



ELIGIBILITY

Who Is Eligible For Special Education?

Upon completion of the review of existing data and the initial evaluation, a group of qualified professionals and the parent determine the need for special education and related services. A student, age 3 through 21, may be eligible.

To qualify for special education services, a student must meet three criteria:

1. The student has one of the identified disability categories as outlined in the Utah Special Education Rules. (The requirements and methods for determination under each category are extensively defined in the Rules and vary from category to category.)
2. The disability must adversely affect the student's educational performance. (Remember that educational performance includes all of the school program and not just academics.)
3. The student requires special education and related services.

If the student doesn't meet the criteria, then the student is not eligible for special education.

If the student requires only accommodations, and not special education (specifically designed instruction), that student is not a student with a disability under IDEA. Such a student may be eligible for an accommodation plan under Section 504 of the Vocational Rehabilitation Act. Contact your school or the Utah Parent Center for more information. Additional information is also available on the website of the Utah State Office of Education at www.schools.utah.gov/equity/section504/default.html

Categories for Eligibility under IDEA 2004

According to IDEA 2004, a "child with a disability" is a child who has one or more of the disabilities listed below. The child must need special education and related services.

- Autism
- Deafblindness
- Emotional Disturbance
- Hearing Impairment /Deafness
- Intellectual Disability
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impairment (such as asthma, attention deficit disorder, attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, Tourette syndrome, and some kinds of acquired brain injuries, etc.)
- Specific Learning Disability
- Speech/Language Impairment
- Traumatic Brain Injury
- Visual Impairment (Including Blindness)
- Developmental Delay (Ages 3-7 only)

If your child has special needs, so do you! We can help!

230 West 200 South, Suite 1101

Salt Lake City, UT 84101-1337

801-272-1051 or 800-468-1160

www.utahparentcenter.org

School districts may choose to use the Developmentally Delayed category (which is used in Early Intervention age 0-3) for children ages 3-7 instead of another category if the child meets the eligibility criteria.

Significant changes were made in IDEA 2004 regarding the identification of students with specific learning disabilities. An LEA may use one of two methods or a combination of both for determining a student's eligibility.

1. A process based on the student response to scientific, research-based intervention. OR
2. Identification of a severe discrepancy between intellectual ability and achievement. OR
3. A combination of these.

Parents who have questions about how this process works should not hesitate to bring their questions to the school. More detailed information can be found on the Utah State Office of Education website at www.utah.schools.gov.

A child cannot be determined to have a disability based on lack of appropriate instruction in reading, including the essential components of reading instruction (phonemic awareness, alphabetic principle, vocabulary, comprehension, and fluency), lack of instruction in math, or limited English proficiency, if the child does not otherwise meet eligibility requirements.

- The school district or charter school must give parents a copy of the evaluation report and documentation of the eligibility determination.

For more information about the eligibility requirement for each category that qualifies a child for special education, see the Utah State *Special Education Rules*.

Parents are sometimes concerned about which disability category their child is served under, especially when the child may have several areas of disability. If this is a concern, keep in mind that the child's services will be individualized to meet the child's needs, and that all of the child's needs should be addressed. The services are not determined based upon the disability category.

Special Education Services

Special education means specially designed instruction at no cost to parents, to meet the unique needs of the child with a disability including:

- Instruction in the classroom, home, hospital or institution, and in other settings;
- Instruction in physical education.

Decisions about eligibility are made by a team that includes the parents. Parental input is considered. If the child is determined not eligible, parents have the right to disagree and use any of the dispute resolution remedies.

The term, **special education**, includes the following if they meet the definition of special education:

- Speech - language pathology services and may include other related services
- Travel/training; and
- Applied technology education.

Specially designed instruction means adapting as appropriate to the needs of an eligible student, the content, methodology or delivery of instruction in order to:

1. Address the unique needs of the student that result from the student's disability.
2. Ensure access of the student to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the LEA that applies to all students.

Special Education May Also Include Related Services

Related services means, "Transportation and such developmental, corrective, or other supportive services as are required to assist a child with a disability to benefit from special education."

The term, **related services**, includes:

- speech-language pathology and audiology
- transportation
- interpreting services
- psychological services
- physical and occupational therapy
- recreation, including therapeutic recreation
- early identification and assessment of disabilities in students
- counseling services including rehabilitation counseling
- orientation and mobility services
- medical services for diagnostic or evaluation purposes
- health services and school nurse services
- social work services in schools
- parent counseling and training

For more information on the rules regarding cochlear implants, please refer to the Utah Special Education Rules.

Parent Counseling and Training is defined in the *Utah Special Education Rules* as assisting parents in understanding the special needs of their student by:

1. Providing parents with information about child development, and
2. Helping parents acquire the necessary skills that will allow them to support the implementation of their student's IEP.

For more information on parent counseling and training please visit our website at www.utahparentcenter.org or call us at (801) 272-1051.

Assistive Technology

Assistive technology device means any item, piece of equipment or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a student with a disability. The term does not include a medical device that is surgically implanted, or the replacement of such a device.

An **assistive technology service** is any service that directly assists a child with selecting, acquiring, or using an assistive technology **device**. The term includes:

- Evaluating the needs of the student including a functional evaluation of the student in the student's customary environment
- Purchasing, leasing, or otherwise providing assistive technology devices
- Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices
- Coordination and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs

- Training or technical assistance for a student with a disability or, if appropriate, that student's family
- Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of students with disabilities

Supplementary Aids and Services

Supplementary aids and services means aids, services and other supports provided in regular education classes or other education related settings to enable students with disabilities to be educated with children who do not have disabilities to the maximum extent appropriate.

While special education is free to the student, the student is still required to pay for school fees and expenses that typical students pay for.