

DETERMINING ELIGIBILITY

LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY

Eligibility of students with disabilities for special education shall be determined by the IEP team according to specific criteria for each of the eligibility categories. No student shall be determined to be eligible for special education by any eligibility category other than those identified by these guidelines.

IEP TEAM GUIDELINES FOR DETERMINING IF A STUDENT HAS A DISABILITY

A student cannot be determined to be a student with a disability if the primary determining factor is a lack of appropriate instruction in reading, including the essential components of reading instruction, lack of instruction in math, or limited English proficiency. Essential components of reading instruction means explicit and systemic instruction in:

- Phonemic awareness
- Phonics
- Vocabulary development
- Reading fluency, including oral reading skills
- Reading comprehension strategies

The following provides District staff participating as IEP team members with the District criteria, based on State and/or Federal laws and regulations, for determining if a student has a disability. Each eligibility category is prefaced with the legal definition. The District's criteria for determining eligibility follow the legal definition. Disability categories addressed by these guidelines include the following:

Autism	Multiple Disabilities
Deafness	Orthopedic Impairment
Deaf-Blindness	Other Health Impairment
Emotional Disturbance	Specific Learning Disability
Established Medical Disability (3-5 yrs)	Speech or Language Impairment
Hard of Hearing	Traumatic Brain Injury
Intellectual Disability	Visual Impairment

It is the IEP team's responsibility to determine if a student has a disability. If the student has more than one disability, the team must determine the primary disability that impacts learning.

Note: If the student has more than one disability and one of the disabilities is hearing, orthopedic or vision see the definition of multiple disabilities.

AUTISM (AUT)

Section 3030(1), Title 5, CCR, provides:

Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, and adversely affecting 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.

Criteria: All elements listed below must be determined to establish eligibility.

1. A written report from a school psychologist that includes all existing information related to any autistic-like behaviors exhibited by the student.
 2. A significant impact of deficits in verbal and nonverbal language communication and social interactions must be documented in the aforementioned report.
 3. There also may also be documented an impact from the following behavioral responses:
 - Resistance to environmental change or changes in daily routines;
 - Engagement in repetitive activities and stereotyped movements
 - Unusual responses to sensory activities
 3. The behavioral manifestations adversely affect the student's educational performance, and require special education.
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DEAFNESS (DEA)

Section 3030(a), Title 5, CCR, provides:

A student 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.

Criteria: All elements listed below must be determined to establish eligibility.

1. A current audiological evaluation has been completed by a qualified audiologist. All "outside" assessments have been reviewed by a District educational audiologist.
 2. The hearing impairment limits the student's access to language and communication through hearing with or without amplification.
 3. The hearing impairment adversely affects the development of expressive and/or receptive language and communication.
 4. The impairment adversely affects the student's educational performance, and requires special education to meet the student's needs.
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DEAF-BLINDNESS (DBL)

Section 3030(b), Title 5, CCR provides

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

Criteria: Both elements listed below must be determined to establish eligibility.

1. The student must have both impairments to establish eligibility.
 - Deafness
 - Blindness

(Refer to eligibility criteria for Deafness and for Visual Impairment.)
 2. The impairment adversely affects the student's educational performance, and requires special education to meet the student's needs.
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EMOTIONAL DISTURBANCE (ED)

Section 3030(i), Title 5, CCR provides:

Because of a serious emotional disturbance, a student exhibits one or more of the following characteristics over a long period of time and to a marked degree, which adversely affect 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*
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Criteria: All elements listed below must be determined to establish eligibility.

- 1. The student exhibits one or more of the following characteristics:**
 - **An inability to learn which cannot be explained by intellectual, sensory, or health factors**
 - **An inability to build or maintain satisfactory interpersonal relationships with peers and teachers**
 - **Inappropriate types of behavior or feelings under normal circumstances exhibited in several situations**
 - **A general pervasive mood of unhappiness or depression**
 - **A tendency to develop physical symptoms or fears associated with personal or school problems.**
 - 2. The presenting educational difficulties are not the result of social maladjustment.**
 - 3. The behavior has been observed over a long period of time and to a marked degree.**
 - 4. The condition adversely affects the student's educational performance, and requires special education to meet the student's needs.**
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ESTABLISHED MEDICAL DISABILITY (EMD)

Section 56441.11(d), Title 5, CCR provides:

A disabling medical condition or congenital syndrome that the individualized education program team determines has a high predictability of requiring special education and services.

Criteria: All elements listed below must be determined to establish eligibility.

1. The child is three through four years of age.
2. The child has a disabling medical condition or congenital syndrome as follows:
 - Chromosomal Abnormalities
 - Environmentally Caused Malformations
 - Skeletal and Muscular System Malformations
 - Neurological Disorders
 - Metabolic Disorders
 - Postnatal Handicapping Conditions
 - Other
3. The presenting educational difficulties are not due primarily to:
 - Unfamiliarity with the English language
 - Temporary physical disabilities
 - Social maladjustment
 - Environmental, cultural, or economic factors
4. The child's needs cannot be met with modification of a regular environment in the home or school, or both, without ongoing monitoring or support as determined by an individualized education program team.

HARD OF HEARING (HOH)

Section 3030(a), Title 5, CCR provides:

A student 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.

Criteria: All elements listed below must be determined to establish eligibility.

1. A current audiological evaluation has been completed by a qualified audiologist. All “outside” assessments have been reviewed by a District educational audiologist.
2. The hearing impairment, without amplification, makes it difficult for the student to access language communication through hearing, but the impairment is not of a level of severity to establish eligibility under the definition of Deafness.
3. The hearing impairment, whether permanent or fluctuating, adversely affects expressive and/or receptive language and communication.

The impairment adversely affects the student’s educational performance, and requires special education to meet the student’s needs.

INTELLECTUAL DISABILITY (ID)

Section 3030(h), Title 5, CCR provides:

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

Criteria: All elements listed below must be determined to establish eligibility.

1. The student demonstrates significantly below average intellectual ability.
 2. The student demonstrates deficits in two or more of the following adaptive behaviors:

Communication	Self-care
Home Living	Social Skills
Community Use	Self-direction
Health and Safety	Functional Academics
Leisure	Work
 3. The deficits were manifested during the developmental period.
 4. The deficits adversely affect the student’s educational performance, and require special education to meet the student’s needs.
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MULTIPLE DISABILITIES (MD)

34 CFR, Section 300.7 (c)(7) provides:

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. The District designates this impairment as one of the following concomitant eligibilities:

Multiple Disabilities, Hearing (MDH)

Multiple Disabilities, Orthopedic (MDO)

Multiple Disabilities, Vision (MDV)

Criteria: Both elements listed below must be determined to establish eligibility.

1. The student must have at least two impairments to establish eligibility, one of which must be hearing, orthopedic, or vision.
 2. The combination of these impairments causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments.
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ORTHOPEDIC IMPAIRMENT (OI)

Section 3030(e), Title 5, CCR provides:

A student has a severe orthopedic impairment which adversely affects the student's educational performance. Such orthopedic impairments include impairments caused by congenital anomaly, impairments caused by disease, and impairments from other causes.

Criteria: Both elements listed below must be determined to establish eligibility.

1. Documented orthopedic impairment.
 2. The impairment adversely affects the student's educational performance and requires special education to meet the student's needs.
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OTHER HEALTH IMPAIRMENT (OHI)

Section 3030(f), Title 5, CCR provides:

A student 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, Tourette Syndrome, 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. This health problem is not temporary in nature.

Criteria: All elements listed below must be determined to establish eligibility..

1. This health impairment is not temporary in nature.
2. The impairment adversely affects the student's educational performance, and requires special education to meet the student's needs.

Note: If a student is suspected of OHI due to characteristics of Attention Deficit Hyperactivity Disorder (ADHD), all elements listed below must be determined to establish eligibility.

- A written report from a school psychologist that includes all existing information related to any characteristics of ADHD-like behavior exhibited by the student.
 - A written report from a special education teacher addressing academic skills.
 - An assessment by a school nurse.
 - The impairment adversely affects the student's educational performance, and requires special education to meet the student's needs.
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SPECIFIC LEARNING DISABILITY (SLD)

Section 3030(10), Title 5, CCR provides:

Specific Learning Disability is 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 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, and results in a severe discrepancy between his/her intellectual ability and achievement in one or more academic areas. The basic psychological processing areas include attention, visual, processing, auditory processing, sensory-motor skills, cognitive abilities including association, conceptualization and expression.

Criteria: All elements listed below must be determined to establish eligibility.

1. The student demonstrates a severe discrepancy between intellectual ability and achievement in one or more of the following areas and the student does not achieve adequately for the student'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:

Oral Expression	Basic Reading Skills	Mathematics Calculation
Listening Comprehension	Reading Fluency	Mathematics Problem Solving
Written Expression	Reading Comprehension	

2. The discrepancy is due to a disorder in one or more of the basic psychological processes:
 - Attention
 - Visual Processing
 - Sensory Motor Skills
 - Auditory Processing
 - Phonological Processing
 - Cognitive Abilities including: Association, Conceptualization, Expression
 3. The learning problems are not primarily the result of any of the following: visual, hearing, or motor disabilities; intellectual disability; emotional disturbance; or, environmental, cultural, or economic disadvantage.
 4. The learning problems are not primarily the result of limited school experience or poor school attendance, lack of instruction, or limited English proficiency.
 5. The disability adversely affects the student's educational performance, and requires special education to meet the student's needs.
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SPEECH OR LANGUAGE IMPAIRMENT (SLI)

California Education Code, Section 56333 provides:

A student 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.

Criteria: All elements listed below must be determined to establish eligibility.

1. The student's disorder, based on an assessment by a language, speech and hearing specialist, meets one or more of the following criteria:
 - a. **Articulation disorder**

The student displays reduced intelligibility or inability to use the speech mechanism which significantly interferes with communication and attracts adverse attention. Significant interference occurs when the production of multiple speech sounds on a developmental scale of articulation competency is below that expected for a student's chronological age or developmental level.

 - i) The student does not meet the criteria for an articulation disorder if the sole assessed disability is an abnormal swallowing pattern.
 - b. **Abnormal voice.** A student has an abnormal voice characterized by persistent, defective voice quality, pitch or loudness.
 - c. **Fluency disorders.** The flow of verbal expression including rate and rhythm adversely affects communication between student and listener.
 - d. **Language disorder when both of the following criteria are met:**
 - i) Using more than one assessment procedure, the student 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 tests in one or more of the following areas of language development: morphology, syntax, semantics, or pragmatics. When standardized tests are considered invalid for a specific student, the expected language performance level shall be determined by alternative means as specified on the assessment plan; and
 - ii) The student displays inappropriate or inadequate usage of expressive language as measured on a representative spontaneous language sample of a minimum of fifty utterances.
 2. The disorder is not due to unfamiliarity with English.
 3. The disorder adversely affects the student's educational performance, and requires special education to meet the student's needs.
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TRAUMATIC BRAIN INJURY (TBI)

Traumatic Brain Injury means an acquired injury to the brain caused by an external physical force, resulting in a total or partial functional disability or psychological impairment, or both, that adversely affects a child'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 brain injuries caused by birth trauma.

Criteria: All elements listed below must be determined to establish eligibility.

- 1. The student has an open or closed head injury that has affected the following: (Identify all that apply)**
 - Cognitive**
 - Language**
 - Memory**
 - Attention**
 - Reasoning**
 - Abstract Thinking**
 - Judgment**
 - Problem Solving**
 - Sensory, Perceptual and/or Motor Abilities**
 - Psychosocial Behavior**
 - Physical Functions**
 - Information Processing**
 - Speech**
 - 2. The injury has resulted in a total or partial functional disability or psychosocial impairment.**
 - 3. The injury adversely affects the student's educational performance, and requires special education to meet the student's needs.**
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VISUAL IMPAIRMENT (VI)

Section 3030(d); Title 5, CCR provides:

A student has a visual impairment which, even with correction, adversely affects the student's educational performance.

Criteria: All elements listed below must be determined to establish eligibility.

1. A current ophthalmologist or optometrist report indicates a diagnosis of eye disease, limited visual acuity after correction, visual field loss, or total blindness.

and

For students with low vision, a functional vision assessment indicates the need for special education instruction, services, materials and/or equipment which cannot be provided with modifications or the regular program.

2. The impairment adversely affects the student's educational performance, and requires special education to meet the student's needs.
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