



New York State Education Department  
Office of Special Education  
**Educational Partnership**





# Committee on Preschool Special Education (CPSE) and Committee on Special Education (CSE) Training

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## Module 4: Eligibility

Produced by the Technical Assistance Partnership for Transition at Cornell University in conjunction with the Technical Assistance Partnerships for Academics and Behavior at University at Albany and Technical Assistance Partnership for Equity at Bank Street College of Education.

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# Disclaimer

The resources shown are designed to provide helpful information. Resources are provided for instructional use purposes only and do not constitute NYSED endorsement of any vendor, author, or other sources. To the best of our knowledge, the resources provided are true and complete.

# Today's Facilitators

# Meeting Norms

- Take care of your needs (water, food, restroom, etc.).
- Speak your truth; use “I” statements.
- Ask what you need to understand and contribute.
- Listen with respect.
- Push your growing edge.
- Participate and struggle together.
- Expect a lack of closure.
- Respect each others’ needs.

# Blueprint for Improved Results for Students with Disabilities



## Self-Advocacy

Students engage in self-advocacy and are involved in determining their own educational goals and plan.



## Family Partnership

Parents, and other family members, are engaged as meaningful partners in the special education process and the education of their child.



## Specially-Designed Instruction

Teachers design, provide, and assess the effectiveness of specially-designed instruction to provide students with disabilities with access to participate and progress in the general education curriculum.



## Research-Based Instruction

Teachers provide research-based instructional teaching and learning strategies and supports for students with disabilities.



## Multi-tiered Support

Schools provide multi-tiered systems of behavioral and academic support.



## Inclusive Activities

Schools provide high-quality inclusive programs and activities.




## Transition Support

Schools provide appropriate instruction for students with disabilities in career development and opportunities to participate in work-based learning.

# Agenda

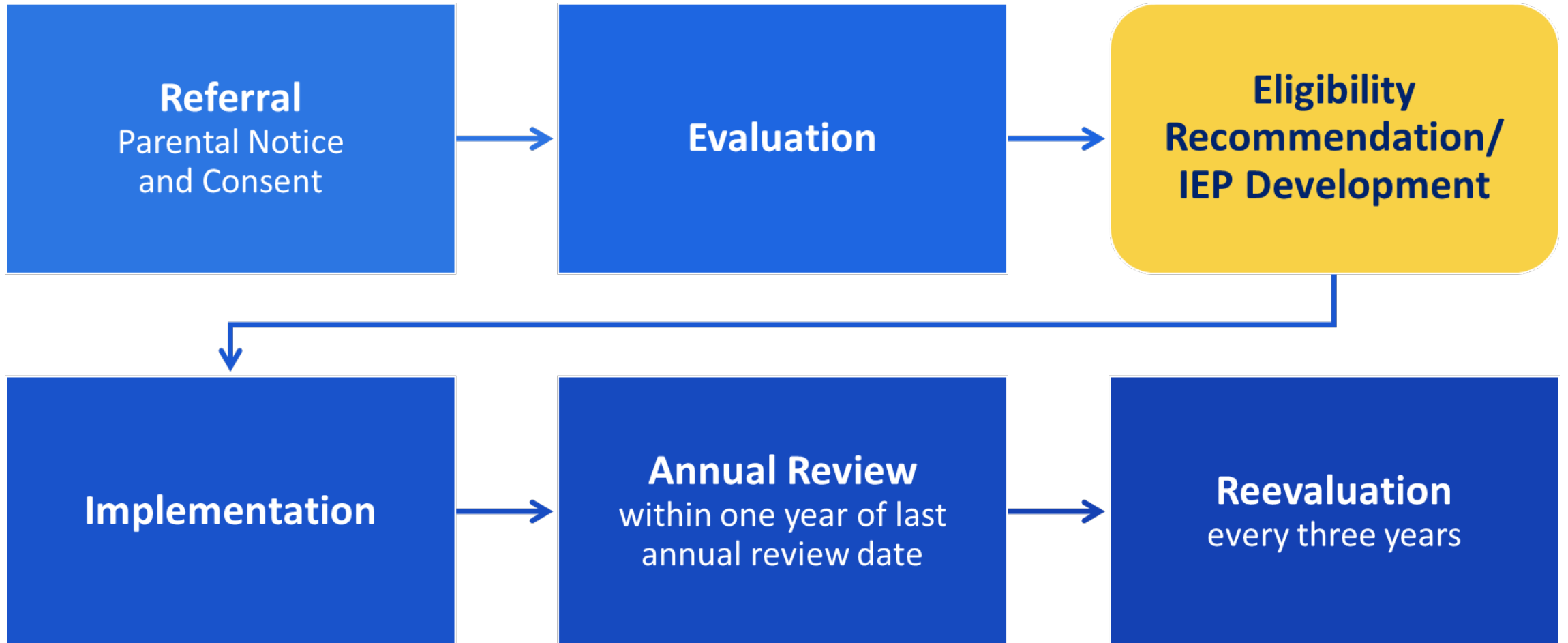
- Introduction to Module 4—Eligibility
- Review of pre-work
- Regulatory content
- Wrap-up

# Overview of Series

- Module 1: The Foundations
- Module 2: Referral
- Module 3: Evaluation Process and Procedures
-  **Module 4: Eligibility**
- Module 5: Recommendations/Individualized Education Program (IEP) Development
- Module 6: Implementing and Amending the IEP
- Module 7: Annual Review
- Module 8: Reevaluation
- Module 9: Effective Preschool Special Education (CPSE)/Committee on Special Education (CSE) Meetings
- Module 10: CPSE



# CPSE/CSE Process



## Participants will:

- Identify the procedures in the special education process specific to determining eligibility for special education services.
- Understand the CPSE/CSE responsibilities specific to determining eligibility for special education services.
- Recall the special factors to be considered in determining eligibility and classification.
- Identify the 13 School-Age Special Education classifications in New York State (NYS).
- Understand that parent participation and involvement in the CPSE/CSE process is vital to the determination of eligibility and recommendation for special education services.

## Module 4 Learning Objectives

# Review Pre-Work



## Module 4—Eligibility Pre-Work

### Response to Intervention (RtI) and Eligibility

Review *the RtI Guidance for NYS School Districts*, Section I on Appropriate Instruction (pp. 3–7). Section X on the Use of RtI in the Determination of a Learning Disability (LD) (pp. 45–47), and Appendix A.

**How does NYS define “appropriate instruction” in reading and math?**

# Meeting Notice

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# Meeting Notice Introduction



## §200.5(c)

- Provided whenever a committee proposes to conduct a meeting related to the development or review of a student's IEP or provision of Free Appropriate Public Education (FAPE).
- Parent must receive the Meeting Notice in writing at least five calendar days prior to the meeting.

# Meeting Notice Must Indicate:

## §200.5 (c)



- The purpose, date, time, location, name, and title of persons who will attend.
- That the parent has the right to include others to:
  - Participate as a member,
  - be accompanied by individuals with knowledge or expertise of their child, and
  - request an additional parent member and school physician attend the meeting (at least 72 hours in advance).
- Request in writing the presence of the:
  - Parent member
  - School physician
- Parents have the right to participate as a member of the committee with respect to the identification, evaluation, and educational placement of their child.

# Meeting Notice Continued:

## §200.5 (c)



- If the meeting is being conducted by a subcommittee, inform the parent that, upon receipt of a written request from the parent, the subcommittee must refer to the CSE any matter on which the parent(s) disagrees with the subcommittee.
- If the purpose is to consider postsecondary goals and transition services, identify this as the purpose, indicate that the district will invite the student, and identify any other agency that will be invited to send a representative.
- In the case of a child who was previously serviced under an Early Intervention (EI) Program, inform the parent of their right to request an invitation of an EI Service Coordinator or other representatives of the EI system to an initial CPSE meeting to assist with a smooth transition of services.

# Parent Participation in Meeting

## §200.5(d)(1)

- School takes steps to ensure that one or both parents are present at each CPSE/CSE meeting or are afforded the opportunity to participate.
  - Mutually agreed upon time and place; in a location that is physically accessible to the parents; and
  - Use other methods of participation, including individual or conference telephone calls.







# Parent Attendance



- What steps can you take to increase parent attendance at meetings?
- What steps do you need to take as the chairperson?
- What if a parent does not attend?

# Committee Member Attendance and Excusal



## §200.3(f)

- All members of the CPSE/CSE shall attend the meeting, except when the school district may agree that the attendance of a member of the CPSE/CSE is not necessary or that a member may be excused.
- If one or more of the members of the Committee cannot attend the meeting, **the meeting should be rescheduled except** when:
  - Alternative means of participation can be arranged; or
  - The school district and **parent**, in accordance with the procedures established in State law and regulation, **reach an agreement** that the attendance of an individual(s) is not necessary or that the individual could be excused for all or a portion of the meeting.

# Eligibility

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# Eligibility: Introduction

- Eligibility as a school-age student with a disability shall **not** be based on the results of a single measure or assessment.
- The individual evaluation provides instructionally relevant information to determine if a student meets eligibility criteria.
- The CPSE/CSE will participate in a meaningful discussion of the student's strengths and learning needs to determine eligibility for special education services.
- Eligibility criteria are different for pre-school and school-age.

# Preschool Eligibility

§200.16(a), §200.1(mm)

- For a preschool child, impact of disability on participation in age-appropriate activities
- Evidences of significant delay when compared to accepted developmental milestones in one or more functional areas:
  - Cognitive
  - Language and communication
  - Adaptive
  - Social-emotional
  - Motor



# Eligibility Determination—Preschool



§200.1(mm), §200.1(zz)

## Path 1:

- Evidence of a significant delay or a disorder in one or more functional areas indicating:
- Twelve-month delay in one or more functional area(s); or
- 33% delay in one functional area or 25% delay in each of two functional areas; or
- 2.0 standard deviations below mean in one functional area or 1.5 standard deviations below mean in two functional areas.

**OR**

## Path 2:

- Meet criteria for school-age disabilities in the following categories:
  - Autism
  - Deafness
  - Deaf-Blindness
  - Hearing Impairment
  - Orthopedic Impairment
  - Other Health Impairment
  - Traumatic Brain Injury
  - Visual Impairment

# Eligibility Determination— School Age



## §200.4(c)

- Determine Educational Disability/Classification
  - §200.1(mm) or §200.1(zz)
- Upon review of evaluation data:
  - Current skill levels including strengths and skill delays
  - Impact of disability on participation in general education curriculum
- Supports required in order for student to participate in general education/age-appropriate activities
- Provide a copy of the evaluation report and documentation of eligibility to the parent

# Eligibility Determination

§200.4(c)(2)

- Determining factor for classification **cannot be:**
  - Lack of appropriate instruction in reading
  - Lack of appropriate instruction in math
  - Limited English proficiency





# Cultural and Linguistic Factors for Eligibility

- Assessments should be evaluated in a culturally responsive manner and by individual(s) with background and training in Culturally Responsive-Sustaining Education (CRSE).
- CRSE evaluations are key for all students, not just English Language Learners (ELL).
- Performance related to socio-cultural background or interrupted schooling are not to be mistaken for a disability.

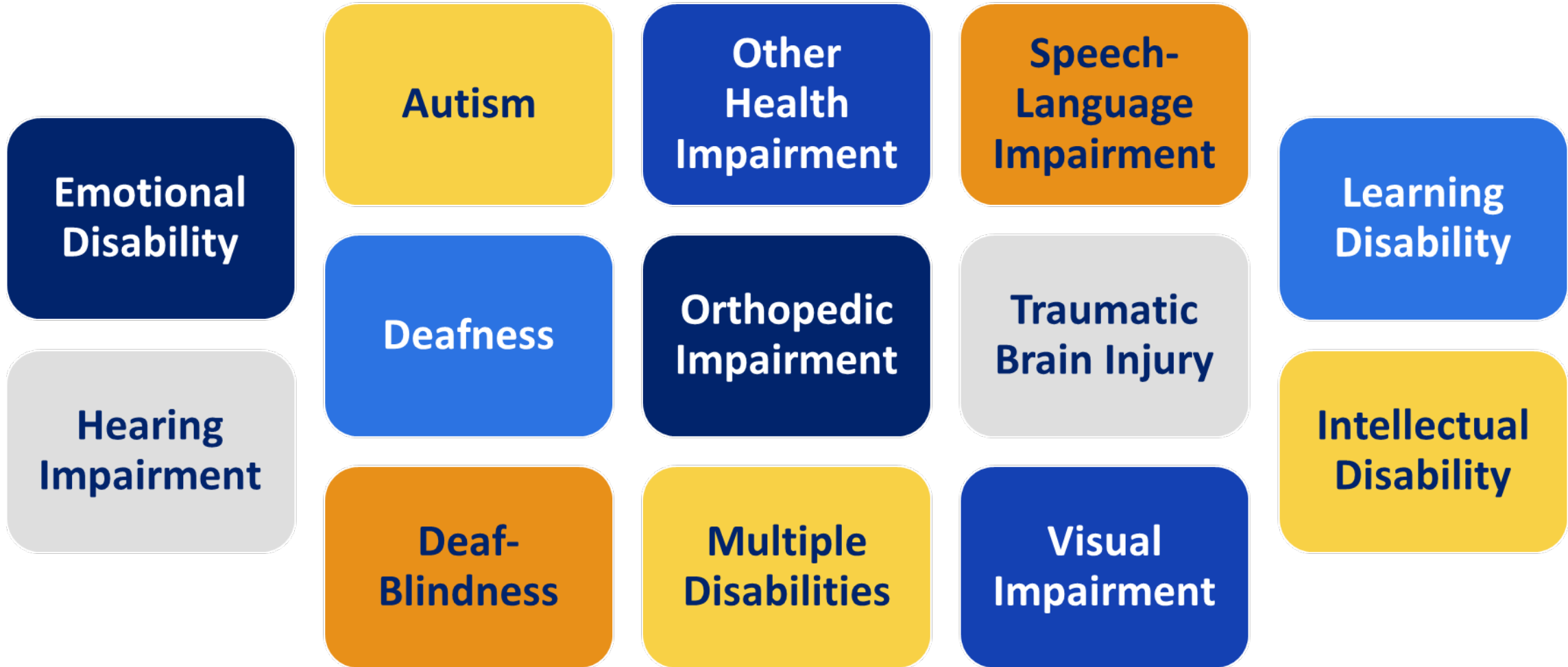
# Learning Disability Eligibility

Special requirements, §200.4(j)



Familiarize yourself with the criteria for Learning Disability determination.

# Determining Classification



# State Performance Plan (SPP)

## Indicators 9 and 10

### Disproportionality in Special Education Identification/Classification by Race/Ethnicity

#### SPP Indicator 9: Disproportionality in **Special Education** by Race/Ethnicity:

- Students of a particular race or ethnicity are being **identified for special education services** more than students of other races or ethnicities.
- Policies/practices/procedures that result in inappropriate identification.

#### SPP Indicator 10: Disproportionality in **Classification** by Race/Ethnicity:

- Students of a particular race or ethnicity are being identified for a **particular classification of disability** more than students of other races or ethnicities.
- Only six are looked at: Autism, Emotional Disability, Intellectual Disability, Learning Disability, Other Health Impairment, and Speech or Language Impairment.
- Policies/practices/procedures that result in inappropriate identification.

# Eligibility Determinations

## §200.4(c)(1)



In interpreting evaluation data for the purpose of determining if a student is a student with a disability and determining the educational needs of the student:

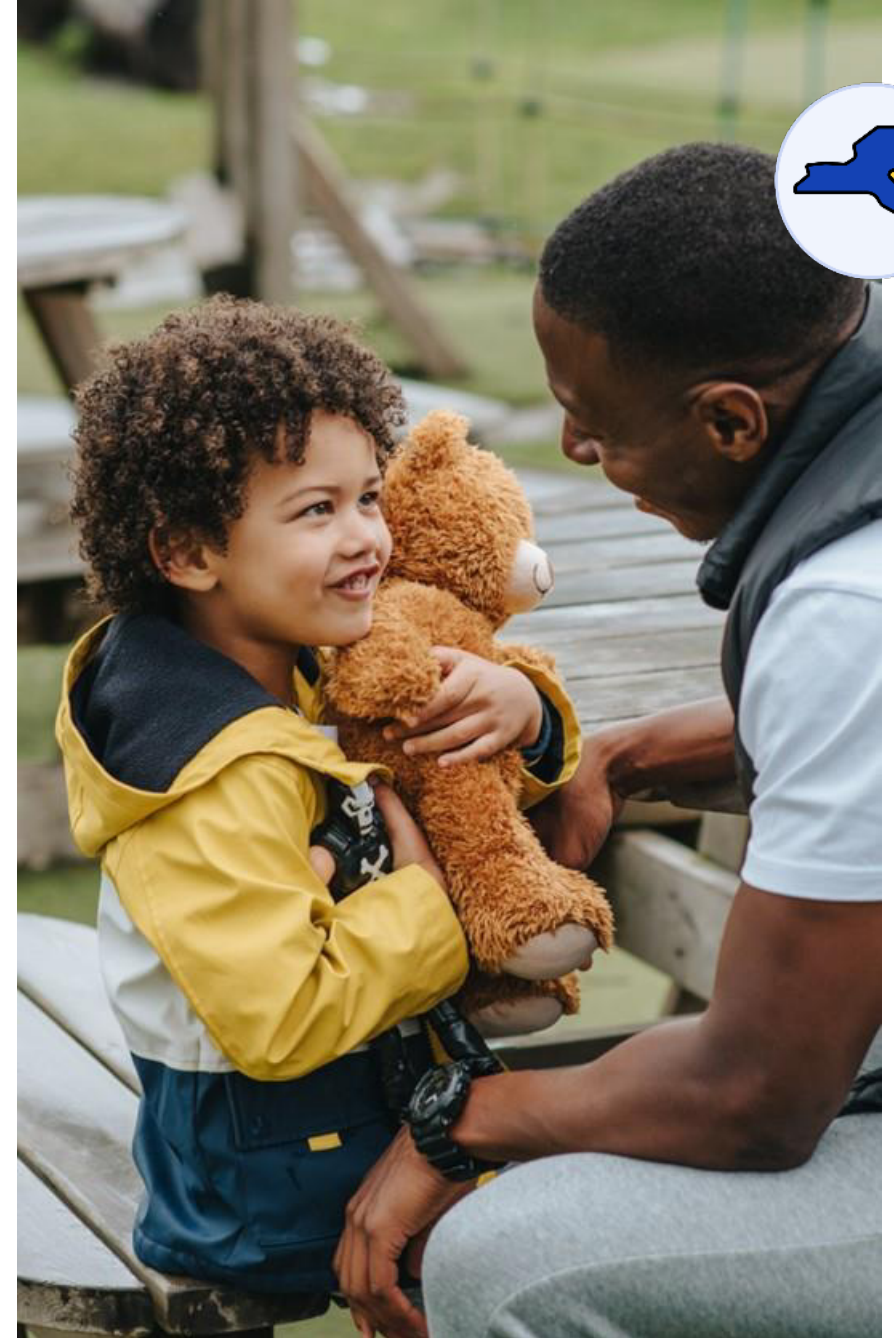
- The CSE and other qualified individuals must draw upon information from a variety of sources,
- Including aptitude and achievement tests, parent input, and teacher recommendations.

# ELL Identified as Having Disabilities

- ELL students are entitled to the same programs and services under Subpart 154-2 as students without disabilities.
- Students must be served in the least restrictive environment.
- Among other things, the CSE must consider the student's need for:
  - Special education programs and services to support the student's participation and progress in:
    - English Language Arts (ELA) instruction,
    - Content area instruction in English, and,
    - English as New Language (ENL) instruction.

# Recommendation for Students Determined Eligible §200.4(d)

- CPSE/CSE provides a recommendation to the Board of Education (BOE) for action and implementation of the appropriate special education programs/services.
- Copy of the recommendation shall be provided to the parent, and the evaluation report upon which the decision was made.



# Students Determined Ineligible



## §200.4(d)(1)(i)-(ii)

- Give recommendation to the BOE.
- Give prior written notice (PWN) to the parent that indicates reasons why student was found ineligible.
- For school-age students, provide copy of recommendation and appropriate evaluation information to building principal to determine what support services will be provided, if necessary.



# Quality Indicators—Eligibility

- Eligibility as a student with a disability shall be based on the results of an individual evaluation that is provided in the student's native language, not dependent on a single procedure, and administered by a multidisciplinary team.
- The individual evaluation provides instructionally relevant information to determine a student's eligibility or ineligibility for special education services.
- The CPSE/CSE participated in a meaningful discussion of the student's strengths and learning needs to determine eligibility for special education services.

# Quality Indicators—Eligibility (continued)

- The CSE identified that the determining factor for classification was not due to a lack of appropriate instruction in reading and math or Limited English Proficiency (LEP).
- Parent participation and involvement in the CPSE/CSE process is vital to the determination of eligibility and recommendation for special education services for a student with a disability.

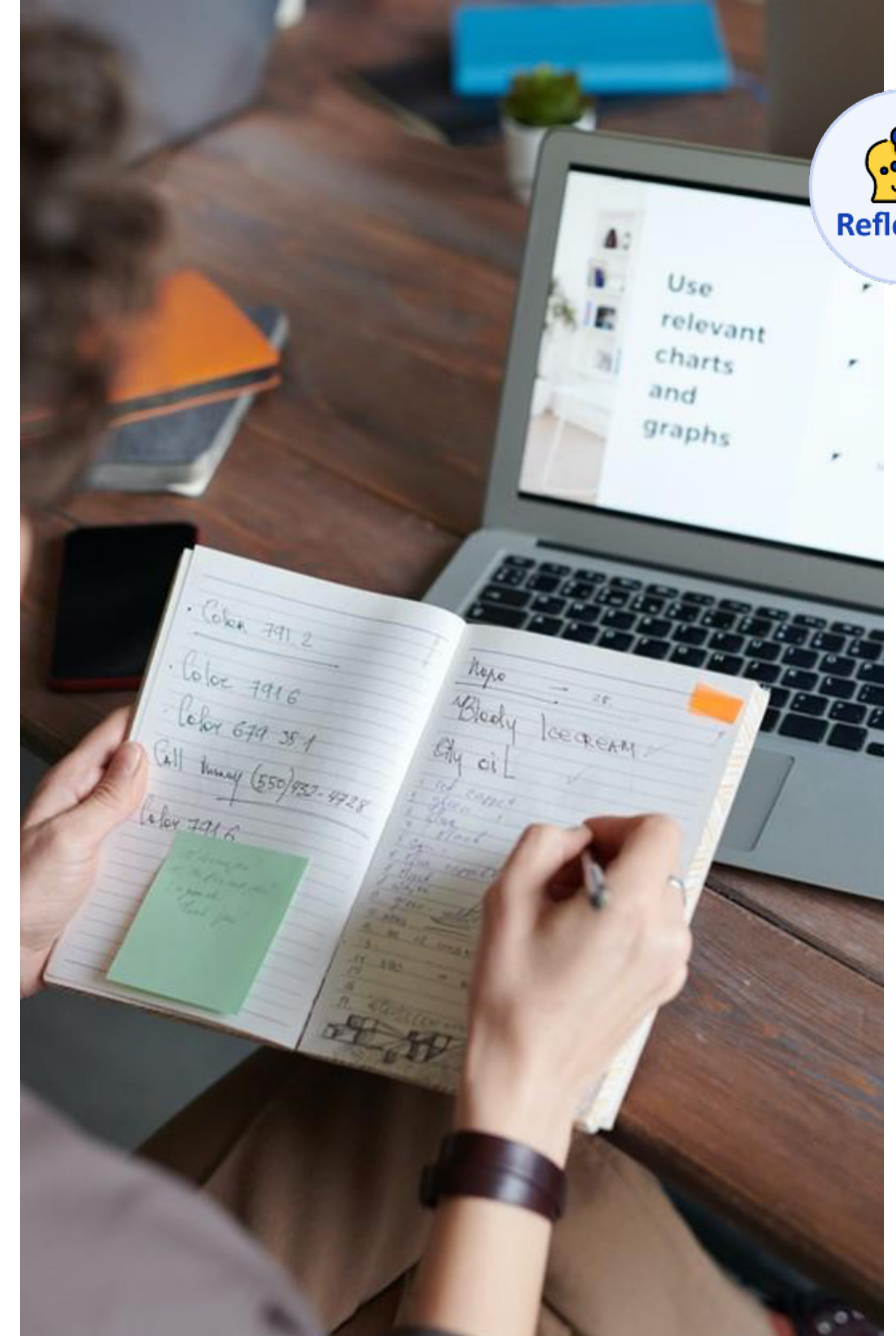
# Recap: Guiding Questions—Eligibility



- How will you ensure that the evaluation information supports a determination of eligibility or ineligibility for special education services?
- How will you facilitate a meaningful discussion of the student's strengths and needs and elicit recommendations to determine eligibility?
- How will you encourage and facilitate the participation of the parents and the student in determining eligibility?
- How will you assess the parent's understanding of determination for eligibility?

# What's Going on Your "To-Do" List?

- "I" time—reflect on the regulatory foundation topics we covered.
- Note any specific "to-dos" on your follow-up plan.



# Questions and Answers



# Exit Ticket



What is one takeaway from  
Module 4?

# References (1 of 3)

DeLorenzo, J.P. (2015, June). *Federal guidance on students with disabilities with high cognition* [Special Education Field Advisory]. New York State Education Department.

DeLorenzo, J.P. (2014, December). *Use of standardized scores in individual evaluations of culturally and linguistically diverse English language learners ages 3 through 21* [Special Education Field Advisory]. New York State Education Department.

New York State Education Department Office of Special Education (2023). Approved Preschool Special Education Programs. <https://www.nysed.gov/special-education/approved-preschool-special-education-programs>

New York State Education Department Office of Special Education (2003, January). Guide for Determining Eligibility and Special Education Programs and/or Services for Preschool Students with Disabilities. The New York State Education Department Office of Vocational and Educational Services for Individuals with Disabilities.

<https://www.p12.nysed.gov/specialed/publications/preschool/guide/finalguide.pdf>

# References (2 of 3)

New York State Education Department Office of Special Education (2019, October). Indicator 7: Preschool Outcomes. <https://www.p12.nysed.gov/specialed/spp/indicators/7.htm>

New York State Education Department Office of Special Education (2023). Meeting Notice Relating to Special Education. <https://www.nysed.gov/special-education/meeting-notice-relating-special-education>

New York State Education Department Office of Special Education (2023). Prior Written Notice Recommendations. <https://www.nysed.gov/special-education/prior-written-notice-notice-recommendation>

New York State Education Department Office of Special Education Partnership (2023). Procedural Safeguards Notice: Rights for Parents of Children with Disabilities, Ages 3-21. <https://www.nysed.gov/special-education/procedural-safeguards-notice-rights-parents-children-disabilities-ages-3-21>



# References (3 of 3)

New York State Education Department (2002, January). Individual Evaluations and Eligibility Determination for Students with Disabilities. <https://www.nysed.gov/special-education/individual-evaluation>

New York State Regulations of the Commissioner of Education, Part 200: Students with Disabilities (2016).

New York State Regulations of the Commissioner of Education, Part 200: Students with Disabilities. (2023). <https://www.nysed.gov/special-education/new-york-state-laws-and-regulations-related-special-education-and-students>

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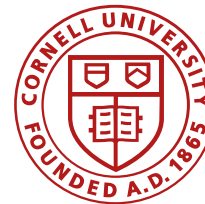
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New York State Education Department  
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**Cornell University**

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