

DETERMINATION OF ELIGIBILITY

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

[Additional Resources](#)

DOCUMENT/ PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
P	Upon completion of the FULL INDIVIDUAL AND INITIAL EVALUATION , the admission, review, and dismissal (ARD) committee must determine whether:	300.306(a)(1) 89.1050(a)
D	<ul style="list-style-type: none"> The child has a disability; and 	300.306(a)(1) 300.8(a)(1)
D	<ul style="list-style-type: none"> By reason of the disability, the child needs special education and related services. 	300.306(a)(1) 300.8(a)(1)
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.	300.8(a)(2)
ANALYSIS OF DETERMINANT FACTORS		
D	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:	300.306(b)
D	<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: <ul style="list-style-type: none"> Phonemic awareness; Phonics; Vocabulary development; 	300.306(b)(1)(i) 20 USC 1021(7)
D	<ul style="list-style-type: none"> Phonemic awareness; 	20 USC 1021(7)
D	<ul style="list-style-type: none"> Phonics; 	20 USC 1021(7)
D	<ul style="list-style-type: none"> Vocabulary development; 	20 USC 1021(7)

DOCUMENT/ PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
D	<ul style="list-style-type: none"> ○ Reading fluency, including oral reading skills; and 	20 USC 1021(7)
D	<ul style="list-style-type: none"> ○ Reading comprehension strategies; 	20 USC 1021(7)
D	<ul style="list-style-type: none"> • Lack of appropriate instruction in math; or 	300.306(b)(1)(ii)
D	<ul style="list-style-type: none"> • Limited English proficiency. <u>Emergent bilingual language skills.</u> 	300.306(b)(1)(iii) 300.27 20 USC 7801(20)
EVALUATION REPORT AND DOCUMENTATION OF DETERMINATION OF ELIGIBILITY		
P	The local education agency must provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.	300.306(a)(2)

Last Updated: ~~Friday, February 09, 2018~~ Thursday, November 18, 2021