

The Special Education Evaluation and Eligibility Process

Facilitator:
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Good Morning!



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We gather on the traditional lands of the the Samish Indian Nation; we honor their historical and ongoing care for lands and community by working together in the service of our regional school communities.



SAMISH INDIAN NATION



Northwest Educational
Service District 189

Together We Can
together we can

Land Acknowledgement

<https://www.washingtontribes.org/tribes-map>

NWESD stands on the ancestral homelands of the Coast Salish Peoples, who have lived in the Salish Sea basin since time immemorial. I join you from the Swinomish Tribal Community. Please take a moment to express respect for our indigenous neighbors -- for their enduring care and protection of our shared lands, for a culture of strength, family and community.



For generations, Indigenous communities across the Americas have demonstrated resilience and resistance in the face of violent efforts to separate them from their land, culture, and each other.

Welcome



Outcomes

- This session is intended to provide an overview of IDEA (Individuals with Disabilities Education Act) and its application to the eligibility process including:
 - The connection of Multi-Tiered Systems of Support (MTSS) to the eligibility process;
 - Regulations and codes;
 - Steps in the referral process;
 - Disability category characteristics and resources;
 - Assessment tools and data collection methods; and,
 - Determinations, decision making, and using the evaluations to design the Individualized Education Program (IEP).
- Apply your understanding to case scenarios and case law.

Agenda

9:00-10:00	History of Disability and IDEA Connections to MTSS
10:15-10:30	Break
10:30-12:00	Child Find and Referral Process Initiating the Evaluation/Re-eval
12:00 - 1:00	<i>Lunch</i>
1:00-2:15	Reporting and Data Collection Disability Categories
2:15 - 2:30	Break
2:15-3:20	Disability Categories Procedural Safeguards
3:45-4:00	Closing & Questions

Reflect and Discuss

03:00

Share with an Elbow Partner:

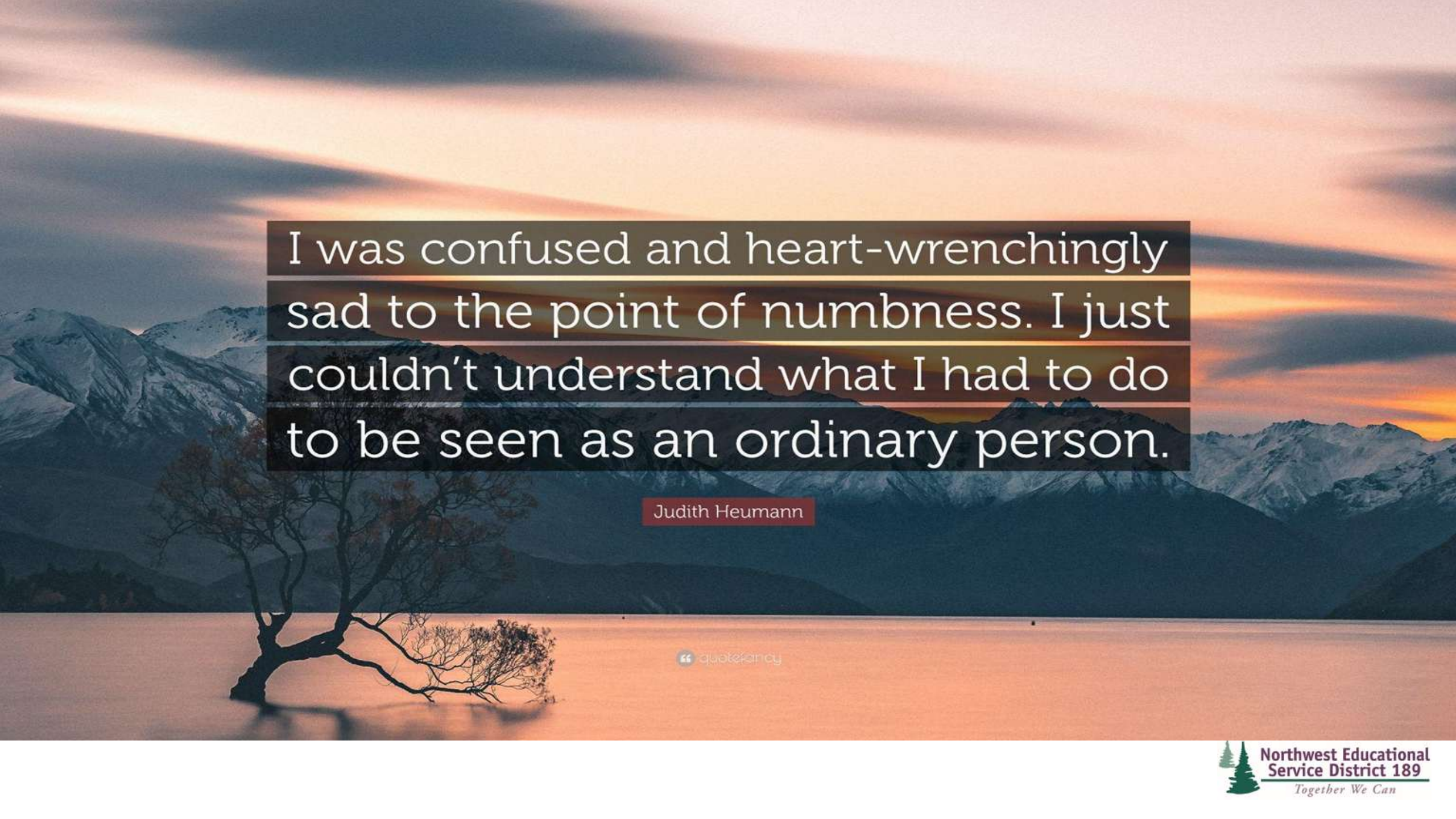
- Your Name
- Your Role
- Your District or Program

- What reason did you have for signing up for this session today?

- What is your favorite part of your work that you find the most rewarding?



History of Disability



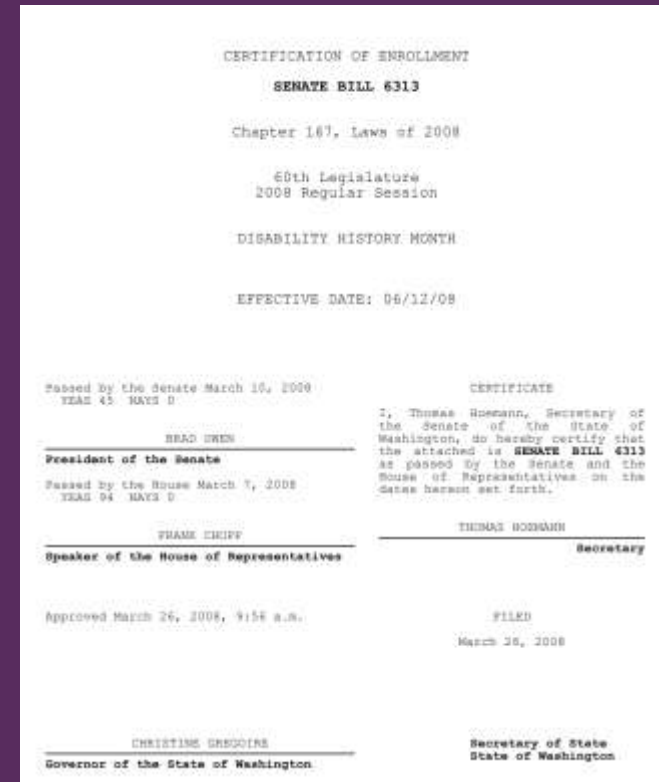
I was confused and heart-wrenchingly sad to the point of numbness. I just couldn't understand what I had to do to be seen as an ordinary person.

Judith Heumann

“ quote fancy

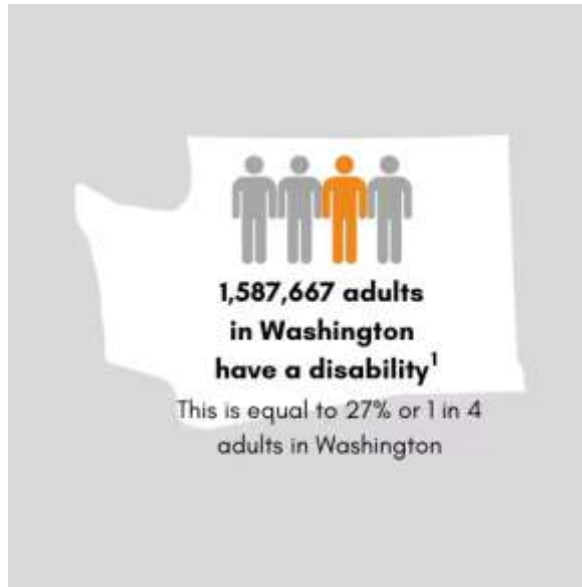
Why Disability History & Awareness?

- Law: [WA state RCW 28A.230.158](#)
- Human experience
- Student Benefits:
 - Deepening student learning
 - Positive student outcomes:
 - **Protects** vulnerable students from bullying
 - **Promotes** inclusivity among the student body
 - **Builds** empathy and emotional intelligence
 - **Helps** students understand differences in a positive manner



Sources: Priya Lalvani, "'We are not aliens': Exploring the Meaning of Disability and the Nature of Belongingness in a Fourth Grade Classroom.," Disability Studies Quarterly, Vol. 35 No. 4 (2015), <https://dsq-sds.org/index.php/dsq/article/view/4963/4107> ; Baylor University, "[How to Teach Children About Disabilities and Inclusion](#)," Online Graduate Programs, Master's in Social Work, <https://onlinegrad.baylor.edu/resources/teaching-children-disabilities-inclusion/> ; Nicole Homerin, "[The Importance of Teaching Disability History](#)," Medium (May 2022), <https://medium.com/inspired-ideas-prek-12/the-importance-of-teaching-disability-history-4c6a2b1a7f52>

Washington State



- 1 in 4 adults in Washington have a disability (CDC)
- 143,000 students receive special education and related services (OSPI)

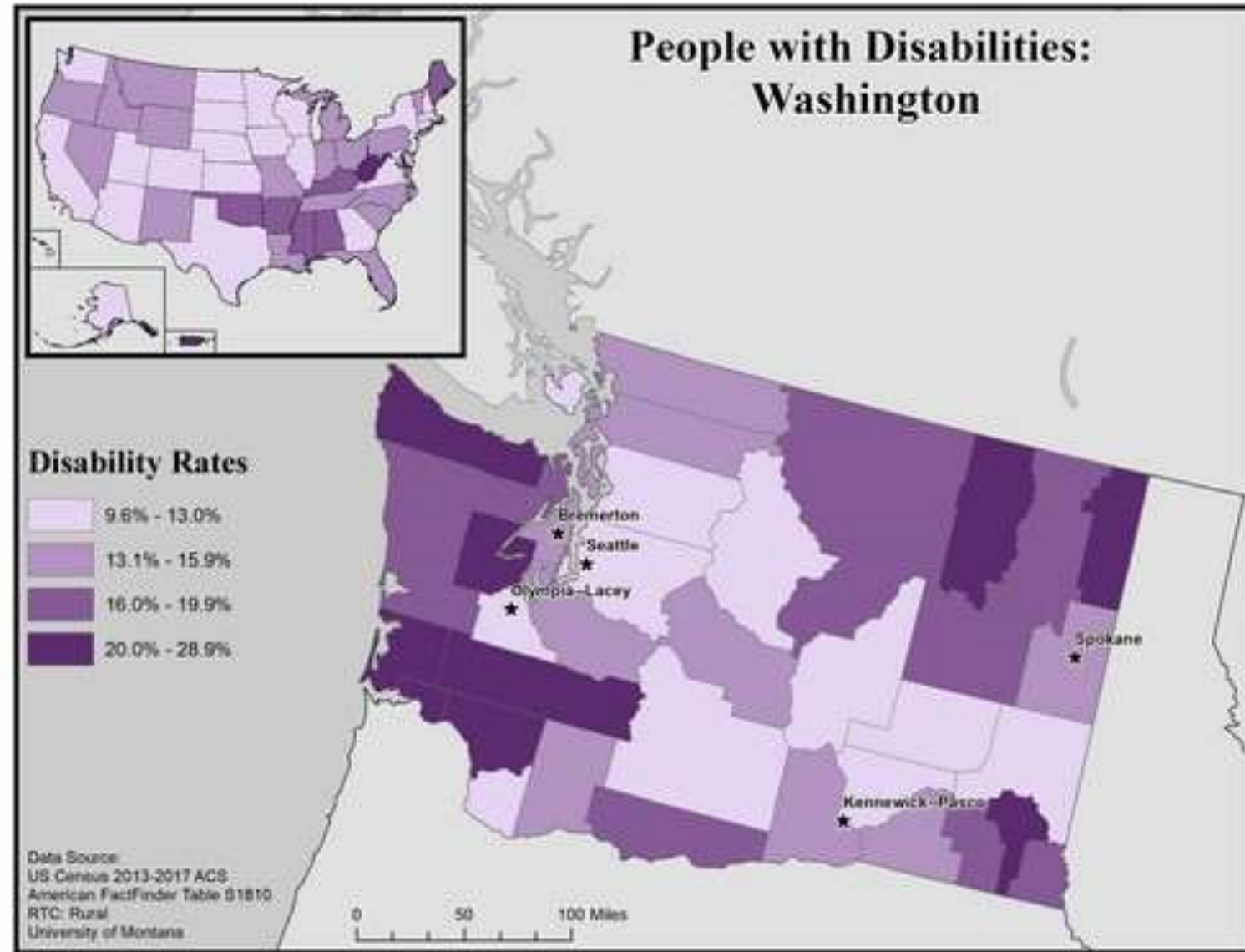


Image from [CDC](#); Map from [University of Montana](#) (2019); for more data visit [State Snapshot of Specific Learning Disabilities](#)

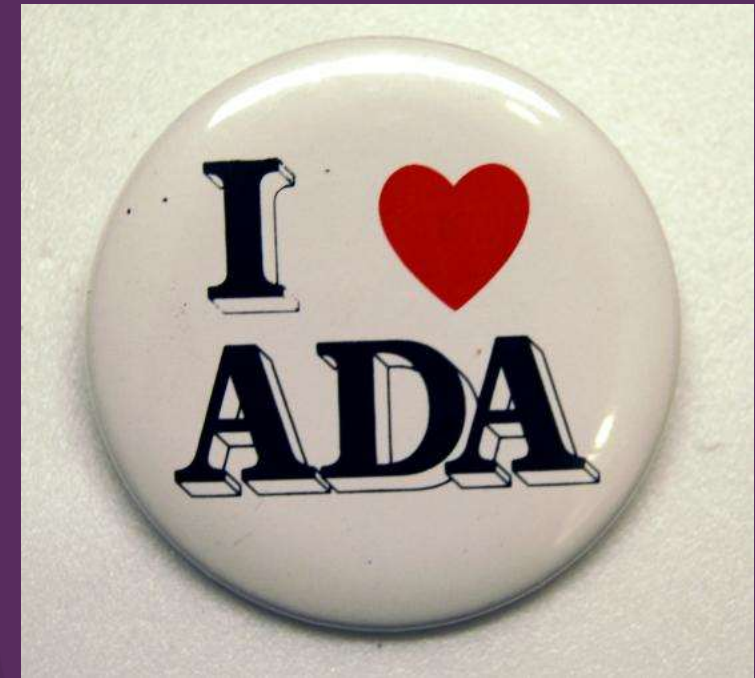
Disability and Civil Rights

Section 504

- Part of the Rehabilitation Act of 1973:
 - "[n]o otherwise qualified handicapped individual in the United States . . . shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."
- Anti-discrimination mandate for K-12 public schools
- Stepping stone to the ADA (1990)

The Americans with Disabilities Act (ADA)

- Became law in 1990
- Mandates accessibility in public places
- Meant to be comprehensive
- Prohibits discrimination in all areas of public life (jobs, schools, transportation)
- Limits:
 - uneven compliance
 - reliance on litigation



The Individuals with Disabilities Education Act (IDEA)

- Became law in 1990
- Requires Free Appropriate Public Education (FAPE)
- Protects the right of children with disabilities and their families
- Reauthorized in 2004
- Endrew F vs. Douglas County:
 - Must offer IEP that will allow child to make reasonably calculated progress



Disability Rights Timeline

03:00

Activity: Review the Washington State Disability timeline from [WAPAVE.org](https://wapave.org) and consider:

- What is new learning?
- What surprised you?
- What did not surprise you?

Judy Heumann on Section 504 and Disability Rights



Film Study: Crip Camp PD Enroller #173109

Judy Heumann on Section 504 and Disability Rights



Video Source: [PBS](#)

Disability Categories

- Autism
- Hearing Impairment
- Visual Impairment
- Deaf-Blindness
- Developmental Delay
- Emotional Disability
- Intellectual Disability
- Orthopedic Impairment
- Other Health Impairment
- Specific Learning Disability
- Speech Language Impairment
- Traumatic Brain Injury
- Multiple Disabilities

Extra Resource: Centers for Disease Control and Prevention (CDC) Infographic "[Disability Impacts Us All](#)" (2024)

Disability Overview

STUDENT ENROLLMENT

There were a total of 8.4 million students with disabilities enrolled in the nation's public schools during the 2020-21 school year. Students with disabilities accounted for 17% of the overall student enrollment: 14% were served under IDEA and 3% were served only under Section 504.

49.2
Million

Overall student enrollment

6.8
Million

Students with disabilities served under IDEA

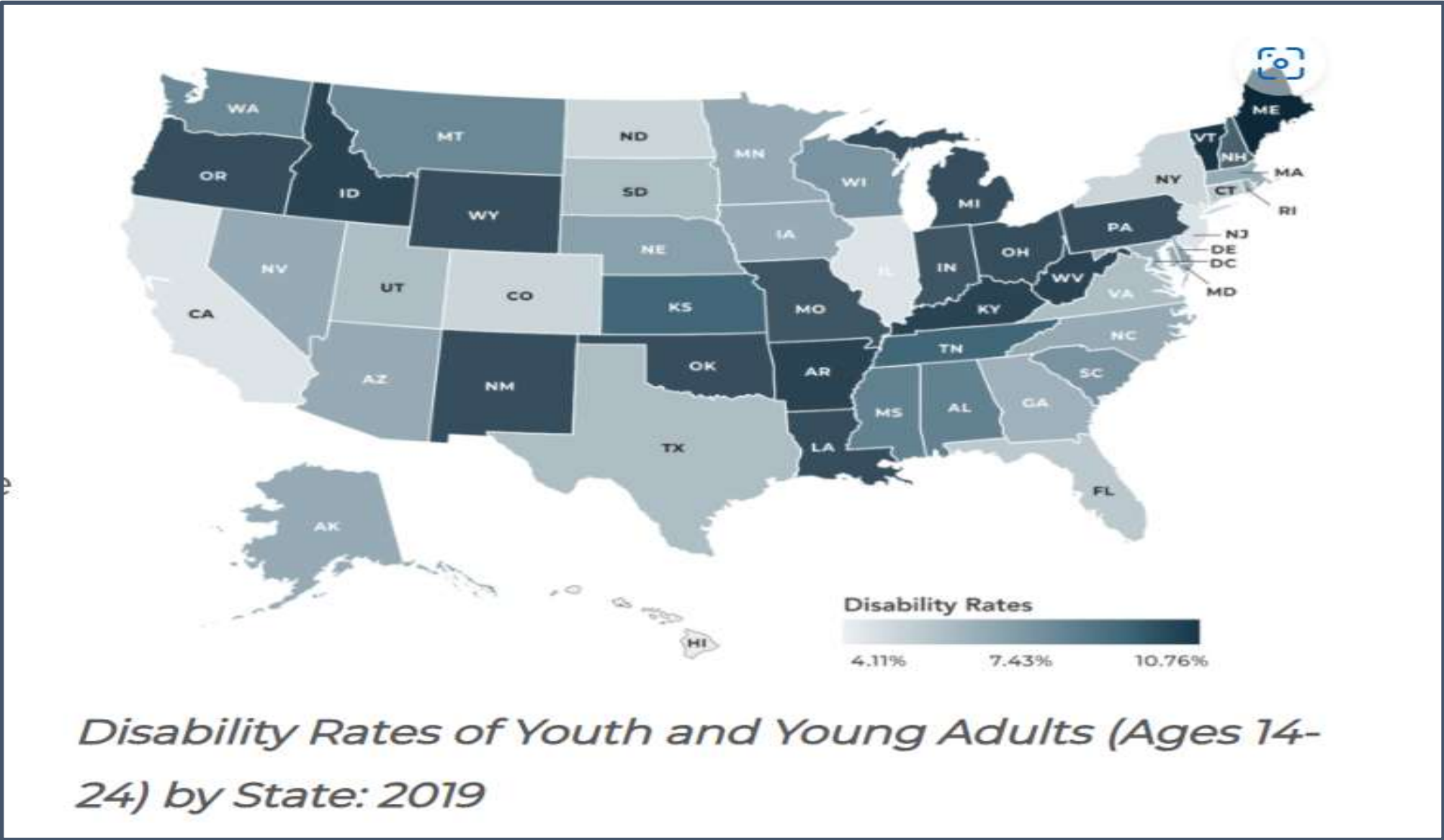
1.6
Million

Students with disabilities served under Section 504 only

Overall student enrollment

Students with disabilities served under IDEA

Students with disabilities served under Section 504 only



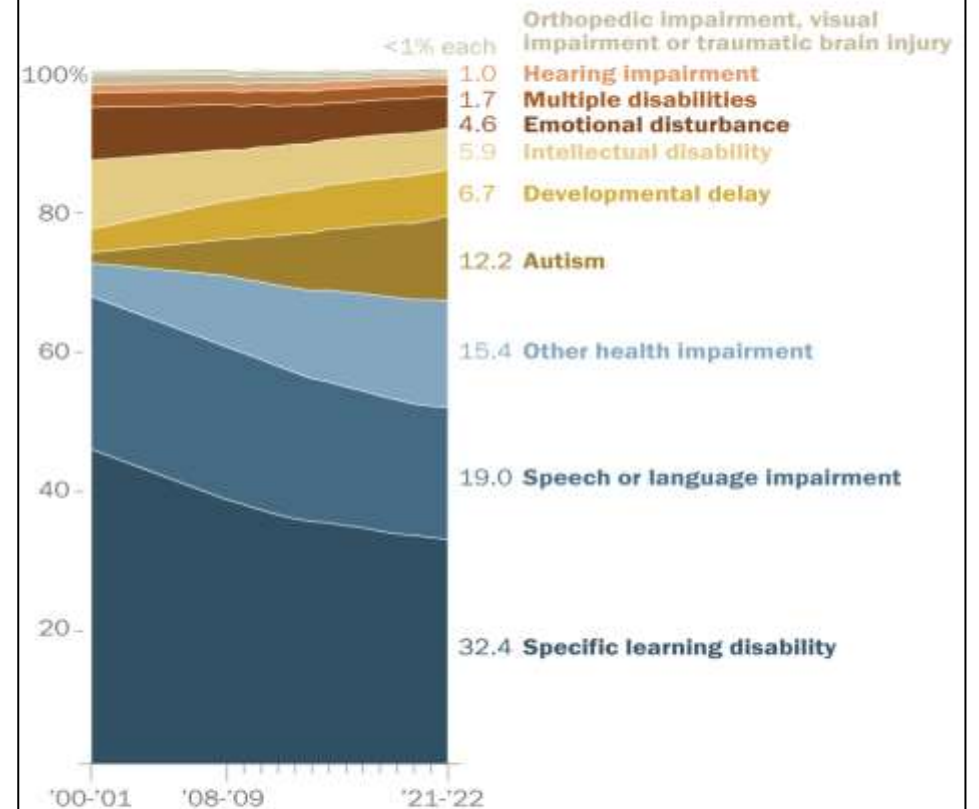
Data from [IEL](#)

Disability Overview

- 32.4% of U.S. students with a disability have a "Specific Learning Disability"
 - SLD is a brain-based disorder that affects an individual's ability to read, write, and do math (e.g., dyslexia, dysgraphia, and dyscalculia)

About a third of disabled U.S. students have a 'specific learning disability,' such as dyslexia

% of students served each school year under the Individuals with Disabilities Education Act (IDEA) who have ...



Note: "Specific learning disability" includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. Data is for public school students ages 3 to 21 served under IDEA. Source: National Center for Education Statistics.

PEW RESEARCH CENTER

Accessibility in the Classroom

Section 508 (1998):

- Requires federal agencies to make electronic content accessible

Suggested Reading:

- Mark Lieberman, "[10 Tips for Making Digital Materials More Accessible to Students with Disabilities](#)" *Education Week* (June 28, 2022).

ADA Strategies and Resources

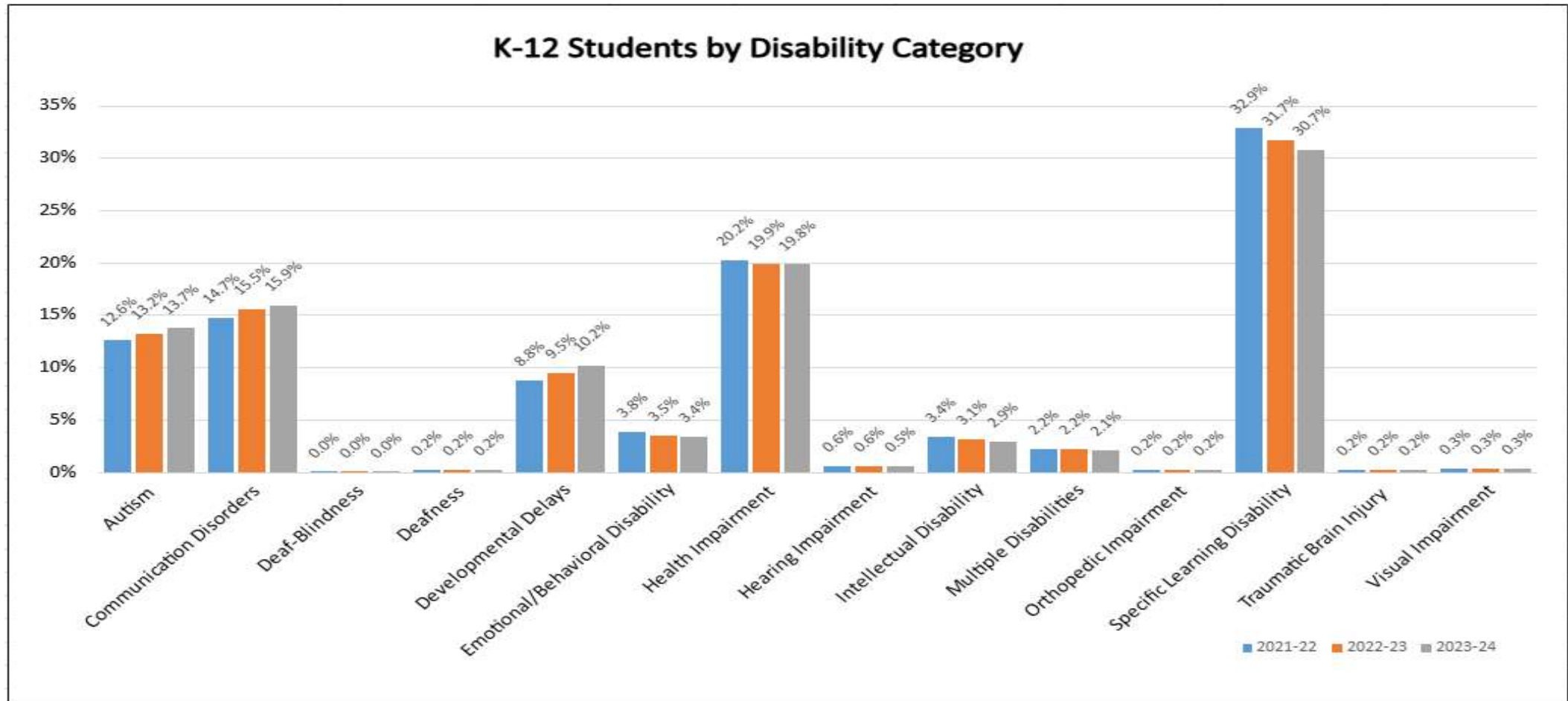
Resources:

1. WA State Education Ombuds ["One out of Five: Disability History and Pride Project"](#)
2. Library of Congress, ["Free to Use and Reuse: Disability Awareness"](#)
3. Junior Scholastic Lesson Plan, ["The Fight for Disability Rights"](#)
4. Disability Rights Washington, ["Portrait of a Whole Person"](#)
5. Rooted in Rights, ["Storytellers" Video Collection](#) (bottom of the page)

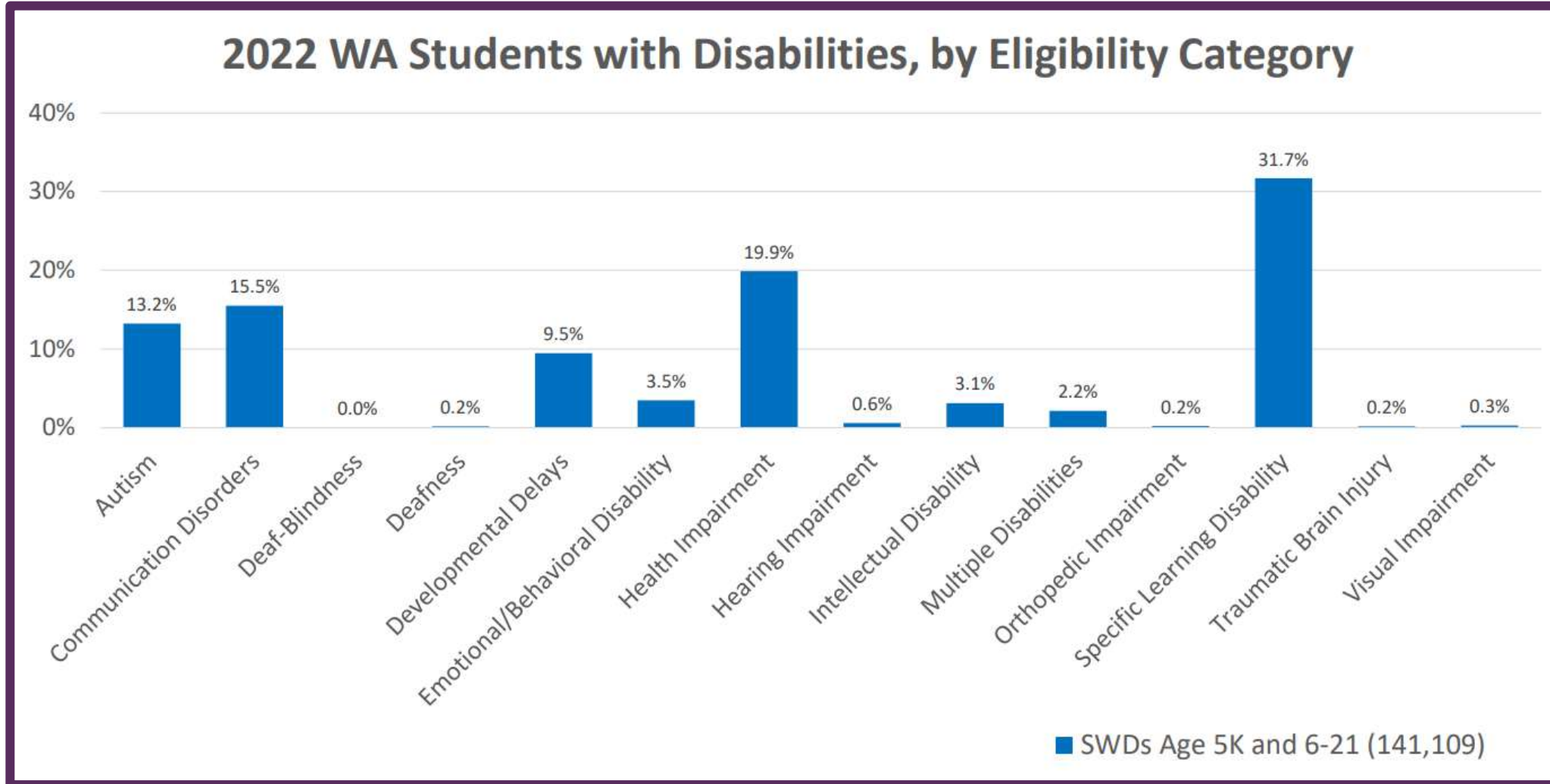
Additional Resources

1. Explore Access, "[Tools for Promoting Disability Access and Inclusion](#)"
2. ALA Carnegie-Whitney Grant Project, "[Disability Resource Guide](#)"
3. National Library Service, "[Supporting Students with Dyslexia](#)"
4. University of Washington [DO-IT \(Disabilities, Opportunities, Internetworking, and Technology\)](#)
5. [Washington Assistive Technology Program](#)
6. [Washington Talking Book & Braille Library](#)

Disability Categories



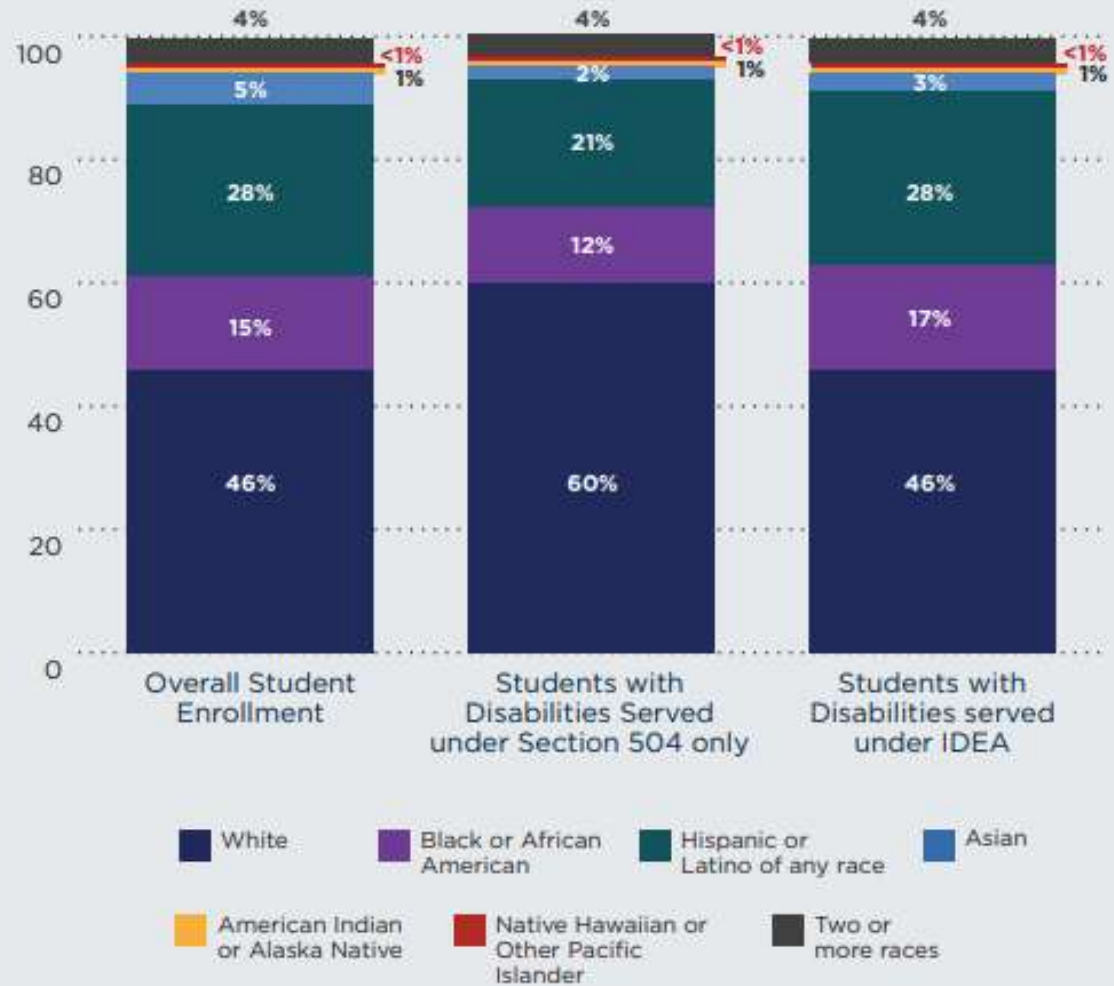
Disability Categories



Disability Overview

- Figure 1 shows that in the 2020-21 school year, White students were overrepresented in the receipt of services under Section 504. White students represented 46% of total student enrollment, but 60% of students with disabilities served only under Section 504.
- Black students were overrepresented in the receipt of services under IDEA. Black students represented 15% of total student enrollment, but 17% of students with disabilities who received services under IDEA.

FIGURE 1
Student Enrollment by Disability and Race/Ethnicity



Data from [CDC](#)



Change never happens at the pace we think it should. It happens over years of people joining together, strategizing, sharing, and pulling all the levers they possibly can. Gradually, excruciatingly slowly, things start to happen, and then suddenly, seemingly out of the blue, something will tip.

Judith Heumann

Brain Break

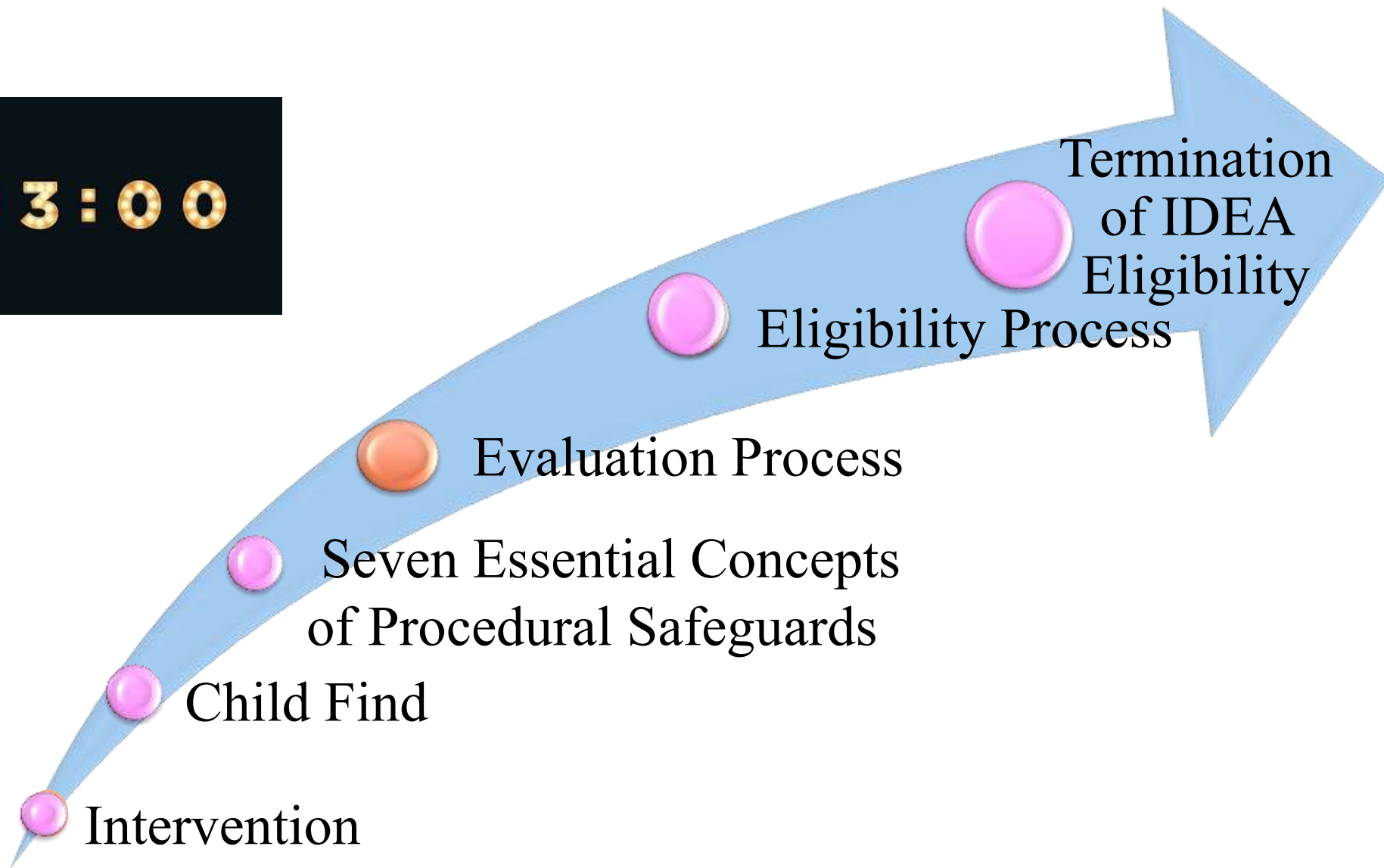


Connections Between MTSS and Evaluation and Eligibility

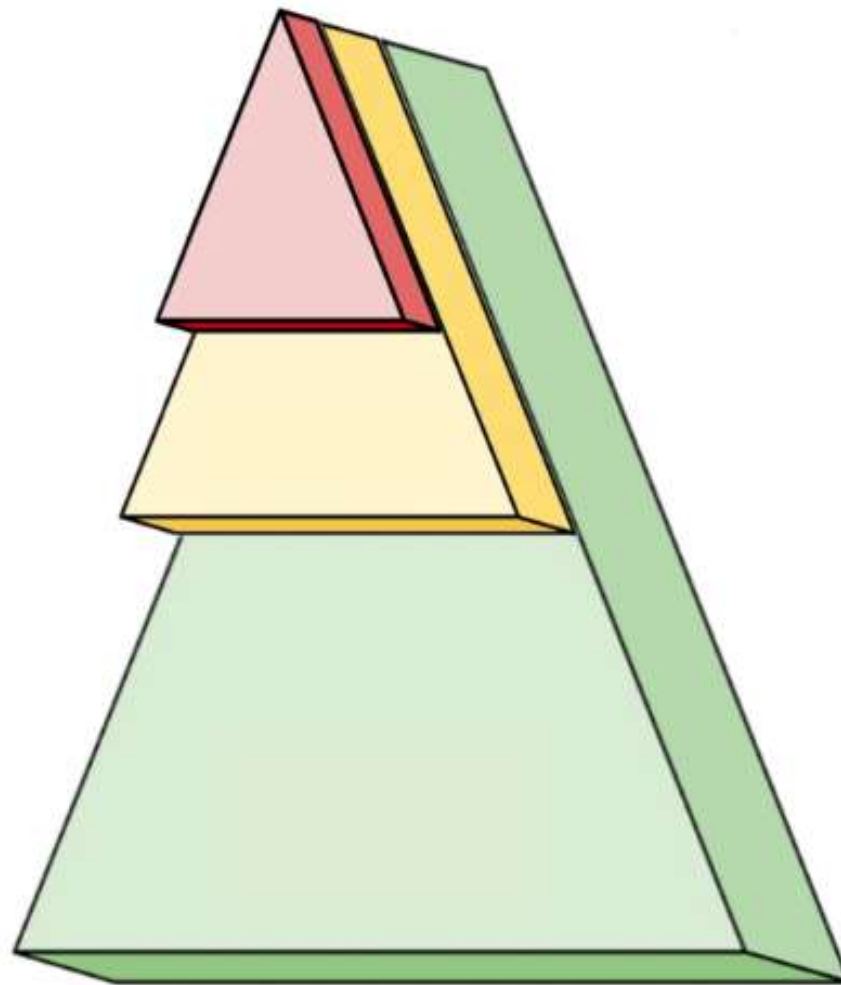
The Why



03:00



MTSS



Intervention/504/IDEA

Section 504 regulations along with the Office for Civil Rights (OCR) provide direction on the process needed to insure compliance by districts/charter schools. A depiction of this process can be found in Figure 1. For additional assistance on the Section 504 process see SECTION THREE: Section 504 Resources (i.e. Sample Section 504 Process Checklist).

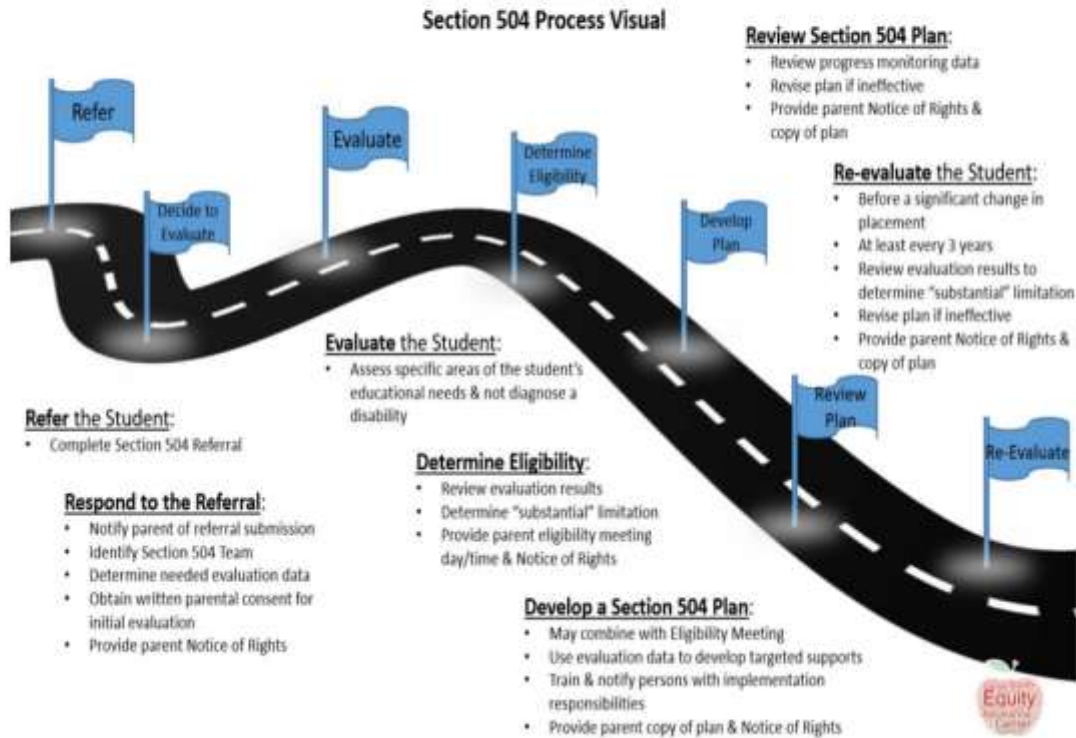
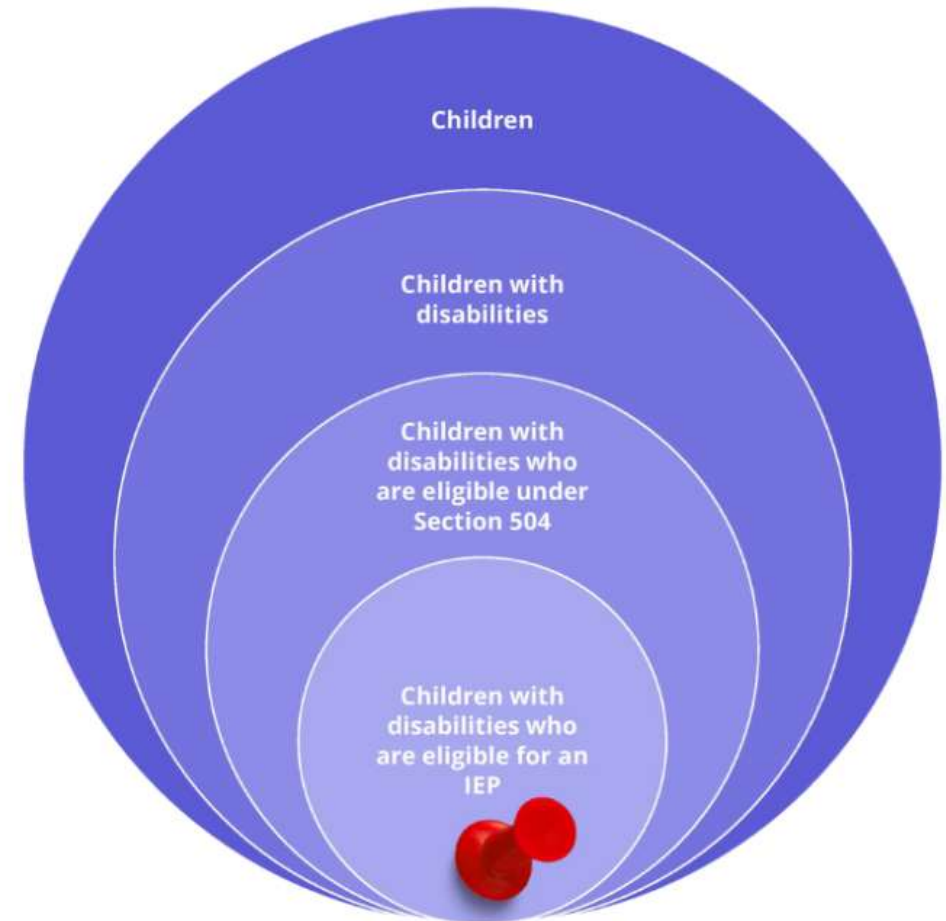
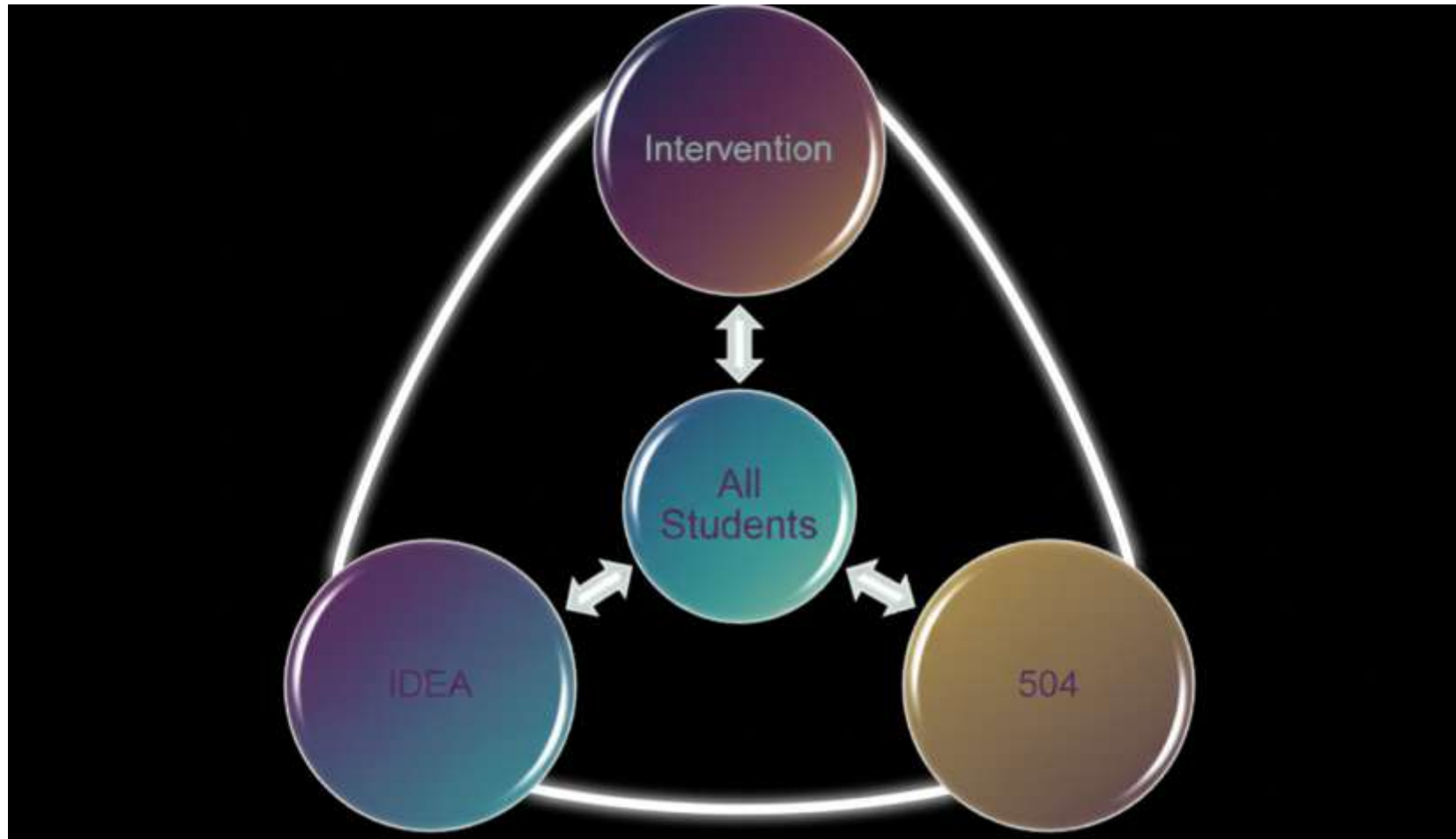


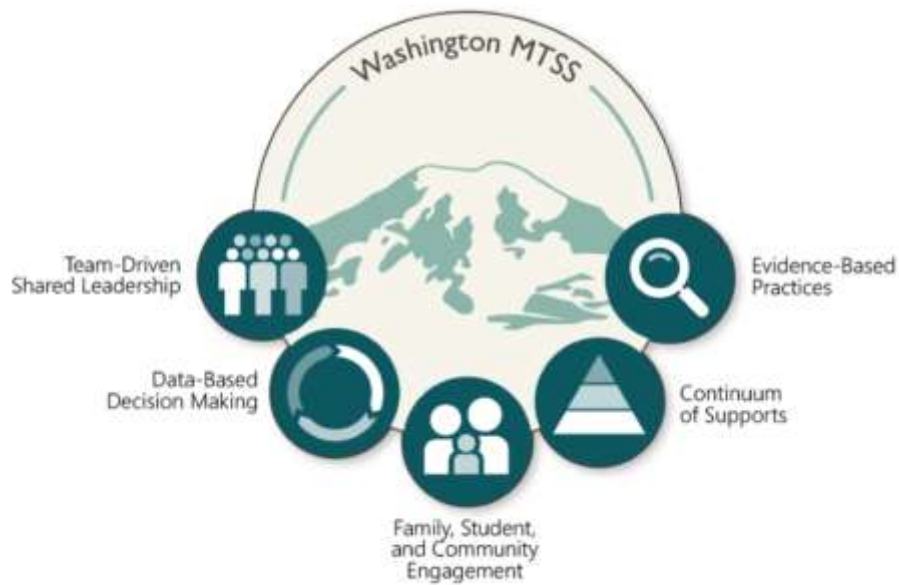
Figure 1



What if Our Model Looked More Like This?

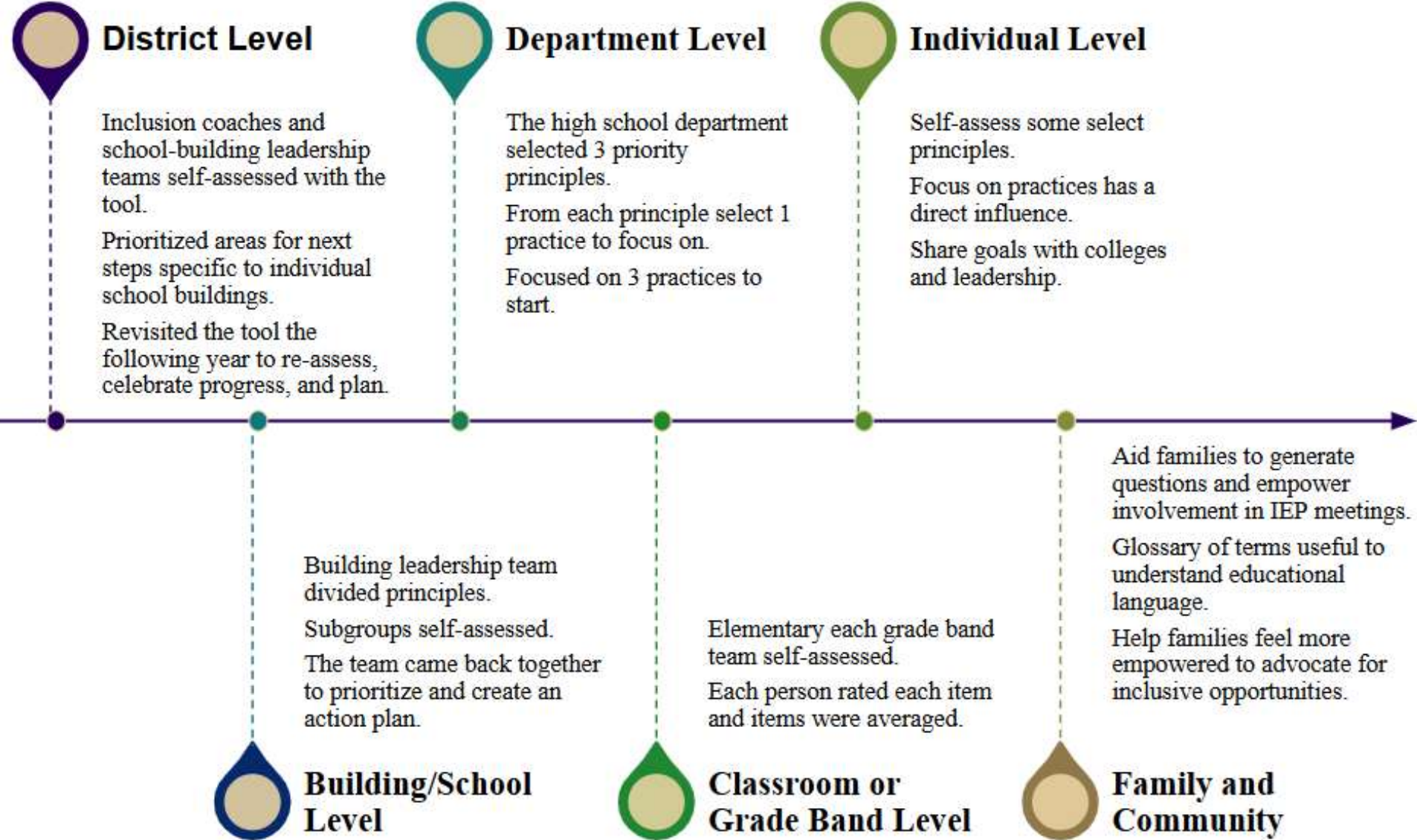


Enacting the Washington MTSS Model: Principles and Practices Tool



<https://ospi.k12.wa.us/student-success/support-programs/multi-tiered-system-supports-mtss/mtss-components-and-resources>

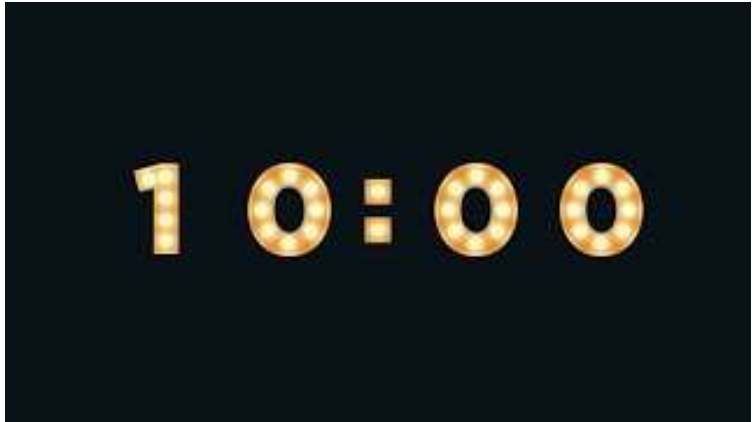
Flexible Uses of the Tool



P&P Tool Takeaways

- > The P&P tool adopts an appreciative lens to guide teams to celebrate existing school strengths
- > This P&P tool supports ongoing reflection and action-planning throughout continuous cycles of analyzing, disrupting, and restructuring social processes that produce inequity (Siuty, 2019)
- > There is no wrong way to use this tool. We offer it to identify and frame principles and supporting practices for individuals and groups to guide their own inclusive journeys

P & P Tool Summary Matrix



Principles	PRE – Interval 1			POST – Interval 2		
	In Place	In Process	Not in Place	In Place	In Process	Not in Place
1. Inclusive Mission and Vision	___ / 10	___ / 10	___ / 10	___ / 10	___ / 10	___
2. Inclusive Building Schedule	___ / 10	___ / 10	___ / 10	___ / 10	___ / 10	___
3. Collaborative Structures	___ / 8	___ / 8	___ / 8	___ / 8	___ / 8	___
4. Inclusive Instructional Practices	___ / 9	___ / 9	___ / 9	___ / 9	___ / 9	___
5. Flexible Service Delivery	___ / 7	___ / 7	___ / 7	___ / 7	___ / 7	___
6. Inclusive Individual Education Programs (IEPs)	___ / 10	___ / 10	___ / 10	___ / 10	___ / 10	___
7. Sustained Family and Community Engagement	___ / 8	___ / 8	___ / 8	___ / 8	___ / 8	___
Total Summary Count	___ out of 62	___ out of 62	___ out of 62	___ out of 62	___ out of 62	___ out of 62

Principles	Practices by Item Number									
	<i>High Leverage practices are bolded and shaded.</i>									
1. Inclusive Mission and Vision	1.1	1.2	1.3	1.4	1.5	1.6	1.7	1.8	1.9	1.10
2. Inclusive Building Schedule	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	2.10
3. Collaborative Structures	3.1	3.2	3.3	3.4	3.5	3.6	3.7	3.8	3.9	3.10
4. Inclusive Instructional Practices	4.1	4.2	4.3	4.4	4.5	4.6	4.7	4.8	4.9	4.10
5. Flexible Service Delivery	5.1	5.2	5.3	5.4	5.5	5.6	5.7	5.8	5.9	5.10
6. Inclusive Individual Education Programs (IEPs)	6.1	6.2	6.3	6.4	6.5	6.6	6.7	6.8	6.9	6.10
7. Sustained Family and Community Engagement	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10

Goal 1:			
Actions	By When	By Whom	Status <i>Note check in Dates</i>
1a.			
1b.			
1c.			
Goal 2:			
Actions	By When	By Whom	Status <i>Note check in Dates</i>
2a.			
2b.			
2c.			
Goal 3:			
Actions	By When	By Whom	Status <i>Note check in Dates</i>
3a.			
3b.			
3c.			

Triad Time



1. Engage in a discussion with your triad regarding the Principles and Practices tool.
2. Each person will take **2 minutes** to share their thoughts, plans and questions.
3. The other two teammates will share responses, questions, and ideas for **one minute**
4. Repeat



Questions to guide your discussions:

- What strengths did you identify?
- What priority areas did you identify?
- What action(s) will you take?
- What questions do you have?

UDL and Learner Centered

CONSIDERATION 6.5

● Challenge exclusionary practices

Deep-seated biases and systems of discrimination have led to the exclusion of historically marginalized learners across societies and around the globe. It is imperative to create structures to learn from learners' lived experiences in order to surface exclusionary practices—as well as to address them.

- Create time for regular community sessions and individual reflection sessions.
- Work as individuals and as communities to name, explore, and address exclusionary practices.
- Work as individuals and as communities to develop concrete and specific actions for addressing exclusionary practices and building inclusive communities.
- When an exclusionary practice is uncovered, provide opportunities for healing using community-based practices such as restorative justice.

Share: [f](#) [X](#) [in](#)

Research [➔](#)

Explore research used to develop Consideration 6.5



Disproportionality

- IDEA 2004 includes language on **Significant Disproportionality** (34 CFR 300.646). This term refers to significantly discrepant data, by race and ethnicity, in any of the following areas - identification, placement, or discipline.
- Once a district receives a determination of significantly disproportionate, it is required to use 15 percent of Part B funds for Coordinated Early Intervening Services (CEIS) for those children, particularly, but not exclusively, in those groups that were significantly over-identified.

Coordinated Early Intervening Services (CEIS)

Provided to students K-grade 12 with a particular emphasis on students in K through 3rd grade who are not identified through Special Education but need academic and/or behavioral supports.

Tiered System of Supports MTSS and PBIS

Whole-school, data-driven, prevention-based framework for improving learning outcomes for all students through layered continuum of evidence-based practices & systems.



Additional Resources on Disproportionality

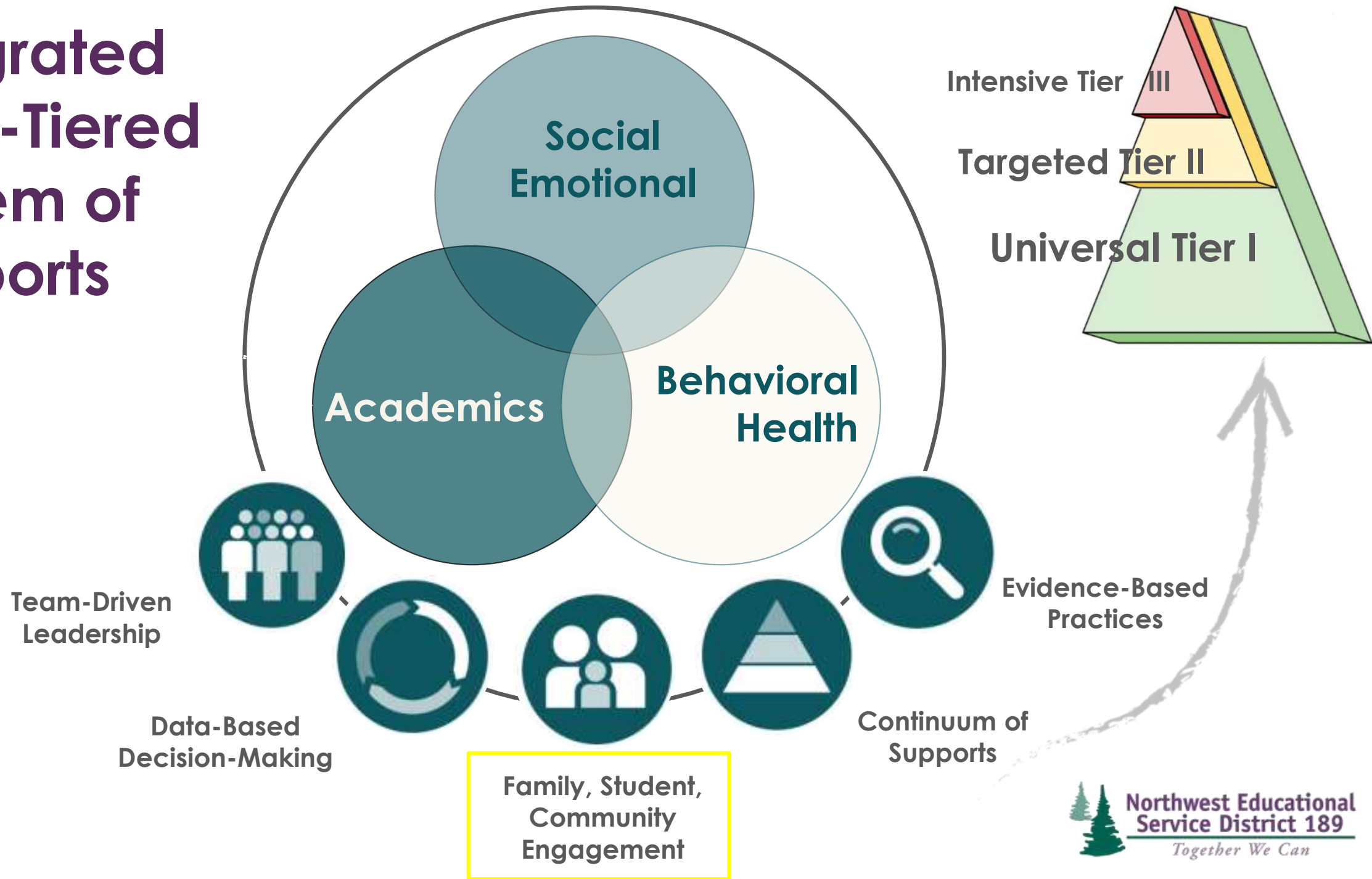
1. OSEP, ["Hand In Hand for OSEP Fast Facts: Race and Ethnicity of Children with Disabilities Served under IDEA Part B - Individuals with Disabilities Education Act"](#)
2. OSPI, ["Self-Study and System Analysis"](#)
3. Center on PBIS, ["Center on PBIS | Resource: Effects of PBIS on Attendance and Behavior Outcomes: The Impact of the Missouri Schoolwide Positive Behavior Support \(SW-PBS\) Initiative"](#)
4. OSPI, ["Preventing Disproportionality by Strengthening District Policies and Procedures - An Assessment and Strategic Planning Process"](#)

Break



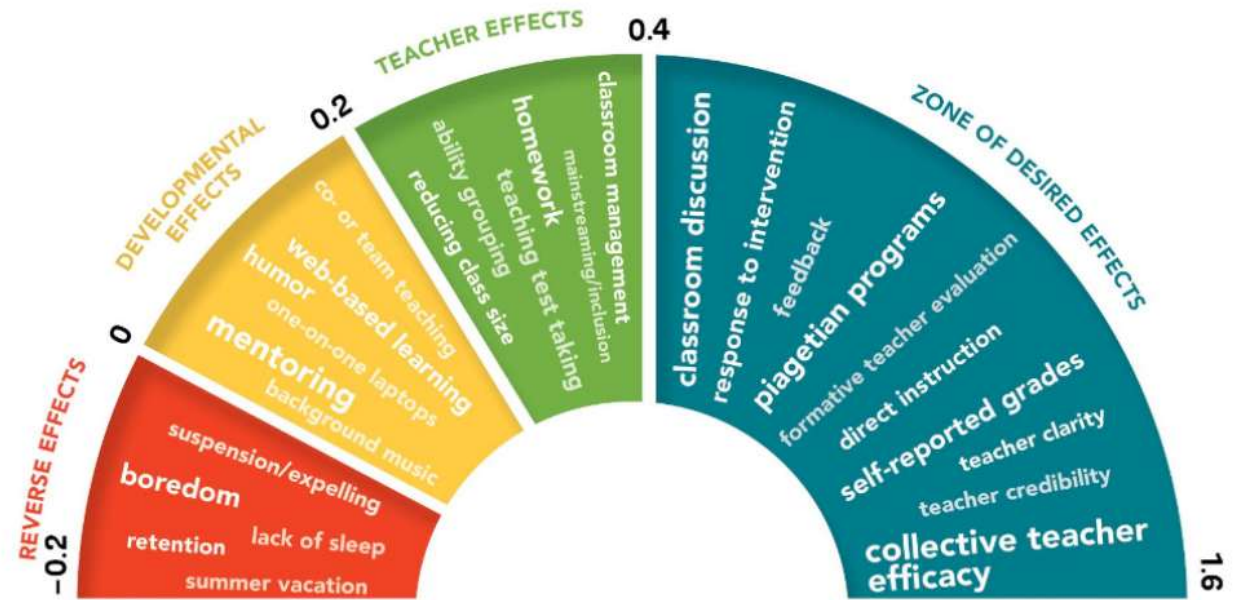
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Integrated Multi-Tiered System of Supports



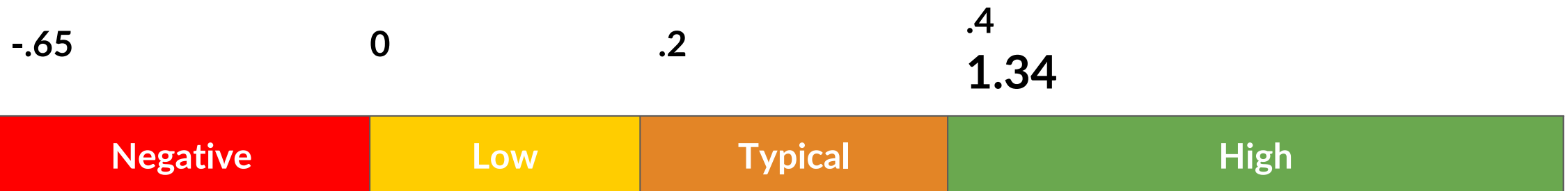
OSPI

Evidence Based



1,850 meta-analyses
108,000 studies
students
300 million

Effect size and impact on learning:



Design Multiple Means of
Action & Expression

Feedback & Reflection

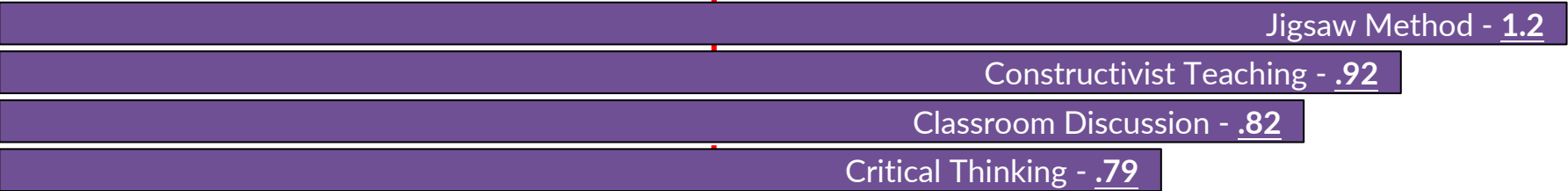


Testing

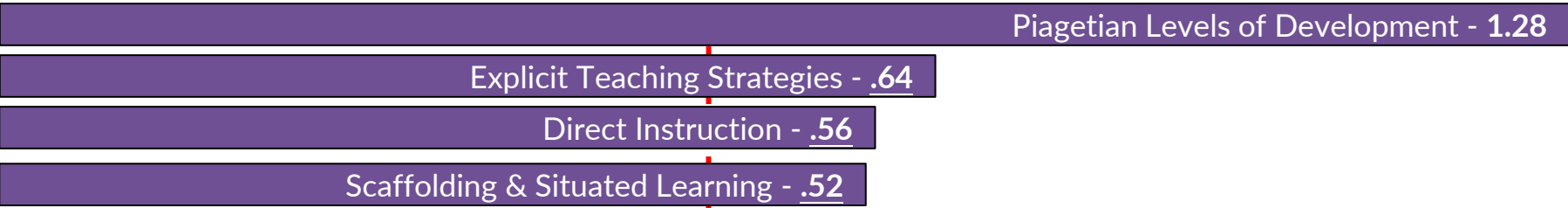


Design Multiple Means of
Representation

Collaborative Sensemaking/
Productive Struggle

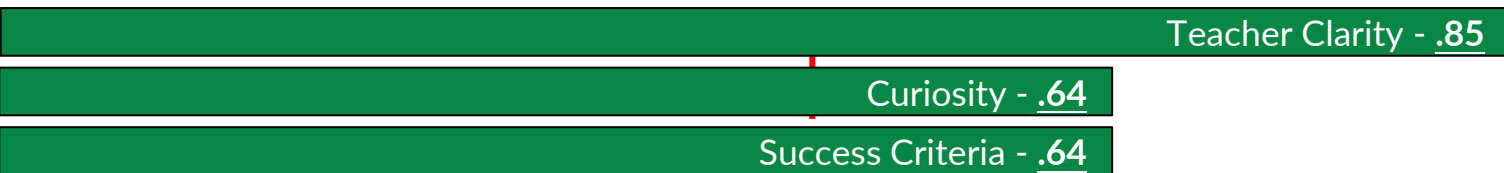


Input & Instruction

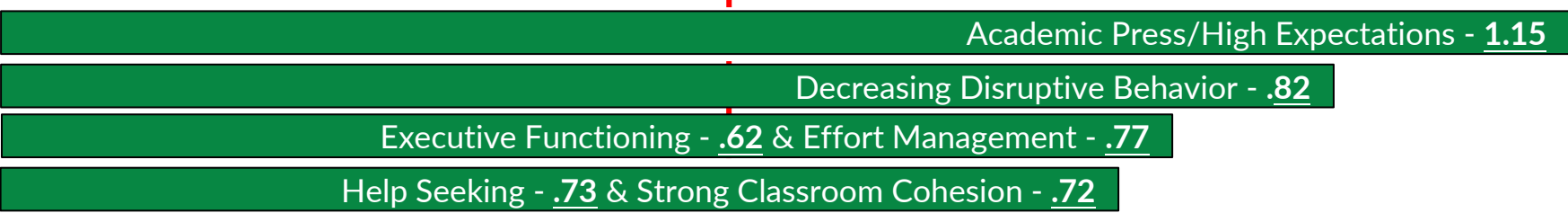


Design Multiple Means of
Engagement

Setting the Purpose



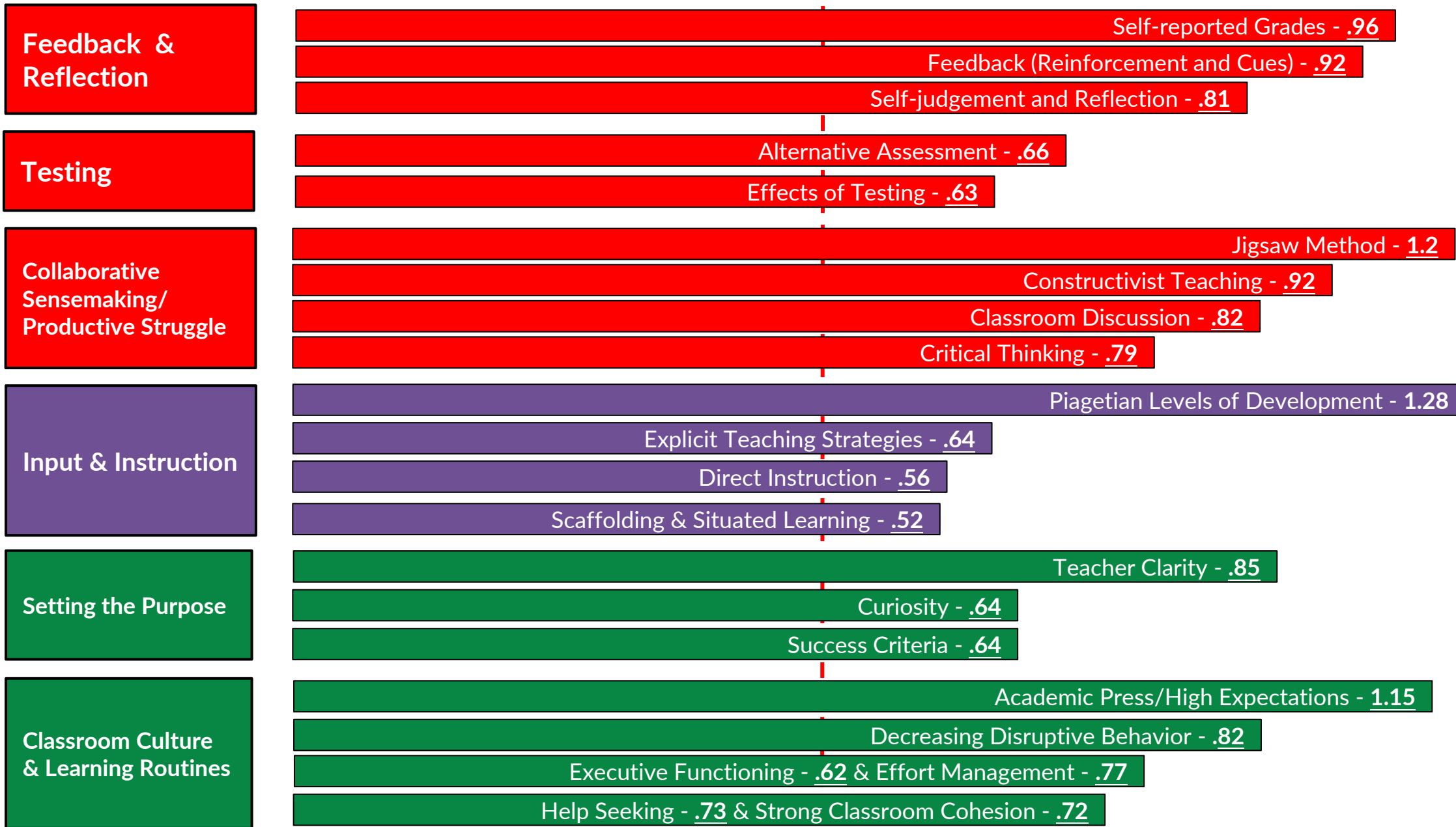
Classroom Culture & Learning Routines



Impact on Learning (effect size):

.4

The Hot Corner!
(aka The Flow Zone)



Impact on Learning (effect size): **.4**

UDL

Access

Design Options for Welcoming Interests & Identities (7) ➡

- Optimize choice and autonomy (7.1) >
- Optimize relevance, value, and authenticity (7.2) >
- Nurture joy and play (7.3) >
- Address biases, threats, and distractions (7.4) >

Design Options for Perception (1) ➡

- Support opportunities to customize the display of information (1.1) >
- Support multiple ways to perceive information (1.2) >
- Represent a diversity of perspectives and identities in authentic ways (1.3) >

Design Options for Interaction (4) ➡

- Vary and honor the methods for response, navigation, and movement (4.1) >
- Optimize access to accessible materials and assistive and accessible technologies and tools (4.2) >

Support

Design Options for Sustaining Effort & Persistence (8) ➡

- Clarify the meaning and purpose of goals (8.1) >
- Optimize challenge and support (8.2) >
- Foster collaboration, interdependence, and collective learning (8.3) >
- Foster belonging and community (8.4) >
- Offer action-oriented feedback (8.5) >

Design Options for Language & Symbols (2) ➡

- Clarify vocabulary, symbols, and language structures (2.1) >
- Support decoding of text, mathematical notation, and symbols (2.2) >
- Cultivate understanding and respect across languages and dialects (2.3) >
- Address biases in the use of language and symbols (2.4) >
- Illustrate through multiple media (2.5) >

Design Options for Expression & Communication (5) ➡

- Use multiple media for communication (5.1) >
- Use multiple tools for construction, composition, and creativity (5.2) >
- Build fluencies with graduated support for practice and performance (5.3) >
- Address biases related to modes of expression and communication (5.4) >

Executive Function

Design Options for Emotional Capacity (9) ➡

- Recognize expectations, beliefs, and motivations (9.1) >
- Develop awareness of self and others (9.2) >
- Promote individual and collective reflection (9.3) >
- Cultivate empathy and restorative practices (9.4) >

Design Options for Building Knowledge (3) ➡

- Connect prior knowledge to new learning (3.1) >
- Highlight and explore patterns, critical features, big ideas, and relationships (3.2) >
- Cultivate multiple ways of knowing and making meaning (3.3) >
- Maximize transfer and generalization (3.4) >

Design Options for Strategy Development (6) ➡

- Set meaningful goals (6.1) >
- Anticipate and plan for challenges (6.2) >
- Organize information and resources (6.3) >
- Enhance capacity for monitoring progress (6.4) >
- Challenge exclusionary practices (6.5) >

The Hot Corner!

How People Learn

Design Multiple Means of Action & Expression

Design Options for Information

- Present information in multiple ways (e.g., text, audio, video, images, diagrams, etc.)
- Provide options for students to demonstrate their knowledge (e.g., writing, speaking, drawing, etc.)

Design Options for Expression & Communication

- Allow students to express their knowledge in multiple ways (e.g., writing, speaking, drawing, etc.)
- Provide options for students to demonstrate their knowledge (e.g., writing, speaking, drawing, etc.)

Design Options for Strategy Development

- Encourage students to use multiple strategies
- Provide options for students to demonstrate their knowledge (e.g., writing, speaking, drawing, etc.)

Design Multiple Means of Engagement

Design Options for Welcoming Interests & Identities

- Create a safe and supportive learning environment
- Encourage students to share their interests and experiences

Design Options for Sustaining Effort & Persistence

- Encourage students to persevere through challenges
- Provide opportunities for students to reflect on their learning

Design Options for Assessing Capacity

- Encourage students to assess their own learning
- Provide opportunities for students to reflect on their learning

Design Multiple Means of Representation

Design Options for Perception

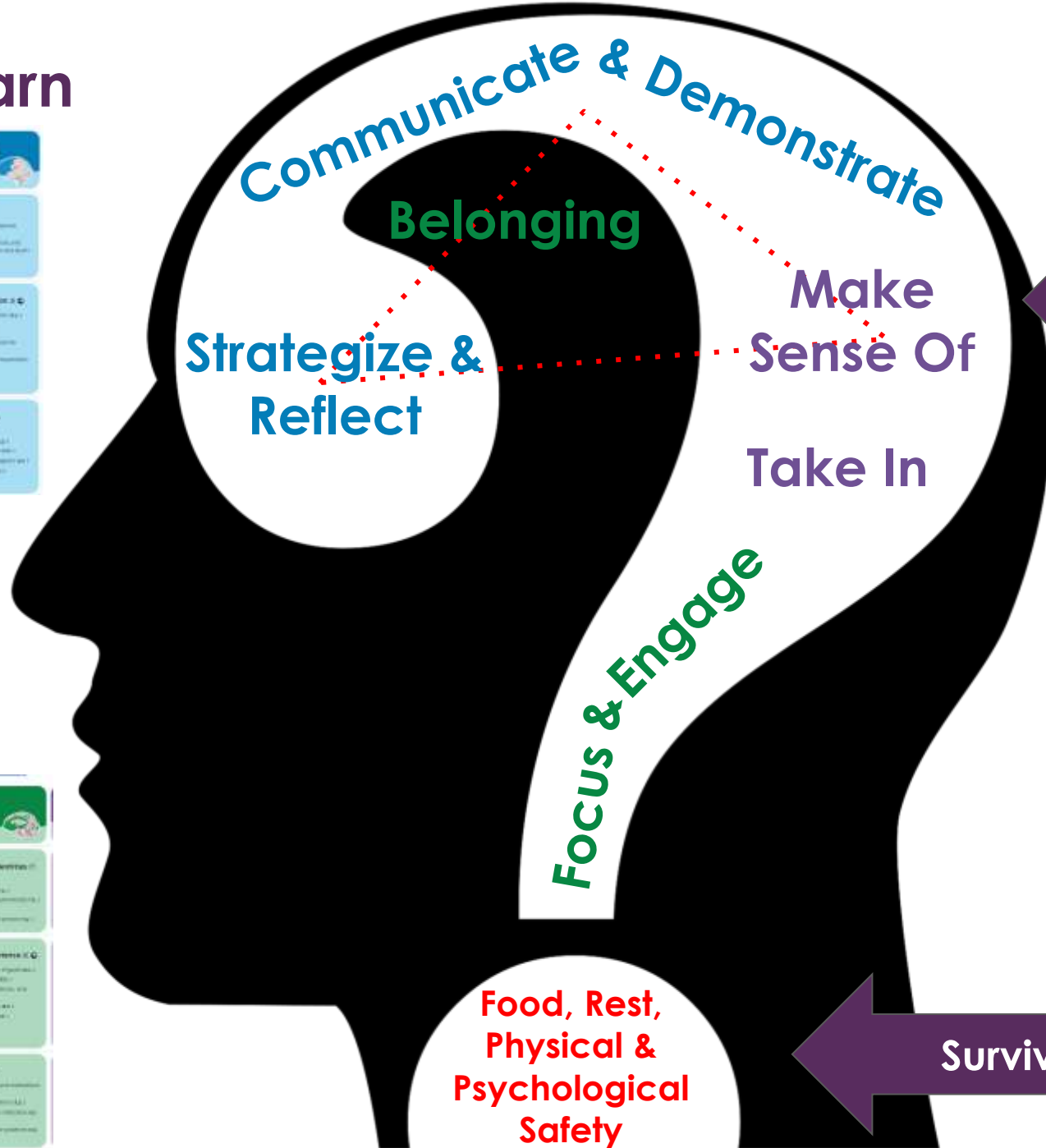
- Use multiple representations (e.g., text, audio, video, images, diagrams, etc.)
- Provide options for students to demonstrate their knowledge (e.g., writing, speaking, drawing, etc.)

Design Options for Language & Symbols

- Encourage students to use multiple languages and symbols
- Provide opportunities for students to reflect on their learning

Design Options for Building Knowledge

- Encourage students to build on their existing knowledge
- Provide opportunities for students to reflect on their learning



Learning Brain

Survival Brain

What Does Intervention Mean to You?



School	Individual
<p>Prereferral to Intervention Group/Grade Level Systems Level</p> <ul style="list-style-type: none"> • MTSS • PBIS • CEIS • Restorative Practices • PALS • Tiers 1 and 2 	<p>Intervention Process Individual Level Student Specific</p> <ul style="list-style-type: none"> • RtI • FBA/BIP • CI/CO • Direct Instruction Programs • Crisis Response/ Reentry

The Principles of MTSS

- We can effectively teach all children
- Intervene early
- Use a multi-tier model of service delivery
- Use a problem-solving method to make decisions within a multi-tier model
- Use research-based, scientifically validated interventions/instruction to the extent available
- Progress monitor to inform instruction
- Use data-based decision making
- Use assessment for three different purposes (universal screening, diagnostics, progress monitoring.)*

*Adapted from NASDSE

This is a structured process, not a program.

Assessment in a MTSS Model

Universal
Screening

Diagnostics

Instruction & Intervention

Progress
Monitoring

Fidelity of Instruction

Fidelity of implementation is **the delivery of instruction in the way in which it was designed to be delivered.**

Gresham, MacMillan, Beebe-Frankenberger, & Bocian, 2000

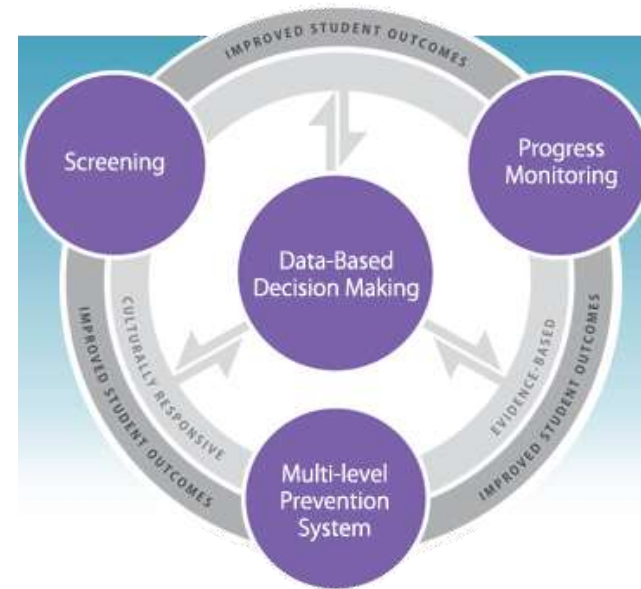
Progress Monitoring

Progress monitoring is a **scientifically-based practice used to assess your child's academic progress and evaluate the effectiveness of instruction.**

Origins of Curriculum-Based Measurements

Curriculum-Based Measurement (CBM) was developed in the late 1970s by Stanley Deno and Phyllis Mirkin at the University of Minnesota through a federal contract to develop a reliable and valid measurement system for evaluating basic skills growth.

CBM is supported by more than **45 years of school-based research** by the US Department of Education.



Curriculum-Based Measurements

- Easy To Administer
- Time Efficient
- Simple To Score
- Individual, Small Group Or Whole Class
- Shows slow growth or no growth student progress

CBM Type	Administration Time
Oral Reading Fluency	1 min.
Reading Comprehension	3 min.
Computation	5-10 min.*
Concepts/Application	11-16 min.*
*Amount of time varies by grade level	

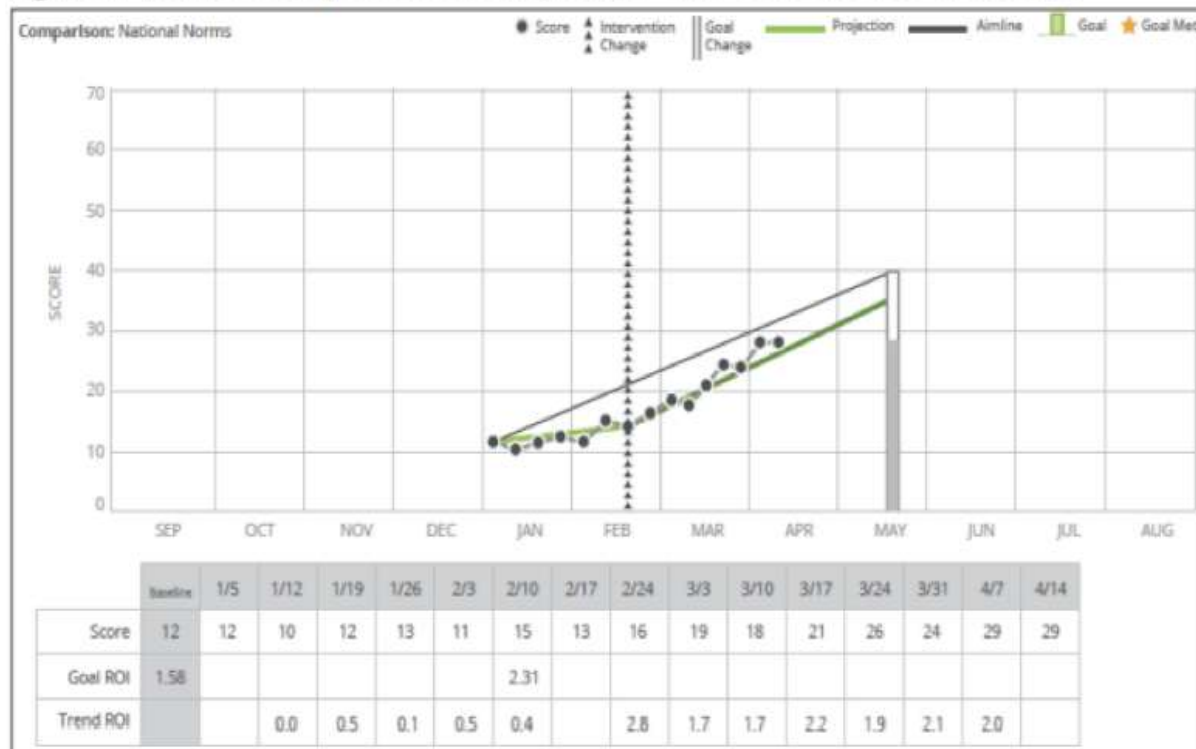
Curriculum-Based Measurements

HOW IS A FLUENCY PROBE GOING
TO PROVE THAT A STUDENT IS
BECOMING A BETTER READER?

IT ONLY MEASURES FLUENCY!

Progress Monitor to Inform Instruction

Figure 2 Individual Progress Monitoring Graph With Goal Line and Trend Line



Ask:

Is the student showing improvement in reading skills?

Is our current intervention/support plan working?

Do we need to make any changes? If so, what?

Let's Think, Breakout, and Share!

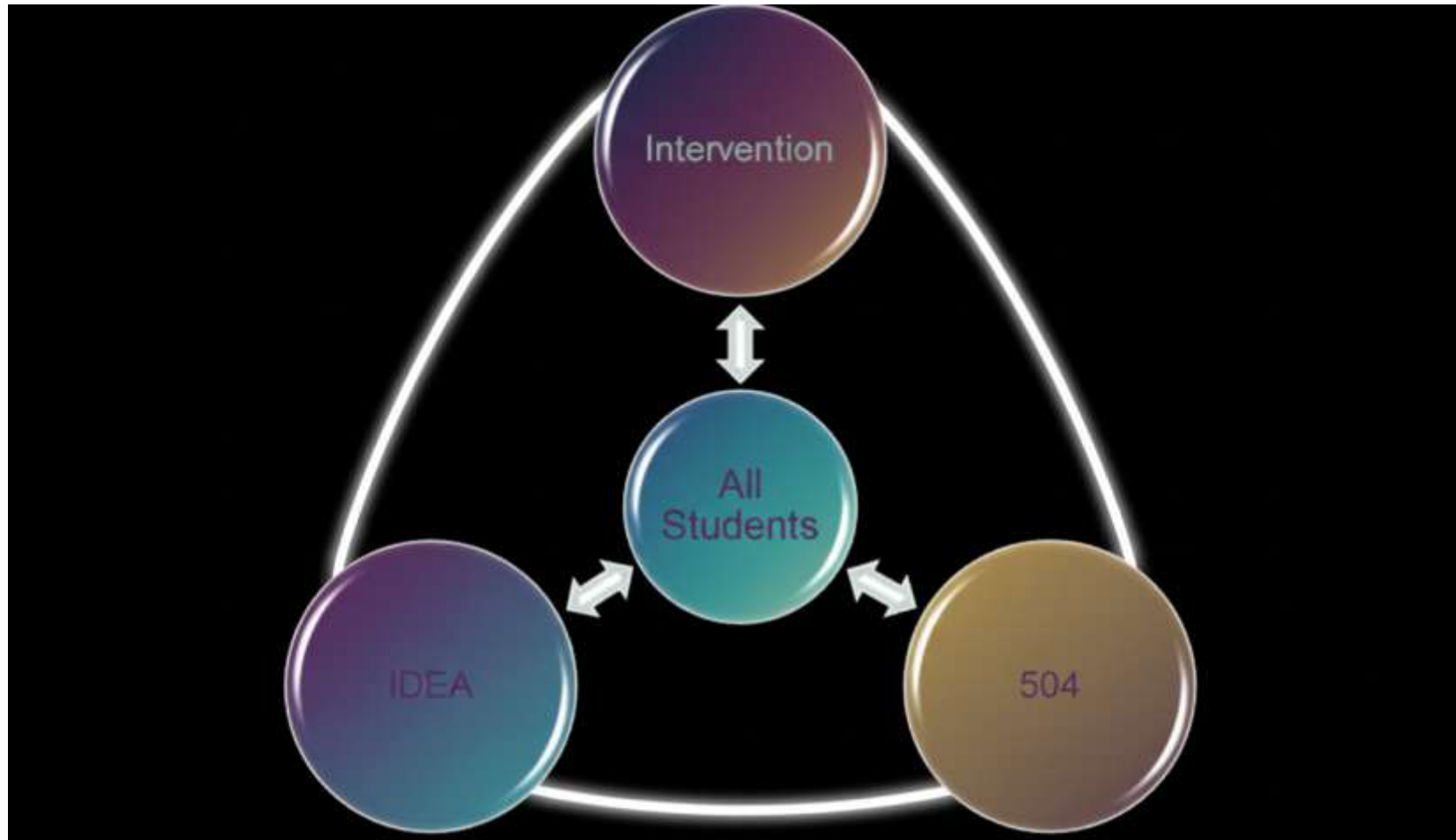
How is a fluency probe going to prove that a student is becoming a better reader?

How would using a CBM help support students who are making slow or no progress?

05:00

Child Find

Remember This?



Child Find Obligation

34 CFR 300.111 (a)(1) – The State must have in effect policies and procedures to ensure that – (i) All children with disabilities residing in the State, including children with disabilities who are homeless or are wards of the State, and children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated.



Child Find Obligation

WAC 392-172A-02040

Child find. (1) School districts shall conduct child find activities calculated to reach all students with a suspected disability for the purpose of locating, evaluating and identifying students who are in need of special education and related services, regardless of the severity of their disability. The child find activities shall extend to students residing within the school district boundaries whether or not they are enrolled in the public school system.



Child Find Obligation

WAC 392-172A-02040

(2) Child find activities must be calculated to reach students who are homeless, wards of the state, highly mobile students with disabilities, such as homeless and migrant students and students who are suspected of being a student with a disability and in need of special education services, even though they are advancing from grade to grade.



Child Find Obligation

WAC 392-172A-02040

(3) The school district shall have policies and procedures in effect that describe the methods it uses to conduct child find activities in accordance with subsections (1) and (2) of this section. Methods used may include, but are not limited to, activities such as:

(a) Providing written notification to all parents of students in the school district's jurisdiction regarding access to and the use of its child find system;

(b) Posting notices in school buildings, other public agency offices, medical facilities, and other public areas, describing the availability of child find;

(c) Offering preschool developmental screenings;

(d) Conducting local media informational campaigns;

(e) Coordinating distribution of information with other child find programs within public and private agencies; and

(f) Using internal district child find methods such as screening, reviewing district-wide test results, providing in-service education to staff, and other methods developed by the school district to identify, locate and evaluate students including a systematic, intervention based, process within general education for determining the need for a special education services referral.

Child Find Obligation

WAC 392-172A-03005 Referral and timelines for initial evaluations. (1) A parent of a child, a school district, a public agency, other persons knowledgeable about the child may initiate a request for an initial evaluation to determine if the student is eligible for special education

Child Find: Public Awareness

On an annual basis may communicate with:

- Pediatricians and medical facilities
- Parents of parentally placed private school students*
- Preschools
- Childcare centers
- Private and religious schools

Child Find: Identification

For parentally placed private school students attending schools located within the School district:

The school district must guarantee:

- equitable participation
- an accurate count
- activities similar to those undertaken for public school students



Case Law- Child Find

- K.C. v. Snohomish School District (2022)
The court held that the school district failed to fulfill its child find obligations by not adequately screening and evaluating a student suspected of having a learning disability, which delayed appropriate intervention. Emphasized the importance of proactive screening and timely evaluations under Washington Administrative Code (WAC) and IDEA requirements.

Case Law- Child Find

- Fry v. Napoleon Community Schools, 137 S. Ct. 743 (2017)

The Supreme Court clarified the scope of IDEA and the obligation of schools to serve students with disabilities, including those returning from hospitalization, emphasizing that schools must provide a FAPE (Free Appropriate Public Education) regardless of the setting.

Case Law- Child Find

- California Department of Education, 2019
The California Department of Education has issued guidance emphasizing the district's child find obligation to identify students who may have disabilities and are returning from residential or hospital settings, ensuring they receive timely evaluations and services.
- WAC 392-172A-03105 (2021 Amendment)
This Washington Administrative Code clarifies the state's responsibilities under IDEA, including the obligation to identify students with disabilities, even during disruptions like the pandemic, and to ensure proper evaluation and placement upon re-entry.

Case Law- Child Find

- M.R. v. Bellevue School District (2023):

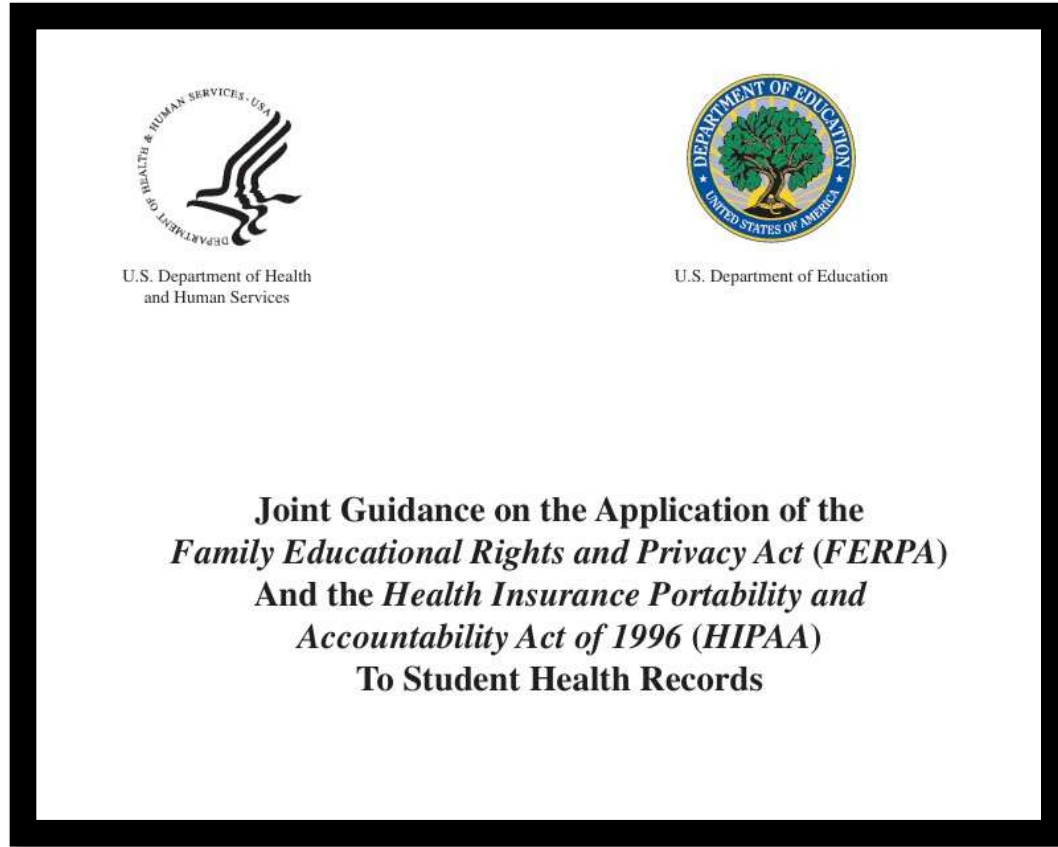
The court found that the district did not sufficiently document efforts to identify students with disabilities, violating child find obligations. This reinforces that school districts must maintain documentation of screening and referral processes to demonstrate compliance.

What is Indicator 11 and 12?

Indicator 11, often referred to as "Child Find," measures the percentage of children who were evaluated within the required timeframe after receiving parental consent for initial evaluation in special education.

Indicator 12, the percentage of children referred by IDEA Part C who are found eligible for Part B and have an IEP developed and implemented by their third birthday.

FERPA and HIPAA



[Joint Guidance on the Application of HIPAA and FERPA to Student Health Records](#)

Movement Break



Referral Process

Referral for Evaluation



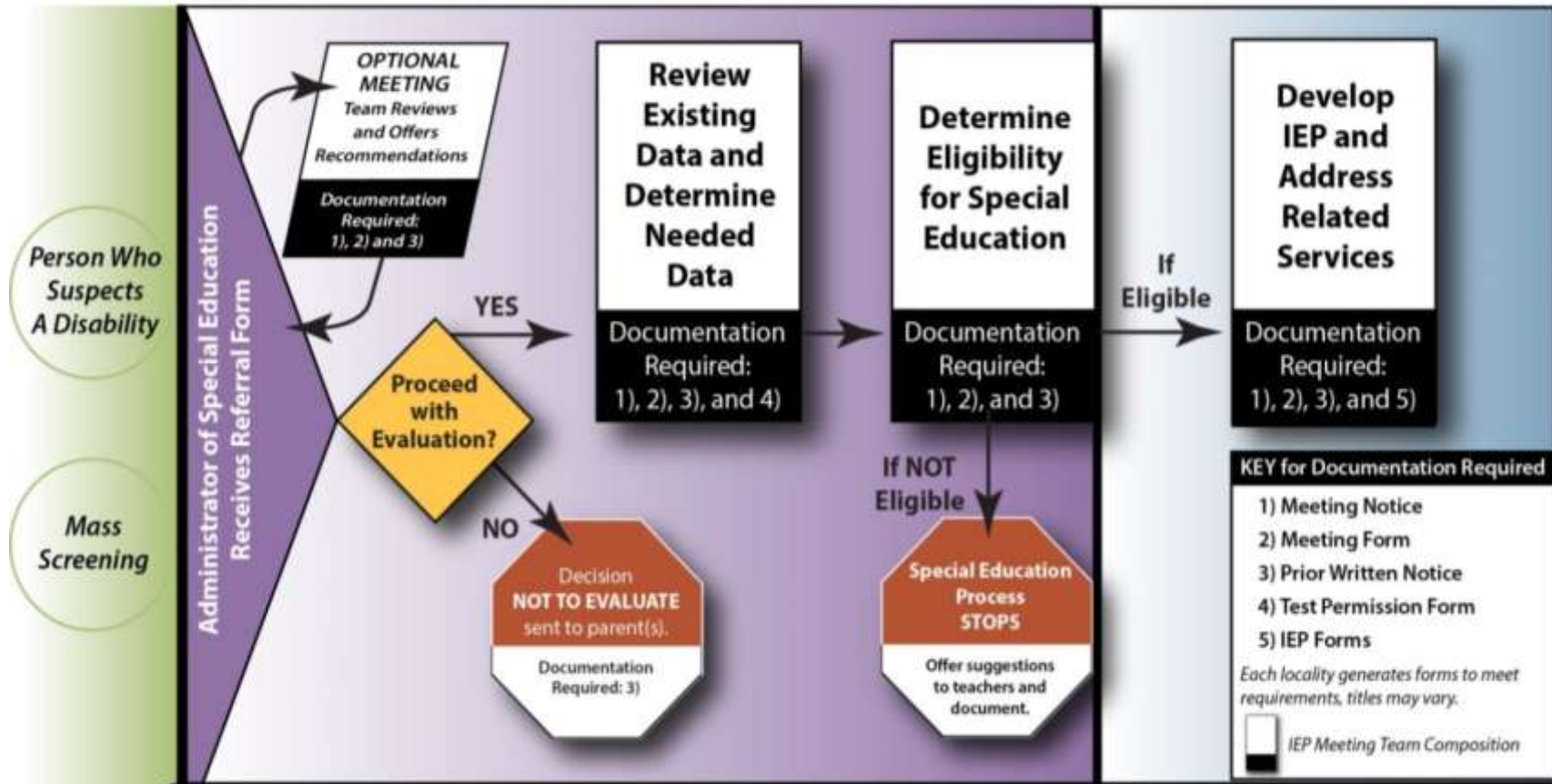
Referrals can be made orally or in writing and can come from any source or individual?

Referral for Evaluation

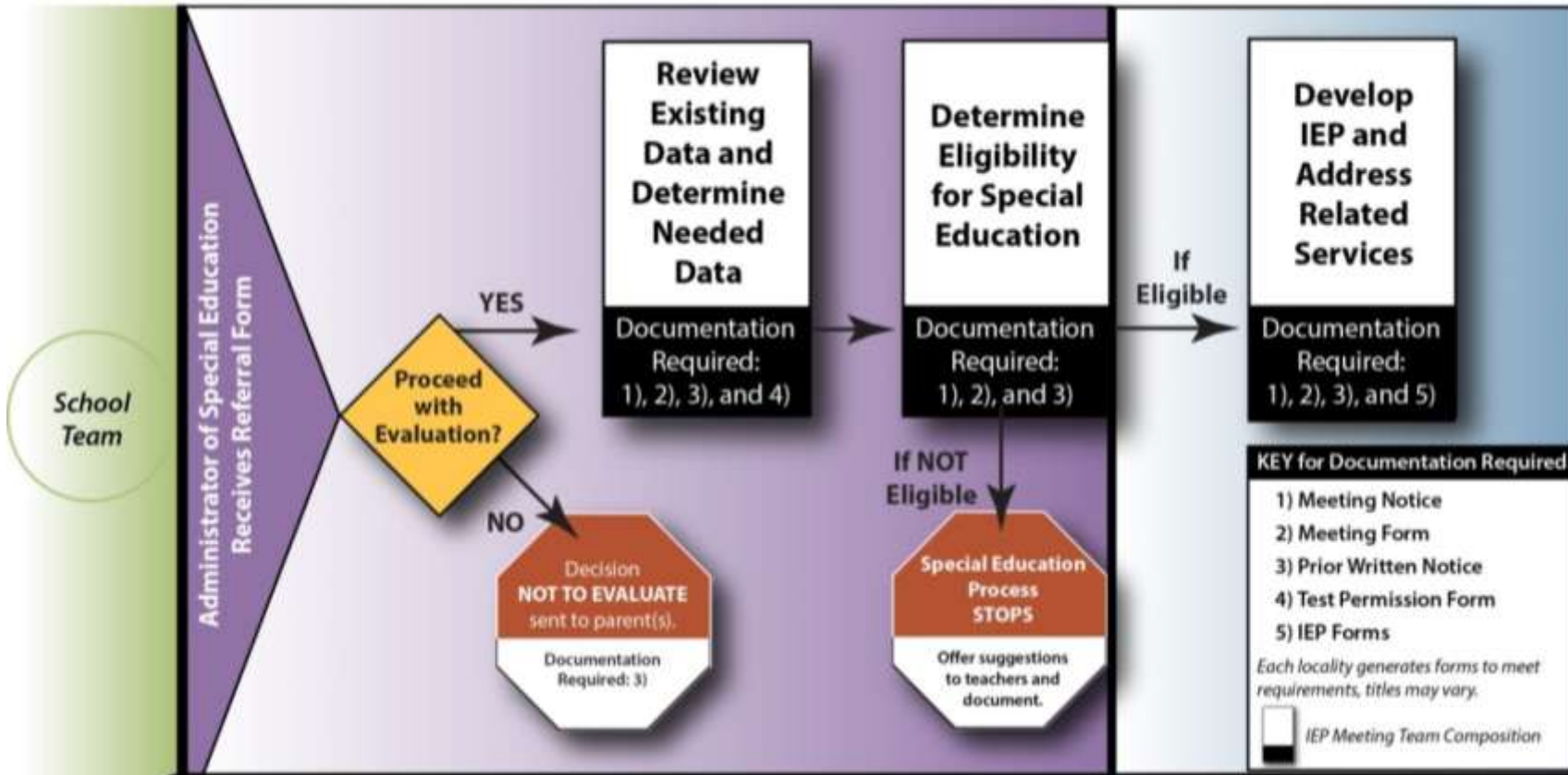
After receipt of the referral from the special education administrator or designee the school-based intervention team has 25 business days to meet and determine if the child should be referred for initial evaluation.



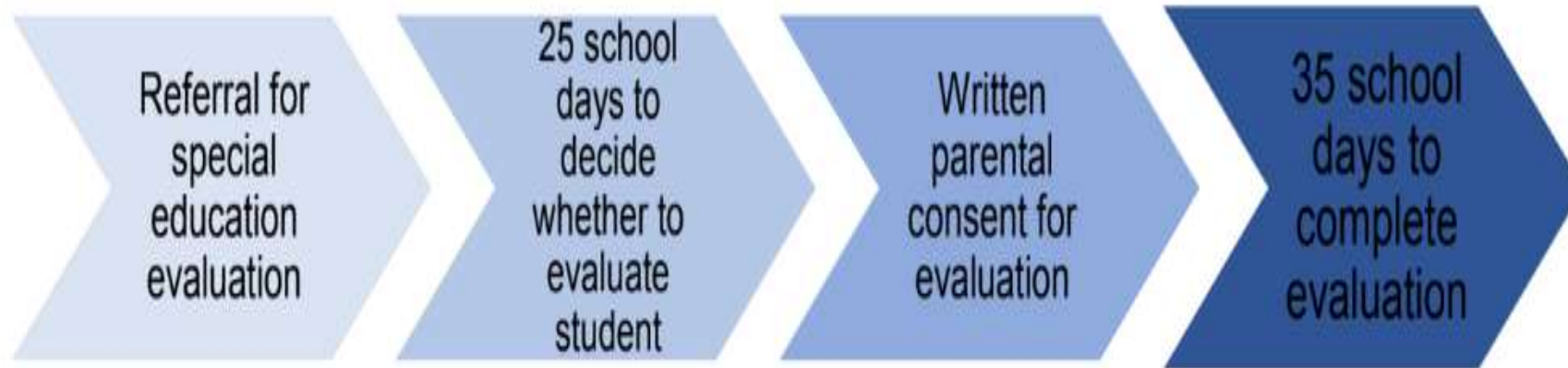
Referral from Mass Screening or Person Suspecting a Disability



Referral from School Team Suspecting a Disability

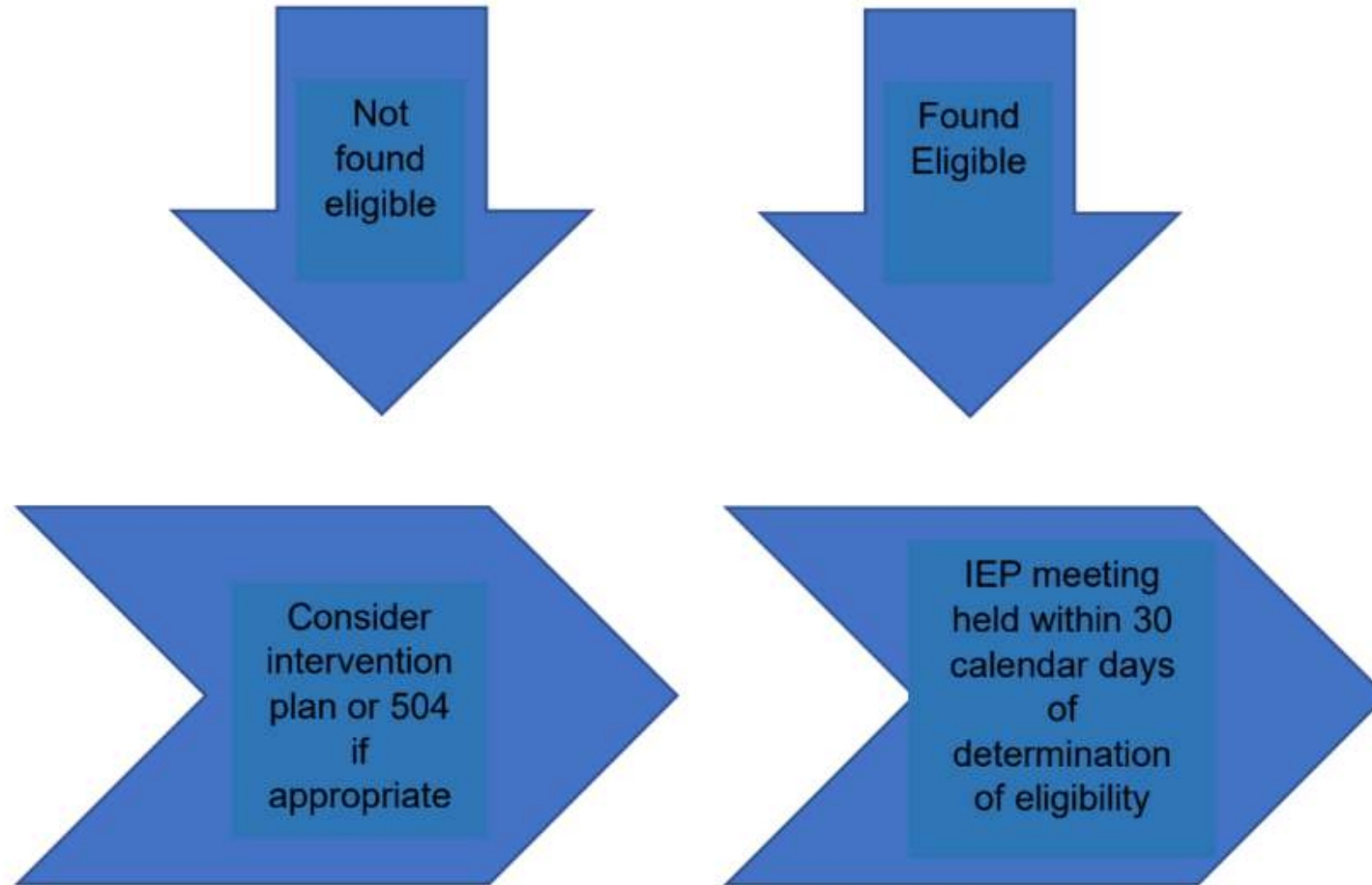


Referral for Evaluation*



* In the Process of Changing see ESHB 2557

Referral For Evaluation



What About Holidays/Breaks?

Letter to Reyes Office of Special Education Programs N/A April 11, 2012

OSEP informed a North Carolina district's special education director that school breaks, regardless of their length and impact on staff availability, don't stretch the applicable timeframe for conducting initial evaluations. OSEP noted that an initial evaluation must be conducted within 60 days after the district receives parental consent, or within the applicable state timeframe. 34 CFR 300.301(c)(1).

Case Law- Timely Evaluations

- Seattle School District v. Student (2022)
Emphasized the importance of timely and comprehensive evaluations under the Individuals with Disabilities Education Act (IDEA). Courts have reinforced that schools must conduct evaluations within statutory timelines and ensure evaluations are thorough to determine eligibility for special education services.

Case Law- Requiring Medical Documentation

- L.M. v. Capistrano Unified School District (9th Cir. 2012)

The court ruled that schools cannot impose unnecessary or overly burdensome requirements on parents to obtain or produce medical documentation unless explicitly authorized by IDEA or Section 504. Requiring parents to produce extensive medical documentation without statutory or regulatory support was deemed unreasonable, especially if it impeded access to appropriate services

ESHB 2557

10:00

ESHB 2557—Evaluation & Eligibility Determination Timelines Q&A

Background

During the 2025–26 legislative session Governor Ferguson signed [ESHB 2557](#) into law, which addresses special education evaluation timelines and eligibility determination meetings. [ESHB 2557](#) goes into effect on June 11, 2026.

OSPI has received multiple inquiries regarding the legislation. OSPI shares this Question-and-Answer document, current as of **April 7, 2026**, for districts¹, parents/guardians, and IEP teams to support team decision making during the 2025–26 school year and beyond.

As additional information is known, we will update this document with additional guidance. If you have questions, please contact Dr. Tania May, Assistant Superintendent of Special Education, at 360-725-6075, or email [OSPI Special Education](#).

A. Evaluation & Eligibility Determination Timelines

A1.A. When does the new timeline go into effect?

The requirements of [ESHB 2557](#) go into effect on June 11, 2026. For most students, this will impact evaluations initiated during the 2026-27 school year.

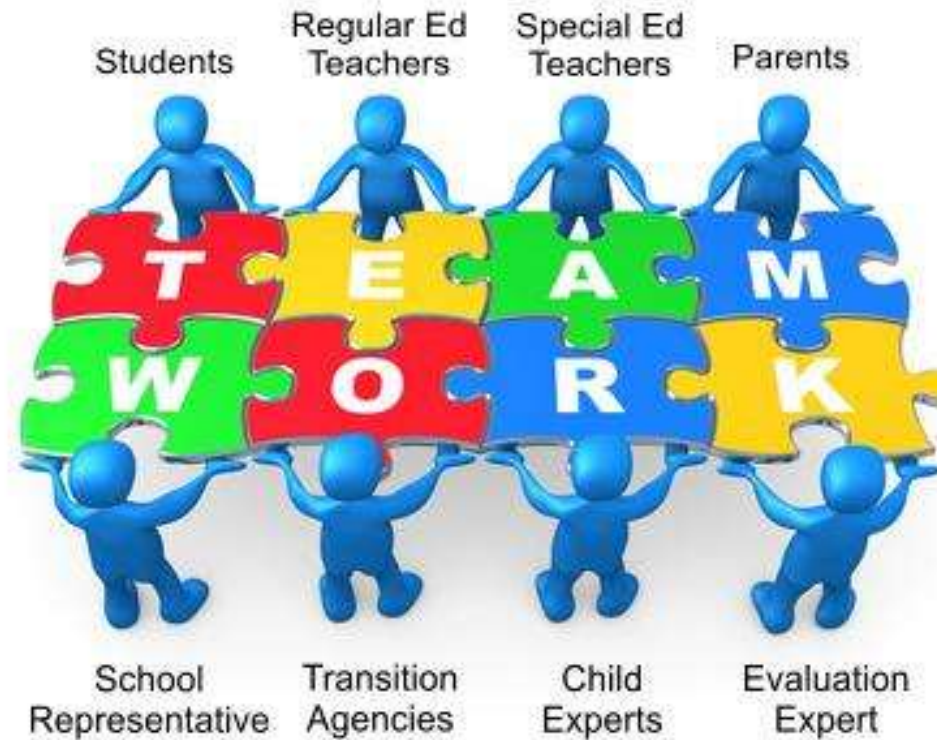
Referral for Evaluation

Children parentally placed in private schools... Who does the evaluation?



Referral for Evaluation

- Administrator
- A general education teacher of the student
- Specialist(s)
- Other specialists with expertise in the area(s) of concern



- Intervention team case manager?
- ML teacher?
- Interpreter?

Referral for Evaluation

Make a determination

- Begin the evaluation, OR
- Require school-based team to review and respond to the request, OR
- Deny the request



Initiating the Evaluation/Reevaluation



Team Review of Referral and Team Review of Existing Data

Initiating the Evaluation/Reevaluation



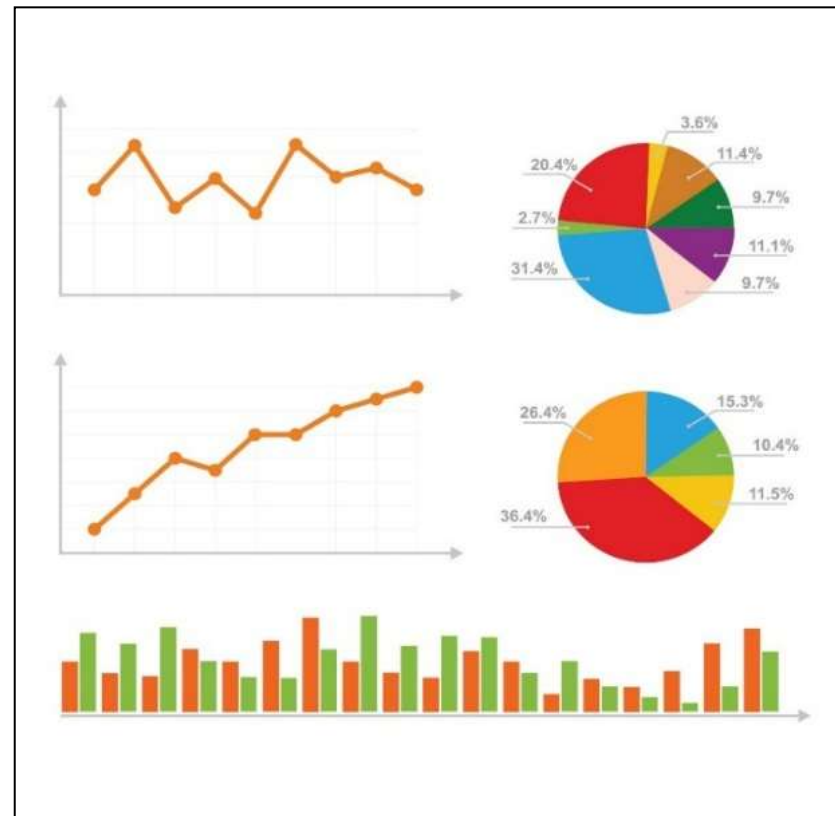
When reviewing existing data for EML students, consider:

- Country of Origin
- Length of US residency
- Prior formal schooling
 - Attendance
 - Language of instruction
 - Cumulative amount of previous schooling

Initiating the Evaluation/Reevaluation

After reviewing existing data, the team identifies what additional data, if any, are needed to determine:

1. Whether the student is or continues to be a student with a disability
2. Whether the student needs or continues to need special education and related services



Initiating the Evaluation/Reevaluation

3. The team identifies what additional data are needed to determine present educational needs of the student
4. The team identifies the student's present level of academic achievement and related developmental needs



Initiating the Evaluation/Reevaluation

5. The team identifies what additional data are needed to determine whether any additions or modifications to special education and related services are needed



Consent



Initiating the Evaluation/Reevaluation

Summarize the existing data that has been discussed to include:

- Information from parents
- Current classroom data
- Prior special education information

Discuss the sufficiency of data to make a determination.

Case Law- Evaluations

- Doe v. State of Washington (2023):
The court held that disability evaluations must adhere to the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act. Evaluations that rely solely on self-reporting without objective testing may be insufficient.

Initiating the Evaluation/Reevaluation

Students who transfer into during the
evaluation process:

- Coordinate with
sending LEA to
secure all
evaluation
documents



LUNCH

We will start again at:

1:00



ANACORTES FOOD RECS



Apart from the usual fast food chains around the area, we compiled a list of recommended lunch spots within short driving distance from the ESD.



<u>Naung Mai</u>	Thai <u>menu</u>	3 min
<u>Taqueria Mis 5 Estrellas</u>	Mexican <u>menu</u>	3 min
<u>Teriyaki Time</u>	Sushi and Japanese entrees <u>menu</u>	3 min
<u>Lucky Chopsticks</u>	Chinese <u>menu</u>	3 min
<u>Cosmic Veggies</u>	Vegan/vegetarian <u>menu</u>	4 min
<u>Good Bagels Cafe</u>	Bagel sandwich shop <u>menu</u>	4 min
<u>Gere-a-deli</u>	Diner style: sandwiches, soups <u>menu</u>	5 min
<u>Fidalgo Drive-in</u>	American <u>menu</u>	5 min
<u>Tin House "Thai Street Food"</u>	Thai <u>menu</u>	5 min
<u>Adrift</u>	Seafood <u>menu</u>	5 min

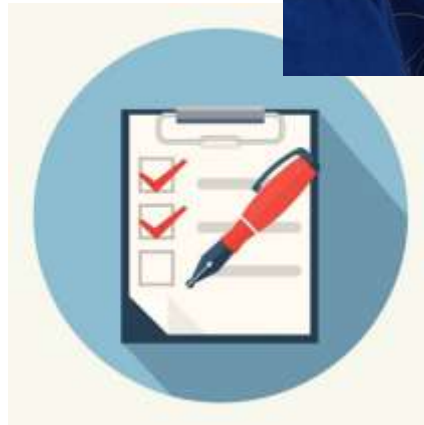


Evaluation Data and Reports: The Eligibility Meeting

Gathering Evaluation Data: Factors to Consider

Selection of Assessment Tools

A variety of assessment tools may be used during an evaluation to gather information



Gathering Evaluation Data: Factors to Consider

Be careful of the following errors:

- Wrong student name, and identifying information
- Misspelled words
- Does not include results related to the reason for referral



DO include:

- Academic and/or behavioral implications to assist education in the provision of instruction
- Description of impact of language, culture, environment, previous education on student's development and learning



What do we do when...

- Someone dissents at the eligibility meeting?
- The parent withdraws consent before/after testing has started?
- What if there are missing data at eligibility?
- Who is the parent? Who signs consent?

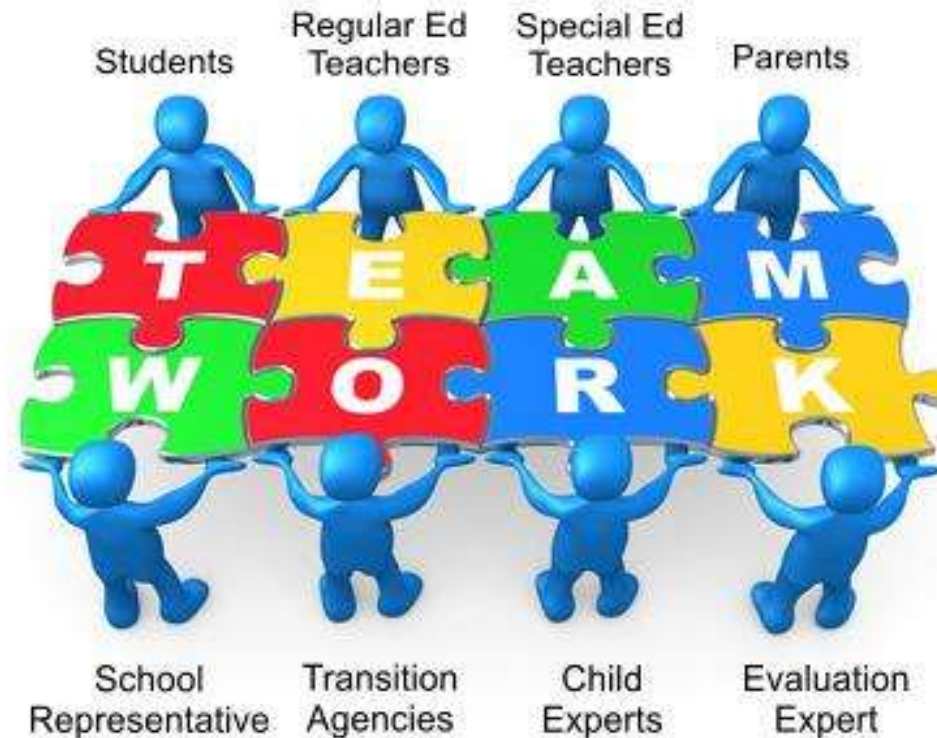


What do we do when...

- No consent for evaluation?
- No consent for eligibility?
- What to do with a private evaluation?
- The parent won't bring the student to the building for testing?
- When should we use the extension form?

Conducting the Eligibility Meeting

- Administrator
- A general education teacher
- Special Education Teacher
- Specialist(s)
- Personnel representing the disciplines providing assessments



Conducting the Eligibility Meeting

Conduct the meeting . . .



Case Law- Parent Involvement

- Amanda J. v. Clark County School District (2014)
A comprehensive evaluation must be non-discriminatory and include all areas of suspected disability. Parents must be involved in the evaluation process and have access to all evaluation data. Evaluations must be conducted by qualified personnel and must utilize multiple sources of data to accurately determine eligibility. The school district's failure to include all relevant assessments and consider all areas of suspected disability violated IDEA requirements.

Case Law- Qualified Personnel

- M.M. v. Lafayette School District (2018)

Highlighted that evaluations must be conducted by qualified personnel and include multiple sources of data to determine eligibility.

Conducting The Eligibility Meeting



Complete Eligibility documents

For eligible students, an IEP must be written within 30 calendar days.

For students not found eligible, refer back to intervention team, or consider Section 504

Disability Categories: Characteristics, Impact, Research, and Resources

Disability Categories

- Autism
- Hearing Impairment
- Visual Impairment
- Deaf-Blindness
- Developmental Delay
- Emotional Disability
- Intellectual Disability
- Orthopedic Impairment
- Other Health Impairment
- Specific Learning Disability
- Speech Language Impairment
- Traumatic Brain Injury
- Multiple Disabilities

Extra Resource: Centers for Disease Control and Prevention (CDC) Infographic "[Disability Impacts Us All](#)" (2024)

Characteristics of Autism

1. Difficulties in social emotional reciprocity, including trouble with social approach, back and forth conversation, sharing interests with others, and expressing/understanding emotions.
2. Difficulties in nonverbal communication used for social interaction including abnormal eye-contact and body language and difficulty with understanding the use of nonverbal communication like facial expressions or gestures for communication.
3. Deficits in developing and maintaining relationships with other people (other than with caregivers), including lack of interest in others, difficulties responding to different social contexts, and difficulties in sharing imaginative play with others.

Characteristics of Autism

At least 2 of the following:

1. Stereotyped speech, repetitive motor movements, echolalia (repeating words or phrases, sometimes from television shows or from other people), and repetitive use of objects or abnormal phrases.
2. Rigid adherence to routines, ritualized patterns of verbal or nonverbal behaviors, and extreme resistance to change (such as insistence on taking the same route to school, eating the same food because of color or texture, repeating the same questions); the individual may become greatly distressed at small changes in these routines.
3. Highly restricted interests with abnormal intensity or focus, such as a strong attachment to unusual objects or obsessions with certain interests, such as train schedules.
4. Increased or decreased reactivity to sensory input or unusual interest in sensory aspects of the environment, such as not reacting to pain, strong dislike to specific sounds, excessive touching or smelling objects, or fascination with spinning objects.

Autism and Impact on Learning

Ways in which Autism may impact a student's learning include:

- Difficulty with transition and/or change;
- Atypical reactions to sensory input;
- Need for motivation and supports that are highly visual, and;
- Issues with generalizing information.

Autism Research

- About 1 in 36 children has been identified with autism spectrum disorder (ASD) according to estimates from CDC's Autism and Developmental Disabilities Monitoring (ADDM) Network. ASD is reported to occur in all racial, ethnic, and socioeconomic groups.
- ASD is nearly 4 times more common among boys than among girls.
- About 1 in 6 (17%) children aged 3–17 years were diagnosed with a developmental disability, as reported by parents, during a study period of 2009–2017. These included autism, attention-deficit/hyperactivity disorder, blindness, and cerebral palsy, among others.

Autism and Mental Health

- Overlap in symptoms make diagnosis difficult
- Anxiety, ADHD, OCD, Depression, ODD
- Estimated 79% of persons with ASD experience a mental health problem at some point in their lives

Transportation SB 229

- Requires the Board of Education to establish a training program for school board employees who assist in the transportation of students on school buses, including **individuals employed to operate school buses and school bus aides, on autism spectrum disorders, including the characteristics of autism spectrum disorders, strategies for interacting with students with autism spectrum disorders, and collaboration with other employees who assist in the transportation of students on school buses.**
- The bill requires each school board employee who assists in the transportation of students with autism spectrum disorders on school buses to participate in such training program.

05:00



Training:
<https://vcuautismcenter.org/te/tranSPORTation.cfm>



Stretch break!

The Science Behind Brain Breaks

<https://www.edutopia.org/article/research-tested-benefits-breaks>

<https://journals.sagepub.com/doi/abs/10.1177/1745691612447308>

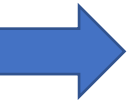
<https://www.tandfonline.com/doi/full/10.1080/07303084.2024.2308253#abstract>

Examples

<https://www.youtube.com/watch?v=dnwHDN6Dw7Q>

<https://www.gonoodle.com/>

<https://www.youtube.com/watch?v=7Ep5mKuRmAA>



Brain Break



Characteristics of Hearing Impairment

Hearing Impairment:

- Is an impairment in hearing in one or both ears, with or without amplification, whether permanent or fluctuating, that adversely affects the student's performance.
- Is not included under the definition of deafness.

Hearing Impairment and Impact on Learning

Hearing Impairment may have an impact in the following areas:

- Social development;
- Speech and language and/or;
- Educational achievement.

Characteristics of Deafness

- Deafness is a hearing impairment that is so severe that the student is impaired in processing linguistic information through hearing, with or without amplification.
- Deafness must be present in both ears.

Deafness and Impact on Learning

The impact of Deafness on learning may require educators to:

- Encourage the student to use residual hearing as much as possible in addition to visible communication;
- Provide preferential seating to allow for speech reading, and/or;
- Allow the use of captioned films/videos.

Tips for Working with Students who are Hearing Impaired or Deaf

- Obtain the student's attention before speaking. A tap on the shoulder, a wave or another visual signal is usually effective.
- Speak slowly and clearly; but do not yell, exaggerate, or over pronounce. Exaggeration and overemphasis of words distorts lip movements, making speech reading more difficult. Try to enunciate each word without force or tension. Short sentences are easier to understand than long ones.
- If the student indicates that they did not understand you, first repeat and then try to rephrase a thought rather than repeating the same words. If the person only missed one or two words the first time, one repetition will usually help. Particular combinations of lip movements sometimes are difficult for individuals who are hearing impaired to speech read. Do not be embarrassed to communicate by paper and pencil or computer, if necessary. Getting the message across is more important than the method used.

Tips for Working with Students who are Hearing Impaired or Deaf

- Look directly at the student when speaking. Even a slight turn of your head can obscure their ability to see your lips.
- Use visual models and cues.
- Speak directly to the individual with the hearing impairment, not the sign language interpreter.

Resources for Working with Students who are Hearing Impaired or Deaf

Serving Students who are Deaf or Hard-of-Hearing

A Professional Development Course For Speech Language Pathologists & Other Service Providers



About the Course

Students with hearing loss in Colorado, although low in incidence, have educationally significant and often quite specific needs in speech, language and academic development. Service providers, especially Speech and Language Pathologists, may at one time or another provide services to students with hearing loss. This course provides knowledge, information and resources to assist in better understanding, assessing, analyzing data and serving students who have hearing loss.

This course contains 5 modules which focus on the impact of hearing loss, aspects of a potential language gap, role of the SLP and essential nature of collaboration with service providers on the Deaf/HH education team as well as other essential components. Formal and informal assessment, using language samples, and knowing where to find resources and materials can be critical in providing specialized instruction and monitoring student progress. Whether part of a large district program, a small rural school or anywhere in between, this course has been developed to support YOU in the services you provide to students with hearing loss.

Module Links

- [Module 1](#)
- [Module 2](#)
- [Module 3](#)
- [Module 4](#)
- [Module 5](#)

Characteristics of Visual Impairment

A Visual Impairment:

- Is an impairment in vision that, even with correction, affects the students educational performance.
- Includes partial sight and blindness.

Visual Impairment and Impact on Learning

A Visual Impairment may:

- Hinder the student's ability to explore his/her environment, initiate and maintain social interaction, and/or;
- Require the need to teach compensatory skills and adaptive techniques.

Characteristics of Deaf-Blindness

Deaf-Blindness includes hearing and visual impairments occurring at the same time, which together causes severe communication and other developmental and educational needs.

Deaf-Blindness and Impact on Learning

Deaf-Blindness may have an impact on learning in the following areas:

- Communication/language development;
- Cognitive development and the ability to learn;
- Emotional/social development, and/or;
- Body image and self-concept.

Tips for Working with Students who are Visually Impaired or Blind

- If an individual who is visually impaired seems to need assistance, identify yourself and offer your services.
- When giving directions, use descriptive words such as "straight ahead" or "forward." Be specific in directions and avoid vague terms such as "over there."
- When interacting with students who are visually impaired, use verbal identification when you arrive or leave an area.
- Guide/service animals are working animals; it can be hazardous if the guide dog is distracted. Never pet the dog without the owner's knowledge and permission. Normally, the dog is "working" when wearing the harness.

Resources for Working with Students who are Visually Impaired or Blind

IRISCENTER

Resources PD Options Articles & Reports Help English

Serving Students with Visual Impairments: The Importance of Collaboration (Archived)

Challenge

Initial Thoughts

Perspectives & Resources

Wrap Up

Assessment

Provide Feedback

Serving Students with Visual Impairments: The Importance of Collaboration (Archived)

This module underscores the importance of the general education teacher's collaborating with professionals and other individuals knowledgeable about the needs of students with visual disabilities (est. completion time: 1.5 hours).

Note: This resource will no longer be updated.

5 Assessment

1 Challenge

2 Initial Thoughts

3 Perspectives & Resources

4 Wrap Up

Characteristics of Developmental Delay

Developmental Delay is a disability category for students between the ages of two and nine* (inclusive) with delays in the areas of:

- Physical development;
- Cognitive development;
- Communication;
- Social/emotional, and/or;
- Adaptive behavior.

Developmental Delay and Impact on Learning


Developmental Delay may have an impact on learning in the following areas:

- Cognitive development;
- Communication;
- Fine and gross motor;
- Social/emotional and/or;
- Adaptive behavior.

Tips for Working with Students who are Developmentally Delayed

- Get child's attention before communicating. When giving instructions or talking with children check that you have their full attention before beginning. This can be done out loud or with a gesture.
- Be clear and specific. It can be helpful to give clear and specific instructions about the task and the behavior expected.
- Use visual instructions. Visual instructions about a task or behavior may be needed for some children. Consider demonstrating the task or asking another child to demonstrate. You can also use a visual schedule, poster or video to outline or model the task.
- Some children may find it easier if they can use gestures. Some children may need to point to an answer instead of talking.

Resources for Working with Students who are Developmentally Delayed

 Watch Me! Training Modules

HOME **MODULE 1** MODULE 2 MODULE 3 MODULE 4

Module 1: Your Important Role in Monitoring Children's Development



Characteristics of Emotional Disability

- Emotional disability is a condition where the student exhibits an inability to learn, exhibits an inability to form typical relationships, and/or has atypical feelings under normal circumstances.
- One or more of the characteristics must be demonstrated over a long period of time and to a marked degree for a student to be identified as a student with an Emotional Disability.

Emotional Disability and Impact on Learning

Students with an Emotional Disability may:

- Have a co-existing disability;
- Exhibit externalizing or internalizing behaviors that negatively impact learning, and;
- Require behavioral supports in the classroom to foster replacement of problem behaviors with appropriate behaviors.

Tips for Working with Students who Have Emotional Disabilities

- Choice-making opportunities empowers students by providing them with opportunities to make decisions. To do this, offer the student up to three options and ask them to choose just one. Then, offer them a time to decide. Wait for their response until then. Finally, reinforce their option and guide them through the advantages and disadvantages of their choice.
- Personally check-in with student daily, especially if you notice the student is in a negative brain state. The best way is to first attend to their emotional temperature, to let them know you are present and available no matter the negative behaviors.
- A locked journal for safe self-expression can allow the student to write out their thoughts and feelings, which can clear space in the frontal lobes for positive emotion and higher cognitive processes. A locked journal can give students a safe place to release anxiety while maintaining control over their own privacy.

Resources for Working with Students who Have Emotional Disabilities

Behavior and Social Emotional Development Training

Training Topic #1	
Title of Training:	<u>The Pyramid Model Behavior Intervention and Positive Behavior Support Resources</u>
Sponsoring Organization:	<u>The National Center for Pyramid Model Innovations (NCPMI)</u>
Organization Web Site:	https://challengingbehavior.org/
Training Web Link:	https://challengingbehavior.org/pyramid-model/behavior-intervention/resources/

Characteristics of Intellectual Disability

- A student with an Intellectual Disability may have significant limitations with cognitive functioning and adaptive behavior manifested at a young age.
- The degree of the Intellectual Disability is a factor that determines the impact on a student's academic skills, conceptual skills, social skills, and practical skills.

Intellectual Disability and Impact on Learning

An Intellectual Disability may have an impact on learning that requires:

- Curriculum and instruction to be modified as required by the student's needs, and/or;
- Independence and self-reliance to be addressed through an IEP goal.

Tips for Working with Students who Have Intellectual Disabilities

- Use clear, succinct, straightforward language.
- Many students with ID benefit from predictable routines, step-by-step directions, and clearly defined expectations.
- Provide immediate and positive feedback Positive feedback will encourage the student to keep on trying. If a student masters a concept or meets a goal it is important to reward or applaud the student immediately.
- Daily routines, posted schedules, and consistent expectations in an environment where students feel safe and know what to expect. Predictability helps lower anxiety and lays the foundation for engagement and learning.

Resources for Working with Students who have Intellectual Disabilities

The screenshot shows a website interface for 'inclusion outreach'. At the top, there is a navigation menu with 'Home', 'Courses', 'Timeline', and 'Resources'. Below this is a green header for 'Course 2: Individual Learning Differences'. The main content area is divided into two columns. The left column features a large green curly bracket icon followed by the text 'Module 1: Intellectual Disabilities'. Below this text is a photograph of a young woman with her hair in a ponytail, wearing a yellow sweater, sitting on a couch and working on a laptop. The right column contains a table of contents with expandable sections. The 'Course 2 Overview' section is expanded, showing a list of topics: 'Introduction', 'Defining Intellectual Disabilities', 'Causes of Intellectual Disability', 'Characteristics of Learners with an Intellectual Disability', 'Summary', and 'Module 1 Quiz'. Below this, the 'Movement' and 'Vision' sections are also listed with expandable icons.

{inclusion outreach} Home Courses Timeline Resources

Course 2: Individual Learning Differences

Module 1:
Intellectual Disabilities

Course 2 Overview +

Intellectual Disabilities -

→ Introduction

- Defining Intellectual Disabilities
- Causes of Intellectual Disability
- Characteristics of Learners with an Intellectual Disability
- Summary
- Module 1 Quiz

Movement +

Vision +

Characteristics of Orthopedic Impairment

Students with Orthopedic Impairment:

- Have a physical impairment caused by congenital anomaly, disease, or other causes, and;
- Exhibit significant physical limitation.

Orthopedic Impairment and Impact on Learning

The impact on learning due to an Orthopedic Impairment may:

- Be contingent upon the disease and its severity.
- Be minimal due to many students with orthopedic impairments having no cognitive, learning, perceptual, language, or sensory issues.
- Require focus on accommodations necessary for students to have access to academic instruction.

Tips for Working with Students who Have Orthopedic Impairments

- Allow extra time or to get to the bus;
- Preferential seating and accessible transportation;
- Speak to the student as you would to anyone else, a physical impairment does not also mean there is a cognitive impairment.
- Make sure any communication devices, known as augmentative and alternative communication (AAC) devices are within students reach at all times, as it is their voice.

Break



15:00

Resources for Working with Students who have Orthopedic Impairments

OI TRAINING MODULES

We are pleased to offer the following asynchronous training modules related to assistive technology (AT) and augmentative and alternative communication (AAC). Each module embeds learning-check questions.

After you complete each module, you will fill out a feedback form and then a Certificate of Completion will be automatically emailed to you.

All modules have been approved by the Oregon Board of Examiners for Speech-Language Pathology and Audiology for continuing education units (CEUs)



AAC Training Modules Featuring Caroline Musselwhite, Ph.D. CCC-SLP

[Part 1: Supporting Fun and Engaging Conversations for all AAC Users](#)

[Part 2: Emergent Learners and AAC in Early Childhood](#)

Part 3: Coaching Communication Partners of AAC Users (coming soon)

Characteristics of Other Health Impairment

- Students with Other Health Impairment will demonstrate limited strength, vitality, or alertness due to a chronic or acute health problem.
- Other Health Impairment includes the subcategory of Attention-Deficit/Hyperactivity Disorder (ADHD).

Some of the Types of Other Health Impairment

- **Attention-Deficit/Hyperactivity Disorder (ADHD)**
- **Epilepsy**
- **Asthma**
- **Diabetes**
- **Heart conditions**
- **Hemophilia**
- **Leukemia**
- **Rheumatic fever**
- **Tourette's syndrome**
- **Cancer**
- **Neurological disorders**
- **Mental health conditions (e.g., anxiety, depression)**

Other Health Impairment and Impact on Learning

An Other Health Impairment may have an impact on learning in the following areas:

- Executive functioning;
- Intellectual functioning, and/or;
- Social/emotional functioning.

Tips for Working with Students who Have Other Health Impairment

- Preferential seating near the front of the bus can help reduce distractions. It also makes it easier for the driver to check in and give reminders.
- Breaking tasks into smaller steps. Long lists of directions can feel overwhelming for kids with ADHD. Dividing them into smaller steps makes tasks easier to manage and helps children stay on track.
- Repeating directions. Children with ADHD may need to hear instructions more than once. Repeating directions or providing them in writing helps ensure they fully understand what to do.

Characteristics of Specific Learning Disability

- Specific Learning Disability means a disorder in one or more of the basic psychological processes, which may include:
 - Understanding or using spoken/written language, or;
 - Conditions such as perceptual disabilities, brain injury, dyslexia, and developmental aphasia.
- Is not the primary result of visual, hearing or motor disabilities, or the result of environmental, cultural, or economic disadvantage.

Characteristics of Specific Learning Disability

The student does not achieve adequately for her/his age or meet state grade level standards when provided with age-appropriate learning experiences and instruction in one or more of the following areas:

- Oral expression
- Listening comprehension
- Written expression
- Basic reading skills
- Reading fluency skills
- Reading comprehension
- Mathematics calculation
- Mathematics problem solving

Specific Learning Disability and Impact on Learning

Specific Learning Disability may have an impact in the following areas:

- Psychological processing;
- Academic, and/or;
- Social Emotional.

Tips for Working with Students who Have Specific Learning Disabilities

- Break tasks into small steps;
- Give clear concise directions;
- Use visual aides.
- When providing multiple directions, chunk or provide one direction at a time.

What the WAC Currently Says

While the definition of SLD remains unchanged, state special education regulations provided expanded options for determining SLD eligibility in 2007. These regulations address the eligibility determination for SLD (WAC 392-172A-03045 through WAC 392-172A-03080) that provide for the use of:

1. A severe discrepancy between intellectual ability and achievement;
2. A process based upon a student's response to scientific, research-based interventions; or
3. A combination of both within a school district provided that the evaluation process used is the same for all students within the selected grades or buildings within the school district and is in accordance with district procedures.

Characteristics of Specific Learning Disability

WAC 392-172A-03040 Determination of eligibility. (1) Upon completion of the administration of assessments and other evaluation measures:

(a) A group of qualified professionals and the parent of the student determine whether the student is eligible for special education and the educational needs of the student; and

(b) The school district must provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

(2)(a) A student **must not be determined to be eligible** for special education services if the determinant factor is:

(i) **Lack of appropriate instruction in reading**, based upon the state's grade level standards; (ii) **Lack of appropriate instruction in math**; or

(iii) **Limited English proficiency**; and

(b) If the student does not otherwise meet the eligibility criteria including presence of a disability, **adverse educational impact** and **need for specially designed instruction**.

(3) In interpreting evaluation data for the purpose of determining eligibility for special education services, each school district must:

(a) Draw upon information from **a variety of sources**, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the student's physical condition, social or cultural background, and adaptive behavior; and

Characteristics of Specific Learning Disability

WAC 392-172A-03055 Specific learning disability—Determination. The group described in WAC 392-172A-03050 may determine that a student has a specific learning disability if:

(1) The student does not achieve adequately for the student's age or meet the state's grade level standards when provided with learning experiences and instruction appropriate for the student's age in one or more of the following areas:

- (a) Oral expression.
- (b) Listening comprehension.
- (c) Written expression.
- (d) Basic reading skill.
- (e) Reading fluency skills.
- (f) Reading comprehension.
- (g) Mathematics calculation.
- (h) Mathematics problem solving.

(2)(a) The student does not make sufficient progress to meet age or state grade level standards in one or more of the areas identified in subsection (1) of this section when using a process based on the student's response to scientific, research-based intervention or the group finds that the student has a severe discrepancy between achievement and intellectual ability in one or more of the areas identified in subsection (1) of this section; and

(b) When considering eligibility under (a) of this subsection, the group may also consider whether the student exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state grade level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, and through review of existing data.

(3) The group determines that its findings under subsection (2) of this section are not primarily the result of:

- (a) A visual, hearing, or motor disability; (b) Intellectual disability; (c) Emotional disturbance; (d) Cultural factors; (e) Environmental or economic disadvantage; or
- (f) Limited English proficiency.

(4) To ensure that underachievement in a student suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider:

Special Education Eligibility Changes in Washington State by 2028–29

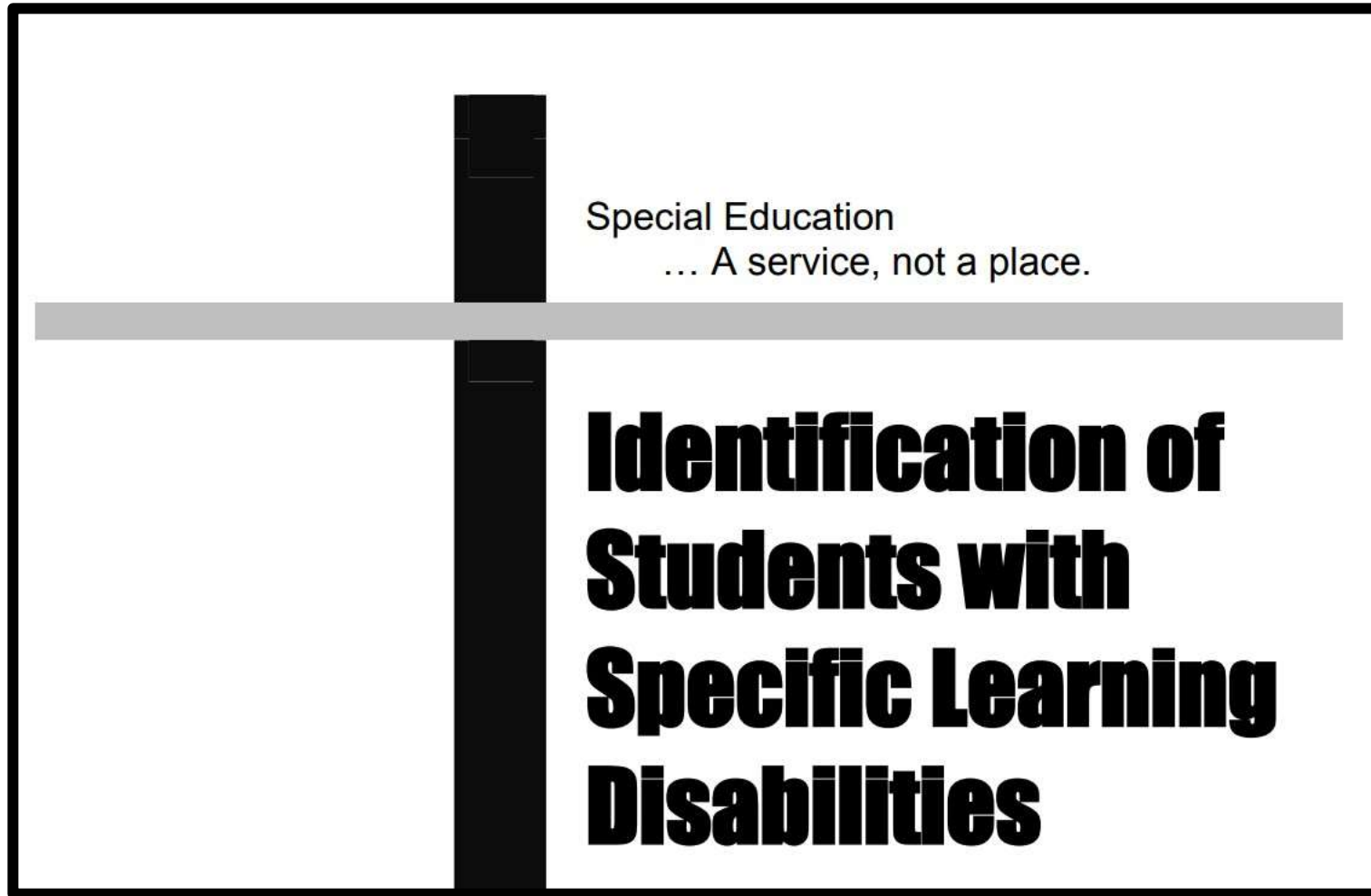
By the 2028–29 school year, Washington will no longer use the *severe discrepancy* methodology to determine special education eligibility under a Specific Learning Disability (SLD). Instead, every school district will use a more effective and timely approach based on instructional data—so students get help earlier and fewer fall through the cracks, especially students of color and multilingual learners who may have a learning disability.

Why This Matters

This change matters because the discrepancy model is a *wait-to-fail* system. Students must struggle for years before a large enough achievement gap appears on test scores. This delays services, contributes to inequities, and does not reflect how students actually learn. Shifting to an instructional, data-based model aligns eligibility decisions with what we know works: strong core instruction, targeted interventions, and ongoing progress monitoring.

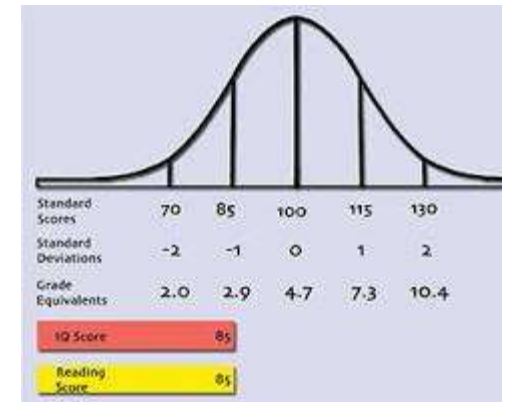
Phasing out the Discrepancy Model

What is the Discrepancy Model?



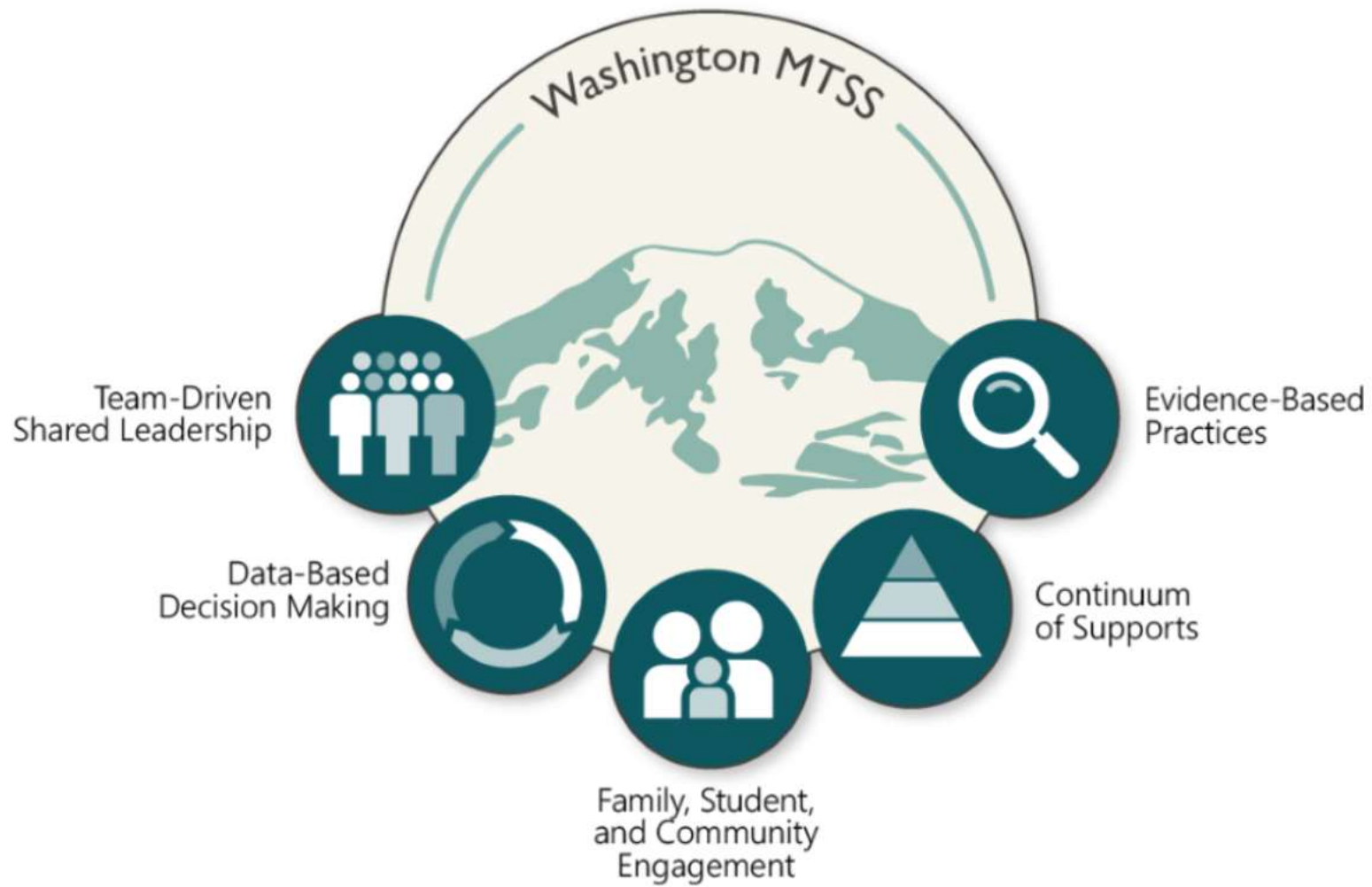
What is the Discrepancy Model?

- The model focuses on comparing standardized IQ test scores with academic performance, such as reading, writing, or math.
- A "severe" difference is often defined as 2 standard deviations, which is generally about 30 points. The term "discrepancy" refers to a mismatch between a child's intellectual ability and their progress in school.
- Along with test scores, the model may consider work samples, observations, and different tests.
- While used for decades as a primary method for SLD identification, the 2004 reauthorization of IDEA allowed for the use of Response to Intervention (RTI) to identify students.



What Criticism is there for the Discrepancy Model?

- It can delay identification of students, sometimes known as “wait to fail.” Students with learning differences may struggle in the early grades but may now show a large enough discrepancy on test scores to be “officially” identified with a learning difference until later grades.
- It may not provide a “level playing field” for all students. Students with with cultural and language differences might not score as well as their peers on tests that do not reflect those differences.
- Students with SLD frequently have weaknesses in abilities such as working memory or processing speed and these weaknesses can depress the overall IQ score as this score is essentially a composite of all the discrete cognitive abilities that are measured on these tests.
- It is not best practice to base a student's eligibility on one data point (IQ score), can be arbitrary and black and white.



Characteristics of Specific Learning Disability

Specific Learning Disability

- [Special Education Eligibility Changes in Washington State by 2028–29 \(PDF\)](#)
- [Specific Learning Disabilities: Recommendations for Evaluation Policy and Practice \(PDF\)](#)
- [Phasing Out Severe Discrepancy for Identification of SLD: Implementation Timeline \(PDF\)](#)
- [Identification of Students with Specific Learning Disabilities - State of Washington Severe Discrepancy Tables \(PDF\)](#)
 - [SLD FAQ Document \(PDF\)](#)
- [SLD Fact Sheets for Superintendents and District Administrators \(PDF\)](#) | [Principals \(PDF\)](#) | [School Staff \(PDF\)](#) | [Higher Education Partners \(PDF\)](#) | [Parents and Families \(PDF\)](#)
- Specific Learning Disability Technical Assistance Paper (SLD TAP) Drafts
 - [SLD TAP #1: Inadequate Achievement \(PDF\)](#)
 - [SLD TAP #2: Insufficient Progress \(PDF\)](#)
 - [SLD TAP #3: Ruling Out Alternative Primary Factors \(PDF\)](#)
 - [SLD TAP #4: Ruling out Inadequate Instruction \(PDF\)](#)
 - [SLD TAP #5: Observation of Students Suspected of Having a SLD \(PDF\)](#)
 - [SLD TAP #6: Conducting Comprehensive Evaluations for SLD Eligibility \(PDF\)](#)

ACTIVITY



10:00

Characteristics of Speech or Language Impairment

A Speech or Language Impairment is a communication disorder, which adversely affects the student's performance and can include the following:

- Stuttering;
- Impaired Articulation;
- Expressive Language;
- Receptive Language, and/or;
- Voice Impairment.

Speech or Language Impairment and Impact on Learning

- When considering if a student has a Speech Language Impairment, limited English proficiency and sociocultural differences are ruled out.
- The impairment has an adverse affect on:
 - Social interactions;
 - Emotional Development;
 - Communication Behavior, and/or;
 - Academic Achievement.

Characteristics of Traumatic Brain Injury

A Traumatic Brain Injury is an acquired injury to the brain caused by an external physical force that results in total or partial functional disability or psychosocial impairment.

Traumatic Brain Injury and Impact on Learning

A Traumatic Brain Injury may impact:

- Cognition
- Memory
- Reasoning
- Judgement
- Sensory Abilities
- Perceptual Ability
- Social/Emotional Functioning

Case Law- All Areas of Suspected Disability

- L.E. v. Ramsey School District (2014)

Reinforced that eligibility determinations must be based on a full and individual evaluation, and the evaluation must consider all areas of suspected disability.

Procedural Safeguards



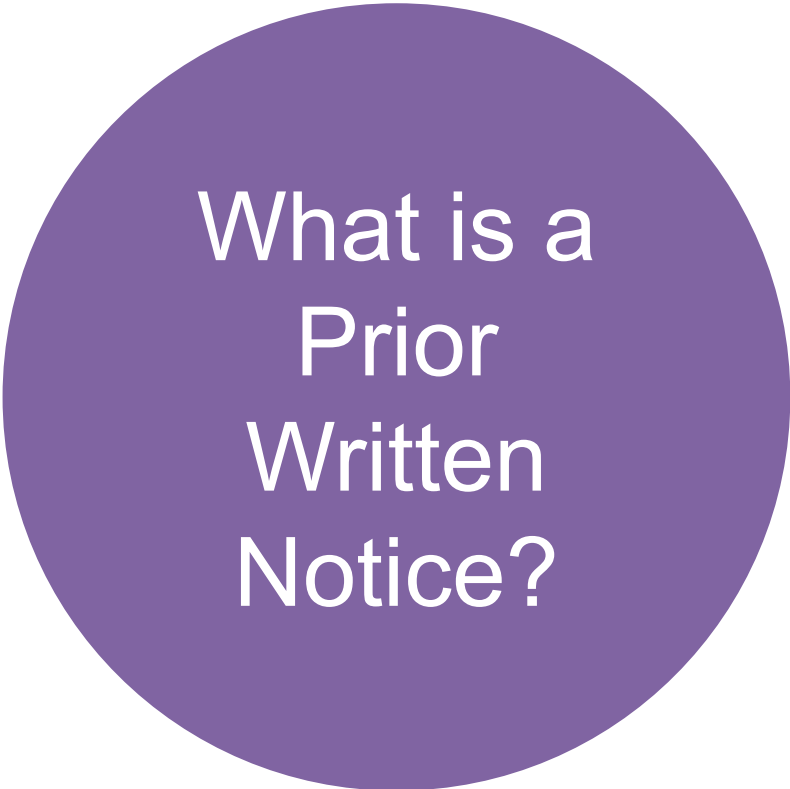
*Notice of Special Education
Procedural Safeguards for
Students and Their Families*

[Parent and Student Rights \(Procedural Safeguards\)](#)

Procedural Safeguards

- Independent Educational Evaluations
- Parental Involvement
- Informed Consent
- Confidentiality & Student Records
- Prior Written Notice
- Audio Recordings
- Dispute Resolution

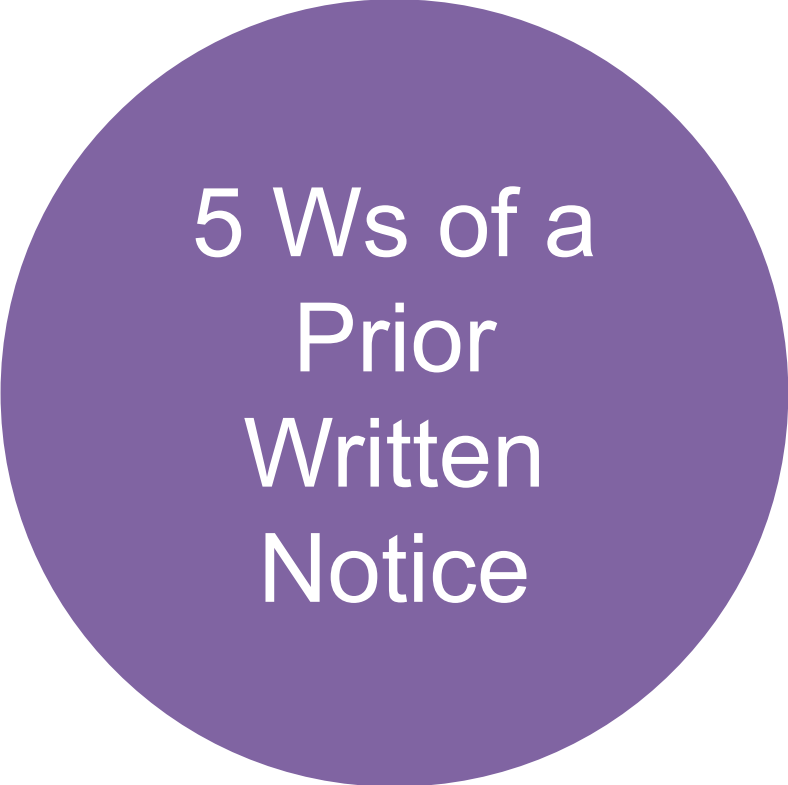




What is a
Prior
Written
Notice?

Essential Document


- A formal document required under the Individuals with Disabilities Education Act (IDEA).
- It informs parents/guardians of decisions made by the school regarding their child's special education program.
- It is **separate** from the IEP document itself, though often sent with it.
- It is the "What, Why, and How" of the team's decision.



5 Ws of a
Prior
Written
Notice

W Questions

- **What:** What action is the district proposing or refusing?
- **Who:** Who must receive it? (Parents/guardians of a child with a disability).
- **Why:** Why is the district taking this action (rationale)?
- **When:** When will the action take place? (Must be *prior* to implementation).
- **Where/How:** How is the information gathered and used?



When is it
required?

When to write?

PWN is required when the district proposes or refuses to initiate or change the:

Identification: Eligibility for special education.

Evaluation: Initial, reevaluation, or IEE (Independent Educational Evaluation).

Placement: Location/setting of services (e.g., General Ed to Resource).


FAPE: Provision of Free Appropriate Public Education (services, goals, accommodations).



7 elements of a PWN

Essential Elements

- Description of the action proposed or refused by the district.
- Explanation of why the district is proposing or refusing the action.
- Description of each evaluation procedure, assessment, record, or report used as a basis for the decision.
- Description of other options the IEP team considered and why they were rejected.
- A description of other factors relevant to the proposal or refusal.
- A statement that the parents have procedural safeguards.
- Sources for parents to contact to obtain assistance in understanding the provisions of IDEA.



Timelines
and
Procedures

Compliance Requirements

- **Timeline:** Must be provided "reasonable time" before action is taken (often 5-10 days depending on state regulations).
- **Waiver:** The waiting period may be waived by the parent if they want services to start immediately.
- **Language:** Must be written in the parent's native language or preferred mode of communication.



How to deal
with
disagreements?

What if there is conflict?

- If parents disagree with a proposed action at a meeting, the PWN must still reflect the district's proposal and the reasons for it.
- Include the data that supported the decision, even if the parent disagreed.
- This is where clear language is essential

Examples of When to use a PWN

- The district wants to evaluate or reevaluate a student
- The district is refusing to evaluate or reevaluate a student
- The student's IEP or placement/services are being changed
- A request to make a change to a student's IEP and the district is refusing to make the change
- The district received written notice that they are revoking consent for a child to receive special education services



Common Mistakes

Avoid these common errors

- Using jargon
- Using vague language
- Waiting too long to send the PWN
- Failing to document “other options considered”

What should it Include?

EXAMPLE

Description of the action

Example: “The district proposes to graduate [Student Name] with a regular high school diploma on [date], which will conclude eligibility for special education services.”

Description of the data used

Transcripts, credits, IEP progress reports, High School and Beyond Plan, state assessment results, transition plan completion.

Other options considered and why they were rejected

Continuing special education services for another year was considered but not rejected because all graduation requirements were met.

Description of any relevant factors

Student’s postsecondary plans, readiness for transition, student input, family input, staff input.

Information about procedural safeguards

How to access the procedural safeguards notice and dispute resolution options with contact information.

Prior Written Notice

- Address all proposed and/or refused actions, even if everyone was in agreement, including all proposed placement services.
- Explain why a proposed action ensures FAPE or why a rejected action is not required to ensure FAPE.
- Do not use “None” or “NA” or leave blanks.
- List each evaluation/ assessment, report used to make the decisions.

Prior Written Notice

Summarize events in plain English

Answer each question objectively

Don't "cut-and-paste,"

The school IEP team may collaborate on the wording.

PWN is also required for specific actions, such as the completion of an "Exit Summary".

Provide PWN prior to requesting consent. If additional time is needed for PWN, provide the proposed IEP with the PWN to the parent within 10 calendar days.

Termination of Eligibility

Termination of Special Education Services



Can occur:

- When eligibility group determines that the student is not longer a student with a disability, OR
- Upon unilateral revocation of consent by parent or adult student, OR
- Upon graduation with a standard or advanced diploma, or has reached age 22

Termination Of Special Education Services



Begin a dialogue with the parent when data suggests possible termination

Termination of Special Education Services

When data continues to support termination, initiate evaluation process and conduct the eligibility meeting



When data does not support termination continue to provide FAPE

Now Onto That IEP Thingy

IEP Timeline

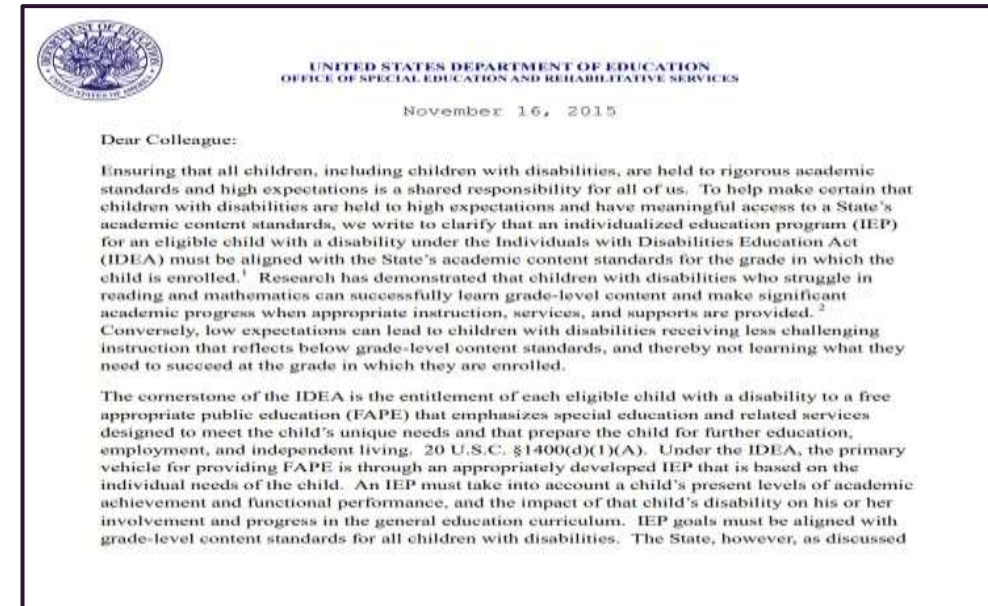
An IEP must be proposed:

- By the 30th calendar day following an eligibility meeting;
- IEP meeting following receipt of notification of withdrawal for reasons of FAPE; and
- Other meetings, as directed.



What does Standards-Based Mean?

- ❖ The standards-based reform movement is based on improving quality of instruction for all students, including students with disabilities
- ❖ In November 2015, Office of Special Education and Rehabilitative Services (OSERS) wrote a dear colleague letter to clarify the requirements of standards-based IEP goals https://www.in.gov/sboe/files/Dear_Colleague_Letter.pdf
- ❖ Standards-based IEPs was supported in the 2004 reauthorization of the Individuals with Disabilities Education Act (IDEA) that emphasizes access to the general education curriculum for students with disabilities



Difference Between IEP and Standards-Based IEP

- ❖ Previously IEPs focused on a student acquiring basic academic, access and/or functional skills and have had little relationship to a specific academic area or grade-level expectations
- ❖ In contrast, the process used to develop a standards-based IEP is directly tied to the state's content standards
- ❖ Historically many thought of the IEP as the curriculum
- ❖ There is not a one-on-one correspondence between an IEP goal and a state standard like there is in a lesson plan
- ❖ The IEP may contain additional life, social, communication, or foundational skills goals that do not necessarily link to state standards for the assigned grade level
- ❖ The components of the IEP are the same

(NCSC Brief, October 2015)

Standards- Based IEP: Seven Step Process

1. Know the grade-level content standards/context
2. Examine Classroom and Student Data
3. Develop the PLP
4. Develop the Annual Goals
5. Assess/Report Student Progress
6. Identify SDI,
Accommodations/Modifications
7. Determine Assessment

To explore these learning standards,

[Learning Standards Display](#)

COMPREHENSIVE INCLUSIVE EDUCATION IN WASHINGTON

Connecting General Education and Individualized Education Programs (IEPs)

2024



Principles of Comprehensive Inclusive Education

The IEP is not the student's sole educational program or curriculum.

For each student eligible for special education services, their educational program has **three** parts:

- The general education curriculum
- The school's routines & activities
- The IEP

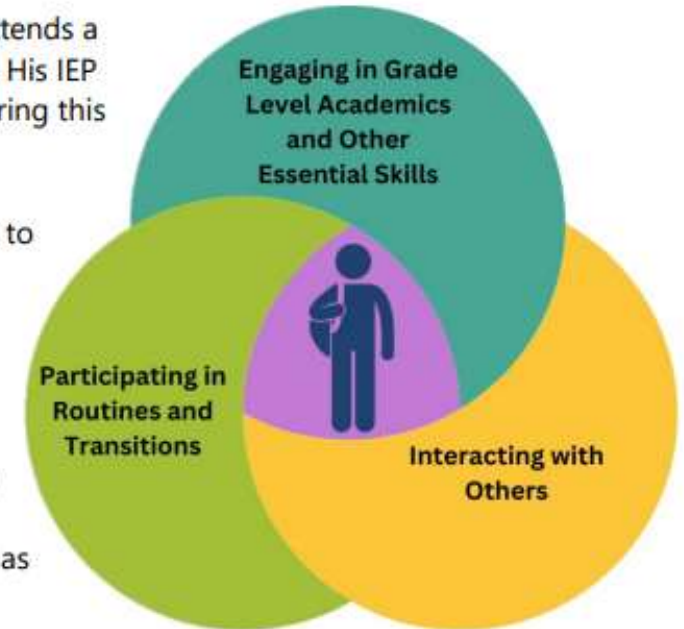
Every student is a general education student.

Students learn and thrive when they are valued, visible members of their classroom and school communities.

2.1: Three Major Learning Components in Inclusive IEPs

Learning opportunities are abundant in a typical school day. Teams that develop inclusive IEPs intentionally use these naturally occurring teaching opportunities to prioritize and maximize student learning. For example:

- Steven has a literacy goal in his IEP and attends a social studies class with a reading activity. His IEP team plans to address his literacy goal during this class and the regular reading block.
- River has an IEP goal about improving organization skills. Their IEP team decides to focus on this at the start and end of each class period and the beginning and end of each school day.
- Mayah is a multilingual learner with an IEP. Her team ensures that instructional strategies for teaching English vocabulary and concept development are incorporated across all content areas and as part of school routines.



[Link](#)

Understanding The IEP Process for General Educators PD Enroller: Coming Fall 2026

Case Manager Tips



- Review the educational record of students on your caseload for historical context and ensure the record is updated with all documents to date.
- Identify the eligibility and IEP due dates and add them to your calendar for planning purposes.
- Ensure you have shared any accommodations, BIP, or ERP's with any staff who need to know the information and document you have shared it.
- Ensure the accuracy of the schedule of services for your students, based on the IEP, and that the system for data collection accurately addresses the student's IEP goals.
- Collaborate with the student's related service providers on goal progress and attendance for services.
- Distribute a copy of the student's accommodations to staff working with the student and update this copy after each amendment.
- Contact the student's parents and introduce yourself as the case manager and provide your contact information.

Scenarios

Scenario

Background: Maria is a 4th-grade student whose parents requested an evaluation after noticing her difficulties with social interactions and maintaining attention in class. The school conducted a comprehensive assessment, including cognitive testing, behavioral observations, and social skills assessments. The evaluation concluded that Maria does not meet the eligibility criteria for special education under IDEA.

Parents' Perspective: Maria's parents disagree with the findings. They believe her challenges indicate a disability that impacts her educational performance and that she needs support. They are considering requesting a reevaluation or seeking an Independent Educational Evaluation (IEE).

Scenario

Background: Liam is a 3rd-grade student who has been identified as having difficulty with academic skills, behavioral regulation, and social interactions. His teacher reports that he often demonstrates impulsivity, difficulty following multi-step directions, and occasional emotional outbursts. Liam's previous evaluations in kindergarten indicated some delays in speech and language development, but no formal diagnosis.

Recent Concerns: Teachers observe that Liam's academic performance is below grade level across reading, math, and writing. Liam struggles with attention and is easily distracted during class activities. He exhibits challenging behaviors such as defiance and emotional outbursts, especially when tasks become difficult. Liam's parents express concern about his social interactions, noting he has trouble forming friendships and sometimes appears withdrawn or overly aggressive.

Thank you for attending!



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