

HANDBOOK

Special Education: Eligibility Determinations

I. Purpose

To ensure that the School District determines eligibility for special education services in compliance with federal and state laws and regulations.

II. Position

The School District will determine students' eligibility for special education services through interventions, evaluations, and other assessments, as provided by federal and state laws and regulations.

III. Consent

Some actions, including but not limited to evaluation, re-evaluation, initiating services, and administering tests not given to all children, require parental consent, subject to certain exceptions under New Mexico regulations. No action that requires prior written parental consent will be taken without first obtaining that consent. Evaluations will be conducted within 60 days of receiving informed written parental consent.

IV. Evaluations and re-evaluations

Evaluations are provided at no cost to parents. Referrals for individualized evaluations are completed within a reasonable time and are documented appropriately. Evaluation materials are not discriminatory and are provided in the child's primary language or mode of communication unless it is clearly infeasible to do so. A variety of assessment tools are used for evaluation, and limited English proficiency is not used to measure a child's need for special education and related services.

Evaluations will use a variety of assessment tools and strategies to get information regarding student's functional, developmental and academic information about the student. The choice of technically sound assessment instruments will be determined by the evaluator.

A re-evaluation is done if the IEP team determines conditions warrant or at the request of the parent or teacher.

Full and individual evaluations will first be conducted before the initial provision of special education and related services.

V. Failure to consent

If the parent fails to respond or refuses to consent to the initial evaluation or initial placement in special education the school district is not in violation of federal or state regulations governing the provision of a Free Appropriate Education.