

DETERMINATION OF ELIGIBILITY

Authorities: 20 USC §§ 1021, 7801; 34 CFR Part 300; 19 TAC Chapter 89

	Additional Resources
--	-----------------------------

	FEDERAL AND STATE REQUIREMENTS
Practice	<p>Upon completion of the FULL INDIVIDUAL AND INITIAL EVALUATION, the admission, review, and dismissal (ARD) committee must determine whether:</p> <p>Citations:</p> <p>89.1050(a)</p> <p>300.306(a)(1)</p>
Document	<ul style="list-style-type: none"> The child has a disability; and <p>Citations:</p> <p>300.306(a)(1)</p> <p>300.8(a)(1)</p>
Document	<ul style="list-style-type: none"> By reason of the disability, the child needs special education and related services. <p>Citations:</p> <p>300.306(a)(1)</p> <p>300.8(a)(1)</p>
Practice	<p>If it is determined, through an appropriate evaluation under the FULL INDIVIDUAL AND INITIAL EVALUATION frameworks, that the child has one of the disabilities but only needs a related service and not special education, the child is not a child with a disability under the Individuals with Disabilities Education Act.</p> <p>Citations:</p> <p>300.8(a)(2)</p>
	ANALYSIS OF DETERMINANT FACTORS
Document	<p>A child must not be determined by the ARD committee to be a child with a disability if the determinant factor for such determination is:</p> <p>Citations:</p>

	FEDERAL AND STATE REQUIREMENTS
	300.306(b)
Document	<ul style="list-style-type: none"> Lack of appropriate instruction in reading, including in the essential components of reading instruction as defined in the Elementary and Secondary Education Act which means explicit and systematic instruction in: <p>Citations:</p> <p>300.306(b)(1)(i)</p> <p>20 USC 1021(7)</p>
Document	<ul style="list-style-type: none"> Phonemic awareness; <p>Citations:</p> <p>20 USC 1021(7)</p>
Document	<ul style="list-style-type: none"> Phonics; <p>Citations:</p> <p>20 USC 1021(7)</p>
Document	<ul style="list-style-type: none"> Vocabulary development; <p>Citations:</p> <p>20 USC 1021(7)</p>
Document	<ul style="list-style-type: none"> Reading fluency, including oral reading skills; and <p>Citations:</p> <p>20 USC 1021(7)</p>
Document	<ul style="list-style-type: none"> Reading comprehension strategies; <p>Citations:</p> <p>20 USC 1021(7)</p>
Document	<ul style="list-style-type: none"> Lack of appropriate instruction in math; or <p>Citations:</p> <p>300.306(b)(1)(ii)</p>
Document	<ul style="list-style-type: none"> English learner language skills. Emergent bilingual.

	FEDERAL AND STATE REQUIREMENTS
	<p>Citations:</p> <p>300.27</p> <p>300.306(b)(1)(iii)</p> <p>20 USC 7801(20)</p>
	EVALUATION REPORT AND DOCUMENTATION OF DETERMINATION OF ELIGIBILITY
Practice	<p>The local education agency must provide a copy of the full individual and initial evaluation report to the parent as soon as possible after the completion of the report, but no later than five school days prior to the initial ARD committee meeting, which will determine a child’s initial eligibility and the documentation of determination of eligibility to the parent.</p> <p>Citations:</p> <p>300.306(a)(2)</p> <p>89.1011(h)</p>

Last Updated : Mon, May 16, 2022