunity to learn or due to cultural or language difference, the child does not have a “disability”**

State and federal law demand that, to be eligible for special education, a child must have a disability that requires special education. If something other than a disability causes a child’s low performance, the child’s low performance is not addressed with special education services or resources. It is to be addressed with other means.

## **Standard 8: A child’s disability must cause a need for special education before the child is eligible for special education**

Special education is defined as specially designed instruction (SDI) to meet a child’s unique needs. Specially designed instruction is adapting the content, methodology, or delivery of instruction to address the unique needs of the child that result from the child’s disability and to ensure access of the child to the general curriculum. Special education also includes instruction from support service providers (e.g., speech and language, OT, PT, etc.), and instruction in physical education, vocational education, and travel training.

## **Standard 9: A child’s evaluation determines and describes the eligible individual’s special education needs**

Aside from determining whether a child is eligible for special education, the evaluation process is to determine the nature of the child’s special education needs. If a child needs special education, the evaluation describes what those needs are.

## **Standard 10: If a child is eligible for special education services, the child’s IEP team uses evaluation data to draft an IEP that addresses the needs identified in the evaluation**

The child’s IEP team uses the evaluation data to draft an IEP containing measurable goals to address each of the child’s needs (see Standard Nine), which are aligned to the general curriculum and which contain rules for monitoring the child’s progress toward those goals.