SONOMA COUNTY SELPA

ELIGIBILITY CRITERIA OVERVIEW

In order to qualify for special education and related services or, in other words, to be eligible under the Individuals with Disabilities Education Act (IDEA), a student must satisfy both parts of a two-part test. First, the student must be identified as an individual with exceptional needs, meeting the definition of one or more of the categories of disabilities specified under the IDEA. Second, the student must be shown to be in need of special education and related services as a result of his or her disability or disabilities.

It must be noted that a student can demonstrate a disability, but not necessarily be eligible for special education and related services. Eligibility is determined by the IEP team, based on the requirement that eligibility conditions must “adversely affect educational performance.”

The format for the individual disability categories is as follows:

1. First, the federal IDEA disability criteria language for each category is given.

2. Second, the California Education Code and/or Title 5 of the California Code of Regulations language are given.
AUTISM

Eligibility Criteria
IDEA 34 CFR 300.7(c)(1)

Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance as defined in 34 CFR 300.7(b).

A child who manifests the characteristics of autism after age 3 could be diagnosed as having autism.

California Administrative Code, Title 5, Section 3030(g)

A pupil exhibits any combination (more than one) of the following autistic-like behaviors, to include but not be limited to:

1. An inability to use oral language for appropriate communication.
2. A history of extreme withdrawal or relating to people inappropriately and continued impairment in social interaction from infancy through early childhood.
3. An obsession to maintain sameness.
4. Extreme preoccupation with objects or inappropriate use of objects or both.
5. Extreme resistance to controls.
6. Displays peculiar motoric mannerisms and motility patterns.
7. Self-stimulating, ritualistic behavior.
DEAFNESS/HEARING IMPAIRMENT

Eligibility Criteria
IDEA 34 CFR 300.7(c)(3) and (5)

Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child’s educational performance.

Hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child’s educational performance but that is not included under the definition of deafness in this section.

California Administrative Code, Title 5. Section 3030(a)

A pupil has a hearing impairment, whether permanent or fluctuating, which impairs the processing of linguistic information through hearing, even with amplification, and which adversely affects educational performance. Processing linguistic information includes speech and language reception and speech and language discrimination.
DEAF-BLINDNESS

Eligibility Criteria

IDEA 34 CFR 300.7(c)(2)

Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in programs solely for children with deafness or children with blindness.

California Administrative Code, Title 5, Section 3030(b)

A pupil has concomitant hearing and visual impairments, the combination of which causes severe communication, developmental, and educational problems.
EMOTIONAL DISTURBANCE

Eligibility Criteria
IDEA 34 CFR 300.7(c)(4)

Emotional disturbance is defined as follows:

The term means a condition exhibiting one or more of the following characteristics over a long period of time (two to nine months) and to a marked degree, that adversely affect a child's educational performance:

1. An inability to learn that cannot be explained by intellectual, sensory, or health factors.
2. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
3. Inappropriate types of behavior or feelings under normal circumstances
4. A general pervasive mood of unhappiness or depression.
5. A tendency to develop physical symptoms or fears associated with personal or school problems.

The term includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.

California Administrative Code, Title 5, Section 3030(i)

Because of a serious emotional disturbance, a pupil exhibits one or more of the following characteristics over a long period of time (two to nine months) and to a marked degree, which adversely affect a child's educational performance:

1. An inability to learn which cannot be explained by intellectual, sensory, or health factors.
2. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
3. Inappropriate types of behavior or feelings under normal circumstances exhibited in several situations.
4. A general pervasive mood of unhappiness or depression.
5. A tendency to develop physical symptoms or fears associated with personal or school problems.
INTELLECTUAL DISABILITY

Eligibility Criteria
IDEA 34 CFR 300.7(c)(6)

Mental retardation means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affect a child's educational performance.

California Administrative Code, Title 5, Section 3030(h)

A pupil has significantly below average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affect educational performance.
MULTIPLE DISABILITY

Eligibility Criteria

IDEA 34 CFR 300.7(c)(7)

Multiple disabilities means concomitant impairments (such as intellectual disability-blindness, intellectual disability-orthopedic impairment, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blindness.

Note: There is no California statute or regulation that defines multiple disabilities.

SELP A Guidelines

This category is not included as a disability in California statute or regulations, and is rarely applied. The Sonoma County SELPA generally advises that students, when possible, be identified by the low incidence category that applies accurately to that particular student (Hearing Impairment, Visual Impairment, Orthopedic Impairment), as this allows for special funding.
ORTHOPEDIC IMPAIRMENT

Eligibility Criteria

IDEA 34 CFR 300.7(c)(8)

Orthopedic impairment means a severe orthopedic impairment that adversely affects a child’s educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations and fractures or burns that cause contractures.)

California Administrative Code, Title 5, Section 3030(e)

A pupil has a severe orthopedic impairment which affects a child’s educational performance. Such orthopedic impairments include impairments caused by congenital anomaly, impairments caused by disease, and impairments from other causes.
OTHER HEALTH IMPAIRMENT

Eligibility Criteria

IDEA 34 CFR 300.7(c)(9)

Other health impairment means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that:

1. Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia; and

2. Adversely affects the student's educational performance.

California Administrative Code, Title 5, Section 3030(f)

A pupil has limited strength, vitality, or alertness, due to chronic or acute health problems, including but not limited to a heart condition, cancer, leukemia, rheumatic fever, chronic kidney disease, cystic fibrosis, severe asthma, epilepsy, lead poisoning, diabetes, tuberculosis and other communicable infectious diseases, and hematological disorders such as sickle cell anemia and hemophilia, which adversely affects a pupil's educational performance. Such physical disabilities shall not be temporary in nature. In accordance with Section 56026(e) of the Education Code, such physical disabilities shall not be temporary in nature as defined by Section 3001(a(g)).

California Administrative Code, Title 5, Section 3001 (ag)

Temporary physical disability means a disability incurred while an individual was in a regular education class and which at the termination of the temporary physical disability, the individual can, without special intervention, reasonably be expected to return to his or her regular education class.
SPECIFIC LEARNING DISABILITY

Eligibility Criteria
IDEA 34 CFR 300.7(c)(10)

The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

The term does not include learning problems that are primarily the result of visual, hearing or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural or economic disadvantage.

IDEA 34 CFR 300.309(a)

The student’s IEP team may determine the student may determine that a child has a specific learning disability, as defined in § 300.8(c)(10), if--

(1) The child does not achieve adequately for the child's age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child's age or State-approved grade-level standards:
   (i) Oral expression.
   (ii) Listening comprehension.
   (iii) Written expression.
   (iv) Basic reading skill.
   (v) Reading fluency skills.
   (vi) Reading comprehension.
   (vii) Mathematics calculation.
   (viii) Mathematics problem solving.

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(2)(i) The child does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified in paragraph (1) of this section when using a process based on the child's response to scientific, research-based intervention;

Or

Severe Discrepancy

(ii) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved 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, consistent with §§ 300.304 and 300.305; and
(3) The group determines that its findings under paragraphs (1) and (2) of this section are not primarily the result of--
(i) A visual, hearing, or motor disability;
(ii) Mental retardation;
(iii) Emotional disturbance;
(iv) Cultural factors;
(v) Environmental or economic disadvantage; or
(vi) Limited English proficiency.

Education Code Section 56337

A pupil shall be assessed as having a specific learning disability which makes him or her eligible for special education and related services when it is determined that all of the following exist:

a. A severe discrepancy exists between the intellectual ability and achievement in one or more of the following academic areas:

1. Oral Expression
2. Listening Comprehension
3. Written Expression
4. Basic Reading Skills
5. Reading Comprehension
6. Mathematics Calculation
7. Mathematics Reasoning

b. The discrepancy is due to a disorder in one or more of the basic psychological processes and is not the result of environmental, cultural, or economic disadvantages.

c. The discrepancy cannot be corrected through other regular or categorical services offered within the regular instructional programs.

California Administrative Code, Title 5, Section 3030(j)

A pupil has a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an impaired ability to listen, think, speak, read, write, spell or do mathematical calculations, and has a severe discrepancy between intellectual ability and achievement in one or more of the academic areas specified in Section 56337(a) of the Education Code.

For the purpose of Section 3030(j):
1) Basic psychological processes include attention, visual processing, auditory processing, sensory-motor skills, and cognitive abilities including association, conceptualization and expression.

2) Intellectual ability includes both acquired learning and learning potential and shall be determined by a systematic assessment of intellectual functioning.

3) The level of achievement includes the student's level of competence in materials and subject matter explicitly taught in school and shall be measured by standardized achievement tests.

4) The decision as to whether or not a severe discrepancy exists shall be made by the individualized education program team, including assessment personnel in accordance with Section 56341 (d), which takes into account all relevant material which is available on the pupil. No single score or product of scores, test, or procedure shall be used as the sole criterion for the decisions of the individualized education program team as to the pupil's eligibility for special education.

In determining the existence of a severe discrepancy, the individualized education program team shall use the following procedures:

A. When standardized tests are considered to be valid for a specific pupil, a severe discrepancy is demonstrated by: first, converting into common standard scores, using a mean of 100 and standard deviation of 15, the achievement test score and the ability test score to be compared; second, computing the difference between these common standard scores and third, comparing this computed difference to the standard criterion which is the product of 1.5 multiplied by the standard deviation of the distribution of computed differences of students taking these achievement and ability tests. A computed difference which equals or exceeds this standard criterion, adjusted by one standard error of measurement, the adjustment not to exceed 4 common standard score points, indicates a severe discrepancy when such discrepancy is corroborated by other assessment data which may include other tests, scales, instruments, observations and work samples, as appropriate.

B. When standardized tests are considered to be invalid for a specific pupil, the discrepancy shall be measured by alternative means as specified on the assessment plan.

C. If the standardized tests do not reveal a severe discrepancy as defined in subparagraphs (A) or (B) above, the individualized education program team may find that a severe discrepancy does exist, provided that the team documents in a written report that the severe discrepancy between ability and achievement exists as a result of a disorder in one or more of the basic psychological processes. The report shall include a statement of the area, the degree, and the basis and method used in determining the discrepancy. The
The report shall contain information considered by the team which shall include, but not be limited to:

1. Data obtained from standardized assessment instruments;
2. Information provided by the parent;
3. Information provided by the pupil's present teacher;
4. Evidence of the pupil's performance in the regular and/or special education classroom obtained from observations, work samples, and group test scores;
5. Consideration of the pupil's age, particularly for young children; and
6. Any additional relevant information.

5) The discrepancy shall not be primarily the result of limited school experience or poor school attendance.
SPEECH OR LANGUAGE IMPAIRMENT

Eligibility Criteria

IDEA 34 CFR 300.7(c)(11)

Speech or language impairment means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child’s educational performance.

California Education Code Section 56333

A pupil shall be assessed as having a language or speech disorder which makes him or her eligible for special education and related services when he or she demonstrates difficulty understanding or using spoken language to such an extent that it adversely affects his or her educational performance and cannot be corrected without special education and related services. In order to be eligible for special education and related services, difficulty in understanding or using spoken language shall be assessed by a language, speech, and hearing specialist who determines that such difficulty results from any of the following disorders:

   (a) Articulation disorders, such that the pupil’s production of speech significantly interferes with communication and attracts adverse attention.
   (b) Abnormal voice, characterized by persistent, defective voice quality, pitch, or loudness. An appropriate medical examination shall be conducted, where appropriate.
   (c) Fluency difficulties which result in an abnormal flow of verbal expression to such a degree that these difficulties adversely affect communication between the pupil and listener.
   (d) Inappropriate or inadequate acquisition, comprehension, or expression of spoken language such that the pupil’s language performance level is significantly below the language performance level of his or her peers.
   (e) Hearing loss which results in a language or speech disorder and significantly affects educational performance.

California Code of Regulations, Title 5, Section 3030(c)

(c) A pupil has a language or speech disorder as defined in Section 56333 of the Education code, and it is determined that the pupil’s disorder meets one or more of the following criteria:

   (1) Articulation disorder.
      (A) The pupil displays reduced intelligibility or an inability to use the speech mechanism, which significantly interferes with communication and attracts adverse attention. Significant interference occurs when the pupil’s production of multiple speech sounds on a developmental scale of articulation competency is below that expected for his or her chronological age or
development level, and which adversely affects educational performance.

(B) A pupil does not meet the criteria for an articulation disorder if the sole assessed disability is an abnormal swallowing pattern.

(2) Abnormal Voice.
A pupil has an abnormal voice which is characterized by persistent defective voice quality, pitch, or loudness.

(3) Fluency Disorders.
A pupil has a fluency disorder when the flow of verbal expression, including rate and rhythm, adversely affects communication between the pupil and listener.

(4) Language Disorder.
A pupil has a language disorder when he or she meets one or more of the following criteria:

(A) The pupil scores at least 1.5 standard deviations below the mean, or below the 7th percentile, for his or her chronological age or developmental level on two or more standardized tests in one or more of the following areas of language development: morphology, syntax, semantics, or pragmatics. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified on the assessment plan,

or

(B) The pupil scores at least 1.5 standard deviations below the mean or the score is below the 7th percentile for his or her chronological age or developmental level on one or more standardized tests in one of the areas listed in subsection (A) and displays inappropriate or inadequate usage of expressive or receptive language sample of a minimum of fifty utterances. The language sample must be recorded or transcribed and analyzed, and the results included in the assessment report. If the pupil is unable to produce this sample, the language, speech, and hearing specialist shall document why a fifty utterance sample was not obtainable and the contexts in which attempts were made to elicit the sample. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified in the assessment plan.
TRAUMATIC BRAIN INJURY

Eligibility Criteria

IDEA 34 CFR 300.7(c)(12)

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

Note: There is no California statute or regulation that defines Traumatic Brain Injury.
VISUAL IMPAIRMENT

Eligibility Criteria

IDEA 34 CFR 300.7 (c) (13)

Visual impairment including blindness means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

California Administrative Code, Title 5, Section 3030 (d)

A pupil has a visual impairment, which, even with correction, adversely affects a pupil’s educational performance.