

# Initial Eligibility

### Referral

- Initiated by parent
- Initiated by school team

### Assessments are Conducted

- To include a variety of sources
- Evaluation reports are produced

The IEP Team determines if a student is eligible as a student with an educational disability

- The team completes supplemental forms to determine eligibility

### Determination of Need for Assessment

- Team determines there is not a need for additional data and the team **does not** suspect an educational disability
- Team determines that additional data is needed and that an educational disability is suspected

### Assessments are Reviewed by an IEP Team

If a student is eligible, an initial IEP is developed

# Overview of the Process

# General Information

- Not all students who have educational difficulties are suspected of having a disability, and the student's school should attempt various general education interventions before referring a student to an IEP team.

## Referral

- Initiated by parent
- Initiated by school team



# Referral (Who makes it?)

- When a student is suspected of having a disability and may need special education, the person suspecting the disability should refer the student to an IEP team (may be initiated by a school staff member, school intervention team, state education agency, or any other state agency, or the parent of the student)
- Upon receipt of a referral, the school staff will promptly schedule an IEP team eligibility meeting to review the referral and determine whether assessments are necessary.
- Any referral for a student currently enrolled in a HCPSS school received at the Central Office will be forwarded promptly to the correct school or program.

# Referral (What should it say?)

- There is no particular format required for the **written** referral. School staff should use the form titled *School Referral to the Individualized Education Program (IEP) Team* and a parent should be directed to complete the form titled *Referral for a Student Suspected of Having a Disability* (there is also a preschool version).
- It is recommended that the referral include:
  - the name of the student suspected of having a disability
  - the suspected disability
  - the name, address, and telephone number of the person making the referral
  - and the date of the referral



### Determination of Need for Assessment

- Team determines there is not a need for additional data and the team **does not** suspect an educational disability
- Team determines that additional data is needed and that an educational disability is suspected

# Determination of Need for Assessment

- The IEP team must review the referral, the available classroom and other related data, and determine whether assessments are necessary to determine eligibility for special education and related services.
- In making decisions regarding a student's possible need for special education, the IEP team must consider environmental, cultural, and economic differences that may impact the student's educational performance. The team must also consider evidence that the student is being taught at the appropriate instructional level.



# Possible Data to Review at Initial IEP Meeting

## Existing School-based Data

- School Referral to the IEP Team form
- Teacher Report form from each teacher
- Questionnaires completed by teachers for related service providers
- State and local assessments
- Observations by teachers
- Classroom-based assessments
- Work samples
- Instructional interventions and strategies that are relevant to the areas of concern
- Unit or quarterly assessment data in reading and mathematics
- Previously administered informal reading inventories
- Review of the student record

## Parent provided Data

- Parent Questionnaire
- Referral for a Student Suspected of Having a Disability form or the Referral for a Preschool or Kindergarten Age Child Suspected of Having a Disability form
- Pertinent medical records, including medications
- Outside agency reports
- Reports from independent evaluators
- Tutoring data

# Possible Outcomes of the IEP1 Meeting

1. **Gather Additional Data:** The IEP team may decide to gather additional data prior to determining the need for assessment. Written parental consent is NOT required before reviewing existing data. The IEP team is required to convene another IEP team meeting to review the additional data. The gathering of additional data shall be completed in an expedited manner. During this period the initial eligibility timelines continue.

2. **Recommend Assessments:** The IEP team may recommend assessments as part of a comprehensive evaluation, in all areas related to the suspected disability or disabilities, that will address the questions formulated by the IEP team. IEP team questions may include:

Is the student a student with an educational disability? What are the suspected educational disabilities? What are the student's educational needs? What does the student require in order to be involved in and progress in the general curriculum, or, for preschool students, to participate in appropriate activities? What special education and related service(s) are needed by the student, regardless of whether the need is commonly linked to the student's disability?

3. **Refer to School Problem Solving Team:** If the IEP team determines that no additional data are needed and if the team does not suspect a disability that requires special education and related services, recommendations shall be made to address current concerns regarding the student's educational performance. The IEP team may refer the student to the school's collaborative, problem-solving team for consideration of appropriate interventions or actions.

# If the team determines there is not a need for assessment...

- If the team does not recommend assessments or refuses to complete assessments requested by the parent, the IEP team must provide the parent with written notice regarding the decisions and an explanation as to why the team refuses to complete the assessments.
- A full written explanation of the actions proposed and the decisions of the IEP team must be provided to the parent through the *IEP Team Meeting Report* (prior written notice).
- If the parent disagrees with the IEP team's decision, the IEP chairperson shall refer the parent to the section Resolving Disagreements in the Parental Rights, Maryland Procedural Safeguards Notice.



# Parent Consent

- Written parental consent is required when a student who is suspected of having a disability is administered individual measures not given to all students in a school, grade, or class.
- Informed consent means a parent has been fully informed of all information regarding the requested assessments in the parent's native language or other mode of communication.
- A parent's consent for initial evaluation does not mean the parent also gives consent for the public agency to start providing early intervention or special education and related services to their child.

## Assessments are Conducted

- To include a variety of sources
- Evaluation reports are produced



# Timeline Requirements

All assessments for an initial evaluation must be recommended and completed concurrently within the mandated timelines of 60-calendar days from receipt of parental consent for assessments or 90 days from receipt of written referral, whichever date occurs first.

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# Assessments are Conducted

- The student shall be assessed in all areas of suspected disability.
- The IEP team and individual assessors must use a variety of assessment tools and strategies to gather relevant, functional, developmental, and academic information including information from the parent to enable the IEP team to determine:
  - if the student is a student with a disability
  - the student's educational needs
  - the content of the student's IEP including information related to enabling the student to be involved in and make progress in the general education curriculum, or for prekindergarten children, to participate in appropriate activities
  - each special education and related service needed by a student, regardless of whether the need is commonly linked to the student's disability



Assessment are  
Reviewed by an IEP Team

# Assessments are Reviewed

- The evaluation summary includes performance in each area of suspected disability; relevant functional, cognitive, developmental, behavioral, and physical information; and instructional implications for the child's participation in the general curriculum.
- The written report shall be provided to the parents in accordance with HCPSS 5 business day procedures prior to the IEP team meeting and the reports must be available at the IEP team meeting.
- The IEP team completes the review of assessments on the Eligibility page of the IEP. The IEP team review of assessments is considered the evaluation of the child and must be completed within the required timeframe.

The IEP Team determines if a student is eligible as a student with an educational disability

- The team completes supplemental forms to determine eligibility



# Eligibility Determination

- Based upon the review of assessments and other related data, the IEP team must determine whether the student is eligible to receive special education and related services.
- Evaluation Report Supplement forms may be required depending upon the suspected disability.
- For special education eligibility, the IEP team must also determine whether the student requires specialized instruction such as the adaptation of the content, methodology, or delivery of instruction. If the team determines that the disability adversely affects the student's educational performance, the IEP team determines whether the student requires related services to assist a student with a disability to benefit from special education.



If a student is eligible, an  
initial IEP is developed

## IEP is Developed (if student is found eligible)

- Within 30 days of the eligibility determination, the IEP team develops the draft of IEP and holds an IEP team meeting to review the draft.
- The case manager should contact the parent for input in the development of the initial IEP.
- The parent must be provided a copy of the draft IEP at least 5 business days before the meeting.
- After the IEP team completes the development and review of the initial IEP and approves the IEP, the IEP Chairperson must seek the parent's consent for the initial provision of special education services.