NEW MEXICO PUBLIC EDUCATION DEPARTMENT

OFFICE OF SPECIAL EDUCATION

TECHNICAL EVALUATION AND ASSESSMENT MANUAL

Determining Eligibility for IDEA Part B Special Education Services

Revised 2026

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State of New Mexico

New Mexico Public Education Department
Office of Special Education
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New Mexico Technical Evaluation and Assessment Manual
Determining Eligibility
for IDEA Part B Special Education Services
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Section One. New Mexico Technical Evaluation and Assessment Manual (NM TEAM) Introduction

Vision Statement

Educational evaluation is a process designed to fairly and systematically explore, document, and communicate the unique learning and functioning of a student. In New Mexico, cultural and linguistic diversity are foundational considerations and must be considered in planning and implementing all aspects of an educational evaluation.

The functions of evaluations and assessment are:

- diagnosis (i.e., determining eligibility),
- classification (i.e., grouping by selected characteristics), and
- planning supports (i.e., assuring services and determining response to instruction and intervention).

In education, assessments are integrally related to the continuous feedback loop of student learning and teaching. This process is necessary to assure that students with disabilities have access to the general curriculum; appropriate instruction and supports for educational success; and active participation in school, home, and community.

Introduction

Throughout the evaluation process, the decisions must be made by a team of professionals, including the parents of the child, and the child, as appropriate. Section 601(c)(5)(B) of the Individuals with Disabilities Education Act (IDEA 2004) places special emphasis upon the involvement of parents in special education, stating that "… the education of students with disabilities can be made more effective by strengthening the role and responsibility of parents and ensuring that families of such children have meaningful opportunities to participate in the education of their children at school and at home." The New Mexico Public Education Department (PED) chose the title, New Mexico Technical Evaluation and Assessment Manual (NM TEAM), because it conveys the most basic premise of the evaluation process - that is, the process must be based upon the collective discussion and decision of a team.

Project Overview

All five versions of the NM TEAM have been developed with the assistance of the knowledge and experience of expert panelist teams from across New Mexico. This comprehensive team of professionals convened to: (a) document essential aspects of an educational evaluation, (b) operationalize eligibility requirements in each IDEA Part B disability category, and (c) provide unique characteristics and educational impact for each of the eligibility categories.

In 2004-2005, a group of experts from around the state submitted recommendations for each eligibility category that were integrated into a draft of the NM TEAM. After review by PED and agencies throughout the state, the NM TEAM was finalized and disseminated. Intensive training of stakeholders was conducted across the state in August 2005. In April 2007, the NM TEAM was updated to reflect changes in Federal and State regulations, as well as to address frequently asked questions.

In May 2010, a statewide stakeholder group reviewed and revised the 2007 NM TEAM to align the document with current Federal and State regulations and best practices, as well as to ensure consistency throughout the document. This stakeholder group was comprised of professionals from throughout the state who represented a variety of roles, disciplines, and areas of expertise. A core group of stakeholders then completed an in-depth analysis of the recommendations and revised the document to ensure consistency: (a) between the document and Federal and State regulations and (b) within the manual itself. Revisions were also made in the organization of the content based on feedback from practitioners in the field. The final revisions were presented to the PED for consideration on January 31, 2011, with finalization of revisions occurring in June 2011.

In the fall of 2015 and spring of 2016, another statewide stakeholder group was formed, which included both new and returning members. This group of stakeholders updated information throughout the manual to reflect changes in national trends (e.g., the diagnosis of autism spectrum disorder, the release of new versions of formal assessments, etc.). This group also paid particular attention to formalizing and clarifying the Review of Existing Evaluation Data (REED) process to better support teams across the state.

From 2023-2026, changes were made throughout the document to address feedback from stakeholders across the state of New Mexico and to incorporate new amendments to the New Mexico Administrative Code (NMAC) related to comprehensive evaluations for special education and related services. The goals of this current revision are to provide clarification and guidance based on input received from Local Education Agencies (LEAs) and other Public Agencies throughout the state and to simplify the documentation requirements on the recommended forms/worksheets. The NM TEAM presents a sustained effort to standardize evaluation and assessment procedures and eligibility criteria in every IDEA disability category. LEAs across the state are required to use and follow the guidelines and recommendations established within this manual.

Throughout this manual, the term '**Public Agency**' will be used to encompass all the various stakeholders responsible for upholding the requirements of Part B of the Individuals with Disabilities Education Act (IDEA) and New Mexico Administrative Code (NMAC). This term, 'Public Agency,' refers to a group of individuals, not any one person, and includes (but is not limited to):

- School districts
- Individual schools
- School administration
- State-supported schools
- Charter schools (both state and locally authorized)
- Student Assistance Teams (SAT)
- Staff members of IEP teams
- Evaluation teams
- Staff members of eligibility determination teams (EDTs)

In November 2022, PED released proposed amendments to NMAC related to the identification and evaluation of students with disabilities in New Mexico. Amendments were adopted on January 5, 2023 and were effective as of July 1, 2023. NMAC 6.31.2.10 (G) (1) indicates that

public agencies shall follow the procedures for evaluations and reevaluations established by IDEA at 34 CFR Secs. 300.304 and 300.305, department rules, and standards for evaluations and reevaluations set forth in NM TEAM.

Terminology Note

Throughout this manual, the term 'Public Agency' will be used to encompass all the various stakeholders responsible for upholding the requirements of Part B of the Individuals with Disabilities Education Act (IDEA) and New Mexico Administrative Code (NMAC). This term, 'Public Agency,' refers to a group of individuals, not any one person, and includes (but is not limited to):

- School districts
- Individual schools
- School administration
- State-supported schools
- Charter schools (both state and locally authorized)
- Staff members of IEP teams, eligibility determination teams, evaluation teams, etc.

NM TEAM Overview

In addition to this introduction, the NM TEAM is comprised of sections related to:

Section Two: **General Education, MLSS, and SAT: Contributors to the Eligibility Determination Process**

Section Three: **Timelines for Evaluations and Reevaluations**

Section Four: **Review of Existing Evaluation Data (REED) Process and Form During Initial Evaluations and Reevaluations**

Section Five: **Triangulation of Data Throughout the Eligibility Determination Process**

Section Six: **Multilingual Assessment Issues in New Mexico: Guidelines for Assessment of Children Who are Culturally and Linguistically Diverse, including Children Enrolled in Dual-Language Programs**

Section Seven: **Use and Interpretation of Standardized Assessments and Obtained Scores**

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SECTION TWO. General Education, MLSS, and SAT: Contributors to the Eligibility Determination Process

New Mexico Public Education Department's (NM PED's) Multi-Layered Systems of Support (MLSS) Framework (2021) provides Public Agencies with information necessary to develop and implement an effective system of supporting all children through planned and documented supports (layer 1) and interventions (layers 2-3) within their schools. The manual provides a description of the core components of the MLSS, including (but not limited to) data-driven instruction and data-driven decision making, hiqh-quality core instruction and interventions, classroom supports, school supports, health and wellness supports, and family and community supports. The framework provides a description of three layers of general education support and interventions that Public Agencies are expected to provide to all children, with "decisions regarding layered interventions being made by the classroom teacher and support personnel closest to the students." Under MLSS, teachers, in consultation with their professional learning community/teacher team (PLC), are empowered to identify, implement, and adjust supports and interventions for children. Under MLSS, schools move away from the SAT making decisions regarding interventions. Rather, teachers and PLCs—the professionals closest to the children--are able to make these critical decisions regarding layered supports and interventions in real time.

NOTE: Throughout this manual, the term 'Public Agency' will be used to encompass all the various stakeholders responsible for upholding the requirements of IDEA and NMAC. The term, 'Public Agency,' refers to a group of individuals, not any one person, and includes (but is not limited to): school districts, individual schools, school administration, state-supported schools, charter schools (state or locally authorized), Student Assistance Teams (SAT), IEP teams, evaluation teams, eligibility determination teams, etc.

Nevertheless, some children will require referral to and consideration by the Student Assistance Team (SAT). There are several circumstances that require a child's referral to its Student Assistance Team (SAT):

1. The student is suspected of having a disability
2. The student has been retained or is in danger of being retained
3. The student has been exited from special education services
   Note: NM PED also guides schools to consider referral to the school's Section 504 team upon exit from special education services, when appropriate.
4. The student has been restrained two or more times in a 30-day period
5. The student's parents requested referral to SAT

The NM TEAM is providing selected highlights of the MLSS Framework, but the information provided in this section of this manual is not intended to replace the MLSS manual.

Public Agencies, including all members of eligibility determination teams (EDTs), should ensure that they are familiar with and following the most current guidance from the NM PED regarding implementation of MLSS. The most recent guidance can be found on the NM PED website: https://web.ped.nm.gov/bureaus/multi-layered-system-of-supports-mlss/

According to NMAC 6.29.1.7 (AA) "'Multi-layered system of supports (MLSS)' means a coordinated and comprehensive framework that uses increasingly intensive evidence-based academic and behavioral supports that address student needs as evidenced by student data. It is a model for holistic school improvement that provides progress measures for additional supports such as school-based team structures, professional development, health and wellness, and family and community engagement."

MLSS describes supporting children academically and behaviorally using universal supports (Layer 1), targeted interventions (Layer 2), and intensive interventions (Layer 3). Unlike the previous Response to Intervention (RTI) framework, under MLSS any child may receive Layer 3 supports, not only children with identified disabilities or giftedness. Further, under MLSS, a child may be referred to the school's SAT at any layer of intervention.

A core element of MLSS is recognizing that special education and related services occur at all layers for children with identified disabilities. If a child has been identified as a child with a disability who requires specially designed instruction, that child may receive special education services to access and make progress in universal supports provided to all children (Layer 1), to access and make progress with targeted interventions (Layer 2), and/or to access and make progress with intensive interventions (Layer 3). This model encourages school teams to stay focused on the role of special education as a system of supports that promote a child's engagement and progress in the general education curriculum and setting, rather than a separate place for a child to receive supports.

For children receiving special education and related services, Layer 1 is often addressed through ensuring that the child participates in the general education classroom and curriculum to the greatest extent possible. The child's special education supports may come in the form of accommodations and modifications within the general education classroom and curriculum. These accommodations and modifications can often be part of differentiated instruction or universal design for instruction. Although these supports should be specifically identified as supports necessary to address a specific child's unique needs, these accommodations may support the educational success of many children. For children who are not currently receiving special education and related services, Layer 1, for most children, will include high-quality instruction with differentiation in instructional strategies and response options.

For children receiving special education and related services, Layer 2 may be addressed through participation in small-group academic instruction by the general education teacher, small-group sessions with school counselors, participation in an intervention program targeted to meet their specific needs, etc. Two key aspects of Layer 2 include: frequent progress monitoring to assess the child's response to the targeted supports and frequent communication

with parents. It is important to remember some children may require Layer 3 supports in some areas but be appropriately served with Layer 2 supports in other areas. It should not be assumed that all the child's educational needs (academic and non-academic) must be met by special education supports. Instead, the child's educational team should determine the most appropriate supports for that child looking across Layers 1, 2, and 3.

For children receiving special education and related services, Layer 3 supports would include intensive, evidence-based interventions based on the core curriculum. Layer 3 supports are typically more intensive, more frequent, and longer in duration than Layer 2 supports. Children who receive Layer 3 supports should also receive all the supports provided at Layers 1 and 2**. It is important to note that Layer 3 requires progress monitoring on at least a bi-weekly basis. The child's performance based on progress monitoring data must be communicated to parents at least bi-weekly when a child is receiving Layer 3 intensive supports.** This means that data regarding the child's progress should be gathered at least every two weeks. This data should be reviewed and instructional strategies should be changed, as appropriate.

NOTE: For preschool children, child find screenings shall serve as interventions under Subsection B of 6.31.2.10 (6.31.2.10(A))

MLSS and SAT Process and Data to Support a Comprehensive Evaluation for Special Education and Related Services

Through the MLSS process, a child may be referred to the SAT at any time (i.e., not only at Layer 3) for additional strategies and supports that are part of a formally documented process. Children may be referred to SAT based on lack of response to Layer 3 interventions, suspected disability, and/or a serious and urgent need. Data from all MLSS layers can provide important information throughout the evaluation process.

The interventions implemented and data gathered through the MLSS and SAT processes provide essential information to the child's Eligibility Determination Team (EDT) that help the team identify if a child has a disability and if the child requires specially designed instruction as a result of that disability.

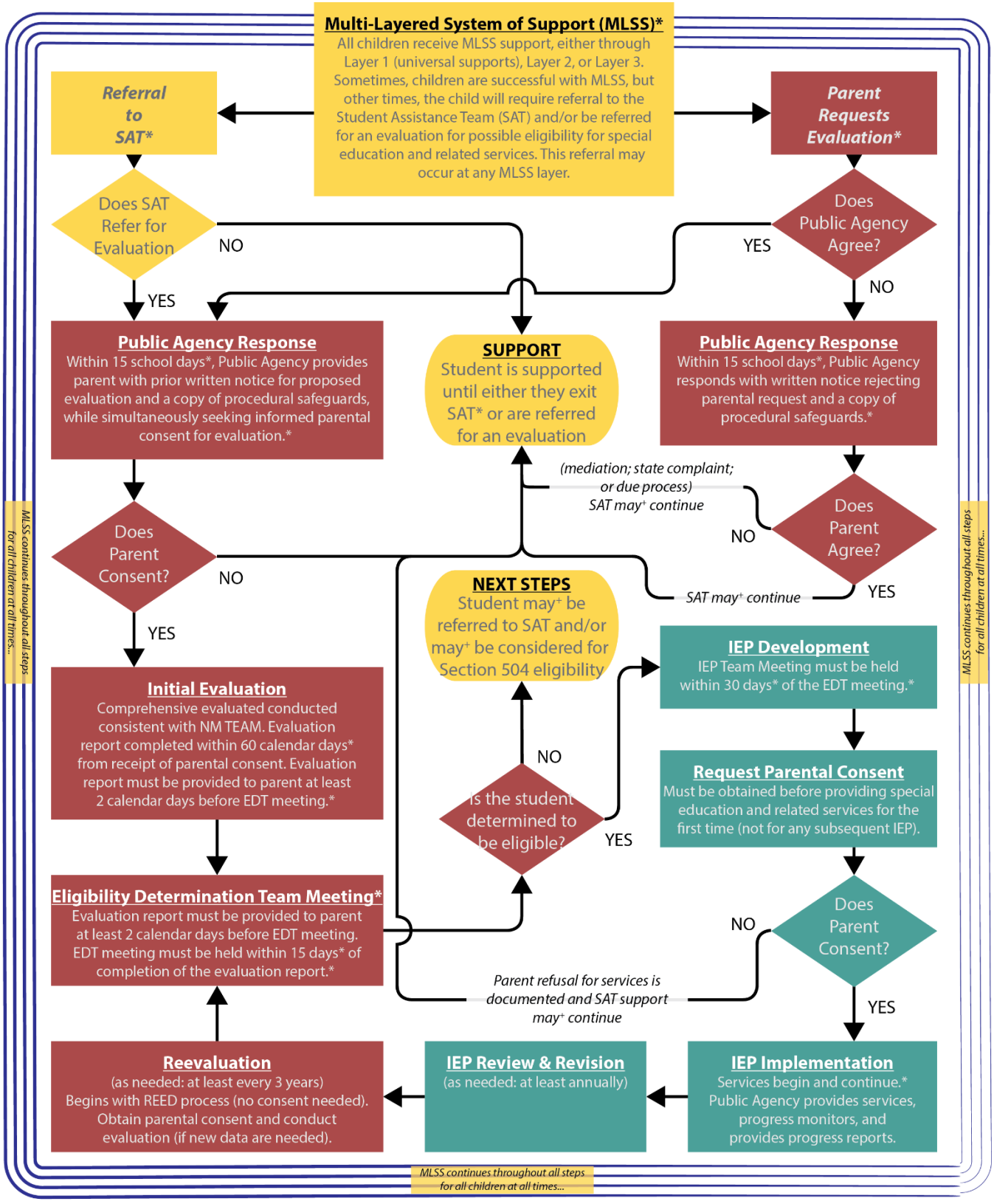
To facilitate the eligibility determination process, it is important for general education teachers and interventionists to collect comprehensive data on the areas targeted, the interventions implemented, and the child's response to those interventions. Data should include formative, interim, and summative assessment data; observations from the classroom teacher(s); input from the child's parents; and a description of targeted interventions that specifically addressed the child's areas of need. Additional information, as appropriate, such as data gathered through

a functional behavior assessment, teacher data on response to a behavior intervention plan, etc., may be important, too, depending on the child's area(s) of need. In summary, the MLSS and SAT processes should support collection of meaningful data and documentation of progress and data-based instructional decision making that will help the EDT determine the nature of the child's needs.

It is important to recognize that there are no timelines associated with determining the need to refer a child to SAT or for a referral for an evaluation for special education and related services. In other words, some children may need to be referred to SAT after only a few progress monitoring data points while others may be successfully supported through MLSS for a long period of time. In addition, some children may need to be referred from SAT for a comprehensive evaluation for special education eligibility relatively quickly while others may be appropriately served through SAT supports. Participation in the MLSS and/or SAT process cannot be used to extend, delay, or deny a comprehensive evaluation (see OSEP 11-07 RtI Memo and OSEP RtI Preschool Memo). It is not appropriate to require a specific number of weeks or intervention cycles prior to referring a child for more intensive supports through SAT or special education. These decisions should be made on an individual basis and referral for an evaluation should not be delayed due to data collection occurring through MLSS or SAT. A child should continue to receive MLSS and, as appropriate, SAT support while the comprehensive evaluation for special education and related services is being completed.

The following flowchart and supplemental information provide an overview of the special education referral, evaluation, and IEP process to guide EDTs and IEP teams in supporting students.

Flowchart for Special Education Referral, Evaluation, and IEP Processes



* See Supplemental Flowchart Information table on next page for more information and timeline exceptions

\+ refer to guidance document for specific topic

Supplemental Flowchart Information

Note: The following table provides color-coding to refer to the steps of the process and additional resources.

MLSS and SAT: These are general education processes to support children. Additional information can be found through MLSS and SAT guidance documents.

NM TEAM: These elements are related to evaluations and eligibility determination decisions and are the focus of this manual.

IEP Process: These elements refer to development and implementation of an IEP. Additional guidance can be found in the Developing Quality IEPs manual.

Flowchart Component	Additional Information
Multi-Layered System of Supports (MLSS)	MLSS refers to the provision of various levels of support to meet the needs of individual students. All students (including those with disabilities) are entitled to appropriate support through MLSS. Additional information can be found at the NM PED website under "Multi-Layered System of Supports." https://web.ped.nm.gov/bureaus/multi-layered-system-of-supports-mlss/
Referral to SAT	A student should be referred to SAT if: • A parent requests a SAT meeting • The student has been restrained two or more times in a 30-day calendar period • The student has been, or is in danger of being, retained • The student has or is suspected of having a disability • The student has been exited from Special Education (if appropriate) If a student is referred to SAT, the Public Agency should inform the parent of their right to request a comprehensive evaluation for possible eligibility for special education and related services. (*Note: According to 22-13-32 NMSA 1978, if the student demonstrates characteristics of dyslexia, the Public Agency must inform the parent of their right to request this evaluation.)* Additional information can be found at the NM PED website under "Student Assistance Team." https://web.ped.nm.gov/bureaus/multi-layered-system-of-supports-mlss/student-assistance-team-sat/

Parent Requests Evaluation	According to NMAC 6.31.2.10, this request may occur orally or in writing to any licensed personnel of the school in which the student attends. All requests shall be forwarded to the school or district special education director or school/district administrator as soon as possible after it is received. It is important for Public Agencies to recognize that parents do not have to specifically say they are requesting an evaluation for special education or to use a specific form to make this request. The Public Agency should properly address any request from a parent that can be reasonably understood to be a request for an initial evaluation or reevaluation. • If a parent indicates that they suspect their child has a disability or expresses that they believe their student may require special education, the Public Agency should ensure that they respond as though a request for an evaluation was made. • If the Public Agency is unsure if an evaluation is being requested, the Public Agency should seek further understanding to address the parent's concerns and ensure that the parent is aware of their right to request an evaluation.
Public Agency Response: **15 School Days**	According to NMAC 6.31.2.10, the Public Agency has 15 school days to respond to a request for a special education evaluation (regardless of if the request was initiated by the Public Agency or the parent). **Request prior to student break of at least 14 calendar days:** If the referral for an evaluation or reevaluation is made within 15 school days before the start of a scheduled school break in which student attendance is not required for at least 14 calendar days, the Public Agency needs to respond to the request (including requesting parental consent, if the Public Agency agrees to conduct the evaluation) no later than 30 calendar days from the date of the referral. The Public Agency's response to a request/referral for evaluation must include the following: • Prior written notice indicating if the Public Agency agrees or disagrees with the need for the evaluation (including the data and other information upon which that decision was based); *(continued on next page)*

	• A copy and explanation of the parent's procedural safeguards; and • Opportunity for the parent to provide informed consent for the evaluation (if the Public Agency agrees to conduct the evaluation). **Request during a student break of at least 14 calendar days:** • If there are more than 14 calendar days remaining in the break, the Public Agency must provide a response within 30 calendar days. • If there is less than 14 calendar days remaining in the break, the Public Agency must provide a response within 15 school days.
Initial Evaluation	All initial evaluations must be comprehensive and be consistent with guidelines presented in NM TEAM (which can be retrieved from the NM PED OSE website under Technical Assistance Manuals). All initial evaluations **and** associated initial evaluation reports must be conducted within 60 calendar days from receipt of informed parental consent to conduct that evaluation. The **only** exceptions to the 60-calendar day timeline are if: • the parent of a child repeatedly fails or refuses to produce the child for the evaluation; or • the child enrolls in a school of another Public Agency after the 60-day time frame has begun and prior to an eligibility determination decision by the child's previous Public Agency. This applies only if the subsequent Public Agency is making sufficient progress to ensure prompt completion of the evaluation, and the parent and subsequent Public Agency agree to a specific time when the evaluation will be completed. Additional information can be found at the NM PED OSE website under "Technical Manuals" and "NM TEAM Technical Evaluation and Assessment Manual " https://web.ped.nm.gov/bureaus/special-education/technical-manuals/

Eligibility Determination Team Meeting	The Eligibility Determination Team (EDT) meeting timelines apply to both initial evaluations and reevaluations (including reevaluations that do not involve the collection of additional data). The evaluation report must be provided to the parent at least 2 calendar days before the EDT meeting. The EDT meeting shall be held within 15 school days of the completion of the evaluation report. **Evaluation completion during student break of 14 calendar days:** If the evaluation report is completed during a scheduled school break in which student attendance is not required for at least 14 calendar days, then the Public Agency is required to hold an EDT (and subsequent IEP meeting) within 15 school days after the students return to school. These meetings do not necessarily have to be held together. The eligibility determination decision made must be consistent with guidelines presented in NM TEAM and include consideration of all evaluation data. See the narrative of this manual for more information.
IEP Development	If the child is determined to be eligible for special education and related services, the Public Agency must have an IEP team meeting to develop an IEP based on the evaluation data. The IEP meeting is often held along with the EDT meeting, but it is permissible to hold the IEP meeting at another time (within 30 calendar days of the EDT meeting). **Evaluation completion during student break of at least 14 calendar days:** If the evaluation report is completed during a scheduled school break in which student attendance is not required for at least 14 calendar days, then the Public Agency is required to hold an EDT **and** subsequent IEP meeting within 15 school days after the students return to school. These meetings do not necessarily have to be held together.
Request Parental Consent to Initiate Services	The Public Agency is responsible for obtaining informed consent from the parent of the student before initially providing special education and related services.

	This consent must only be obtained <u>once</u>. It does not need to be obtained at any other time. This parental consent is for provision of "special education and related services" as a whole, not for the provision of any individual service. In other words, if a particular service is added after the initial IEP, the Public Agency does not need to obtain parental consent again. **According to IDEA, consent does not need to be sought every time a particular service is provided to the child.**
<u>IEP Implementation</u>	After the IEP is developed (and parental consent for services obtained, if it is the student's first IEP), the Public Agency is responsible for implementing the IEP. Implementation of the IEP includes providing the accommodations, modifications, and supports that are outlined in the child's IEP. In addition, it involves collecting on-going data regarding the child's progress towards IEP goals, modifying instruction (if needed), and reporting that progress to parents at least as often as report cards are issued. The IEP must be implemented as soon as possible after it is developed. In other words, all services, accommodations, modifications, and other supports should be started as soon as possible after the IEP meeting so the child isn't being denied a free appropriate public education (FAPE). It is the case manager's responsibility to ensure that all members of that child's team have the necessary information to provide their support and that they are informed of their specific responsibilities (e.g., accommodations). In addition, the case manager must ensure that: • least restrictive environment (LRE) considerations are being followed (e.g., lunch with typically developing peers); • services are provided by the appropriate people and consistent with the IEP (e.g., neither more nor less service than outlined in the IEP); and • that any changes to the child's plan are addressed through an amendment to the child's IEP or a new IEP meeting.

IEP Review & Revision	A child's IEP must be reviewed and updated at least annually. However, it **may need to be reviewed and updated sooner** if the child isn't making adequate progress to meet the goals or has made significant progress and achieved the goals in the IEP. Revisions to the IEP (whether it be annually or more often) should have **meaningful changes** that reflect the child's specific needs at the time. In other words, it is not appropriate to simply take the same goals and update the mastery criteria or move them to the next grade level standards. There must be an **IEP meeting following every reevaluation**, regardless of if new data are gathered or if the eligibility category is changed. This IEP should include information gathered during that reevaluation and the goals should relate to the evaluation data. **Some changes to an IEP can be made without a meeting.** These changes must be documented in writing and the parent must be provided with prior written notice (PWN). See the Developing Quality IEPs manual for more information. https://web.ped.nm.gov/bureaus/special-education/technical-manuals/
Support	Supports can be provided through the MLSS framework or the SAT process, consistent with the MLSS Manual and the SAT supplement. Related to children with known or suspected disabilities, it is essential that these supports are appropriate for the existing concerns and include progress monitoring data. Children should be provided appropriate MLSS Layer supports based on the concerns.

Next Steps	There are different options based on the needs of a child. If a child has a “physical or mental impairment” that is impacting their learning but is not (or no longer) eligible for special education and related services (an IEP), the Public Agency should consider a **504 Accommodation Plan.** The Public Agency should be thoughtful about a child’s transition back to only general education supports to ensure continued progress monitoring and educational success. Options may include 504, SAT, and/or appropriate support through MLSS. The specifics will likely vary based on the needs of the child and the system set up within the school itself.
Reevaluation	The reevaluation process should always be a thoughtful process that is individualized for each child. This process is not only about continued eligibility for special education and related services but is also designed to ensure that children are receiving appropriate support and have an appropriate educational plan. Every reevaluation must begin with a Review of Existing Evaluation Data (REED) process that involves documenting what is currently known about the child, what questions need to be answered to appropriately support the child (if any), and what information (data) need to be gathered to answer those questions. It is a team-based process designed to ensure that the child is receiving FAPE. Parental consent is not required for the REED process, but parental input should be included. If additional data are not needed, the parent must be informed of their right to request additional evaluation data. If additional data are needed, parental consent is required before gathering that data. Additional information can be found in the narrative of this manual.

SECTION THREE. Timelines for Evaluations and Reevaluations

Both IDEA and NMAC provide the Public Agency with requirements regarding timelines for the steps in the evaluation and reevaluation process. These steps include:

1. Responding to evaluation requests, including consideration of the REED process
2. Evaluation completion, including initial evaluations and reevaluations
3. Scheduling of EDT meeting, including provision of written report to parent(s) and scheduling of IEP meeting

In some cases, there are exceptions to the requirements, but not in all cases. These exceptions are discussed below.

Some of the timelines are based on calendar days and some are based on school days. School days are defined as days in which student attendance is required.

Public Agency Response Timelines for Initial Evaluation and Reevaluation Requests

In general, the Public Agency must respond to a request for an evaluation (initial or reevaluation) within 15 school days from receipt of the oral or written request. This section provides additional information about this timeline and the required content of the LEA's response.

This timeline applies regardless of who initiates the request (i.e., parent or LEA) and regardless of the type of evaluation (i.e., an initial evaluation or a reevaluation).

The 15-day timeline begins when the request is made (orally or in writing) to a licensed school employee (not when it is received by a school administrator). There are exceptions to this 15-day timeline when the request is made prior to or during a school break:

- If the request is received within 15 school days **before the start** of a scheduled period in which student attendance is not required for at least 14 calendar days, the LEA must respond no later than 30 calendar days from the date of the request. *This means that the LEA may have to respond during the school break, including prior written notice, copy of procedural safeguards, and request for parental consent (if the LEA agrees to conduct the evaluation).*
- When a parental request is received **during** a break (scheduled period in which student attendance is not required for at least 14 calendar days) **and more than 14 calendar days** remain, the response must be provided within 30 calendar days of the request.
- When the parental request is received **during** a break (scheduled period in which student attendance is not required for at least 14 calendar days) and **less than 14**

calendar days remain, the response must be provided within 15 school days of the request.

The LEA's response must provide one of the following:
This response must either:

- Provide prior written notice that proposes to conduct the initial or reevaluation, provide a copy of procedural safeguards notice to the parents, and **seek parental consent** for the evaluation **OR**
- Provide prior written notice that refuses to conduct the initial or reevaluation and provide a copy of procedural safeguards notice to the parents

***Note**: It is possible for a teacher to request an early reevaluation. In that case, the LEA must respond to that request within the timeline outlined above and provide the parent with a response following the requirements outlined in this section.*

Special Considerations for the REED Process (Initial Evaluations and Reevaluations)

All reevaluations, and initial evaluations (if appropriate), should begin with the REED process. The REED process supports the evaluation team in determining what, if any, additional data are needed to make an eligibility determination decision and identify a child's educational needs.

The REED process may be initiated for a variety of reasons, including (but not limited to):

- Child transitioning from Part C to Part B (considered an initial evaluation)
- Out-of-state transfer student with an existing IEP (considered an initial evaluation)
- New information from an evaluation conducted outside of the school for a child not currently on an IEP (i.e., private evaluation; considered an initial evaluation)
- Reevaluation (i.e., three-year reevaluation)
- Reevaluation (for other reasons, such as to consider new information from an outside evaluation or an early reevaluation to consider a change in eligibility or services)

Although most evaluation teams consider the REED process to be synonymous with a reevaluation, the REED process is a stand-alone process that is designed to inform an evaluation, including determining whether or not additional data are needed. The REED process must be the first step in any reevaluation, but at times it is also part of an initial evaluation. For example, in some circumstances, the Public Agency may determine that it is appropriate to complete the REED process for a child who was referred for an evaluation from SAT or by the parent in order to gather and document the available data to determine whether or not to agree to conduct the evaluation. In addition, in several of the situations outlined above (i.e., child transitioning from Part C to Part B; out-of-state transfer student with an existing IEP; or new information from an evaluation conducted outside of the school setting for a child not currently on an IEP), the REED process may need to be completed to document the existing data to guide further decision making regarding the need for and/or scope of the initial evaluation. In

these cases, the completion of the REED process may follow a request for an evaluation by a parent or the school to determine if the evaluation is necessary and/or the scope of the evaluation. **In this case, the 15-school day timeline begins with that initial request, not by the completion of the REED process.**

If the REED process is completed as the first step in a three-year reevaluation and indicates that additional data are required, the LEA must ensure that parental consent is obtained and the evaluation is completed (including writing the report) prior to the triennial (three-year) deadline. There is not a 15-school day timeline associated with this process.

Evaluation Completion Timelines

All evaluation timelines start at the time that informed, written parental consent is obtained and end at the time the comprehensive evaluation report(s) is/are written.

Initial Evaluations: 60-Day Evaluation Completion Timeline

An initial evaluation is considered a full, individual, comprehensive evaluation to determine **initial** eligibility for special education and related services. This also includes:

- Children transferring into NM from out-of-state who were identified as children with disabilities in their previous state

All evaluation components required to determine (a) a child's eligibility and (b) the child's educational needs must be gathered and all reports written within **60 calendar days from informed parental consent**. This includes evaluations by related service providers, observations, and other data and documentation of all evaluations in a written report.

There is no extension or exception to this 60-day timeline per IDEA or NMAC except for:

- when the parent repeatedly fails or refuses to produce the child for the evaluation or
- the child enrolls in a school of another public agency after the 60-day timeline has begun but before a determination regarding eligibility has been made.
  Note: This exception only applies if the new public agency is making sufficient progress to ensure a prompt completion of the evaluation and the parent and new public agency agree to a specific time when the evaluation will be completed.

If the Eligibility Determination Team (EDT) is unable to make an eligibility determination based on the evaluation data available at the time of the EDT meeting, that must be documented on the EDT worksheet. The Public Agency must obtain parental consent for additional evaluation data, as appropriate, and complete the comprehensive evaluation. If all required evaluation components and the updated evaluation report are **not** completed within the original 60-day timeline, the evaluation is considered **noncompliant** with the original timeline requirements. The Public Agency should nevertheless complete the evaluation and make a final eligibility determination as soon as possible. In these circumstances, a new 60-day timeline would generally apply because the process remains part of the initial evaluation.

There may, however, be **rare circumstances in which a second 60-day timeline could apply without the original evaluation being considered noncompliant**. This would occur only when the LEA conducted a comprehensive evaluation based on the information reasonably available at the time, but new information first emerges during the EDT meeting that prevents the team from making an eligibility determination. In those rare cases, the LEA may need to obtain consent for additional evaluation data, gather the new information, and complete an updated report within a new 60-day timeline. Examples could include situations in which a parent first discloses a significant medical diagnosis, such as autism or traumatic brain injury, during the EDT meeting itself.

This exception does **not apply** when the original evaluation was not comprehensive based on information already known or reasonably available to the LEA. If the team reaches EDT without adequate evaluation data because the evaluation was incomplete, the LEA is noncompliant with the original 60-day timeline. In that situation, the LEA must promptly obtain consent for any additional evaluation components needed, complete the missing evaluation activities, and finalize the evaluation as quickly as possible. While this initiates a new 60-day timeline for the additional evaluation activities, it does not extend, restart, or excuse noncompliance with the original timeline. For more information, please see the OSE Evaluation Q and A (Revised): https://web.ped.nm.gov/wp-content/uploads/2025/01/9.1.23-Evaluation-Q-and-A-Revised.pdf

The 60-day timeline does **not** apply to any evaluation subsequent to the initial evaluation, which is the first complete evaluation of a child to determine eligibility for special education and related services. For example, it **does not apply to reevaluations or to evaluations that are requested by a child's IEP team** to determine need for specific additional services after the child's initial eligibility has been determined (e.g., related services) or to reevaluations that lead to a change in eligibility category.

Reevaluation Timelines

Reevaluations, including those that may lead to a change in eligibility category, do not follow the 60-day evaluation completion timeline outlined above.

All evaluation components required to determine (a) a child's continued eligibility **and** (b) the child's educational needs must be gathered, and all reports written **by the three-year reevaluation due date**. This includes evaluations by related service providers, observations, and other data and documentation of all evaluations in a written report.

Reevaluations must be completed at least once every three years (unless the parent and LEA agree it is unnecessary) and no more than once a year unless the school and parent agree otherwise.

Reevaluations are for eligibility for special education and related services as a whole, not to determine need for individual services. In other words, services providers DO NOT have different "reevaluation dates" based on when their services were added to a child's IEP.

If the REED process indicates that additional data are not needed:

- The reevaluation is considered complete when the REED process is completed. This reevaluation (completion of the REED process) must be completed **before** the three-year reevaluation deadline.
- This **REED completion date becomes the new reevaluation date** and is used to calculate:
    - the EDT meeting deadlines and
    - the due date for the next three-year reevaluation.

If the REED process indicates that additional data are needed:

- The reevaluation is considered complete when the last piece of data is collected **and** the evaluation report is written. This written report must be completed **before** the three-year reevaluation deadline. It is not necessary for the EDT meeting to be held before the three-year reevaluation deadline, but the EDT meeting must be held within 15-school days from report completion (see exception related to school holidays below).
- This **report completion date becomes the new reevaluation date** and is used to calculate:
    - the EDT meeting deadlines and
    - the due date for the next three-year reevaluation.

If the Eligibility Determination Team is unable to make a decision with the evaluation data gathered at the time of the EDT meeting, that must be documented on the EDT worksheet. The Public Agency must request parental consent for additional evaluation data, as appropriate, and complete the comprehensive reevaluation. In this case, if all of the new data are not collected **and** the updated evaluation report written by the due date for the three-year reevaluation, the evaluation will be considered non-compliant with regards to this timeline. The Public Agency should complete the evaluation in order to make a final eligibility determination decision as soon as possible.

EDT and IEP Meetings Timelines

Eligibility determination team (EDT) meetings must be held in a timely manner to ensure that an LEA is not denying a free, appropriate public education (FAPE) to a child. In general, the LEA must hold an EDT meeting within 15-school days from the completion of the written report. This section provides additional information about this timeline.

The child's evaluation team must send a copy of the written report(s) to the child's parents at least 2 days prior to the EDT meeting.

The 15-school day timeline from evaluation completion to EDT meeting applies to both initial evaluations and reevaluations. This timeline begins at the time the full, individual evaluation

report(s) is/are written. There are exceptions to this 15-school day timeline when the written report is completed prior to or during a school break:

- If the written report is completed during a scheduled period in which student attendance is not required for at least 14 calendar days, the LEA must complete both the EDT and IEP within 15 school days from the first day when student attendance resumes.

For an initial eligibility determination (the first time a child has been found to be eligible for special education and related services under any category), IEP teams are required to hold an IEP meeting within 30 calendar days of an eligibility determination decision if a child is eligible for special education and related services.

- It is important that the IEP meeting be held as soon as possible so that special education and related services can be made available as soon as possible. This timeline applies for eligibility determination decisions at the time of initial evaluation and does not apply to subsequent reevaluations.

SECTION FOUR. Review of Existing Evaluation Data (REED) Process and Form During Initial Evaluations and Reevaluations

Although eligibility determination teams (EDTs) frequently associate the review of existing evaluation data (REED) process with reevaluations, the REED process is an integral part of **all** evaluations for potential eligibility for special education and related services. The REED process may look different during initial evaluations and reevaluations, but teams should review existing evaluation data throughout the entire evaluation process, regardless of the type of evaluation being conducted.

According to New Mexico Administrative Code (NMAC), "the initial evaluation (if appropriate) and any reevaluations must begin with a **review of existing information** by a group that includes the parents, the other members of a child's Individualized Education Program (IEP) team and other qualified professionals, as appropriate, to determine what further evaluations and information are needed to address the question in 34 CFR Sec. 300.305(a)(2)." NMAC 6.31.2.10 G

In addition to the REED process, EDTs are reminded that initial evaluations must also follow the guidelines presented in this manual (NM TEAM, 2026). When reviewing data, EDTs should determine if they have adequate data as outlined for each specific eligibility category under *Highly Recommended* and *Potential Additional* components of an initial evaluation. Following the REED process, the evaluation/reevaluation should be completed by gathering and analyzing additional data, as necessary, to fulfill these components.

Part of the REED process is evaluating the quality of the existing data (i.e., information) available to determine if the EDT has enough information to (a) determine if the child is or continues to be a child with a disability **and** (b) determine the educational needs of the child (including need for special education and related services, accommodations or modifications to the special education program, etc.). The REED process (and the evaluations/reevaluations they are part of) is not solely for eligibility determination decisions, but also to ensure that the child is receiving an appropriate education with appropriate supports.

"Existing evaluation data" includes all information on a child, including formal assessment data, informal evaluation data (e.g., work samples, curriculum-based measures, etc.), and extant information (e.g., observations, interviews, and historical data). According to Individuals with Disabilities Education Act (IDEA, 2004), the REED process involves reviewing existing evaluation data on the child, including:

- Evaluations and information provided by the parents of the child, which may include Part C information when transferring to Part B;

- Current classroom-based, local, or state assessments, and classroom-based observations; and
- Observations by teachers and related service provider(s).

It is essential for teams to understand that the REED process is active. At the most basic level, the purpose of the REED process is to analyze the child's strengths and concerns within the context of:

- "What information do we have?" and
- "What information do we need?"

The EDT should use this information, along with input from the child's parents, to identify what additional data, if any, are needed to determine:

1. Whether a child has a disability (for initial evaluations) or continues to have a disability (for reevaluations);
2. The educational needs of the child;
3. The present levels of academic achievement, functional performance, and related developmental needs of the child;
4. Whether the child continues to need special education and related services; and/or
5. Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP and to participate, as appropriate, in the general education curriculum.

At a Glance: The Role of the REED Process

Initial Evaluations

The REED process is not legally required for initial evaluations and does not need to be formally documented but provides the EDT with valuable information needed to plan the child's evaluation. Regardless of whether or not the REED process is formally completed, all existing data on the child (including SAT and MLSS documentation, outside evaluations, etc.) must be considered as part of every evaluation. The EDT must refer to the NM TEAM Required and Potential Additional components of an initial evaluation for the specific eligibility categories under consideration to ensure that the evaluation is comprehensive and complete.

Reevaluations

The REED process must be documented (see form in this section for an example) as a record of the data that were reviewed. This process guides EDTs in determining what, if any, additional data (from formal assessments, informal assessments, and/or observations/interviews/extant information) need to be gathered as part of the child's reevaluation.

Out-of-State Transfer Student

In NM, all children who transfer from out of state are considered initial evaluations because EDTs must make an eligibility determination based on New Mexico requirements. Every state has slightly different requirements related to determining if a child has a disability, so it is essential that EDTs examine the child's data within the context of NM requirements. For example, not all states use the eligibility category of Developmental Delay and states have varying definitions of Specific Learning Disability. New evaluation data may not need to be gathered and formal assessments may not need to be administered, but it is always considered an initial evaluation. The REED process should be used for these children to determine if the EDT has enough existing data to make an eligibility determination decision or, if not, what additional data are needed. If the EDT determines that new data are needed, the 60-day timeline from consent to the completion of the evaluation, including the completion of the written report,(not EDT meeting) applies. Until the EDT makes its eligibility determination decision according to NM guidelines, the Public Agency must continue to provide comparable services to the student.

Within-State Transfer Student

Children who transfer between Public Agencies within NM have already been found eligible for special education and related services based on New Mexico requirements. These children do not need to receive a new evaluation or eligibility determination decision upon enrolling in the new Public Agency. Public Agencies are encouraged to closely review the information provided by the previous school to ensure they are compliant with all requirements, such as three-year reevaluation dates, appropriate eligibility(ies), services, etc.

Part C to B Transition Students

In NM, EDTs are strongly encouraged to use the REED process to plan the child's evaluation even though this is an initial evaluation for eligibility for special education and related services under Part B of IDEA (for children from 3 to 21 years of age). Parental consent is not required to conduct the REED process, as it is a review of existing information rather than gathering of new evaluation data. The REED process will assist EDTs in identifying existing data from parents and Part C providers (early intervention programs for children from birth to age 3 years) to identify what, if any, additional data are needed to make an eligibility determination under Part B of IDEA. It is important for EDTs to recognize that the eligibility requirements are different under Part B and Part C of IDEA.

Students with Private Evaluations

In NM, EDTs are strongly encouraged to use the REED process to plan the child's evaluation even when the private evaluation provides a medical diagnosis that may be consistent with a IDEA eligibility category. Very few private evaluations include all of the required components consistent with NM TEAM, so it is likely that additional data will need to be gathered. The REED process will guide evaluation teams through identifying any areas that require additional data to be consistent with NM requirements for comprehensive evaluations in the school setting, including identification of a disability and determination of need for specially designed instruction.

Practical Considerations for the REED Process and Form

The REED process is the first step in reevaluations (and initial evaluations, as appropriate). The considerations for Public Agencies are the same regardless of the purpose of the REED process (i.e., for an initial evaluation request or when initiating a reevaluation). It is an active process and guides EDTs in planning evaluations. This process can be completed without a meeting, such as through a “walking document,” with participation by team members via telephone, through electronic collaboration, etc. A “walking document” means that there does not need to be a meeting to gather data, complete the document, or obtain signatures. In other words, there is no requirement that there be a formal meeting to initiate or complete the REED process. Signatures on the REED form indicate meaningful participation in contributing information to the document and making decisions regarding the need for additional information, but do not represent attendance at a meeting.

It is important that teams critically analyze the data collected during the REED process. For instance, in many cases the SAT information will likely not replace data that can be obtained via formal standardized assessments and other evaluation tools that provide the data necessary for EDTs to make eligibility determination decisions and develop an appropriate educational program. In addition, formal testing is often not a necessary part of reevaluations because there may be adequate existing information to determine continued eligibility and design an appropriate educational program for the child.

An integral part of the REED process is documenting the explanation for decisions that are made. The REED form provided in this manual can be used to document why existing evaluation data are sufficient to answer the questions or what questions are unanswered and require additional data gathering.

The REED form provided in the NM TEAM is formatted to encourage meaningful collaboration between members to triangulate data across data sources and individuals. Formal assessment information, informal evaluation data, and extant information (e.g., interviews, observations, child’s background information, etc.) should be integrated and presented in an organized, cohesive way (e.g., chronologically, by domain, etc.). Each section of this form should reflect input from the child’s parents, the child (as appropriate), teachers (general education and special education), related service providers (if applicable), and outside agencies (if applicable).

All members of the EDT, including the parent, general education teachers, special education teachers (if any), related service providers (if any), and other evaluators should have an active role in contributing to the REED process. All team members should look at the whole child during the REED process and provide input across domains that provide information about the interactions between the child’s strengths and needs. **Team members should not be limited to reporting only formal testing data or contributing only to specific sections of the REED form.**

This form provides an opportunity to document existing data (information) about the child in the areas of *Background Information; Communication; Physical; Social, Emotional, Behavioral; Cognitive; Functional Performance and Adaptive Behavior;* and *Academic Achievement.* In each of these areas, the team should consider what is known about the child and the need for additional data by asking "Based on existing data, including concerns raised by teachers and/or parents, does the child seem to…:

- Background Information:
    - have any recent (or relatively recent) changes to home life, school context, medical status, or community context that need to be more closely examined?
    - have experienced any significant life events (personal, familial, or societal) that need to be better understood?
    - have educational performance difficulties (e.g., academic or functional difficulties) that may be related to background factors (if so, what are those difficulties and how are they related to background factors)?

- Communication Factors:
    - know more than one language?
    - have difficulty understanding what is said to him/her (receptive language)?
    - have difficulty expressing thoughts (expressive language)?
    - have difficulty with speech, including speaking clearly (articulation), vocal quality/nasality (voice), and/or stuttering (fluency)?
    - have difficulty communicating socially with others using verbal and/or non-verbal means (pragmatics)?
    - have difficulty verbally communicating or is nonverbal?
    - have attention difficulties that may be related to communication difficulties (e.g., "tuning out" because of poor comprehension, "acting out" because of difficulty expressing himself/herself)?
    - have assistive technology needs for communication (including low-tech strategies, curriculum aids, electronic devices, etc.)?
    - have other communication factors that may be impacting educational performance?
    - have educational performance difficulties (e.g., academic or functional difficulties) that may be related to communication factors (if so, what are those difficulties and how are they related to communication factors)?

- Physical Factors:
    - have difficulty with fine motor skills compared to other children of a similar age (e.g., difficulty opening food containers, managing clothing, unzipping backpack)?
    - have difficulty with gross motor skills compared to other children of a similar age (e.g., falls down frequently, difficulty sitting in a chair, difficulty walking on uneven surfaces, difficulty using playground equipment)?

    - have difficulty with sensory processing skills compared to other children of a similar age (e.g., strong emotional responses to sounds, doesn't notice when hurt, constantly moving or banging into things to get more input)?
    - have medical or health problems that impact educational performance?
    - have hearing concerns?
    - have vision concerns?
    - have attention difficulties that may be related to physical factors (e.g., medical conditions, sensory processing differences, difficulty sitting in a chair because of balance or strength)?
    - have assistive technology needs related to physical factors (including low-tech strategies, curriculum aids, electronic devices, etc.)?
    - have educational performance difficulties (e.g., academic or functional difficulties) that may be related to physical factors (if so, what are those difficulties and how are they related to physical factors)?

- Social, Emotional, and Behavioral Factors:
    - have difficulty getting along with others at school and at home?
    - demonstrate behaviors in the school setting that are impeding the learning of self and/or others?
    - demonstrate behaviors in the school setting that are impeding participation in school activities?
    - have difficulty with social-emotional behaviors, including social skills, interpersonal interactions, and/or coping skills?
    - have difficulty with self-concept, emotional regulation, stress response, and/or overall satisfaction to the extent that this is impacting learning?
    - have attention difficulties that may be related to social, emotional, and/or behavioral factors (e.g., poor attention that may be related to trauma, impulsivity that may be due to emotional factors, difficulty with peer relationships because of attention difficulties)?
    - have behaviors that the EDT doesn't completely understand and may require more specific interventions (e.g., understanding what is causing the behavior and how to support behavior change, etc.; may be answered through the EDT conducting a functional behavior assessment)?
    - have assistive technology needs for social, emotional, and behavioral factors (including low-tech strategies, curriculum aids, electronic devices, etc.)?
    - have educational performance difficulties (e.g., academic or functional difficulties) that may be related to social, emotional, and behavioral factors (if so, what are those difficulties and how are they related to social, emotional, and behavioral factors)?

- Cognitive Factors:
    - have differences with how he/she thinks, reasons, and/or solves problems compared to other children of a similar age (i.e., cognitive functioning)?

- have differences with how he/she understands and processes information (e.g., visual spatial processing, language processing, working memory, long-term storage and retrieval, fluid reasoning, processing speed, phonological awareness, attention, orthographic processing, executive functions)?
- have attention difficulties that may be related to cognitive factors (e.g., "tuning out" because of difficulty processing information, "acting out" because of difficulty remembering information, impulsivity because of poor executive functioning)?
- have assistive technology needs for cognitive factors (including low-tech strategies, curriculum aids, electronic devices, etc.)?
- have educational performance difficulties (e.g., academic or functional difficulties) that may be related to cognitive factors (if so, what are those difficulties and how are they related to cognitive factors)?

- Functional Performance and Adaptive Behavior Factors:
  - have difficulties in one or more functional areas (e.g., organization, assignment completion, self-advocacy, initiation, moving through the school environment, using lockers, following schedules, transitioning between and within activities, study skills, etc.)?
  - have difficulty with adaptive behavior (i.e., taking care of himself/herself at home and at school, such as toileting, managing belongings, mealtimes, dressing, money management, time, etc.)?
  - need support with transition planning for life after high school?
  - have attention difficulties that may be related to functional and/or adaptive behaviors (e.g., attention difficulties that make it difficult to move within the school setting; disorganization that make it difficult to pay attention to academic tasks)?
  - have assistive technology needs for functional performance and/or adaptive behavior (including low-tech strategies, curriculum aids, electronic devices, etc.)?
  - have educational performance difficulties (e.g., academic or functional difficulties) that may be related to functional performance and/or adaptive behavior factors (if so, what are those difficulties and how are they related to functional performance and/or adaptive behavior factors)?

- Academic Achievement Factors:
  - have difficulty with reading (e.g., pre-literacy skills, beginning reading skills, reading fluency, reading comprehension, etc.)?
  - have difficulty with math (e.g., early math skills like numbers, shapes, sorting, comparing, colors; counting; 1:1 correspondence; math facts; word problems; etc.)?
  - have difficulty writing/typing (e.g., ability to copy pre-writing shapes and letters (if child can recognize letters), spelling that isn't about the same level as reading skills, difficulty organizing thoughts through writing/typing, etc.)?
  - have difficulty following instructions, retelling stories, etc., because he/she may not understand what people say to them?

- have difficulty communicating their thoughts or ideas verbally, explain their thinking, problem solve verbally, compare/contrast ideas, etc.?
- have attention difficulties that may be related to academic achievement (e.g., "acting out" to mask inability to do the work, "shutting down" because academic tasks are difficult, inattentive behaviors that make it more difficult to learn)?
- have educational performance difficulties (e.g., academic or functional difficulties) that may be related to academic achievement factors (if so, what are those difficulties and how are they related to academic achievement factors)?

The REED process is intended to review what is already known about the child and should culminate with a synthesis and summary of the information. It is not intended to simply "copy and paste" information from previous evaluations, but to integrate all the historical information on the child to provide a clear, concise description of the child based on these existing data sources.

At the conclusion of the REED process, the team must decide that either (a) no additional data are needed or (b) additional data are needed to complete the evaluation or reevaluation. EDTs should remember that "data" include a variety of sources, including formal assessment, informal assessment, and interview/observation/extant information.

No Additional Data are Needed.

If the team decides that additional data are **not** necessary

- ïò to determine continued eligibility for special education and related services (i.e., to determine initial or continued presence of a disability (prong 1) and need for special education and related services (prong 2)) **and/or**
- îò to develop an appropriate educational program (including accommodations or modifications to the special education and related services),

the EDT uses the data obtained during the REED process to document eligibility. If the EDT determines that child continues to be eligible for special education and related services, the IEP team uses information gathered during the REED process to develop an appropriate IEP for the child and ensures the data are reflected in the present levels of academic achievement and functional performance in the IEP. **In this situation, the documented REED process is considered the initial evaluation/reevaluation and a separate written evaluation report is not necessary. The EDT would then complete the appropriate eligibility determination worksheet for each eligibility category under consideration to document the decision of the EDT.**

NOTE: If the REED process is completed as part of an initial evaluation and the team determines no new data are required to make an eligibility determination decision, the public agency must hold the EDT meeting within 15 school days of this determination.

Through Prior Written Notice (PWN), the EDT should notify the child's parents of: (a) the determination that no additional data are needed and the reasons for the decision; and (b) the right of the parents to request an assessment to determine whether the child is or continues to be a child with a disability and to determine the child's educational needs. The NM TEAM REED Documentation Form includes language to document this parental notification and can be used in conjunction with the Public Agency's PWN provided to parents.

Additional Data are Needed.

Based on the REED process, the team may determine that additional evaluation data are needed:

1. to determine continue eligibility for special education and related services (i.e., to determine initial or continued presence of a disability (prong 1) and need for special education and related services (prong 2)) **and/or**
2. to develop an appropriate educational program (including accommodations or modifications to the special education and related services).

This new data may include formal assessment data, informal assessment data, and/or observations/interviews/extant information. It is important for EDTs to remember that "additional data" includes all data sources, not only standardized assessment data.

If the team requires additional data to determine new or continued eligibility, they must conduct the evaluation according to IDEA (2004) and follow recommended guidance in NM TEAM (2026).

After Completing the REED Process

Once the REED process is completed and, if needed, additional data are gathered, the EDT must document whether the child is or continues to be eligible for special education and related services under one or more IDEA (2004) eligibility category. The eligibility determination and continued need for special education is documented on the appropriate Reevaluation Eligibility Determination form (or the appropriate Initial Eligibility Determination form) and through Prior Written Notice. The evaluation data analyzed (and gathered, if needed) are integrated into the child's IEP that will be developed following the EDT meeting where eligibility for special education and related services is determined and documented.

The new reevaluation date will be three years from this evaluation completion date, based on the following guidance:

- If no additional data were needed, the date of the eligibility determination decision (i.e., the EDT meeting date) is the evaluation completion date.
- If additional data were needed, then the date that the comprehensive evaluation was completed (i.e., written report completed) is the evaluation completion date.

Key Points and Timelines:

Public Agencies should understand the relationship between the REED process, reevaluations, eligibility determination decisions, and IEP development:

- If the REED process was completed **following a request for an initial evaluation** by a parent or the school to determine if an evaluation is necessary and/or the scope of the evaluation, the school has 15 school days from the time of the **request** to issue a formal response to the parent (i.e., prior written notice, parental rights, and consent for evaluation if the evaluation is proposed).
- If the REED process was completed as **part of a reevaluation** (e.g., three-year reevaluation or reevaluation to consider change in eligibility and/or services) and additional data are needed, the LEA must issue a formal response to the parent (i.e., prior written notice, parental rights, and consent for evaluation) in a timely manner to ensure compliance with the three-year reevaluation timelines. If the reevaluation was considered a request for an evaluation, that formal response must be issued within 15 school days from the time of request.
- All reevaluations must begin with the REED process (initial evaluations may begin with this process, as well).
- The purpose of reevaluations is to (a) determine continued eligibility for special education and related services **and** (b) develop an appropriate educational program for a child. A reevaluation is not complete without adequate data to meet both of those purposes.
- Every initial evaluation and reevaluation **must** be followed by an EDT meeting to document continued eligibility or discontinuation of special education and related services (i.e., completion of eligibility determination worksheets).
- Every EDT meeting must be followed by an IEP meeting (if the child is eligible for special education and related services). This IEP should reflect the current information provided through the REED process and evaluation/reevaluation.

EDT members should be encouraged to consider the whole child and contribute across domains rather than assigning a section to each member. For example, speech-language pathologists will likely have information related to the child's cognitive abilities, functional skills, and assistive technology needs (and maybe other areas), not simply the child's communication skills.

SECTION FIVE. Triangulation of Data Throughout the Eligibility Determination Process

At the core of evaluations and eligibility determination decisions is the concept of triangulation of data. Triangulation of data refers to collecting and analyzing information from a variety of sources to ensure that the data are valid prior to using them for educational decision making. It is a foundational part of all evaluations and refers to examining connections between all available data, including formal evaluation data, informal evaluation data, and extant information (observations, interviews, historical data, etc.).

Triangulating data is the key difference between completing assessments and conducting an evaluation. Comprehensive evaluations include a thoughtful analysis of multiple sources of data, including from assessments and other sources, and both examining them for connections and describing inconsistencies. Evaluation teams are responsible for conducting comprehensive, multidisciplinary evaluations and this cannot be done without triangulating data across different domains (e.g., cognitive, language, academic, etc.) that are gathered by different evaluators.

Although one evaluator (e.g., educational diagnostician) may administer portions of an evaluation, a comprehensive IDEA evaluation is not designed to function as a single-observer process. Evaluation procedures described in IDEA and NM TEAM require integration of data from multiple sources, settings, and contributors, including parent input, educator observations, records review, functional performance, and assessment data. Several required evaluation components inherently depend on observations and information gathered across environments and by multiple individuals familiar with the child's functioning. Accordingly, eligibility determinations should be based on multidisciplinary and multi-source data rather than the judgment of a single evaluator alone.

This multidisciplinary involvement may include participation from SAT/MLSS personnel and other educators or service providers who have relevant knowledge of the child's functioning, interventions, progress, and educational performance. However, the existence of SAT/MLSS documentation alone would not constitute a comprehensive multidisciplinary evaluation. Likewise, not all individuals contributing to the evaluation process are required to administer formal assessments or serve as "evaluators" in the narrow sense of conducting standardized testing. Team members may contribute through observations, intervention data, interviews, rating scales, review of records, functional information, classroom performance data, participation in problem-solving discussions, or other relevant input that informs the team's understanding of the child's needs and functioning across settings.

Triangulation of data relies on shared assumptions and multiple essential components, each of which will be discussed in this section of the NM TEAM.

Foundational Assumptions

All data has value.

Observational data gathered by the evaluation team while conducting standardized tests, in the classroom, through informal discussions with the child, etc., holds tremendous value for Eligibility Determination Teams (EDTs) to consider when triangulating data.

It is essential to gather and consider both qualitative (e.g., describing qualities or characteristics) and quantitative (e.g., describing "what," "how many," or "how much") data throughout the evaluation process. The qualitative data can help the EDT understand the quantitative data and make decisions about how best to support the child's educational needs.

Different data sources provide different types of information about a child.

Although historically some EDTs have relied heavily on standardized testing and the scores they provide, it is essential for teams to remember that standardized testing provides a very specific type of information about a child.

Formal testing, such as standardized testing, is useful for describing a child's ability to complete tasks when in a one-on-one setting with an adult in an environment with limited distractions. The tasks are generally highly structured, with a limited number of instructions communicated at one time. The scores obtained from these assessments provides the EDT with information that allows them to compare the child's performance under these conditions with the performance of other children (typically nationwide) under very similar conditions. This can provide valuable information to identify how the child's skills compare to a wide group of other children who are the same age or in the same grade. However, there are also limitations to this information, as it does not necessarily capture what the child can do within a more natural setting, with less adult support, or with other supports provided (e.g., chunking information, rephrasing instructions, etc.). It is common for other factors, such as motivation, attention, language skills, dual-language status, etc., to impact the validity of the test scores, so they should never be the primary or sole source of evaluation data for eligibility determination decisions.

Informal assessments, such as curriculum-based measures, teacher-made tests, and structured work samples, do not provide the EDT with concrete information that allows them to compare the child's skills with other children. However, these assessments can provide useful information about how the child performs in more natural environments and with more natural supports. Strong informal assessments will include qualitative information regarding the supports the child required to be successful with the tasks and other information that will help the EDT identify the child's educational needs.

Extant information, such as observations, interviews, and historical data, can provide rich information about the child's day-to-day performance in the educational setting. By conducting well-designed, intentional observations and interviews, the EDT can gather information that

provides context for the child's performance. These data sources describe the child's true performance in the educational setting, the barriers to the child's educational performance, and the supports that help the child be more successful.

EDTs must recognize that all three of these types of data sources provide important and meaningful information that is critical to the eligibility determination process. The analysis of data gathered from any single source is less meaningful than the analysis of the combination of data from all three sources. For example, through a comprehensive evaluation using multiple data sources, the EDT may determine that the child has the academic skills necessary to be successful (as documented through formal assessment) but doesn't demonstrate those skills in the classroom (as documented through informal assessment) because of their high level of inattention in the classroom (as documented through observations). This information allows the EDT to make an appropriate eligibility determination decision and the school team to develop an appropriate educational plan for the child.

All evaluation team members have the responsibility and ability to be part of the triangulation process.

All evaluation team members are trained in multiple domains (e.g., cognitive, language, functional performance, etc.). Therefore, they all have valuable information to contribute in all of these areas, even if they don't conduct any formal assessment in this area. For example, an occupational therapist's observation that a child struggles with sequencing three or more movements can be triangulated with the educational diagnostician's findings that the child has poor short-term memory, as demonstrated by a standardized assessment. Both pieces of information would be reported within a discussion of the child's cognitive skills to illustrate that the child demonstrates a consistent pattern of difficulty with short-term memory. It is important for evaluation team members to be in close communication throughout the evaluation process so that information can be triangulated and considered from the perspectives of all the evaluation team members.

The triangulation process is reflective and iterative (looping), which sometimes requires teams to gather more data to understand the needs of a child.

The triangulation process is dynamic and looping. Oftentimes it requires the gathering of additional data during the evaluation process. To triangulate data, evaluation teams must gather the data from the multiple data sources and look for both logical connections and inconsistencies. If there are logical connections, the team can have more trust in their conclusions. On the other hand, if there are inconsistencies, they may need to gather more data to help explain the inconsistencies. For example, if the child's performance on formal assessments is inconsistent with their performance as measured by informal assessments, the team may need additional assessments or observations to explain the reason for those discrepancies. Data should continue to be gathered until the evaluation team is able to place the data in context to tell a comprehensive, cohesive story about the child. Given the timelines that require the initial evaluation to be completed (including the written evaluation report) within 60

days from parental consent, it is essential that evaluation teams be thoughtful and proactive in data collection to ensure that these important timelines are met.

Triangulation of data cannot be done by a single person or with a single type of data (e.g., standardized assessments).

Triangulation of data is dependent on the participation of multiple evaluators with varied backgrounds and areas of expertise. Although useful conclusions can be drawn by a single evaluator examining multiple data sources, true triangulation of data requires that more than one evaluator look at the body of data across domains. In other words, the EDTs decisions will be much stronger for a child if the educational diagnostician, general education teacher, special education teacher, and speech-language pathologist examine all of the data regarding the child's cognitive, academic, and communication skills than if the professionals work in isolation and only focus on "their" domains. This communication between evaluation team members must happen throughout the evaluation process, with considerable communication early in the process, to ensure that the meaningful conversations are happening early enough to support gathering of appropriate information without delaying the completion of the evaluation (or written report).

Essential Components

1. Gathering data from a rich variety of sources (e.g., formal and informal assessments; meaningful, targeted observations; interviews with multiple people who know the child; etc.)
2. Examining the data
    a. Describing logical connections
    b. Identifying inconsistencies
        i. Considering variables across inconsistent sources of data
        ii. Identifying likely explanations for inconsistent data (generate a hypothesis), which may require the gathering of additional data
        iii. When possible and necessary, test the hypothesis by gathering additional data
3. Sharing the conclusions in a meaningful way that will support eligibility determination decisions and instructional programming

NOTE: It is important for evaluation teams to recognize that the use of a cross-battery approach, although it provides valuable information, is not, in and of itself, considered triangulation of data. To validly triangulate the data gathered from the cross-battery approach, EDTs must contextualize that formal testing information with other sources of data, such as informal testing data, observations, and extant information.

SECTION SIX. Multilingual Assessment Issues in New Mexico: Guidelines for Assessment of Children Who Are Culturally and Linguistically Diverse, including Children Enrolled in Dual-Language Programs

Assessment of students who are culturally and linguistically diverse (CLD) is a process that explores language, cultural, and acculturation issues while gathering data from numerous sources, in different contexts, and through a variety of techniques. Specific information should be gathered and analyzed concerning a student's levels of language proficiency and acculturation, as well as information regarding the student's own cultural and sociolinguistic background. A comparison to the development of other students from a similar background is imperative. **Language and cultural issues must permeate the multilingual diagnostic evaluation and interpretation of findings.** The complexity of these issues should be considered for any student in a dual language instructional program who is being referred for assessment, regardless of whether English is the first language of the student.

Bias during the assessment and evaluation process may contribute to too many students who are CLD being identified as having a disability and being in need of special education services. This section is intended to provide evaluators and eligibility determination teams (EDT) with guidelines to reduce bias and provide suggestions for the appropriate assessment of New Mexico's diverse student population. These guidelines are rooted in the nondiscriminatory principles of 34 CFR Sec. 300.532 and Subsections D and E of 6.31.2.10 NMAC. In addition, the NM PED Language and Culture Division has developed a manual to support the identification of and service delivery to English learner students with disabilities. That manual can be retrieved from: https://web.ped.nm.gov/wp-content/uploads/2025/08/Identifying-and-Serving-ELs-with-Disabilities-Guidance-Manual.pdf

NOTE: Given the demographics of New Mexico, these issues are exceedingly relevant. New Mexico has a history of over-identification of children from diverse backgrounds as children with disabilities, particularly in the areas of specific learning disability and speech or language impairment. Over-identification can impact special education funding and have detrimental outcomes for a child mislabeled as a child with a disability.

Critical Information for Eligibility Determination

As part of the evaluation and eligibility determination process the Eligibility Determination Team (EDT) must review and consider information from the SAT (or other sources), including the following:

- Socio-cultural information. Collect information on whether socio-cultural factors are contributing significantly to the suspected learning/behavior problem. This information may include, but is not limited to the following factors:

1. Family's socio-economic status;
2. Level of parental education;
3. Experiential background (e.g., customs/celebrations, religious background, etc.);
4. Time spent attending an American school;
5. Family and student's mobility;
6. Birthplace of student;
7. Extent of sustained involvement with society or family outside of the U.S.A.;
8. Family composition (e.g., single-parent families, blended families, etc.); and/or
9. Ethnic identity from the student's perspective.

- Parent involvement and input. Gather educational, linguistic, and cultural background information from the parents, as well as pertinent and critical student history information including:
    1. Information gathered through both formal and informal interviews, including face-to- face discussions with parents;
    2. Rating scales (including acculturation, behavioral, adaptive behavior rating scales etc.);
    3. Parent observational information; and
    4. Medical history, including prenatal, birth, postnatal, milestones, and developmental information. The medical history should also include details regarding medical diagnosis, high fevers, accidents, injuries, hospitalization, etc.

- Targeted interventions. Document what interventions were implemented, including appropriate multilingual instructional supports, which have not resulted in sufficient student progress, including:
    1. Confirm the type and duration that research-based instruction and intervention were implemented with fidelity. Obtain information pertaining to the type(s) of interventions being used in the general education classroom setting and review the outcome(s) of these interventions and whether they have yielded a positive or negative educational impact;
    2. Confirm the length of time spent in a highly qualified multilingual instructional setting, which may include research of the type of multilingual program where the student has been receiving educational services;
    3. Substantiate the continuity of appropriate educational programs and interventions;
    4. Ensure that appropriate multilingual instruction, such as appropriate teaching methodologies, has been implemented over time;
    5. Ensure that instructionally sound teaching strategies designed to meet the student's needs have been implemented for an appropriate length of time);
    6. Conduct a review of educational records and history, which includes school attendance records, grades, type(s) of instructional modes, and early exit from multilingual programs as appropriate.

- Pre-referral information. Collect accurately documented and organized pre-referral information including:
    1. Initial oral language acquisition screening (for example: State approved screening instruments);
    2. Language Usage Survey and follow-up interview with educational stakeholders concerning language proficiency;
    3. Proficiency of child in both the dominant language of instruction and the native language, considering the school's instructional program and proficiency expectations;
    4. Review of educational records;
    5. Vision and hearing screenings;
    6. Medical history;
    7. Academic/behavioral concerns in regard to educational, social, and linguistic development;
    8. Instructional interventions implemented with fidelity; and
    9. Documentation of parental contacts/conferences, including information regarding the school's concern about student's academic, social, developmental history. This should include documentation that progress monitoring data were shared with parents.
    10. For preschool students transitioning to Part B, existing assessment data from Part C may be considered if conducted within the previous six months.

The SAT, and subsequently the EDT, must consider and address the interactions between cultural and sociolinguistic factors and a suspected disability. Many learning and behavior problems that appear to be indicative of a disabling condition may actually be the manifestation of cultural, acculturation, or sociolinguistic differences.

The factors below, proposed by Collier & Hoover (1987), should be considered prior to referral for a special education eligibility determination evaluation. The foundation of appropriate assessment of students who are CLD is the analysis of these key socio-cultural factors:

- Cultural and linguistic background,
- Experiential background,
- The stage and pattern of acculturation,
- Patterns of sociolinguistic development, and
- Cognitive learning styles.

Reducing Bias in Assessment

The following are considerations and strategies for reducing bias in assessment of children who are CLD (adapted from Damico & Hamayan, 1991; and Rhodes, Ochoa, & Ortiz, 2005):

1. Increase knowledge and awareness about the student's cultural and linguistic background and focus on how this background potentially influences assessment;
2. Determine which language(s) are to be used during the formal and informal assessment;
3. Utilize the best available tools with respect to the student's native and second

languages;
4. Evaluate the test materials and assessment techniques, including analyzing formal tests for the specific cultural content and performance style(s) they require of examinees;
5. Recognize that nonstandard administration of a test may provide valuable information, but should only be considered after administering the test first in a standardized way;
6. Avoid direct test translation because it is poor practice and psychometrically indefensible;
7. Recognize that use of an interpreter can assist in collecting information and administering tests; however, score validity remains low even when the interpreter is highly trained and experienced;
8. Recognize that scores from standardized assessment are likely invalid because norming samples are typically not stratified based on multilingual ability and are rarely applicable to most students who are CLD being assessed; and
9. Collect and interpret data in a nondiscriminatory way using systematic methods based on established literature.

Eligibility Determination for Children who are Culturally and Linguistically Diverse, including Students Enrolled in Dual-Language Programs

As with any evaluation, each evaluation of a child who is CLD, including students in dual-language programs, involves a study of issues beyond standardized assessments. Attention must be given to language and cultural issues throughout the evaluation and eligibility determination process. All evaluation findings, including standardized test measures, should be analyzed and interpreted in an individual and comprehensive manner. Standardized assessment results should be interpreted with caution when making eligibility determination decisions for special education for a child who is CLD. It is not appropriate for Public Agencies and EDTs to set arbitrary cut scores for children who are CLD. Instead, for each child, EDTs should consider the validity of scores obtained on standardized assessments by evaluating the consistency of those results with other sources of data (e.g., classroom-based observations, informal measures). Progress monitoring results should be analyzed and compared to other same grade peers from similar cultural and linguistic backgrounds.

Language and cultural concerns should be addressed directly when evaluating and determining eligibility for special education. In the full and individual evaluation report and on the Eligibility Determination Form the evaluation team must document the impact of all issues related to language, culture, and acculturation and detail how these issues were considered when determining eligibility. The documents should also indicate that a child has been assessed in the appropriate language(s), with clear justification for the language(s) of assessments.

SECTION SEVEN. Use and Interpretation of Standardized Assessments and Obtained Scores

Evaluation is not an isolated, short-term event. The assessments given to a child and the decisions that are based on these data have long-lasting consequences for children and families. As such, it is imperative that all members of the eligibility determination team (EDT) use sound professional judgment and decision-making skills throughout the evaluation and eligibility determination process. This section addresses common pitfalls that may be made by evaluators and the EDT and provides guidance on making appropriate decisions.

This information was designed to assist all evaluators who use standardized assessments. The goal is to provide basic guidance regarding the use and interpretation of standardized measures. This section will outline:

a) general cautions regarding the selection and administration of standardized assessments,
b) general cautions regarding the interpretation of scores,
c) the use of age- and grade-equivalency scores,
d) the use of standard error of measurement, and
e) the use of base rates and co-normed assessments.

General Cautions Regarding the Selection and Administration of Standardized Assessments

Although standardized assessments are only one piece of a comprehensive evaluation, they are an integral part of most evaluations for eligibility determination decisions. As such, evaluators must be careful and thoughtful about the selection and administration of standardized assessments used throughout the evaluation process.

Selecting Assessment Tools

Tools should:

1. be selected to provide the highest quality information to systematically assess the areas of concern and suspected disability(ies);

2. provide the information required to make an eligibility determination decision; and

3. be broad enough to provide comprehensive information regarding a child's strengths and areas of need.

In addition, evaluators should be aware of the sample used to obtain normative scores, as no assessment provides a perfect representation of all children who may be assessed.

Administering Standardized Assessments

Standardized assessments are designed to demonstrate how a child performs under highly controlled conditions to allow for comparison with other children of the same age. Although it is possible that a child's test performance may be enhanced or supported by the rephrasing of questions presented, rearrangement of materials, additional prompts, or other non-standardized administration, the use of this type of additional support is in direct conflict with how the assessments were normed. These supports may provide the evaluator with useful information regarding the child's learning style and support needs, but the provision of those supports within the testing session makes the reporting of the scores obtained inappropriate and misleading. These supports may result in children being under- or over-identified for services and reflect serious violations of professional and ethical behavior. Any deviations from the standard administration should be clearly documented in the written report. The following information serves to remind evaluators of the appropriate administration of standardized assessments:

1. Standardized assessments should always be administered as outlined in the administration manual. This includes presentation of materials, use of queries and prompts, time limits, etc. Any deviations from standard administration should be clearly justified based on information about the child and clearly documented in the written report.

2. Any scores obtained from non-standard administration of an assessment should be used primarily for descriptive, informative purposes. The evaluator must recognize and document that the scores cannot be interpreted and, in most cases, should not be reported. Any scores reported must be clearly identified as estimated scores and should be reviewed with extreme caution. The information gained from non-standard administration can be used to support eligibility determination decisions, even if the scores are not reported or interpreted.

3. Administering assessments with the provision of additional supports can provide useful information about the child's skills and support needs, but if test scores are to be reported, these **accommodations/modifications (including testing-of-the-limits) should only occur after administering the assessment following standard procedures**.

Repeated Administrations of Standardized Assessments

It is often necessary to reassess a child multiple times using standardized assessment tools, such as when additional information is necessary to make an eligibility determination decision or to make educational recommendations.

Although it can be useful to compare information obtained from multiple administrations of the same measure, caution must be used. For example, in the case of a child with a traumatic brain injury, an evaluation team may determine that it is necessary to obtain information about the child's recovery and learning processes by re-administering a particular assessment in a

relatively short time frame (e.g., within 6-12 months). However, research has clearly documented that children's performance on standardized assessments increases with multiple administration due to the effect of practice. As such, the evaluator must carefully weigh the practice effects against the justification for re-administering the same assessment within a relatively short amount of time.

For most assessment purposes, it is advisable to wait at least one year between administrations of the same assessment measure. Test scores obtained from re-administrations over a shorter time should be interpreted with caution and with the clear discussion of the practice effects on increasing test scores.

General Cautions Regarding the Interpretation of Scores

Standardized assessments provide a wealth of information that evaluators and the EDT can use to help identify the needs of children. It is essential that the information gained be presented in such a way that it presents an accurate representation of a child's skills and abilities. This information should be clearly presented in such a way as to be easily understood by all members of the EDT. The following information highlights areas related to the reporting of scores:

Selecting scores for eligibility determination decisions

Each assessment will provide evaluators with a variety of scores that can be used as part of the eligibility determination process. The EDT must be thoughtful about how they use these scores to make decisions and recommendations for a child.

1. Evaluators and other members of the EDT must communicate with each other and be able to substantiate their reasoning for selecting a score to use as part of the eligibility determination process.

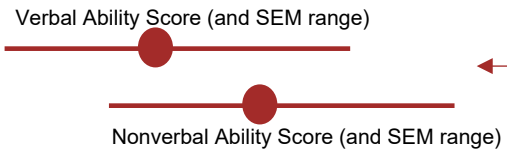
2. Choosing a particular score simply because it is lower, is higher, or meets eligibility criteria is inappropriate, as all scores must be considered within the context of other data sources and other information about the child.

3. All decisions regarding the use of particular scores in the eligibility determination process should be anchored in professional judgment. These decisions must be clearly documented and the rationale for the decisions must be clearly outlined in a written report.

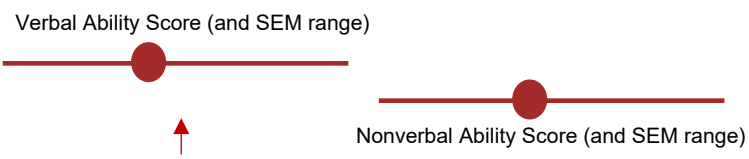
4. In general, when using a cognitive test as part of an eligibility determination decision, most test authors and experts recommend using a full-scale cognitive score (e.g., a full-scale intelligence quotient [FSIQ], general cognitive ability [GCA], etc.), as this score is typically considered the best estimate of an individual's cognitive ability. There are times,

however, when the use of a different score would be more appropriate during the eligibility determination process (e.g., when there is a significant difference between index and/or subtest level scores). The rationale for using a different score must be clearly documented.

5. Index- and subtest-level scores should be examined for significant differences that would impact the validity of overall/full-scale scores and should guide instructional planning, as these scores may provide valuable information about the child's strengths and weaknesses. In other words, **if an unusually large difference exists between the subtests that make up a composite (either through visual analysis or base rate analysis), the composite score is generally considered invalid and should not be used for eligibility determination decisions.**



In this example, the two indexes have overlapping confidence bands. This provides support for use of the overall composite score as a valid score that reflects the child's cognitive abilities.



In this example, the two indexes **do not** have overlapping confidence bands. This suggests that the overall composite score is a **not** a meaningful score and it may not be appropriate to report or to use for decision making. The overall score likely is not a valid representation of the child's cognitive abilities and the individual index scores may more appropriately describe this child's unexpected cognitive profile.

Selecting a normative sample to use for a comparison

Some assessments, particularly those that measure academic achievement skills, can be reported as either age-based or grade-based norms. Both sets of norms allow the evaluation team to compare the child's raw score against the normative sample to derive standard scores, percentile ranks, etc. Age-based norms provide for comparison against other children of the same age and grade-based norms provide for comparison against other children in the same grade. EDTs should be clear about the difference between these normative samples and should always use the appropriate norms.

1. Age-based norms should be used for most purposes because it is most appropriate to compare children to other children of the same age. Age-based norms on one test

should not be compared to grade-based norms on another test. Because most cognitive assessments only provide age-based norms, these norms should be used for most interpretations.

2. EDTs should only consider the use of grade-based norms when there is a sound reason to do so. For example, it may be appropriate to consider the use of grade-based norms for children who have been retained or have skipped a grade.

Formula-based decision making

Several eligibility categories require the consideration of eligibility criteria that are based upon formulas related to data thresholds, including developmental delay (DD), intellectual disability (ID), specific learning disability (SLD), and speech or language impairment (SLI). The NM Public Education Department Special Education Division cautions that the implementation of these formulas must always be guided by the professional judgment of the EDT.

1. The criteria offered are not intended to be isolated from the complete picture of the student's functioning nor intended to become the sole, mechanistically applied gatekeepers in the evaluation process. They are simply one piece of information that must be considered within the context of the entire body of evidence collected by the evaluation team.

2. The data results provided by assessments must be contextualized within the student's complete social and educational history and interpreted by the professionals administering the assessments to attend to contextual issues such as the age of the child, the validity of the assessment itself, issues that occur during the administration of the assessment, etc.

3. Multiple data sources should be used to support the validity of standardized assessment results, including classroom-based assessments, work samples, and other data sources.

Cross-battery interpretation of scores

Some EDTs use a cross-battery approach to interpreting a child's performance on standardized assessments. It is essential that teams recognize that the use of cross-battery analysis alone is not adequate to meet the NM TEAM and IDEA requirements of "multiple sources of data." All data obtained from standardized assessments must be triangulated with other data sources, including, but not limited to, informal assessment data, observations, extant information, etc.

The Use of Age- and Grade-Equivalency Scores

Although most assessments provide evaluators with the option to report age-equivalency (AE) scores and/or grade-equivalency (GE) scores, evaluators must use extreme caution when choosing to report these scores. Many evaluators who choose to present AE or GE scores use

those scores with the belief that the scores are easy for parents and teachers to understand. These scores can be easily misunderstood.

AE and GE scores tend to imply either below- or above-average performance even when the obtained scores are within the average range. For example, on the Adaptive Behavior Assessment System II (ABAS-II), a child who is 8 years 11 months who obtained a scaled score of 9 in Communication (which is within the average range) would have a corresponding AE of 6 years, 8 months to 6 years 11 months. This pattern is found on a wide range of tests.

Maloney & Larrivee (2007) outline the following limitations with the use of AE scores, as documented by research and experts in the field. The same limitations are seen with the use of GE scores.

1. AE scores do not describe a range of performance that is considered average. AE scores do not account for the variations seen in children's performance because they represent the average raw score of a particular age group. By definition half of children of a particular age would be expected to score below the AE and half of the children would be expected to score above it.

2. AE scores do not accurately describe a child's pattern of responses. Two children may obtain the same raw score (and AE/GE), but their performance may be vastly different in terms of content knowledge, skills, errors, etc.

3. Most AE scores are derived by estimation and extrapolation. There may be little or no representation of children at specific age ranges (e.g., 5 years 2 months). That means that AE scores are developed for ages of children who were not part of the normative sample, and the scores do not actually represent the performance of children of that age.

4. AE scores suggest that growth is consistent across time, so people may be inclined to believe that the growth between the ages of 4:4 and 4:5 is the same as growth between 14:4 and 14:5.

5. The difference of one correct or incorrect response can dramatically increase or decrease an AE or GE score.

6. AE scores are imprecise for children with high or low raw scores. In those cases, scores will be reported using a format such as <5:0 or >17:11. These scores do not allow for meaningful interpretation of a child's performance.

Due to the significant limitations of AE and GE scores and the ease with which they are misunderstood, these scores should not typically be reported in comprehensive evaluation reports and should not be used as part of the eligibility determination process. In rare cases where it may be necessary to report AE or GE scores, it is the evaluator's responsibility to

ensure that those scores are clearly defined and that the scores are presented in conjunction with more valid and meaningful scores, such as standard scores and/or percentile ranks.

This is particularly relevant related to the eligibility category of Developmental Delay which guides EDTs to look **either** at delays documented by standard scores or by age-equivalencies. EDTs should always base decisions on the most robust data available. In most cases, this will be standard scores because those scores do not have the same limitations as the age-equivalency scores that are often reported by assessment instruments used by Part C agencies. **If a child's performance on a test using standard scores is not reflective of a disability, it is not appropriate to then use or report the age-equivalency scores, even if those scores appear to meet the eligibility requirements.** Teams are reminded to use the most psychometrically sound scores and triangulate all test scores with other sources of evaluation data.

The Use of Standard Error of Measurement

The EDT must analyze the evaluation data carefully and thoughtfully when making recommendations regarding eligibility determinations. Although the eligibility requirements of several of the eligibility categories (e.g., DD, ID, SLD, and SLI) include the discussion of specific scores, it is important to remember that the use of scores and formulas in eligibility determination decisions should be guided by the professional judgment of the EDT. Scores obtained by standardized testing can be impacted by a variety of potential sources of error, including personal and environmental factors (e.g., variations in test performance, examiner's behavior, cooperation of the test taker, etc.) (American Association on Intellectual and Developmental Disabilities (AAIDD), 2021).

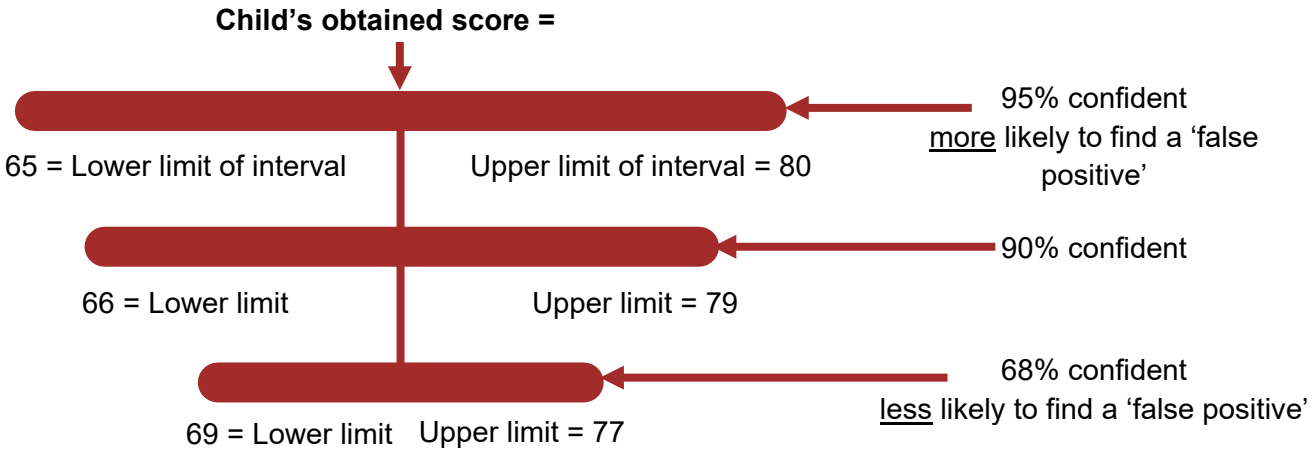
This variability in scores may either under- or over-estimate a child's true abilities, therefore it is important always to consider the standard error of measurement (SEM) when interpreting scores from standardized assessments, regardless of the areas assessed and/or reason for the referral. **The SEM is based on the reliability of the measure (i.e., the lower the reliability, the larger the SEM) and should be used to calculate a range of scores in which the EDT is confident that the child's true score falls.**

SEM values are based on a normal curve, with each SEM representing 68% of the variance in a child's scores. This means that a child's obtained score ± 1 SEM would yield a range of scores in which the EDT could be 68% confident that the child's "true" score would fall. There are two additional score ranges that are often used: 90% and 95%. Test authors often recommend the use of a 90% or 95% confidence interval.

It is important to note, however, that the terms "confidence interval" and "standard error of measurement" are not synonymous. An SEM can be used to calculate a confidence interval, but it is important for evaluators and EDTs to be clear that these two terms are not interchangeable. Confidence intervals are not always derived from the SEM. Also, confidence intervals communicate a range of scores and a level of certainty in the assessment findings. The SEM,

on the other hand, does not, by itself, communicate a range, but provides a way to predict a child's estimated "true" performance.
As an example of the impact of using ± 1 SEM (68% confidence interval) vs. a 90% or 95% confidence interval, if a child obtained a standard score of 73 on a test with an SEM of 4, the score ranges would be as follows:

68% confidence ***(± 1 SEM = ± 4)***	**90% confidence** ***(± 1.65 SEM = ± 4*1.65 = ± 6.6)***	**95% confidence** ***(± 1.96 SEM = ± 4*1.96 = ± 7.84)***
69 to 77 8-point interval	66.4 to 79.6 13.2-point interval Typically reported as 66 to 79	65.2 to 80.8 15.7-point interval Typically reported as 65 to 80



Some additional considerations regarding SEM are:

1. Test authors typically provide a table that gives evaluators specific SEM values for children of various ages. It is recommended that the SEM values specific for the child's age be used, rather than general SEM values, as the values can vary dramatically across ages and subtests.

2. Although the 90% or 95% confidence range may provide useful information, it increases the risk of over-identification of some children, such as those who may have ID. The AAIDD, Diagnostic and Statistical Manual of Mental Disorders (DSM-5 TR), and experts in the field generally suggest that cognitive scores up to approximately 75 might still fall within the range of ID because of natural variability in test scores. Because most of the common cognitive assessments have SEMs of 3 to 5 points, a 95% confidence range around a standard score of 70 could be as large as approximately 60 to 80 (70 ± 1.96*5). This upper limit of 80 is well outside of the generally accepted approximate upper limit of 75.

3. Evaluators need to consult the examiner's manual of each assessment to determine the SEM for that test that is specific to that child's age. **It is generally not appropriate simply to use the "confidence interval" provided in the scoring tables because**

these scores are often <u>not</u> based on SEM. Instead, they are based on standard error of estimate (SEE). A discussion of the differences between SEM and SEE is beyond the scope of this document, but eligibility determination teams are encouraged to use score ranges that are clearly based on SEM.

4. Many statisticians recommend that the highest and lowest points in the confidence range **not** be used when making educational decisions. In the example provided above, the child's standard score of 73 resulted in a range from 69 to 77. In this case, the highest (77) and lowest (69) points should generally not be used for educational decisions, so EDTs should use caution in considering this score as indicative of ID (see note below).

NOTE: When considering an eligibility determination under the category of ID, it is strongly recommended to use more than one cognitive ability assessment. This is particularly important when the obtained score on the first assessment was greater than 70 but lower than 70 when considering SEM. The scores on this second assessment can provide the EDT with valuable information that may be suggestive of ID or another eligibility category.

The Use of Base Rate and Co-Normed Assessments

When considering co-normed assessments, differences between cognitive ability and academic achievement scores can be described and reported in terms of base rate. Base rate is described as the frequency in the difference between scores when comparing cognitive and academic skills. The greater the difference between scores, the less commonly it occurred in the standardization sample. Base rates that occur 10% of the time or less are considered statistically unusual and may suggest the presence of SLD. Base rates that occur more frequently than 10% are considered common and not typically representative of SLD. Base rate information can be found in a variety of locations, including the technical and interpretive manual of an instrument or via the online scoring and reporting software.

It is important for evaluation teams to remember that effective July 1, 2023, it is no longer permissible to use the Severe Discrepancy method for identification of children with SLD. It may be useful for evaluation teams to consider this base rate information, but it cannot be the basis of an eligibility determination under the category of SLD.

Caution should be made when determining what scores to use in making comparisons. Full Scale, General Conceptual Ability, Mental Processing Index, General Ability Index, Non-Verbal Index, and other cognitive composites can reliably be considered a predictor of a child's academic achievement. *However, composite scores such as Processing Speed and Working Memory, for example, are generally thought of as measure of processing skills and should not be used to generate base rate comparisons with achievement scores.*

Most test development companies have designed their achievement tests to measure the SLD areas defined within IDEA (i.e., basic reading, reading fluency, reading comprehension, written

expression, math calculation, math problem solving, oral expression, listening comprehension). As such, subtest and composite scores can be used, along with other lines of evidence, in determining the presence of SLD. **However, in NM, the Severe Discrepancy method for identification of SLD is no longer permissible as of July 1, 2023. Any information regarding discrepancies in test scores can only be used for descriptive purposes, not for eligibility determination decisions.**

NOTE: If an unusually large difference exists between the subtests that make up a composite, the composite score is generally considered invalid and should not be used in any discrepancy analysis or for other diagnostic purposes.

SECTION EIGHT. Use of Professional Judgment in the Eligibility Determination Process

The overall purpose of professional judgment is to ensure that the team uses their professional expertise to interpret the array of evaluation data and determine eligibility on an individual basis. Professional judgment is a special type of judgment rooted in a high level of professional expertise and experience; it emerges directly from extensive data. It is based on the professionals' explicit training, direct experience with those with whom the professionals are working, and specific knowledge of the person and the person's environment (Schalock & Luckasson, 2005).

In the evaluation and eligibility determination process, professional judgment should be used for every decision from the formation of the eligibility determination team (EDT) through the formal eligibility determination decision, including selection of assessment materials, identification of evaluators, interpretation of test results, etc. Professional judgment provides the foundation for the entire eligibility determination process. The use of professional judgment enhances the precision, accuracy, and integrity of the professionals' decision in that case (Schalock & Luckasson, 2005).

Even though professional judgment is inherent in all aspects of the evaluation process, there are times that professionals will need to rely more heavily on their professional judgment because of the individual child's characteristics and circumstances.

Models of Professional Judgment

Two models for professional judgment are offered below. The first model focuses specifically on the use of professional judgment in the eligibility determination process (Bagnato, Smith- Jones, Matesa, & McKeating-Esterle, 2006). This model "attempted to isolate what mattered most in terms of accurate decision making using clinical judgment as an assessment practice and procedure."

The second model examines professional judgment strategies across both assessment and intervention (Shalock & Luckasson, 2005). Professional judgment is characterized by being: systematic (i.e., organized, sequential, and logical), formal (i.e., explicit and reasoned), and transparent (i.e., apparent and communicated clearly).

Cautions Regarding the Use of Professional Judgment

Professional judgment should not be thought of as a justification for abbreviated evaluations, a vehicle for stereotypes or prejudices, a substitute for insufficiently explored questions, an excuse for incomplete or missing data, or a way to solve political problems (Schalock & Luckasson, 2005). When making an eligibility determination decision, the team must follow the

regulations in IDEA (2004) and professional judgment must be used within the context of the evaluation findings.

NOTE: It is essential for teams to recognize that professional judgment should be embedded throughout the evaluation process and all educational decisions. Professional judgment leads to conclusions and recommendations that are deeply rooted in data that is clearly documented and communicated. It is not simply the opinion or feeling of a professional.

Key Components of Professional Judgment in the Eligibility Determination Process

Preparation

- Define the behavior(s) or academic concerns constituting the focus of evaluation.
- Identify the methods and procedures needed to obtain assessment data.

Information Gathering

- Obtain the assessment data using multiple methods and procedures.
- Gather the assessment information across multiple settings and individuals (i.e., professionals, parent(s), and child).

Decision Making

- Analyze and aggregate all of the assessment data from the different tools, people, and settings, using a team-based approach.
- Reach consensus on eligibility determination based on evaluation information.

(Adapted from Bagnato, Smith-Jones, Matesa, & McKeating-Esterle, 2006)

Competent Professional Judgment: Six Strategies

1. Clarify the question(s) that need to be answered in order to identify the data that need to be gathered and necessary activities. Align data and its collection to the critical question(s) by working with the EDT to clearly articulate the referral question(s) and to identify the most appropriate data collection methods to answer those questions.
2. Conduct a thorough history (medical, social, and educational) that focuses on the individual's strengths and limitations, and provides an understanding of the factors impacting the individual.
3. Conduct or access broad-based assessment strategies that include standardized and non-standardized measures from a variety of sources across settings. Recognize that there are rare situations where standardized assessments aren't valid due to lack of opportunity, significant functional limitations, lack of appropriately normed tests, etc.
4. Implement intervention best practices to provide appropriate instruction to children before, during, and after the evaluation and eligibility determination process.
5. Plan, implement, and evaluate supports throughout the evaluation and eligibility determination process to include supports to participate in academic and non-academic activities.

6. Reflect cultural competence and diversity by collecting information about the child's home environment and/or language history , examining the relationship between the child's environment and possible disability, using evaluators who are knowledgeable about and sensitive to the child's cultural and linguistic background, and ensure that the evaluation and eligibility determination decision are implemented consistent with legal and ethical guidelines.

(Adapted from Luckasson & Schalock, 2022; Schalock & Luckasson, 2005)

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SECTION NINE. Consideration of Determinant Factors

Throughout the evaluation process, evaluation teams are charged with gathering appropriate data so that the eligibility determination team (EDT) has adequate information to determine the primary reason for a child's educational difficulties. There can be a variety of reasons contributing to a child's educational difficulties, such as a disability, lack of appropriate instruction, dual-language status, etc. These can be considered "determinant factors" or "exclusionary factors." A "determinant factor" is the issue the EDT has determined to be the primary reason for the child's educational difficulties. "Exclusionary factors" are those that must be ruled out as the primary factor in order to confidently make a decision about the "determinant factor."

In other words, a particular child may demonstrate the presence of a disability, be a dual-language learner, and also have experienced periods with the lack of appropriate instruction. Those three factors must be considered by the EDT and the team must rule out two of those factors as the primary reason for the child's educational difficulties, which will leave them with the determinant factor. The EDT may say:

"The child is a dual-language learner with periods of lack of appropriate instruction. Although those factors have contributed to his educational difficulties, the EDT has determined that a disability is the factor that best explains the primary reasons for their educational difficulty."

A common misconception is that the idea of "exclusionary factors" prohibits EDTs from making certain eligibility determination decisions if a factor is present. For example, it is a common myth that children cannot be identified as a child with a specific learning disability (SLD) if they also demonstrate characteristics of an emotional disturbance (ED). This is not true. A child cannot be identified as a child with SLD if the **primary** reason for their educational difficulties is ED. If the primary reason is ED, then the child is appropriately identified as a child with ED, not SLD.

Vision and hearing status are also an area where EDTs often have misunderstandings about exclusionary factors. The purpose of evaluating a child's vision and hearing status is to ensure that the child's performance is not **primarily** the result of a visual impairment or a hearing impairment. It is important for EDTs to ensure that the child has adequate vision and hearing for any evaluation data gathered, but that does not always require a formal vision or hearing evaluation. For example, we may have a child who is supposed to wear glasses for seeing at a distance, but who never brings the glasses to school. The EDT must discuss the impact of the lack of vision correction on overall educational performance and learning, but if the child has adequate vision for table-top activities, the EDT can have increased trust in the results of individually administered assessments (e.g., cognitive assessments) and in the work samples provided by the teacher that are not dependent on distance vision. In this case, although the child does have vision difficulties, the EDT may determine that the vision is not the **primary** reason for the child's educational difficulties, therefore it is an exclusionary factor. It is important for evaluation teams to avoid delaying evaluations due to lack of vision and/or hearing screenings (e.g., those typically conducted by the school nurse or other health professional).

Timelines related to referrals and requests for evaluations are clear and specific and cannot be adjusted due to the lack of these screenings, so evaluation teams are required to ensure that they obtain adequate information to conduct the evaluation and answer these determinant factor questions even when screening data may be unavailable.

In summary, EDTs must recognize that children may present with many factors impacting their educational performance. The responsibility of the EDT is to determine which factor is the primary cause of the difficulties and to recognize that simply demonstrating the presence of “a factor” does not prevent the EDT from being able to make an appropriate eligibility determination decision regarding the impact of a possible disability on the child’s educational performance.

SECTION TEN. Conducting Initial Evaluations

Throughout this section, both the terms “evaluation teams” and “eligibility determination teams” (or EDTs) will be used. Although evaluation team members are also part of the EDT for a particular child, this section uses the term “evaluation teams” to distinguish specific tasks these EDT members complete prior to the eligibility determination meeting. This section reiterates the timelines specific to initial evaluations (see Section Three) and provides additional guidance regarding required data collection and evaluation procedures.

Remember, an evaluation for possible eligibility for special education and related services is not intended to function as a single-evaluator process. While one professional (e.g., educational diagnostician) may conduct portions of the evaluation, eligibility decisions should be informed by data, observations, and input from multiple individuals familiar with the student's functioning across settings. See Section Five for additional guidance.

NOTE: Throughout this manual, the term ‘Public Agency’ will be used to encompass all the various stakeholders responsible for upholding the requirements of IDEA and NMAC. The term, ‘Public Agency,’ refers to a group of individuals, not any one person, and includes (but is not limited to): school districts, individual schools, school administration, state-supported schools, charter schools (state or locally authorized), Student Assistance Teams (SAT), staff members of IEP teams, staff members of evaluation teams, staff members of eligibility determination teams, etc.

Professional Judgment

It is important to remember that the NM TEAM is written to provide guidance to schools and Public Agencies. **Use of the NM TEAM is required, but it is not intended to be entirely prescriptive. Deviations from the guidelines provided in this document should be thoughtful and clearly documented.** Because this document isn’t prescriptive, professional judgment plays a significant role and must be utilized within the context of the law, and throughout the entire evaluation, beginning with the referral and continuing through to the final eligibility determination. Although each step in the eligibility determination process has certain requirements that must be met in order to be consistent with IDEA and NMAC, decisions regarding how each of these requirements is met for an individual child must also be guided by professional judgment.

However, professional judgment cannot be used to justify abbreviated evaluations; as a substitute for insufficiently explored questions; as an excuse for incomplete or missing data; or out of convenience, such as when it seems easier to find a child eligible under one category than another. Given the vital role professional judgment plays in all evaluation and eligibility determination decisions, we encourage you to reference Section Eight of the NM TEAM for additional information regarding the use of professional judgment.

A large part of professional judgment is triangulation of data. Because professional judgment is rooted in the analysis of data, it is important that the data be valid and a true representation of the child's skills and abilities in a variety of contexts. Evaluation teams are encouraged to review Section Five of the NM TEAM for additional information regarding triangulation of data.

At the beginning of the evaluation process, teams need to define the behavior(s) and/or academic concerns that are the focus of the evaluation, identify the methods and procedures needed to gather assessment data, obtain the assessment data using multiple methods and procedures, and collect and analyze the assessment information gathered across multiple settings and individuals (i.e., professionals, parent(s), and child). Each of these steps and decisions will be guided by the professional judgment of the evaluation and/or EDT and teams must be able to document their decisions and the rationale and data used to support these decisions

Although the Review of Existing Evaluation Data (REED) process is not formally required for initial evaluations, the evaluation team will often find this process helpful in planning the evaluation. Through the REED process, the evaluation team will be able to plan the evaluation to ensure that data are collected to answer any unanswered questions, but that data aren't collected simply to collect more data. The REED process supports teams in planning a comprehensive and efficient evaluation that collects all the necessary evaluation data without completing unnecessary assessments, observations, etc.

In order for EDTs to reach a consensus on appropriate eligibility determination decisions, thoughtful, well-documented discussion related to the interpretation of evaluation data is necessary.

Purposes of an Evaluation

According to IDEA, evaluations serve two purposes:

1. Evaluation results support EDTs in determining whether a child is a "child with a disability" as defined by IDEA 2004.
2. Evaluations are completed to gather information that will help EDTs and IEP teams determine child's educational needs, specifically interventions and supports the child requires to be involved in and progress in the general education curriculum, or for a preschool child, to participate in appropriate activities.

Not all children who are evaluated will meet eligibility requirements to receive special education and related services support. For these children, the information gathered during the comprehensive evaluation should be utilized by the SAT and MLSS in planning appropriate interventions and supports.

Some Public Agencies have a practice of determining "primary" and "secondary" eligibilities. This practice is not necessary in all situations, as it sometimes leads to unnecessary confusion

and discussion. The purpose of the eligibility determination process (as documented on the eligibility determination worksheets) is to determine which disability is the child's **primary** reason for their educational difficulties. **However, it is essential that Public Agencies understand and recognize that, if the child is determined to be eligible for special education and related services, that child should receive supports and services for all areas of identified need, not solely those related to the primary eligibility category.** The evaluation should document all areas of concern, but it is not necessary to document additional "eligibilities." For example, children who are eligible for special education and related services under the eligibility category of autism do not necessarily require a secondary eligibility of speech or language impairment; children identified as children with specific learning disability do not also need to have secondary eligibilities of speech or language impairment or other health impairment. The child's needs related to those additional disabilities should be clearly documented in the evaluation and addressed through the child's individual education program (IEP), without the need for additional eligibility categories. In other words, although a child may have a primary eligibility of intellectual disability (ID), their speech/language/communication needs must be documented in the evaluation and supported through the child's IEP even without a secondary eligibility of speech or language impairment. Additionally, a child identified as eligible under other health impairment should have their academic and/or social emotional needs met even if a secondary **eligibility** of specific learning disability or emotional disturbance is not identified. In some cases, it may be appropriate to document the child's disabilities using primary and secondary eligibilities, but the most important considerations are that the evaluations must be **comprehensive** and that services must be provided in all areas of need, regardless of if they are typically associated with the child's primary disability.

Evaluation Requirements

If a child is suspected of having a disability, IDEA requires that a comprehensive evaluation of that child be conducted. These initial evaluations must be conducted according to the requirements established by IDEA and must be individualized, comprehensive, and complete. This means that the evaluation must be focused on each child and their unique needs, include obtaining all functional, developmental, behavioral, and academic information that may be relevant to this child. **In other words, it is not appropriate for evaluation teams or Public Agencies to use a rigid set of assessment tools and procedures to assess all children.**

According to IDEA, the evaluation must be sufficient in scope to identify the impact of the disability on the child's educational performance and to "identify all of the child's special education and related service needs, whether or not commonly linked to the disability category in which the child has been classified." For example, for a child suspected of having a specific learning disability in reading, the evaluation team will need to assess and gather data related to academic achievement and reading, but may also need to complete assessments and gather data related to all other areas of identified need. This may include areas such as oral language, visual perception, organization, social skills, and memory.

There are two ways in which a child may be referred for an evaluation under IDEA:

1. The parent of a child may request that the Public Agency pursue the evaluation or
2. A Public Agency may initiate the evaluation themselves.

In both cases, Public Agencies must provide parents with an explanation of their parental rights as outlined under IDEA. This includes providing the parents with a copy of the *Special Education Procedural Safeguards for Students with Disabilities and Their Families Required Under Part B of IDEA* document (copy of procedural safeguards notice to the parents), which outlines information regarding all aspects of special education including referral and evaluation and provides parents with resources that can be contacted to help them understand IDEA and the special education process. This document can be found on the NM Public Education Department's Special Education Division's website.

If a parent initiates the request for an evaluation, **either orally or in writing**, the Public Agency has the responsibility to provide information about that decision to the parents within 15 school days from that request (see Key Timelines table for an exception when the request comes before a school break). They must provide the parent(s) with prior written notice that includes a description of the parents' proposal (i.e., the request for the evaluation), the Public Agency's response documenting the decision to either agree or refuse to evaluate the child, and an explanation of the reason for the Public Agency's decision (including the data used to make that decision). If the Public Agency agrees to evaluate the child, the prior written notice must ensure that parents understand what is being proposed and what the evaluation of their child will involve, so the prior written notice must also include a description of why the evaluation is being pursued, other options that were considered and rejected (including the reason for the rejection), and the documentation that supports the decision to conduct the evaluation. There are specific timelines that must be followed. These are outlined in the "Key Timelines" table at the end of this section, but in general, the public agency must respond to a request (from parent) or referral (from the public agency) within 15 school days of that request/referral. As mentioned, this response must include the proposal to evaluate; whether the public agency is accepting or rejecting the proposal (including the data used to make the decision); a full prior written notice outlining the proposal, decision, and data used; and a copy of the procedural safeguards notice to parents.

Before any evaluation is conducted, the child's parents must be given the right to consent or refuse consent for the initial evaluation, even if the parents initiated the request. This consent must be informed, which means that the parents must clearly understand what evaluation data will be collected, how it will be collected, and how it will be used. The parent's response (i.e., consent or refusal) must be documented. It is important that parents understand that consent for initial evaluation is not the same as consent for initial provision of special education and related services. Once written parental consent is obtained, the Public Agency has 60 calendar days to complete the evaluation (i.e., collect all the information required to make an eligibility determination decision and write the evaluation report). Upon completion of the initial evaluation (including written report), the Public Agency must hold an EDT meeting within 15 school days to determine if the child is eligible for special education and related services. In addition, the Public

Agency must provide a copy of that written evaluation report to the parent at least 2 calendar days before the EDT meeting.

Involvement of parents cannot be over emphasized in the initial evaluation process. It is not simply a compliance issue; it is imperative to open collaboration and conversation between parents and the evaluation team. It's also critical that communication and conversation with parents is presented in an understandable manner. Information must be shared in the parents' native language, if other than English, or in a form of communication that the parents normally use, unless it is not possible to do so. If it is not appropriate to share this information with parents in written form, an agency must make efforts to translate the information into a language or form that is accessible to parents, to make sure they understand the information, and document evidence of these efforts. In summary, parents must understand this information and Public Agencies must document their efforts to communicate the information clearly and thoroughly to the parents.

Evaluation Procedures

IDEA outlines evaluation procedures for conducting an initial evaluation. These procedures are described throughout this manual and include guidelines such as:

- Not relying on a single evaluation measure;
- Using a variety of tools and strategies (including formal and informal);
- Reflecting information from a variety of sources (parents, teachers, specialists, and the child);
- Documenting the child's functional, developmental, behavioral, and academic performance;
- Assessing all areas of suspected disability;
- Providing relevant information to assist in determining the child's educational needs;
- Selecting assessments on an individualized basis;
- Ensuring that assessment methods are non-discriminatory, technically sound, and administered appropriately; and
- Recognizing that screening tools cannot be used for a substitute for comprehensive evaluations conducted as part of the initial evaluation.

EDTs are reminded to refer to Section Five of this manual (Triangulation) for additional guidance related to these procedures and guidelines. For example, ensuring that the EDT is not relying on a single measure, using a variety of tools and strategies, and reflecting information from a variety of sources in a meaningful way will support the triangulation of the evaluation data. This triangulation supports EDTs in making trustworthy decisions about a child's educational program that address all areas of educational need. This triangulation of data provides a holistic picture of the child's strengths and needs from multiple viewpoints to allow teams to provide a comprehensive and appropriate educational program.

IDEA also provides guidance regarding the evaluation process, including making sure that evaluations for students who transfer from one Public Agency to another are coordinated so that the evaluation is completed fully and promptly, utilizing all available information, including information from the student's previous Public Agency(s). Public Agencies are reminded that children transferring from an Public Agency in New Mexico (in-state transfer) do not need to be evaluated unless an evaluation has been initiated by the previous Public Agency or the child is due for a reevaluation. Children transferring from another state (out-of-state transfers) are considered initial evaluations for eligibility under New Mexico guidelines. See Section Four for more information on the process for reviewing existing evaluation data (REED process).

Components of an Initial Evaluation

For each eligibility category, the Initial Evaluation section in NM TEAM outlines the assessments, observations, and data that must be gathered throughout the initial evaluation process. This section includes **Required Components** and **Potential Additional Components**. To support clarity and consistency throughout the evaluation process, the headings used for evaluation components within the NM TEAM have been designed to mirror the corresponding headings in the REED document whenever possible.

- **Required Components** are those components that are most critical for making an eligibility determination under a specific eligibility category. With rare exception, the evaluation team **must** include all elements outlined under this section. A team must document any deviation from these guidelines and recognize that omission of any of these components should be done with caution. Even if formal assessment information is not obtainable in one of the areas listed under Required Components, the evaluation team is responsible for exploring and documenting data in that area and using that information to support the eligibility determination decision.

- **Potential Additional Components** are those that evaluation teams will most commonly identify as other areas of need for a particular child when considering a specific eligibility category. However, evaluation teams need to remember that these two lists are not all-inclusive. Each evaluation is unique and should reflect the specific child's needs as identified by the evaluation team. The evaluation team should consider gathering evaluation data in these areas if there is a concern that the child is demonstrating difficulties in the area or if there is not adequate data to describe the child's present levels of performance in that areas.

Required Components

The **Required Components** outlined for each eligibility category collectively provide important information to determine the presence of a disability and to identify the child's characteristics and areas of educational need.

Some of the required components specify a specific type of data to be gathered (e.g., formal assessment) but EDTs must always remember to gather multiple sources of data in each of these areas. For example, some eligibility categories require an evaluation of cognitive abilities. This should **not** imply that only a standardized cognitive assessment should be used. Instead, EDTs should gather multiple sources of data that collectively describe the child's cognitive abilities related both to performance during structured, formal assessment, as well as performance during natural activities in natural environments. Triangulation of these different data sources provides confidence in the conclusions drawn from the evaluation data.

Additionally, it is important for evaluation teams to recognize that the concept of "cognition" is not limited to traditional IQ or cognitive test scores. While standardized measures of cognitive ability may be an important component of some evaluations, cognition more broadly refers to how an individual thinks, learns, reasons, processes information, and responds to their environment. Depending on the suspected disability, relevant cognitive characteristics may include executive functioning, attention, memory, cognitive flexibility, social cognition, problem-solving, or other patterns of thinking and learning. Evaluation teams should consider cognition within the context of the referral concerns rather than assuming that cognitive functioning is adequately represented by an IQ score alone.

In addition, teams should remember that in some cases, standardized measures may not provide the most accurate representation of a child's abilities or there may not be an appropriate standardized measure for the area being assessed. In these cases, evaluation teams may find that it is necessary to use alternative methods to obtain the data that they need. These decisions and their underlying rationale must be clearly documented.

With rare exception, the evaluation team must include all the elements outlined under **Required Components** and must also consider the **Potential Additional Components**, as appropriate for each individual child. A team must document any deviation from these guidelines.

Potential Additional Components

The **Potential Additional Components** outlined in each section provide evaluation teams with some of the more common areas that may need to be evaluated because of their relationship to that specific eligibility category. However, evaluation teams are reminded that each evaluation must be comprehensive and evaluate all areas of suspected need for each child, so additional areas (beyond those listed) may need to be evaluated.

At a Glance: Initial Evaluation Timelines

The Public Agency must respond to a request/referral for an initial evaluation within 15 school days.

- The request from a parent can be verbal or in writing and can be made to any licensed school personnel.

- The response must include the following information:
    - Description of proposal to conduct the initial evaluation, and
    - Documentation of the Public Agency's acceptance or rejection of that proposed evaluation, and
    - A copy of procedural safeguards notice to the parents, and
    - If the Public Agency is agreeing to the evaluation, a request for parental consent for the evaluation
- *Note: If the request/referral is received within 15 school days before the start of a scheduled period in which student attendance is not required for at least 14 calendar days, the Public Agency must respond no later than 30 calendar days from the date of the request.*

Initial evaluations must be conducted within 60 days from the time that the Public Agency obtains parental consent for the evaluation.

- This timeline starts with informed written parental consent.
- This timeline ends when the evaluation report is written.

EDT meetings must be held within 15 school days of the completion of the evaluation.

**Note: If the initial evaluation is completed during a scheduled period in which student attendance is not required for at least 14 calendar days, the Public Agency must hold the EDT meeting and IEP (if eligible) no later than 15 school days from the first day when student attendance resumes.*

Public Agencies must provide a copy of the written evaluation report to the parent at least 2 calendar days before the EDT meeting.

Public Agencies cannot refuse or delay obtaining consent and conducting an evaluation based on Response to Intervention (RTI), Student Assistance Team (SAT), or Multi-layered System of Supports (MLSS) processes. These processes can occur at the same time as the evaluations.

There are two exceptions to the 60-day timeline:

- The parent repeatedly fails or refuses to produce the child for the evaluation.
- The child enrolls in a school of another Public Agency after the 60-day timeline has begun but prior to an eligibility determination decision has been made.
    - This exception applies only if the current Public Agency is making sufficient progress to ensure a prompt completion of the evaluation and that the parent and Public Agency agree to a specific time when the evaluation will be completed.

For preschool students transitioning from services under Part C of IDEA to Part B, the evaluation and IEP must be in place on or before the date of the child's third birthday. It is best to complete this before the end of the school year for any child with a birthday in the summer. There are only a few exceptions to this requirement:

- If the parent refuses to provide consent for the evaluation or initial services,
- If the parent fails or refuses to produce child for the evaluation, or
- If Part C referred the child less than 90 days before the child's birthday.

SECTION ELEVEN. Conducting Reevaluations

Reevaluations are a critical part of the provision of special education and related services to a child with a disability. The reevaluation process ensures that children are appropriately identified and that their educational supports are adequate. It also provides a structured framework for identifying children who no longer require the support of special education and can be successful with supports through the Student Assistance Team (SAT) or other systems.

Reevaluations are not simply for determining continued eligibility, but a well-conducted reevaluation also provides a child's team with meaningful information to develop an educational program to meet the child's unique needs that arise from their disability. Reevaluations are not complete unless both of those areas have been addressed.

Remember, a reevaluation is not intended to function as a single-evaluator process. While one professional (e.g., educational diagnostician) may coordinate or conduct portions of the reevaluation, decisions regarding continued eligibility, educational needs, and the need for additional data should be informed by information from multiple sources and individuals familiar with the student's functioning across settings. See Section Three for additional guidance.

Reevaluation Guidelines

The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special education and related services. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

NOTE: Throughout this manual, the term 'Public Agency' will be used to encompass all the various stakeholders responsible for upholding the requirements of IDEA and NMAC. The term, 'Public Agency,' refers to a group of individuals, not any one person, and includes (but is not limited to): school districts, individual schools, school administration, state-supported schools, charter schools (state or locally authorized), staff members of Student Assistance Teams (SAT), staff members of IEP teams, staff members of evaluation teams, staff members of eligibility determination teams, etc.

Beginning in 2023, if the parent or teacher requests a reevaluation or the Public Agency refers a child for a reevaluation, the Public Agency has 15 school days to respond to that request. *(Note: If the request is received within 15 school days from the start of a scheduled period in which student attendance is not required for at least 14 calendar days, the Public Agency must respond no later than 30 days from the date of the request.)* This response must include the following:

- Prior written notice that proposes to conduct the requested reevaluation, a copy of the procedural safeguards notice to parents, and request for parental consent for the evaluation OR

- Prior written notice that refuses to conduct the requested reevaluation and a copy of the procedural safeguards notice to parents

There are no specific reevaluation eligibility criteria because, with appropriate special education supports, related services, and accommodations/modifications, a child with a disability may demonstrate significant skill development and may no longer demonstrate the same pattern or degree of needs as they did at the time of initial evaluation. In other words, a child's skills at the time of reevaluation may be reflective of the services the child has been receiving and are an indication that those supports are required and appropriate, rather than that the child no longer demonstrates a disability. The data gathered and analyzed through the reevaluation process must support a decision that the child continues to be a child with a disability and require specially designed instruction or the team should determine that the child is no longer eligible for special education and related services.

However, if there is consideration of a change or addition of eligibility category, the eligibility determination team (EDT) must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category. In this case, even though the EDT is following guidelines and procedures as it if were an initial evaluation, it is technically considered a reevaluation, so the 60 calendar day timeline does not apply and neither does the 15 school days from completion of evaluation (including written report) to EDT meeting. However, the timeline for completion should be identified, agreed upon with the parent, and clearly documented.

It is important for evaluation teams to remember that the "three-year reevaluation" timeline is the time between eligibility determination decisions. There are not separate timelines based on the onset of individual services, but rather only from each eligibility determination decision (i.e., EDT meeting).

Role of the Review of Existing Evaluation Data (REED) Process

It is important for teams to recognize that the REED process is not synonymous with a reevaluation. Although the REED process is a required component of reevaluations, the REED process alone does not constitute a re-evaluation. The REED process is a method for the evaluation team to comprehensively review the information the school already has regarding the child in a variety of areas related to educational performance. Through that process, the evaluation team is able to identify if they have any unanswered questions that require gathering additional data.

It is essential for evaluation teams to recognize that the REED process is not focused on the need for additional testing, but rather is intended to comprehensively consider all of the various types of data that may be required to appropriately answer the unanswered questions related to the child's educational needs. Through the REED process, the evaluation team may determine one of the following:

1. **No additional data are required.** The EDT has determined that the data are comprehensive and complete. In this case, the documentation of the REED process can serve as the evaluation report or reevaluation report. The EDT may determine that the child is or is no longer eligible for special education and related services on the basis of this evaluation or reevaluation. It is **not** necessary to "retest" a child prior to determining they are no longer eligible for special education and related services if the data (as documented through the REED process) clearly indicate that existing data are adequate to make that determination.
2. **Additional data are required**. The EDT has determined that there are unanswered questions related to the child's educational needs. In this case, the REED process guides the EDT in determining what questions need to be answered and what data need to be gathered to answer those questions. This decision is not based on the need for additional testing, but rather on the need for more information about the child.

The REED process is intended to be collaborative and to involve all members of a child's IEP team. It is a holistic approach to determining a child's strengths and needs that relies on input from all team members contributing to all aspects of the REED process. The REED process utilizes data from a variety of sources, rather than placing a heavy emphasis on standardized test scores. Historically, some EDTS have used the REED process to reiterate all of the child's historical test scores, but the true intent of the REED process is to compile all of the existing information to describe a child's educational performance.

Through the REED process and subsequent data collection, if any, EDTs must remember that they are not solely evaluating in the area of a child's previously identified disability, but are also determining if there are additional concerns that may indicate that another eligibility better describes the child's disability or that the child has new educational needs.

Wrapping Up a Reevaluation

A child's reevaluation is considered complete when the EDT has adequate information to answer all of the following questions:

1. What are the child's present levels of academic achievement and functional performance?
2. What are the child's educational needs?
3. Does the child continue to have a disability?
4. Does the child continue to need specialized instruction and related services?
5. What, if any, changes to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child's IEP and to participate, as appropriate, in the general education curriculum?

If the EDT continues to have questions in any of these areas, the reevaluation is not complete. A complete reevaluation doesn't focus solely on eligibility determination decisions, but includes ensuring that all of the child's educational needs are understood and being met upon completion of the evaluation. In other words, there is no such thing as "reevaluation for eligibility" as

opposed to “reevaluation for additional data.” A comprehensive reevaluation must include both of these areas, as reflected in the five questions listed above.

Next Steps

Every reevaluation must be followed by an EDT meeting to determine if the child continues to be eligible for special education and related services. This discussion and decision must be documented, for example, on the Eligibility Determination Worksheets provided in this NM TEAM, to ensure that the EDT has addressed all of the required components and made decisions consistent with the data and the requirements of NM TEAM.

If a child is found to continue to be eligible for special education and related services during the EDT meeting, an IEP meeting should be held to develop an instructional program that reflects the data gathered through the reevaluation process.

If a child is no longer eligible for special education and related services, as determined by the EDT, that decision must be documented and the child should be referred back to the Student Assistance Team (SAT) for continued support during this transition.

Key Points and Timelines:

The 60-day timeline applies to evaluations to determine initial eligibility for special education and related services (aka, Initial Evaluations) only. This timeline starts when informed parental consent is obtained and stops when the comprehensive evaluation is completed (i.e., the evaluation report is written).

The 60-day timeline does **not** apply to any evaluation subsequent to the initial evaluation, which is the first complete evaluation of a child to determine eligibility for special education and related services. For example, it does not apply to reevaluations or to evaluations that are requested by a child’s IEP team to determine need for specific additional services after the child’s initial eligibility has been determined (e.g., related services).

If a parent or teacher requests a reevaluation, the Public Agency must respond to the request within 15 days from the receipt of the oral or written request. If the request is received within 15 school days before the start of a scheduled period in which student attendance is not required for at least 14 calendar days, the Public Agency must respond no later than 30 calendar days from the date of the request.

- This response must include:
    - Prior written notice that proposes to conduct the reevaluation, provide a copy of procedural safeguards notice to the parents, and seek parental consent for the evaluation OR
    - Prior written notice that refuses to conduct the reevaluation and provide a copy of procedural safeguards notice to the parents

If the Public Agency refers the child for a reevaluation, the Public Agency must provide the parent with prior written notice that proposes to conduct the reevaluation, provide a copy of the procedural safeguards notice to the parent, and seek parental consent for the evaluation within 15 school days of the request. If the request by the Public Agency is made within 15 school days before the start of a scheduled period in which student attendance is not required for at least 14 calendar days, the Public Agency must request parental consent no later than 30 calendar days from the date of the request.

Reevaluations must be completed at least once every three years (unless the parent and Public Agency agree it is unnecessary) and no more than once a year unless the school and parent agree otherwise.

- The reevaluation is considered complete when the last piece of data is collected and the evaluation report is written. If no additional data are gathered during the reevaluation process, the reevaluation is considered complete on the date of the EDT meeting.
- Reevaluations are for eligibility for special education and related services as a whole, not for need for individual services. In other words, services providers DO NOT have different “reevaluation dates” based on when their services were added to a child’s IEP.

Public Agencies should understand the relationship between the REED process, reevaluations, eligibility determination decisions, and IEP development:

- All reevaluations must begin with the REED process (initial evaluations may begin with this process, as well)
- The purpose of reevaluations is to (a) determine continued eligibility for special education and related services **and** (b) develop an appropriate educational program for a child. A reevaluation is not complete without adequate data to meet both of those purposes.
- Every initial evaluation and reevaluation **must** be followed by an EDT meeting to document continued eligibility or discontinuation of special education and related services (i.e., completion of eligibility determination worksheets).
- Every EDT meeting must be followed by an IEP meeting (if the child is eligible for special education and related services). This IEP should reflect the current information provided through the REED process and evaluation/reevaluation.

EDT members should be encouraged to consider the whole child and contribute across domains rather than assigning a section to each member. For example, speech-language pathologists will likely have information related to the child’s cognitive abilities, functional skills, and assistive technology needs, not simply the child’s communication skills.

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SECTION TWELVE. Eligibility Determination Decisions and Worksheets

The primary purpose of this manual is to provide technical assistance to Public Agencies) to support their evaluation teams as they complete evaluations (initial evaluations and reevaluations) to determine eligibility (or continued eligibility) for special education and related services under Individuals with Disabilities Education Act (IDEA). To help Public Agencies conduct compliant and consistent evaluations around the state, this manual provides worksheets to guide evaluation teams in documenting the necessary data and eligibility determination teams (EDTs) in making appropriate eligibility determination decisions. This section will highlight the components of the worksheets and provide guidance in how EDTs should consider and respond to the questions that need to be answered during the eligibility determination process.

NOTE: Throughout this manual, the term 'Public Agency' will be used to encompass all the various stakeholders responsible for upholding the requirements of IDEA and NMAC. The term, 'Public Agency,' refers to a group of individuals, not any one person, and includes (but is not limited to): school districts, individual schools, school administration, state-supported schools, charter schools (state or locally authorized), staff members of Student Assistance Teams (SAT), staff members of IEP teams, staff members of evaluation teams, staff members of eligibility determination teams, etc.

Initial and Reevaluation Eligibility Determination Worksheets

Reproducible Initial Eligibility Determination Forms and Reevaluation Eligibility Determination Forms are provided at the end of each eligibility category section to assist Public Agencies as they move through the initial evaluation eligibility determination process and reevaluation eligibility determination process. In addition, electronic forms are available through the New Mexico Public Education Department (NM PED) website. **If a Public Agency chooses to have the forms modified to be completed through a computerized student management system, they must ensure that the required elements are included in the modified forms and that the system includes the guiding questions and supporting rationale.**

The forms provided by the NM PED OSE are fillable PDF forms. They are designed to support EDTs in only completing the required elements of a form, so if the EDT responds to a question in a way that indicates that the child is not eligible under that category and should stop the discussion, the form will not make any additional fields visible. In addition, on many of the forms, questions will automatically populate with a "yes" or "no" response based on the EDT's response to the questions within that section.

Multiple Eligibility Categories Under Consideration

EDTs should remember that they might need to complete more than one eligibility worksheet simultaneously during the determination process for a particular child for whom two or more eligibility categories are being considered. Some information can be copied across each form (e.g., rationale and documentation related to limited English proficiency or lack of appropriate instruction). These forms are not designed to repeat all the information contained in a comprehensive evaluation report. Instead, they are designed to be a summary of the triangulated data as it is relevant to the eligibility determination discussion.

Demographic Information

Each eligibility worksheet begins with basic demographic information and a definition of the specific disability. This demographic information is easily completed prior to the eligibility determination meeting, and it is important that EDTs double check to make sure that they have the most current information while completing this component. Following the demographics information, each worksheet provides EDTs with the IDEA definition of the disability, as well as any additional New Mexico Administrative Code (NMAC) clarification. **Please note that if you are using the restricted forms available on the PED website, some demographic information will automatically populate into the footer section of the worksheets.**

Assessment and Evaluation Data

The next component on the worksheet is documenting the assessment and evaluation data collected and used to make the eligibility determination. This section is unique to each eligibility category and includes the **Required Components** of an initial evaluation under that category. This provides EDTs with a mechanism to ensure and document that they have collected all the necessary data prior to moving through the eligibility determination process.

EDTs are reminded that with rare exception, all of the elements outlined under Required Components must be gathered and analyzed. If there are any deviations from these guidelines, a written justification must be included. This justification must clearly describe why the EDT determined that the specific element was not necessary for this particular eligibility determination decision. There are very few situations where this may be the case. It is possible that formal assessment may not be required for a particular child in a specific area because existing data and/or other sources of data are adequate to determine the child's present levels of performance and develop an appropriate educational program. However, even in these situations, the other sources of data should be described and considered, rather than indicated that the area wasn't evaluated. The **Required Components** are divided into two categories: existing information to gather/review and updated/new evaluation data. As with all data gathered during a comprehensive evaluation, EDTs are reminded that data should not be limited to standardized assessment. **All areas evaluated should include data from formal, informal, and extant sources.**

In addition to **Required Components**, the worksheets include **Potential Additional Components**. These are the most common additional evaluation areas related to that specific disability. Evaluation teams should have discussed these areas prior to completing the evaluation to determine which, if any, of these areas are relevant to that child's evaluation. There is also a space to document additional evaluation data that the team required if it is not outlined as Required or Potential Additional Components. **Potential Additional Components should be strongly considered, and typically data should be gathered, if there are concerns that a child is demonstrating difficulties in any of the areas or if there is not adequate data to describe the child's present levels of performance in that area.**

To complete this section of the worksheet, EDTs need to document that the component has been completed or reviewed and note its corresponding date. **In general, EDTs should document the date that the data was originally obtained.** For example, the date listed for a behavior rating scale should be the date that the scale was originally completed. However, if the data represent historical information or information gathered prior to the evaluation for eligibility for special education and related services, it may be more appropriate to document the date the data were reviewed by the evaluation team. It is recommended that as much of this section as possible be completed prior to the eligibility determination meeting to ensure that all necessary data have been collected. If any new evaluation data (i.e., formal, informal, and/or extant information) are collected at the eligibility determination meeting, that date(s) should be added to this worksheet at that meeting and clearly indicate that it was information provided after the completion of the comprehensive evaluation and written report. The public agency must consider this information in making an eligibility determination decision and recognize that this new information may impact the ability to make a final eligibility determination decision within the required timeline (e.g., within the 15 school days following completion of the evaluation for an initial evaluation), even if the evaluation timeline itself is not impacted.

Making an Eligibility Determination Decision

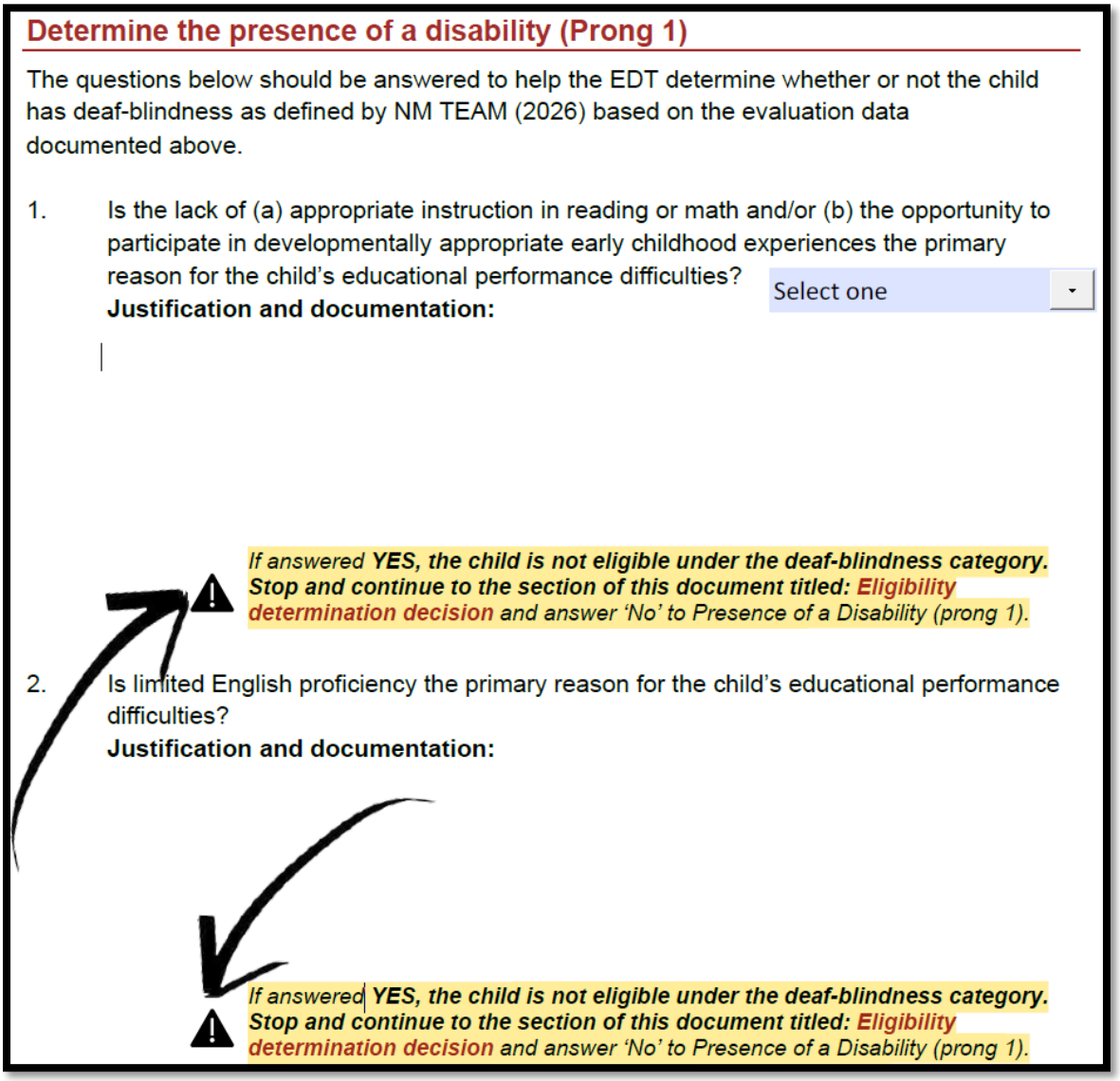
EDTs should remember that when determining eligibility under IDEA, there are two steps to the eligibility decision. These are represented by two questions. The first question asks, "Is the child a child with a disability as defined by IDEA and NMAC?" The second question asks, "Does the child demonstrate a need for specially designed instruction as a result of the disability?" (34 CFR Sec. 300.306(c); 34 CFR Sec. 300.39(b)(3)).

Prong 1: Determine the Presence of a Disability

The worksheet section, "Determine the presence of a disability (prong 1)," addresses the first question, "Is the child a child with a disability as defined by IDEA and NMAC?" This question must be answered by determining whether the child demonstrates specific characteristics related to the disability under consideration.

EDTs must refer to the specific sections of the NM TEAM for specific characteristics regarding each individual disability category. The EDT must carefully consider the data that they have collected in order to respond with a "Yes" or "No" answer to each question. The worksheets provide specific guidance to direct the EDT through the worksheet, such as indicating when a

"Yes" or "No" response indicates the child does not demonstrate criteria for that disability and the EDT should move to the final section of the worksheet. For example, the first few questions generally refer to lack of appropriate instruction and limited English proficiency. If the EDT responds "YES" to either of those questions, the EDT is indicating that one of those reasons is the **primary** reason for the child's educational difficulties, so it would not be appropriate to identify them as a child with a disability. The worksheet then guides the EDT to stop responding to questions under Prong 1 and to jump to the Eligibility Determination Decision section of the worksheet.



At the point when the EDT reaches any question that indicates that the child does **not** demonstrate the characteristics of that disability, they should stop the discussion regarding the child's eligibility under that category. *If an EDT continues an eligibility determination discussion with parents and a child after this, they are communicating that there is still a possibility that a child may be eligible for special education and related services under this disability category*

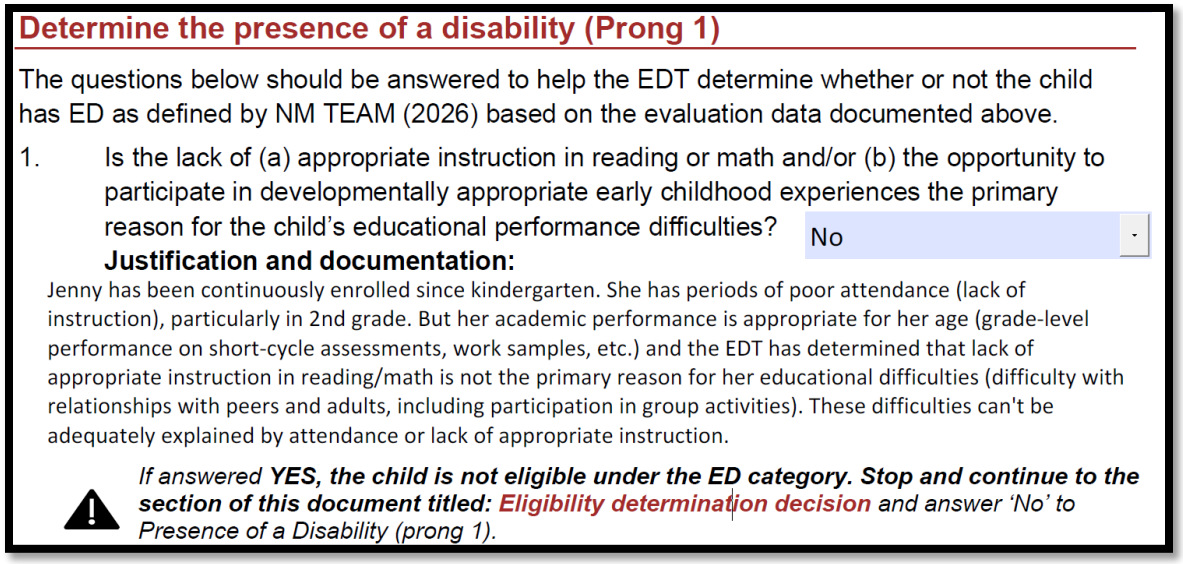
when, in fact, there is not. Instead, if the EDT has determined that the child is not eligible for special education and related services under any eligibility category, the child should be referred to the Student Assistance Team for continued support.

Throughout the process of determining the presence of a disability, EDTs are asked to determine the primary reason for a child's educational difficulties. This is referred to as the "determinant factor." A determinant factor, also sometimes referred to as an exclusionary factor, is what the educational team has identified as the **primary** cause for the child's learning difficulties. See Section Nine of NM TEAM for a discussion of Determinant Factors. It is important for EDTs to recognize that many children with disabilities also have factors such as limited English proficiency, so the EDT is not asking "does the child have limited English proficiency," but instead is asking "is the limited English proficiency the **primary** reason for the child's educational difficulties?"

Determinant Factors:

For most of the eligibility categories, the first two questions address the issue of ruling out determinant factors, namely lack of appropriate instruction in reading and math (opportunity to participate in developmentally appropriate activities) and limited English proficiency. **"Yes" responses to either of these questions indicate that the EDT has determined that one or more of these factors are the primary reason for the child's learning difficulties, not a potential disability.**

EDTs have a responsibility to thoroughly document the data used to make each decision. It is not enough, or appropriate, simply to say, "See report." Instead, EDTs should concisely summarize the data to provide clear documentation to support the decision. The goal of the worksheet is that a person who wasn't at the meeting should be able to read this worksheet and clearly understand how the decisions were made. This documentation should include more than simply test scores or basic demographic information. Instead, it should link the assessment data to educational performance to document the relationship between the data and the decision made. Examples of documentation for these first two questions might include information about a child's attendance, documentation provided by the Multilayered System of Supports (MLSS) framework and Student Assistance Team (SAT) regarding the child's instruction, and the languages the child speaks. All of this should be discussed in relation to how the information contributed to the determination of whether it is or isn't a determinant factor in explaining child's educational difficulties.

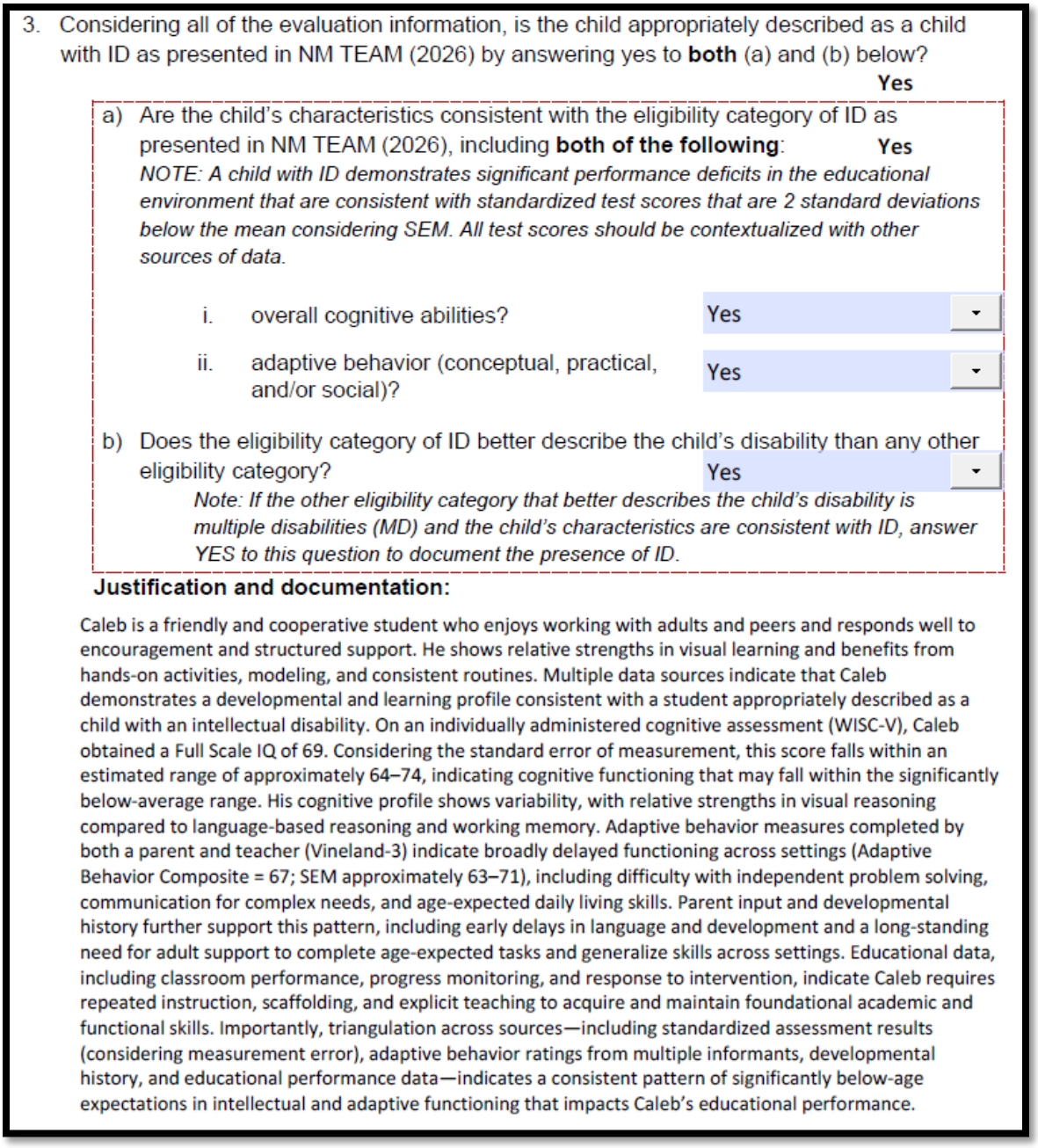


After responding to the first two questions about ruling out the specific determinant factors of appropriate instruction and English proficiency, the EDT will move on to questions specifically related to the eligibility category that is being considered. Each eligibility category section of the NM TEAM provides a specific list of questions that must be addressed. Although the questions and format vary, they all follow the same basic pattern.

Other Eligibility Determination Questions:

On all the worksheets, EDTs must answer one or more questions that specifically address the characteristics that must be present for a child to be found eligible under that category. For most eligibility categories, this is represented by a single question that simply asks if the child meets the NM TEAM definition for that category. **A few eligibility categories ask additional questions that help guide the EDT in answering this broader question, such as categories that have specific guidance related to behavioral and/or testing criteria, with the expectation that the team will appropriately answer each question consistent with IDEA and NM TEAM, including triangulation of data and the thoughtful use of the professional judgment of the team.**

Again, the EDTs must thoroughly and clearly document the data they use to make each of these determinations. The documentation used will vary depending on the eligibility category being considered but could include information such as results from standardized assessments; data collected during observations; and information gathered from parents, teachers, and other sources. For example, if the worksheet asks for documentation regarding standardized test scores, it is not enough to simply report the scores and include a note saying that the score was valid because it was administered appropriately. Instead, EDTs need to document both the score obtained on a cognitive measure AND the validity of the scores by showing how the scores are consistent with other information gathered about the child's skills and abilities, including information from observations, parent and teacher report, and other sources of data. As with all documentation, this information should be presented in relation to how the information contributed to the decision reached by the EDT.



3. Considering all of the evaluation information, is the child appropriately described as a child with ID as presented in NM TEAM (2026) by answering yes to **both** (a) and (b) below? **Yes**

a) Are the child's characteristics consistent with the eligibility category of ID as presented in NM TEAM (2026), including **both of the following**: **Yes**

NOTE: A child with ID demonstrates significant performance deficits in the educational environment that are consistent with standardized test scores that are 2 standard deviations below the mean considering SEM. All test scores should be contextualized with other sources of data.

i. overall cognitive abilities? Yes

ii. adaptive behavior (conceptual, practical, and/or social)? Yes

b) Does the eligibility category of ID better describe the child's disability than any other eligibility category? Yes

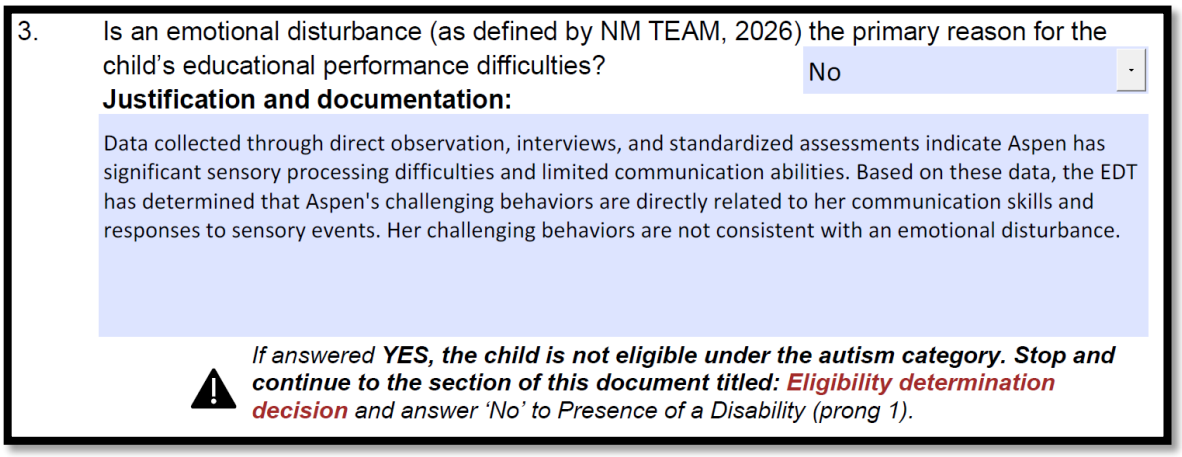
Note: If the other eligibility category that better describes the child's disability is multiple disabilities (MD) and the child's characteristics are consistent with ID, answer YES to this question to document the presence of ID.

Justification and documentation:

Caleb is a friendly and cooperative student who enjoys working with adults and peers and responds well to encouragement and structured support. He shows relative strengths in visual learning and benefits from hands-on activities, modeling, and consistent routines. Multiple data sources indicate that Caleb demonstrates a developmental and learning profile consistent with a student appropriately described as a child with an intellectual disability. On an individually administered cognitive assessment (WISC-V), Caleb obtained a Full Scale IQ of 69. Considering the standard error of measurement, this score falls within an estimated range of approximately 64–74, indicating cognitive functioning that may fall within the significantly below-average range. His cognitive profile shows variability, with relative strengths in visual reasoning compared to language-based reasoning and working memory. Adaptive behavior measures completed by both a parent and teacher (Vineland-3) indicate broadly delayed functioning across settings (Adaptive Behavior Composite = 67; SEM approximately 63–71), including difficulty with independent problem solving, communication for complex needs, and age-expected daily living skills. Parent input and developmental history further support this pattern, including early delays in language and development and a long-standing need for adult support to complete age-expected tasks and generalize skills across settings. Educational data, including classroom performance, progress monitoring, and response to intervention, indicate Caleb requires repeated instruction, scaffolding, and explicit teaching to acquire and maintain foundational academic and functional skills. Importantly, triangulation across sources—including standardized assessment results (considering measurement error), adaptive behavior ratings from multiple informants, developmental history, and educational performance data—indicates a consistent pattern of significantly below-age expectations in intellectual and adaptive functioning that impacts Caleb's educational performance.

Second, some of the categories include "rule-out" questions that ask EDTs to determine whether an eligibility determination decision may be impacted or influenced by other determinant factors. For example, under the eligibility category of autism, EDTs must eliminate the possibility that the child's educational performance is adversely affected primarily because of an emotional disturbance. Like with the other determinant factors, these "rule-out" questions specifically address whether the child's educational difficulties can be primarily attributed to something other than the eligibility category being considered. Again, documentation for these questions should reflect multiple data sources that illustrate how the EDT arrived at their decision. For example, when considering a child with significant behavioral challenges in the

classroom who is being considered for eligibility under the category of autism, the EDT may respond to the “rule-out” question by indicating something like:


3. Is an emotional disturbance (as defined by NM TEAM, 2026) the primary reason for the child’s educational performance difficulties? No

Justification and documentation:

Data collected through direct observation, interviews, and standardized assessments indicate Aspen has significant sensory processing difficulties and limited communication abilities. Based on these data, the EDT has determined that Aspen's challenging behaviors are directly related to her communication skills and responses to sensory events. Her challenging behaviors are not consistent with an emotional disturbance.

⚠ *If answered **YES, the child is not eligible under the autism category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer ‘No’ to Presence of a Disability (prong 1).*

The final consideration within this section of the worksheet is to determine what eligibility category best describes the child’s disability. **Although a child may demonstrate more than one disability, EDTs are tasked with identifying which one disability best describes the reason for the child’s educational difficulties.** This may involve completing multiple worksheets during the determination process before being able to answer this final question. Some districts choose to report primary and secondary eligibility categories. This final question on this section of the worksheet can help facilitate this discussion, as it allows EDTs to document the presence of more than one disability while simultaneously indicating which disability best describes the child’s educational needs. However, it is not necessary (nor recommended) that EDTs designate a secondary disability, only that they indicate the primary disability that is impacting the child’s educational performance. The issue of the presence of more than one disability is handled differently for the eligibility category of multiple disabilities, so refer to the NM TEAM section on multiple disabilities for more information.

3. Considering all of the evaluation information, is the child appropriately described as a child with DD as presented in NM TEAM (2023) by answering yes to **both** (a) and (b) below? **Yes**

a) Are the child's characteristics consistent with the eligibility category of DD as presented in NM TEAM (2023), including **significant deficits in <u>one or more</u> of the following DD areas**: Yes

NOTE: A child with DD demonstrates significant performance deficits in the educational environment that are consistent with standardized test scores that are 2 standard deviations below the mean considering SEM or 30 percent below chronological age (if more robust scores are not available). All test scores should be contextualized with other sources of data.

i.	Adaptive?	No
ii.	Cognitive?	No
iii.	Communication?	Yes
iv.	Physical?	Yes
v.	Social and emotional?	No

b) Does the eligibility category of DD better describe the child's disability than any other eligibility category? Yes

Justification and documentation:

Mateo is an engaging preschool student who enjoys interacting with adults and peers and responds well to structured routines and hands-on activities. Multiple data sources indicate delays across more than one developmental area, including communication and physical development. On a standardized speech and language assessment (PLS-5), Mateo obtained standard scores of 68 in Auditory Comprehension and 65 in Expressive Communication, indicating significant receptive and expressive language delays. These results are consistent with teacher observations and parent report indicating difficulty understanding directions, limited expressive vocabulary, and reliance on gestures or single words to communicate needs. Mateo also demonstrates differences in physical development related to sensory processing, motor coordination, and body regulation. Observations and screening data indicate challenges with balance, coordination, and maintaining an appropriate activity level for classroom routines. A motor screening (PDMS-2) indicated below-age expectations in motor coordination (GMQ 74). Teachers report that Mateo often requires adult support to organize his body for group activities, transitions, and play. Developmental history provided by his family indicates early delays in both language and motor development. These developmental differences affect Mateo's ability to participate independently in age-expected preschool learning activities, including following group directions, communicating needs during classroom routines, and engaging in structured play with peers. Triangulation across standardized assessments, observations, parent input, and developmental history indicates a consistent pattern of delays in communication and physical development that impact Mateo's participation in age-expected learning activities. Although Mateo meets criteria for Speech or Language Impairment based on language testing, the EDT determined that Developmental Delay more accurately describes his overall developmental profile because his needs extend beyond language to broader developmental functioning.

Prong 2: Determine Need for Specially Designed Instruction

The second question that EDTs need to discuss and answer is: "Does the child demonstrate a need for specially designed instruction as a result of the disability?" On the worksheet, this step is outlined as "Determine need for specially designed instruction (Prong 2)." Because this question specifically addresses the relationship between the child's disability and educational performance, these questions are only addressed if the EDT has answered "yes" to Prong 1.

It is important that EDTs understand that if a child does not meet criteria as a child with a disability under any eligibility category, the team should not continue with a discussion regarding prong two. There may be times when a child demonstrates a need for additional supports and services, however, without a documented disability as defined by IDEA and NMAC, a child is not eligible for special education and related services. If this is the case, EDTs must explore other avenues for providing assistance and support to the child, including a referral back to SAT. The SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

Prong 2 Clarifications

If the EDT has determined that, "Yes, the child is a child with a disability" during the discussion of question one, they must then address the child's need for specially designed instruction as a result of his or her disability. **The role of the EDT is to document the child's need for specially designed instruction as a result of the child's disability.** IEP teams, not EDTs, determine the most appropriate placement for the child, the child's specific service needs, and the child's need for related services based on the goals outlined in the child's IEP.

NOTE: Specially designed instruction, as defined by IDEA, means adapting, as appropriate, the content, methodology, or delivery of instruction to meet the unique needs that result from a child's disability. This includes special education, which is instruction that is specially designed to meet the unique needs of a child with a disability. This instruction must be provided at no cost to the parents and includes instruction conducted in classrooms, the home, hospitals, and other settings.

In addition, in New Mexico, services provided by a speech-language pathologist, or SLP, may also be considered special education, not simply a related service, if the services meet the requirements outlined in NMAC. Essentially, services provided by an SLP may be considered either special education or a related service, depending on the nature of the services provided.

Related services, according to IDEA, are supportive services that a child **requires** in order to benefit from special education. This includes a wide variety of services as outlined in IDEA.

Prong 2: Process

Once the EDT has answered question one with "Yes, the child is a child with a disability," they must consider several different aspects of educational performance to determine whether the child demonstrates a need for specially designed instruction.

These aspects are represented by three questions, all of which must be equally considered by the EDT, however only one must be answered "YES" for a child to be found eligible for special education and related services.

Teams are probably most familiar and most comfortable with the first of these questions, which address a child's need for specially designed instruction to be involved in and make progress in

the general education curriculum or developmentally appropriate activities. The general education curriculum includes, but is not limited to:

- Academic progress
- Social skills
- Problem solving
- Communication
- Group participation
- Other general curriculum areas.

EDTs are required to provide rationale and/or documentation in response to this question. This may include specific information regarding:

- The child's inadequate response to interventions provided through the MLSS framework and/or SAT
- The educational impact related to the child's disability in relation to the general education curriculum or developmentally appropriate activities, and i
- The identification of the specific areas in which the child requires specially designed instruction.

The EDT must thoroughly answer this question, so it is not appropriate or sufficient for the EDT to simply state, "This child requires specially designed instruction in order to be involved in and make progress in the general education curriculum." Instead, the EDT might state:

> **"After a review of the assessment and evaluation information including academic achievement, direct observation, and interviews, the EDT has determined that due to the child's hearing impairment, he requires specially designed instruction to develop language and communication skills that will allow him to make appropriate progress in the general education curriculum. Specifically, he needs targeted instruction in the development of his receptive and expressive language skills with an emphasis on the use of residual hearing and amplification. Based on evaluation data, including the child's response to intervention through the school's MLSS framework, the EDT has determined that to make adequate academic progress across all academic areas the child needs highly intensive, systematic, small group instruction in literacy with an emphasis on phonemic awareness, alphabetic principle, and vocabulary."**

In contrast, for another child, the EDT might say:

> **"After a review of the assessment and evaluation information including academic achievement, direct observation, and interviews, the EDT has determined that due to the child's hearing impairment, he does not require specially designed instruction in order to develop language and communication skills that will allow him to make appropriate progress in the general education curriculum. Based on evaluation data, including the child's response to intervention through the MLSS framework, the EDT has determined that he is able be involved in and make adequate academic progress in the general education curriculum with the supports provided through Layers 1, 2, and 3 of MLSS."**

Please remember that we have provided only two examples of rationale/documentation that illustrate two possible and opposite responses to this question. They are not intended to be used as a template or script. EDTs must respond to all questions based on the specific information regarding the individual child and his needs.

Next, the EDT must answer the second question related to this step by determining whether a child needs specially designed instruction to participate in extracurricular and nonacademic activities, such as recess, sports, choir, drama, and other clubs or school-related activities. EDTs may find this question to be unfamiliar, as historically most EDTs have focused primarily on academic/classroom needs of the child. However, IDEA is very clear that participation in extracurricular and non-academic activities must also be considered when determining eligibility. Again, it is not appropriate to simply state that the child does or does not

> **"After a review of the assessment and evaluation information including direct observation and interviews, the EDT has determined that the child is a child with a hearing impairment, including deafness, and that, as a result of this disability, the child needs specially designed instruction to participate in extracurricular and non-academic activities. Specifically, due to the child's communication difficulties as a result of his hearing impairment, he needs direct instruction to develop age-appropriate social interaction skills, as well as prompting and reinforcement of the use and generalization of social skills across settings. In addition, the child needs direct instruction in recognizing and responding to environmental cues related to his safety and independence, including cues that signal the need to transition between settings (like classes or lunch), as well as safety alarms. Finally, he requires direct instruction to teach him to be safe in the community, such as communicating with unfamiliar communication partners and recognizing**

require specially designed instruction to participate in extracurricular and other non-academic activities. To address this area thoughtfully, EDTs should ask questions such as: “Does the child need specially designed instruction and support to participate in non-academic activities such as recess, lunch, physical education, study hall, school-sponsored after school activities, or field trips?” This discussion should include the child’s needs during unstructured times and transitions between activities and/or locations. After such consideration and discussion, the EDT might state:

For a child who does **not** require specially designed instruction to participate in non-academic activities, the EDT might state:

> **“After a review of the assessment and evaluation information including direct observation and interviews, the EDT has determined that, although the child is a child with a hearing impairment, including deafness, he does not require specially designed instruction to participate in extracurricular and non-academic activities as a result of that hearing impairment. The evaluation data indicate that his communication skills are adequate for him to demonstrate age-appropriate social skills across settings. In addition, he demonstrates the ability to respond to safety and transitional cues within the environment, such as fire alarms, flashing lights that accompany the school bells, etc. Finally, the evaluation data indicate that he is able to communicate with unfamiliar communication partners within the community to get his needs met and demonstrates age-appropriate safety skills.”**

The third and final question for consideration by EDTs is the child’s ability to be educated and participate with other children, including those with and without disabilities. EDTs must recognize that this is not a question of placement or services, because the IEP team makes those decisions after goals have been established. Instead, this is essentially a question of need for specially designed instruction in order to access educational environments and participate with other children. An example might be a child who demonstrates challenging behaviors that make it unsafe for him to be educated with his peers. This child may require specially designed instruction in order to develop the skills necessary to be educated and participate with other children, even if his academic skills aren’t significantly impacted. As with the other two questions, the EDT must clearly document that they considered this question and document their decision. For example, the EDT might state:

"After a review of the assessment and evaluation information including behavior assessments, such as observations and a functional behavior assessment, as well as information related to his communication and academic achievement skills, the EDT has determined that, as a result of his hearing impairment, the child needs specially designed instruction in order to be educated and participate with other children with and without disabilities. Specifically, because of the child's difficulty with communication skills, he is demonstrating significant challenges participating in classroom activities and frequently engages in inappropriate behaviors secondary to frustration with communication breakdowns. Direct instruction in communication skills is necessary to improve his skills so that he can appropriately be educated and participate with other children."

For a child who **does not** require specially designed instruction to be educated and participate with other children, the EDT might answer this question by stating:

"After a review of the assessment and evaluation information including behavior assessments, such as observations and a functional behavior assessment, as well as information related to his communication and academic achievement skills the EDT has determined that, although the child has a hearing impairment, including deafness, he does not require specially designed instruction to be educated and participate with other children with and without disabilities. Although he requires specially designed instruction to address his needs regarding the general education curriculum, he demonstrates the ability to participate in classroom activities and be educated with other children. At the time of this eligibility determination decision, he is not demonstrating any characteristics or behaviors that require specially designed instruction for him to be educated and participate with other children."

Although it is impossible to provide an exhaustive list of considerations to answer this question, some factors that EDTs may consider are the child's needs for specially designed instruction to address concerns related to attention and focus, management of challenging behaviors, development of social skills, safety considerations, and independent mobility, among others.

NOTE: This area is challenging for EDTs, as it is tempting to try to answer this question based on consideration of a child's projected placement within the context of the least restrictive environment. Placement decisions must not be a part of the eligibility determination discussion. It is imperative that EDTs recognize that this question is NOT asking about the most appropriate educational placement for a child—all placement decisions are made by the IEP team after the identification of goals and appropriate services if a child is found eligible for special education and related services. Instead, this question within Prong 2 is about the type of instruction that a child requires to be educated and participate with other children, not where the instruction takes place. If the type of instruction meets the definition of specially designed instruction, then EDTs would answer "yes" to this question. Otherwise, they would answer "no."

Remember that the EDT only needs to answer, "yes" to one of these three questions. Although some children may require specially designed instruction in all three of these areas, other children may only require it in one or two. As long as the EDT has answered 'yes' to **one or more** of these three questions, they have answered 'yes' to the second step of the eligibility determination process. EDTs should clearly understand the difference between these three questions and ensure that the documentation is complete and addresses each specific question. The three questions address very different aspects of educational performance and it is neither appropriate nor accurate to use the same documentation and rationale for each one.

If the EDT has answered 'no' to **all three** of these questions, the child is not eligible for special education and related services and **must** be referred to SAT because this child demonstrates the presence of a disability but not a need for specially designed instruction. This child should be monitored closely by SAT and may be appropriately supported through a Section 504 Accommodation Plan.

Eligibility Determination Decision

After answering the questions related to the two steps of eligibility determination decisions, the EDT then makes a final eligibility determination decision based on all of the information gathered as part of the evaluation and eligibility determination process. This section of the worksheet is the same for all eligibility categories, so the process is the same regardless of the eligibility category or categories being considered.

There are three possible decisions that can be made and documented at this point: first, that the child is eligible for special education and related services; second, that the child is **not** eligible for special education and related services; and third, that the EDT cannot make an eligibility determination at this point. Each of these decisions is represented by a checkbox on the worksheet.

The child is eligible under the category being considered:

One possible decision is that the EDT determines that the child is eligible for special education and related services under the eligibility category being considered. To make this determination,

the EDT must have responded “Yes” to Prong 1: Presence of a disability and “Yes” to at least one of the three questions relating to the need for specially designed instruction.

The child is NOT eligible under the category being considered:

Another possible decision is that the EDT determines that the child is not eligible for special education and related services under the eligibility category being considered.

Prong 1: Presence of a Disability: A child may not be appropriately described as a child with that specific disability because of one of the following:

1. The child does not demonstrate the presence of that disability (i.e., EDT had answered “No” to Prong 1: Presence of a disability previously on this worksheet); and/or
2. Another eligibility category better describes the child’s disability.

Prong 2: Need for Specially Designed Instruction due to this Disability: A child may not require specially designed instruction due to that specific disability because of **one or two** of the following:

1. The child does not demonstrate the presence of that disability (i.e., EDT had answered “No” to Prong 1: Presence of a disability previously on this worksheet);
2. The child’s educational needs are met without specially designed instruction under this or any other disability (eligibility category);
3. The child’s need for specially designed instruction is better described under another eligibility category.

Unable to make a decision at this time:

In addition to the two primary decisions that EDTs are likely to make (either the child is eligible for special education and related services under the category being considered or the child is not eligible under this category), the third, and final, decision is that the EDT is unable to make an eligibility determination decision at the time of the meeting. Although situations do arise which prevent EDTs from making final determinations, typically EDTs would not move to the point of holding this meeting and completing the worksheets until all the evaluation and assessment data are obtained. EDTs should be aware that this decision will likely impact the public agency’s compliance with the 60 calendar day timeline (for completion of initial evaluations, including the written report) and/or the 15 school day timeline for holding the initial EDT meeting associated with an initial evaluation.

If the EDT is unable to make **a decision** with the evaluation data gathered at the time of the EDT meeting, that must be documented on the EDT worksheet. As discussed previously in this manual, the Public Agency must request parental consent for additional evaluation data, as appropriate, and complete the comprehensive evaluation. In this case, if all of the new data are not collected and the update evaluation (or reevaluation) report written within the **original** 60-day timeline (for initial evaluations) or by the reevaluation deadline (for reevaluations), the evaluation will be considered **non-compliant** with regards to the timeline. The Public Agency should complete the evaluation to make a final eligibility determination decision as soon as

possible. Additionally, if it is an initial evaluation, a new 60-day timeline would apply to gathering the new data and writing the updated report, as it would still be considered an initial evaluation.

One strategy that can assist EDTs in ensuring that they are ready to hold the eligibility determination meeting is to complete portions of these worksheets before the meeting. For example, the basic demographic information on the worksheet can be completed ahead of time, as can much of the “document assessment and evaluation data” section, and some of the documentation for the other sections. EDTs must remember that the sections can, and should, be revised and expanded upon at the eligibility determination meeting, but by inserting some of the information before the meeting, EDTs will better be able to identify if any necessary evaluation and assessment data are missing.

Wrapping Up the Process

Once the EDT has made the final decision, the eligibility determination process is almost complete. Before wrapping up this meeting, however, it is important to complete the signature page to document the presence of the EDT members who contributed to the evaluation, discussion, and decision.

Please remember that the eligibility determination meeting is only one step in the process of determining appropriate educational supports for a child. If the child is found eligible for special education and related services, an IEP meeting would follow the eligibility determination decision. At that time, the IEP team would use the information gathered during the evaluation to generate appropriate goals. After identifying these goals, they would then determine the supports and services the child requires to meet those goals, and then, finally, the most appropriate placement and level of service to enable the child to make progress in the general education curriculum. On the other hand, if the child is found not eligible for special education and related services, he should be referred to SAT for continued support.

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SECTION THIRTEEN. Eligibility Categories Under IDEA

The core of the NM TEAM provides discussion and guidance for each eligibility category under IDEA (2004). With few exceptions, each category follows a similar outline of topics. These topics are described below, followed by a discussion of the Eligibility Determination Process and guidance regarding use of the Eligibility Determination Worksheets.

Definition

Each disability category begins with the IDEA definition provided by 34 CFR Sec. 300.8. In certain eligibility categories, the definitions are supplemented by further elaboration that is specific to New Mexico. These elaborations are the PED's interpretation of the definition and were only developed when the IDEA definition required further elaboration due to additional regulations established by NMAC. These sections all begin with the phrase, "In New Mexico …"

Characteristics and Educational Impact

This section describes the common characteristics and the potential educational impact the disability has upon children in educational settings. Of course, the nature of the impact of each disability on any given child is as varied as the individual. This information provides guidance regarding issues that might need to be considered as teams of parents and professionals make sustained efforts to identify and meet the needs of children with disabilities.

Special Considerations for Evaluation

Each eligibility category has unique characteristics that can influence the evaluation process. Therefore, information is provided in each section that identifies and highlights evaluation considerations that may be unique to that eligibility category. This information is not meant to be prescriptive, but rather to provide evaluation teams with information that may guide them in designing appropriate, comprehensive, individual evaluations.

In addition to the specific special considerations for evaluation, each section also outlines special evaluation considerations for: (a) young children and (b) children with known or suspected disabilities.

Special considerations for young children.

Determining eligibility for a preschool child with a possible disability is complex and requires an in-depth analysis of the child in order to gain a holistic perspective. The impact of the family, home environment, home language, and early childhood developmental history must be considered carefully. It is essential to have knowledge of early childhood development and early

childhood assessment that will contribute to an appropriate evaluation, including observing the child in play-based activities across multiple settings and times (i.e., both familiar and unfamiliar to the child).

As directed by state and federal regulations and best practices, a possible lack of exposure to developmentally appropriate activities needs to be discussed as part of the eligibility determination process. Developmentally appropriate activities do not have to have occurred in an educational or day care setting. Participation in and exposure to activities in all environments should be considered. Any suspected delay and how it adversely affects the child's participation in developmentally appropriate activities must be considered and documented. Caution should be used as some observed behaviors that seem symptomatic of an emotional, social, or neurological problem might simply be part of normal development.

Special considerations for children with known or suspected disabilities.

34 CFR Sec. 300.304(c)(3) requires that Public Agencies ensure that "the assessment results accurately reflect the child's aptitudes or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure)." For example, a test that evaluates processing speed based on tasks that require fast, skilled motor responses may not be an appropriate tool to use to assess the processing speed of a child with an orthopedic impairment.

It is important to recognize that few tests are standardized with children with disabilities (e.g., vision, hearing, motor, etc.) as part of the normative sample. Best practices indicate that assessment of children with disabilities should include standardized measures with a normative sample, which included children with similar characteristics. Tests should only be used if they are appropriate for the child and necessary for eligibility determination and education program planning.

NOTE: Throughout this manual, the term 'Public Agency' will be used to encompass all the various stakeholders responsible for upholding the requirements of IDEA and NMAC. The term, 'Public Agency,' refers to a group of individuals, not any one person, and includes (but is not limited to): school districts, individual schools, school administration, state-supported schools, charter schools (state or locally authorized), staff members of Student Assistance Teams (SAT), staff members of IEP teams, staff members of evaluation teams, staff members of eligibility determination teams, etc.

Initial Evaluation

Detailed information regarding the initial evaluation process is provided in Section 9 of this manual. In summary, all evaluations must be conducted according to the requirements established by Section 614 of IDEA (2004) and 34 CFR Sec. 300. The evaluation team must first document informed parental consent before any individual evaluations are conducted,

including provision of prior written notice (PWN) for the evaluation and a copy of procedural safeguards notice to the parents. Consistent with IDEA (34 CFR Sec. 300.304(c)(1)(iv)), all evaluations must be conducted by "trained and knowledgeable professional(s)." It is the responsibility of the evaluation team to determine the best person to conduct each component of the evaluation based on his or her area(s) of expertise and licensure.

When initiating an initial evaluation, the Review of Existing Evaluation Data process (REED process) should be used to help plan the evaluation. The REED process is described in more detail in Section 4 of this manual and a form is included to support teams in documenting that the process occurred. This form can be used to document information received from the SAT and other sources, but as long as the process of reviewing the existing data is completed and documented, it is not necessary to use the form provided in this manual for an **initial** evaluation. Parental consent is **not** required for the REED process, as it is a process for gathering and documenting existing evaluation data.

Eligibility Determination

It is essential the EDTs utilize and document a thoughtful process that is consistent with IDEA and NMAC when making eligibility determination decisions. Teams are strongly encouraged to review Sections Three, Six, and Seven of this manual for more information regarding the use of triangulation of data, professional judgment, and test scores.

Within this manual, each eligibility category includes a detailed list of the criteria that a child must meet to demonstrate that he/she has a disability as defined by IDEA (2004), recognizing that decisions regarding how each of these requirements is met for an individual child must also be guided by the professional judgment of the EDT (see Sections Three, Six, and Seven). In addition, the EDT must document that the child demonstrates a need for special education and related services because, as a result of the disability, the child requires specially designed instruction in order to:

1. be involved in and make progress in the general education curriculum (or for a preschool child, to participate in appropriate activities);
2. participate in extracurricular and other nonacademic activities; and/or
3. be educated and participate with other children with disabilities and nondisabled children.

Reevaluation

Finally, each eligibility category in this manual includes a section that outlines the reevaluation requirements listed in Section 614 and 34 CFR Sec. 300. It includes questions to guide the team in analyzing existing data and determining what additional data may need to be collected. These questions will support the team in determining if the child continues to be eligible for and in need of special education and related services.

Detailed information regarding the reevaluation process is provided in Section 10 of this manual. In summary, a reevaluation of a child with a disability must occur at least once every three years, but not more than once a year, unless the parent and Public Agency agree otherwise. A reevaluation must also occur before changing a child's eligibility to receive special education services (except as noted below). The evaluation team must inform parent(s)/guardian(s) that a reevaluation is due. The Review of Existing Evaluation Data process (REED process) must be part of any reevaluation. The REED process is described in more detail in Section 4 of this manual and a REED form is included to support teams in documenting that the process occurred.

Discontinuation of Special Education Services

1. A child may be found no longer eligible for special education and related services in one of four ways. Each of those ways and the evaluation requirements for each are outlined below.
2. **Graduation from secondary school with a diploma through the Standard Program of Study (meets graduation requirements set for all students).** In this situation, an evaluation is not required. However, the school must provide the child with a Summary of Performance (SOP), which includes a summary of the child's academic achievement and functional performance, as well as recommendations on how to assist the child in meeting postsecondary goals.
3. **Exceeding the State's age limit for eligibility for a Free Appropriate Public Education (FAPE).** In New Mexico, children are eligible for FAPE under IDEA until the end of the academic year in which the student becomes 22 years of age. When a child exceeds that age limit, his or her eligibility for special education and related services terminates. As with a child who graduates from secondary school with a diploma through the Standard Program of Study, schools must provide the child with a SOP.
4. **No longer having a disability as defined by IDEA (2004).** Before determining that a child is no longer a child with a disability as defined by IDEA, an Public Agency must reevaluate the child (this evaluation may consist solely of the REED process). If the evaluation data indicate that the child is no longer a child with a disability (does not meet prong 1 of the eligibility determination decision process), the child is no longer eligible for special education and related services.
5. **No longer requiring specially designed instruction.** The team must conduct a REED process to determine what, if any, additional information is needed to determine that a child is no longer in need of special education and related services (does not meet prong 2 of the eligibility determination decision process). The team is not required to conduct additional assessments to terminate a child's eligibility, but if the REED process indicates a need for additional assessment, the identified assessments must be completed prior to the EDT meeting where the determination of eligibility will be made.

Resources

A list of general resources can be found in Appendix C. In addition to the general resources, specific resources for each eligibility category are included at the end of each eligibility category section.

NOTE: The PED does not endorse the sites/organization or guarantee that the sites provided will be active. The inclusion of these possible resources does not constitute approval of specific content found therein by the PED.

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AUTISM

Definition

Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three that adversely affects 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. Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance as defined in 34 CFR Sec. 300.8(c)(4). A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria described in 34 CFR Sec. 300.8(c)(1)(i) are satisfied. (34 CFR Sec. 300.8(c)(1))

NOTE: Outside evaluation data and information must be thoughtfully considered by the eligibility determination team (EDT) as a part of the comprehensive evaluation. However, the presence of a medical diagnosis or a diagnosis based on current DSM criteria does not automatically lead to eligibility for special education and related services under IDEA (2004).

If a child no longer meets the requirements of the educational classification of autism (e.g., related to no longer needing specially designed instruction), this does not change medical or clinical diagnoses of autism.

Characteristics and Educational Impact

Children who are eligible for special education and related services under the category of autism have a disability that adversely affects their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To identify characteristics and educational impact, the EDT must address the question of "How do these characteristics of the disability manifest in the child's natural environment (e.g., home, classroom, recess, etc.)?"

As with all disabilities, the characteristics and educational impact for children with autism will vary greatly. The following sections outline characteristics that may be associated with autism and possible educational impact of those characteristics. This information does not represent an exhaustive list of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with autism will demonstrate all of the following characteristics.

For all children with autism, it is important to consider developmentally-appropriate skill levels and behaviors for the child's age and educational setting. The characteristics of the disability are very similar for school-aged and preschool-aged children, but the educational impact may differ.

For children with autism, regardless of age, the impact of the disability may be manifested in one or more ways, including, but not limited to:

Communication

Potential Characteristics

Deficits in verbal and/or nonverbal communication, social communication, and language development, including difficulty:

- Initiating, maintaining, and terminating conversations with others like other children the same age (an aspect of social reciprocity)
- Recognizing and appropriately responding to the feelings and behaviors of others (an aspect of social reciprocity)
- Using and understanding verbal and/or symbolic communication
- Understanding and using nonverbal communication like facial expressions, gestures, and eye contact
- Communicating wants, needs, and feelings like other children the same age
- Adjusting behavior to various social situations
- Sharing imaginative play
- Developing friendships

Potential Educational Impact

A child with autism may have difficulty with the following aspects of the educational setting due to communication characteristics:

- Learning from group activities, including in the classroom, during electives, etc.
- Participating in small-group activities, including play, centers within the classroom, small group assignments, afterschool school-sponsored activities, etc.
- Establishing age-appropriate relationships in the educational setting to allow for playing, working, and learning in pairs or groups
- Being safe in a typical classroom because of difficulty communicating wants or needs and/or understanding classroom rules
- Behaving in a way that significantly distracts from their learning or that of classmates
- Learning from only verbal instruction

Social/Emotional

Potential Characteristics

Deficits in social and/or emotional skills (specifically social reciprocity), including difficulty:

- Initiating and maintaining play or other social activities alone or with others (an aspect of
- Understanding and participating in age-appropriate social interactions
- Developing appropriate peer relationships
- Recognizing social cues from peers and adults
- Regulating emotional responses to everyday events and activities
- Sharing interests, emotions, and/or engagement in activities or interactions

Potential Educational Impact
A child with autism may have difficulty with the following aspects of the educational setting due to social/emotional characteristics:

- Participating in group activities
- Participating in classroom or community activities
- Making progress in the general education curriculum due to difficulty with incidental learning and/or group participation
- Participating in recess, etc. due to difficulty with peer relationships and group activities
- Transitioning between activities and/or locations in the educational setting
- Being educated with peers because of challenging behaviors that impacts his/her learning or that of others (e.g., safety issues for the child or others, inappropriate behaviors for an educational setting)
- Demonstrating appropriate behavior for the setting due to susceptibility to negative peer influence and/or interactions (e.g., responding to peer direction or peer pressure in a negative way)

Cognition/Physical
Note: Cognition and Physical are combined, as restricted, repetitive behaviors have elements of both cognition and sensory processing. As discussed in Section Ten, it is important for evaluation teams to recognize that "cognition" is not limited to traditional IQ or cognitive test scores. While standardized measures of cognitive ability may be an important component of some evaluations, cognition more broadly refers to how an individual thinks, learns, reasons, processes information, and responds to their environment. Within the eligibility category of Autism, this includes cognitive patterns such as cognitive flexibility, social cognition, etc.

Potential Characteristics
Deficits with generalization of skills, including across:

- Situations
- People
- Tasks
- Environments

Deficits in flexibility with thoughts and taking the perspectives of others, including difficulty:

- Altering a routine, such as using different cups at mealtimes, sitting in a different area during lunch
- Interpreting or understanding thoughts, feelings, and intents of others, such as recognizing that other people have thoughts and feelings that are different than their own

Restricted, repetitive patterns of behavior, interest, or activities, including (but not limited to):

- Stereotyped or repetitive movements, speech, or use of objects, such as:
    - Lining up toys, flipping or spinning objects, visually inspecting objects repeatedly
    - Repeating phrases (e.g., from television or things previously heard)

    - Using speech in a scripted way (e.g., repeating familiar phrases, relying on memorized language, or using the same sentences across situations)
    - Using unusual or repetitive language patterns (idiosyncratic), such as assigning unique meanings to words or using made-up or highly specific phrases that may not be familiar to others
- Highly restricted, fixated interests that are abnormal in intensity or focus, such as:
    - Talking about the same topic repeatedly or attempting to direct conversations back to a preferred interest
    - Showing unusually intense interest in specific subjects, objects, parts of objects, or activities (e.g., becoming highly focused on maps, vacuum cleaners, train schedules, specific video game characters, or parts of objects such as wheels, buttons, or hinges)
    - Becoming highly focused on narrow interests that may interfere with flexibility or participation in other activities
    - Collecting, organizing, or focusing on objects or information in repetitive or highly specific ways
    - Demonstrating difficulty shifting away from preferred interests, topics, or activities
    - Developing strong attachments to unusual objects or items that others may not view as especially important
    - Persisting in discussing or engaging with preferred interests even when others are not interested or the situation change
- Over- or under-reactivity to sensory input or unusual interest in sensory aspects of the environment, including (but not limited to):
    - Becoming significantly distressed, overwhelmed, or unable to participate due to sounds, lights, textures, smells, or other sensory input that others typically tolerate
    - Demonstrating strong reactions to certain clothing textures, food textures, grooming activities, or physical touch
    - Seeking sensory experiences in repetitive or unusual ways (e.g., smelling objects, touching surfaces repeatedly, watching spinning objects, or visually inspecting items closely)
    - Showing fascination with lights, reflections, movement, spinning objects, or visual patterns
    - Need for more movement or sensory input than provided by the environment and when compared to other children of the same age
    - Appearing unaware of or less responsive to pain, temperature, or other sensory experiences that would typically cause discomfort
    - Decreased awareness of when to respond to sounds, like teacher calling his/her name or teacher providing whole- or small-group instruction, fire alarms, etc.
    - Frequently mouthing, chewing, rubbing, tapping, crashing into, or otherwise seeking sensory input from objects or the environment, such as “crashing” into people
    - Avoiding or strongly preferring certain sensory experiences, environments, foods, sounds, textures, or movements (e.g., resistant to movement)

Differences with functional use of fine and/or gross motor skills, including difficulty:

- Imitating actions of others
- Using educational tools appropriately (e.g., scissors, pencils, keyboards, manipulatives, etc.)
- Accessing playground, PE, and/or classroom furniture/equipment
- Feeding themselves independently
- Managing clothing or other belongings

Potential Educational Impact

A child with autism may have difficulty with the following aspects of the educational setting due to cognitive and physical characteristics:

- Learning incidentally, through imitation/modeling, or without direct instruction
- Learning and generalizing skills across environments, activities, people, or routines
- Learning without extensive repetition, modeling, visual supports, or prompting
- Learning abstract concepts or identifying the most important features of an activity, assignment, or interaction without becoming overly focused on less relevant details
- Participating in educational activities when routines, expectations, schedules, or transitions change
- Transitioning between activities, particularly when preferred activities are interrupted or incomplete
- Attending to teacher-led instruction and maintaining attention, alertness, and engagement in the learning environment
- Making progress in the general education curriculum due to difficulty sustaining attention, engagement, or participation in instruction
- Participating in learning activities that are not related to highly preferred interests
- Organizing self, belongings, materials, and task completion during educational activities
- Sequencing movements, behaviors, routines, or task steps needed for participation in educational activities and transitions throughout the environment
- Using school materials and demonstrating knowledge through written work, drawing, projects, or other physical products
- Participating in educational activities requiring movement, coordination, or manipulation of materials
- Being safe and independently navigating the school environment behaviorally and/or physically
- Establishing and maintaining peer relationships due to difficulty with flexibility, perspective-taking, or social understanding
- Participating meaningfully with peers during recess and other movement-based activities due to difficulty with coordinated gross and/or fine motor play

Special Considerations for Assessment

Children with autism often show uneven patterns of cognitive development that include strengths in visual and perceptual skills and differences in verbal expression and verbal comprehension. Information regarding both verbal and nonverbal cognitive abilities must be obtained.

NOTE: Autism may be associated with many medical and neurobiological factors. Therefore, medical information is important to consider when the assessment team is making an initial eligibility determination. Individuals with Disabilities Education Act (IDEA) does not necessarily require a local education agency (LEA) to conduct a medical evaluation for the purpose of determining whether a child has autism, which may lead to an eligibility determination under the category of autism. If the EDT believes that a medical evaluation by a licensed physician is needed as part of the evaluation to determine whether a child suspected of having autism meets the eligibility criteria of autism or any other disability category under the IDEA, the LEA must ensure that this evaluation is conducted at no cost to the parents (see OSEP Letter to Williams (March 14, 1994).

In New Mexico, the operational definition of autism below has been developed using a medical model from the Diagnostic and Statistical Manual of Mental Disorders-Fifth Edition Text Revision (DSM-5-TR), with Autism Spectrum Disorder classified under the autism eligibility category for purposes of determining eligibility under IDEA. The following description of this broad DSM-5 category and criteria provides valuable descriptive information for evaluators as they attempt to address autism in school settings. However, it is not necessary for an EDT to determine that the child meets the DSM-5 TR criteria in order to be found eligible for special education and related services under the eligibility category of autism.

In addition, the evaluation team must be mindful of the fact that they are making an educational, not a medical, determination and that children must also demonstrate a need for special education services in order to be eligible for services under the eligibility category of autism under IDEA (2004). For more information, please see Identifying, Serving, and Educating Students with Autism Spectrum Disorders (PED, January 2011).

Consistent with diagnoses such as dyslexia, dyscalculia, and dysgraphia (See Section 13: Specific Learning Disabilities), a child may have a diagnosis of autism from an evaluation conducted outside of the school setting. In this case, that autism diagnosis refers to a medical diagnosis within the Diagnostic and Statistical Manual – 5th Edition (DSM-5 TR), not necessarily to a disability consistent with IDEA (2004). **Children with a medical diagnosis of autism may or may not be eligible for special education and related services under the eligibility category of autism. The primary consideration for EDTs is the severity of the educational impact on the child and if the characteristics are present in the educational setting.** Some children with a medical diagnosis of autism will be appropriately supported through general

education supports, such as MLSS, the Student Assistance Team process, and/or accommodations under Section 504.

A child may be eligible for special education and related services under the autism eligibility category based on characteristics of an Autism Spectrum Disorder if they demonstrate (currently or by history) characteristics consistent the DSM-5-TR criteria by manifesting both of the following criteria presented below:

1. Persistent deficits in social communication and social interaction across multiple contexts, as manifested by the following, currently or by history (examples are illustrative, not exhaustive):
    a. Deficits in social-emotional reciprocity, ranging, for example, from abnormal social approach and failure of normal back-and-forth conversation; to reduced sharing of interests, emotions, or affect; to failure to initiate or respond to social interactions.
    b. Deficits in nonverbal communicative behaviors used for social interaction, ranging, for example, from poorly integrated verbal and nonverbal communication; to abnormalities in eye contact and body language or deficits in understanding and use of gestures; to a total lack of facial expressions and nonverbal communication.
    c. Deficits in developing, maintaining, and understanding relationships, ranging, for example, from difficulties adjusting behavior to suit various social contexts; to difficulties in sharing imaginative play or in making friends; to absence of interest in peers.

2. Restricted, repetitive patterns of behavior, interests, or activities, as manifested by at least two of the following, currently or by history (examples are illustrative, not exhaustive):
    a. Stereotyped or repetitive motor movements, use of objects, or speech (e.g., simple motor stereotypes, lining up toys or flipping objects, echolalia, idiosyncratic phrases).
    b. Insistence on sameness, inflexible adherence to routines, or ritualized patterns of verbal or nonverbal behavior (e.g., extreme distress at small changes, difficulties with transitions, rigid thinking patterns, greeting rituals, needs to take same routine to eat same food every day).
    c. Highly restricted, fixated interests that are abnormal in intensity or focus (e.g., strong attachment to or preoccupation with unusual objects, excessively circumscribed or perseverative interests).
    d. Hyper- or hypo-reactivity to sensory input or unusual interest in sensory aspects of the environment (e.g., apparent indifference to pain/temperature, adverse response to specific sounds or textures, excessive smelling or touching of objects, visual fascination with lights or movement).

In addition to the above-cited descriptive diagnostic criteria, the DSM-5 TR also allows for an identification of the severity levels for Social Communication and Restricted, Repetitive Behaviors using the following rubrics:

Level 1: Requiring Support

Social Communication:

Without supports in place, deficits in social communication cause noticeable impairments. Difficulty initiating social interactions, and clear examples of atypical or unsuccessful responses to social overtures of others. May appear to have decreased interest in social interactions.

Restricted, Repetitive Behaviors:

Inflexibility of behavior causes significant interference with functioning in one or more contexts. Difficulty switching between activities. Problems of organization and planning hamper independence.

Level 2: Requiring Substantial Support

Social Communication:

Marked deficits in verbal and nonverbal social communication skills; social impairments apparent even with supports in place; limited initiation of social interactions; and reduced or abnormal responses to social overtures from others.

Restricted, Repetitive Behaviors:

Inflexibility of behavior, difficulty coping with change, or other restricted/repetitive behaviors appear frequently enough to be obvious to the casual observer and interfere with functioning in a variety of contexts. Distress and/or difficulty changing focus or action.

Level 3: Requiring Very Substantial Support

Social Communication

Severe deficits in verbal and nonverbal social communication skills cause severe impairments in functioning, very limited initiation of social interactions, and minimal response to social overtures from others.

Restricted, Repetitive Behaviors

Inflexibility of behavior, extreme difficulty coping with change, or other restricted/repetitive behaviors markedly interfere with functioning in all spheres. Great distress/difficulty changing focus or action.

NOTE: According to the DSM-5, individuals with a well-established DSM-IV diagnosis of autistic disorder, Asperger's disorder, or pervasive developmental disorder-not otherwise specified should be given the diagnosis of autism spectrum disorder.

For children with needs primarily in pragmatic language and/or a diagnosis of Social (Pragmatic) Communication Disorder, as according to DSM-5, it would be more appropriate to consider eligibility under the category of speech or language impairment.

Initial Evaluation

The list below provides the evaluation team with components of an initial evaluation to determine whether a child is eligible for and in need of special education and related services under the eligibility category of autism.

Experienced evaluation teams may notice a change in this area. In previous versions of the NM TEAM, sensory processing and motor skills were combined into a single required evaluation component. In the current version, these areas have been separated, with sensory processing remaining a required component and motor skills designated as a potential evaluation component.

This change reflects the different roles these areas play in the eligibility determination process. Sensory processing is a core feature that may contribute to the restrictive and repetitive patterns of behavior associated with autism and therefore provides information directly relevant to determining the presence of a disability. In contrast, motor skill difficulties may be present in some children with autism but are not a defining characteristic of the disability and are not universally relevant to eligibility determination. As a result, evaluation teams should determine the need for a motor skills evaluation based on the individual student's referral concerns, suspected areas of need, and existing data.

Required components

With rare exception, the evaluation team must include all of the elements outlined under Required Components. A team must clearly document any deviation from these guidelines and the rationale for the deviation. Even if formal assessment information isn’t available in an area, the evaluation team is expected to consider data in all of these required areas and deviations should be extremely rare.

Review of existing evaluation data, including:

1. Previously conducted screening data
2. Previously conducted evaluation data (formal, informal, and extant information)
3. Student assistance team (SAT) file documentation
4. Previously gathered developmental history
5. Previously gathered educational history, including test scores and grades
6. Previously gathered medical history and school health records
7. Previously gathered family history, including home language survey
8. Previously gathered social history

Updated/current evaluation data

1. Gather and analyze current and updated developmental, educational, medical (including vision and hearing), family, and social history, including an interview with the parent(s)/guardian(s) and information from general education teachers.

2. Complete direct observations across multiple settings, both structured and unstructured and various times, by multiple observers.

3. Evaluate the child in the following areas, including the use of formal, informal, and extant information, as appropriate:
    a. Adaptive behavior
    b. Cognition (including verbal and non-verbal, when appropriate)
    c. Communication (e.g., expressive language, receptive language, pragmatic language, speech, etc.)
    d. Sensory processing
    e. Social and emotional

4. Gather and document information specifically related to the characteristics of autism (i.e., autism-specific instruments), using a variety of data sources (formal, informal, and extant information) with the perspective of multiple evaluators. **This must include the use of autism-specific instruments.**

Potential additional components

The evaluation team must determine what Potential Additional Components of an initial evaluation are appropriate for each individual child.

The following components should be considered and evaluated using a variety of data sources (or by a specific provider, as outlined below) if there are concerns, unanswered questions, or inadequate existing data in any area.

1. The evaluation team may determine that additional information (formal, informal, and/or extant information) is required related to specific areas of needs, such as:
    a. Academic achievement
    b. Behavior
        i. Frequency and intensity of behaviors of concern (internalizing and externalizing)
        ii. Causes and consequences of behaviors (e.g. FBA)
    c. Functional gross motor
    d. Functional fine motor
    e. Transition (e.g., Transition Assessment Summary)

2. The evaluation team may determine that additional information is required from specific professionals related to their area(s) of expertise, such as:
    a. Medical provider (primary care, neurologist, or other specialist)
    b. Psychologist (school or clinical)

NOTE: Standardized measures are not always the most appropriate or valid source of data for a particular child. Data from standardized measures should always be contextualized with other

data sources. If the EDT determines that a standardized measure is not appropriate or valid for a particular child, the evaluation team should use alternative methods of obtaining data to gather information about the child's present levels of performance.

Eligibility Determination

For a child to be eligible to receive special education and related services under the eligibility category of autism, as defined by IDEA (2004), the EDT must document that the child meets all of the following:

Prong 1: Presence of a disability

The child is a child with autism because:

1. Lack of appropriate instruction in reading or math is not the primary reason for the child's educational difficulties*. For preschool children, consider whether the child has had the opportunity to participate in developmentally appropriate early childhood experiences;*
2. Limited English proficiency is not the primary reason for the child's educational difficulties;
3. An emotional disturbance is not the primary reason for the child's educational difficulties;
4. The child is a child with autism (as defined by IDEA and NMAC); and
5. No other eligibility category better describes the child's disability.

Prong 2: Need for specially designed instruction

As a result of autism, the child requires specially designed instruction in order to:

a) be involved in and make progress in the general education curriculum (or for a preschool child to participate in appropriate activities);
b) participate in extracurricular and other nonacademic activities; and/or
c) be educated and participate with other children with disabilities and nondisabled children.

NOTE: If the child is determined to be eligible for special education and related services under the category of autism based on "Presence of a disability" items 1 though 5 above, the child would not be eligible under the category of developmental delay (DD) (Subsection J (2) (a) of 6.31.2.10 NMAC).

Reevaluation

The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special and related services. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

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DEAF-BLINDNESS

Definition

Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness. (34 CFR Sec. 300.8(c)(2))

Characteristics and Educational Impact

Children who are eligible for special education and related services under the category of deaf-blindness have a disability that adversely affects their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To identify characteristics and educational impact, the eligibility determination team (EDT) must address the question of "How do these characteristics of the disability manifest in the child's natural environment (e.g., home, classroom, recess, etc.)?"

As with all disabilities, the characteristics and educational impact for children with deaf-blindness will vary greatly. The following sections outline characteristics that may be associated with deaf-blindness and possible educational impact of those characteristics. This information does not represent an exhaustive list of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with deaf-blindness will demonstrate all of the following characteristics.

For all children with deaf-blindness, it is important to consider developmentally appropriate skill levels and behaviors for the child's age and educational setting. The characteristics of the disability are very similar for school-aged and preschool-aged children, but the educational impact may differ. For children with deaf-blindness, regardless of age, the impact of the disability may be manifested in one or more ways, including, but not limited to:

Communication

Potential Characteristics

Deficits in communication, including difficulty:

- Communicating in a conventional manner in order to be understood by parents, peers, and teachers
- Accessing information from others.

Potential Educational Impact

A child with deaf-blindness may have difficulty with the following aspects of the educational setting due to communication characteristics:

- Learning from group activities, including in the classroom, during electives, etc.
- Participating in small-group activities, including play, centers within the classroom, small group assignments, afterschool school-sponsored activities, etc.
- Establishing age-appropriate relationships in the educational setting to allow for playing, working, and learning with others
- Following directions and routines
- Being safe in a typical classroom because of difficulty communicating wants or needs
- Learning from only verbal instruction
- Academic achievement delays due to full or partial inability to access information, produce work, and participate in activities

Social/Emotional

Potential Characteristics

Deficits in social/emotional skills, including difficulty:

- Regulating behavior, often related to frustration from communication difficulties
- Forming relationships with peers and adults
- Recognizing social cues from peers and adults
- Developing self-esteem, self-concept, and independence

Potential Educational Impact

A child with deaf-blindness may have difficulty with the following aspects of the educational setting due to social/emotional characteristics:

- Participating in large and/or small group activities
- Participating in classroom or community activities
- Making progress in the general education curriculum due to difficulty with incidental learning and/or group participation
- Accessing the general education curriculum materials

Assistive Technology

A child with deaf-blindness may demonstrate a significantly improved ability to participate in and make progress in the general education curriculum with the use of assistive technology to compensate for their disability. Evaluation teams should consider both low-technology and high-technology options to promote access to the learning environment for a child with deaf-blindness.

The National Technical Assistance Consortium for Children and Young Adults Who Are Deaf-Blind provides an overview of the impact of deaf-blindness:

People rely upon information about the world around them in order to learn, function, and interact with others. Vision and hearing are the major senses through which this information is accessed. Deaf-blindness is a disability of access—access to visual and auditory information.

Deaf-blindness does not necessarily refer to a total inability to see or hear. Many individuals who are deaf-blind have some usable hearing and/or vision. However, the combined effect of both vision and hearing loss is significant. It greatly affects the ability to access information.

Special Considerations for Assessment

Because no formal assessments have been standardized with children with deaf-blindness, the evaluation team must rely heavily on informal, individually planned assessment information for evaluation and program planning.

To choose appropriate tests and procedures, the evaluator must first determine which language or communication systems the child uses, including a description of the level of the child's competence with and the ability of others to understand all language/systems used.

The evaluator may wish to consult with a person who is trained in the education of children with hearing impairment, including deafness, and visual impairment, including blindness, regarding choice of test instruments and any modifications in the methods, materials, and environment that might enhance the assessment.

Consistent with Individuals with Disabilities Education Act (IDEA 2004), it is essential that assessment results accurately reflect the factors being assessed (e.g., cognitive skills, achievement level, etc.), rather than other factors (e.g., sensory, motor, or communication skills). This is particularly relevant when assessing a child with a known or suspected deaf-blindness, and it is important that assessment results are not negatively impacted by the child's sensory skills.

Initial Evaluation

The list below provides the evaluation team with required components of an initial evaluation to determine whether a student is eligible for and in need of special education and related services under the eligibility category of deaf-blindness:

NOTE: It is possible for a child to have both a hearing impairment and/or visual impairment and intellectual disability. As with all eligibility determination decisions, EDT teams are reminded to use multiple sources of information when making decisions regarding a child's eligibility for special education and related services to determine the most appropriate eligibility category for an individual child.

Required components

With rare exception, the evaluation team must include all of the elements outlined under Required Components. A team must clearly document any deviation from these guidelines and

the rationale for the deviation. Even if formal assessment information isn't available in an area, the evaluation team is expected to consider data in all of these required areas and deviations should be extremely rare.

NOTE: It is highly recommended that a functional vision evaluation and a learning media assessment conducted by a licensed Teacher(s) of Students with Blindness/Visual Impairment be completed prior to the educational assessments.

Review of existing evaluation data, including:

1. Previously conducted screening data
2. Previously conducted evaluation data (formal, informal, and extant information)
3. Student assistance team (SAT) file documentation
4. Previously gathered developmental history
5. Previously gathered educational history, including test scores and grades
6. Previously gathered medical history and school health records
7. Previously gathered family history, including home language survey
8. Previously gathered social history

Updated/current evaluation data:

1. Gather and analyze current and updated developmental, educational, medical (including vision and hearing), family, and social history, including an interview with the parent(s)/guardian(s) and information from general education teachers.

2. Complete direct observations across multiple settings, both structured and unstructured and various times, by multiple observers.

3. Evaluate the child in the following areas, including the use of formal, informal, and extant information, as appropriate:
    a. Adaptive behavior
    b. Communication (e.g., expressive language, receptive language, pragmatic language, speech, etc.)
    c. Sensory processing

4. Gather and document information specifically related to the disability of deaf-blindness from specific professionals related to their area(s) of expertise:
    a. Audiologist (degree and type of hearing; aided and unaided hearing levels; functional use of hearing)
    b. Eye specialist (e.g., an ophthalmologist or an optometrist) (diagnosis of eye condition, visual acuity, recommendations regarding prescription lenses)
    c. Teacher of students with blindness/visual impairment
        i. Functional vision evaluation that includes observations of visual responses; screening tests and self-report (when appropriate) of visual abilities; observations by parents and educational staff; observation of

accommodations in classroom methods, materials, and environment, such as lighting, time of day, location in classroom, etc.)

ii. Learning media assessment that addresses the sensory channels the child uses to access information, determination of the primary literacy medium, and a statement of need for continuing assessment of literacy media (if the child is an emergent reader)

Potential additional components

The evaluation team must determine what Potential Additional Components of an initial evaluation are appropriate for each individual child.

Teams should consider an evaluation using a variety of data sources (or by a specific provider outlined below) if there is any concern that the child is demonstrating difficulties in this area or if there is not adequate existing data to describe the child's present levels of performance in that area.

1. The evaluation team may determine that additional information (formal, informal, and/or extant information) is required related to specific areas of needs, such as:
    a. Academic achievement
    b. Assistive technology
    c. Cognition (verbal and non-verbal, when appropriate)
    d. Functional gross motor
    e. Functional fine motor
    f. Orientation and mobility
    g. Social and emotional
    h. Transition (e.g., Transition Assessment Summary)

NOTE: Standardized measures are not always the most appropriate or valid source of data for a particular child. Data from standardized measures should always be contextualized with other data sources. If the EDT determines that a standardized measure is not appropriate or valid for a particular child, the evaluation team should use alternative methods of obtaining data to gather information about the child's present levels of performance.

Eligibility Determination

For a child to be eligible to receive special education or related services under the eligibility category of deaf-blindness, as defined under IDEA (2004), the EDT must document that the child meets all of the following:

Prong 1: Presence of a disability

The child is a child with deaf-blindness because:

1. Lack of appropriate instruction in reading or math is not the primary reason for the child's educational difficulties. *For preschool children, consider whether the child has had the opportunity to participate in developmentally appropriate early childhood experiences;*
2. Limited English proficiency is not the primary reason for the child's educational difficulties;
3. The child is a child with deaf-blindness (as defined by IDEA and NMAC); and
4. No other eligibility category better describes the child's disability; and

Prong 2: Need for specially designed instruction

As a result of deaf-blindness, the child requires specially designed instruction in order to:

a) be involved in and make progress in the general education curriculum (or for a preschool child to participate in appropriate activities);
b) participate in extracurricular and other nonacademic activities; and/or
c) be educated and participate with other children with disabilities and nondisabled children.

NOTE: The category of multiple disabilities is not appropriate for children with deaf-blindness if there are no other significant co-occurring disabling conditions.

NOTE: If the child is determined to be eligible for special education and related services under the category of deaf-blindness based on "Presence of a disability" items 1 through 4 above, the child would not be eligible under the category of developmental delay (DD).) (Subsection J (2) (a) of 6.31.2.10 NMAC).

Reevaluation

The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special education and related services. A reevaluation may be conducted more often if required because the child's educational needs have changed (including improvement) or more information is needed to provide an appropriate educational program for that child. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

NOTE: There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the Review of Existing Evaluation Data (REED) process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

As part of this REED process that must be part of every reevaluation, the EDT must answer these two questions:

1. What, if any, evaluation data (formal, informal, or extant) needs to be collected to determine whether the child continues to be eligible for and in need of special education and related services under the eligibility category of deaf-blindness?
2. What, if any, evaluation data (formal, informal, or extant) needs to be collected to develop an appropriate Individualized Education Program (IEP) to meet the child's unique needs?

Reevaluation does not necessarily mean more testing. If existing data do not provide adequate information to answer these critical questions, additional data may need to be collected. To assist the EDT in determining what additional data, if any, may be needed, the team should:

1. Review existing evaluation data related to the child to include:
    a. Current classroom-based, short-cycle, and/or state assessments;
    b. Observations and information provided by teachers and related service providers; and
    c. Observations, information, and/or evaluations provided by the child's parents.

2. Based on this review, and including input from the child's teachers, parents, and other service providers, the team must answer each of these questions:
    a. What are the child's present levels of academic achievement and functional performance?
    b. What are the child's educational needs?
    c. Does the child continue to have a disability?
    d. Does the child continue to need specialized instruction and related services?
    e. What, if any, changes to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child's IEP and to participate, as appropriate, in the general education curriculum?

Discontinuation of Special Education Services

It is important to avoid prematurely discontinuing special education supports and services, as children with deaf-blindness will likely continue to need special education and/or related services throughout their school tenure. With appropriate special education supports, the child's functioning will generally improve, and the intensity of their supports may simply need to be adapted.

Children with deaf-blindness should be considered for discontinuation of special education supports and services when they demonstrate the ability to function independently, access and perform adequately in the general curriculum, including extracurricular and nonacademic activities, and no longer demonstrate a need for special education services. The local education agency (LEA) must evaluate the child before determining that the child is no longer a child with a disability (34 CFR Sec. 300.305(e)(1)). When there is sufficient existing data, this evaluation

may be appropriately conducted using data gathered during the REED process. It may not be necessary to gather additional data prior to determining that the child is no longer a child with a disability.

Any child whose special education services are discontinued should promptly be referred to the SAT at his or her school to ensure that the child is supported in this important transition period. For a child with deaf-blindness, the SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

Resources

American Foundation for the Blind (AFB) 800-233-1839
www.afb.org

American Printing House for the Blind (APH) 800-223-1839
www.aph.org
Email: info@aph.org

Association for the Education and Rehabilitation for the Blind and Visually Impaired
703-671-4500
www.aerbvi.org
Email: aer@aerbvi.org

Helen Keller National Center for Deaf- blindness
516-944-8900
www.hknc.org
Email: kncinfo@hknc.org

Learning Ally
(formerly Recordings for the Blind and Dyslexic)
Toll free: 800-221-4792
http://www.learningally.org/

Library of Congress
Toll free: 800-424-8567
www.loc.gov/nls

Local Lion's Club
www.lionsclubs.org

National Association for Parents of Children with Visual Impairments (NAPVI)
Toll Free: 800-562-6265
http://www.lighthouseguild.org/programs-services/education/napvi

National Center on Deaf-Blindness
Toll free: 877-614-4051
www.nationaldb.org

New Mexico Academy of Ophthalmology
505-366-3273
www.nmao.org

New Mexico Commission for the Blind

http://www.cfb.state.nm.us/

New Mexico School for the Blind and Visually Impaired
Toll free: 800-437-3505
www.nmsvh.k12.nm.us

New Mexico School for the Blind and Visually Impaired Instructional Resource Center (IRC)
Toll free: 800-437-3505 ext. 4437
http://www.nmsbvi.k12.nm.us/IRC.html
Email: IRC@nmsbvi.k12.nm.us

New Mexico State Library
Toll Free: 800-456-5515
www.nmstatelibrary.org

Project for New Mexico Students who are Deaf-Blind
Toll free: 877-614-4051
http://cdd.unm.edu/deafblind

Texas School for the Blind and Visually Impaired
Toll free: 800-872-5273
www.tsbvi.edu

DEVELOPMENTAL DELAY

Definition

Developmental delay means a child who is experiencing developmental delays, as defined by the State and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas:

- physical development,
- cognitive development,
- communication development,
- social or emotional development, or
- adaptive development,

and who, by reason thereof, needs special education and related services. The eligibility category may be applicable for children aged three through nine (or any subset of that age range). (34 CFR Sec. 300.8(b))

In New Mexico, developmental delay (DD) is called developmentally delayed and means a child aged 3 through 9 (or who will turn 3 at any time during the school year) with documented delays in development which are at least two standard deviations below the mean on a standardized test instrument or 30 percent below chronological age; and who, in the professional judgment of the Individualized Education Program (IEP) team and one or more qualified evaluators, needs special education and related services in at least one of the following areas:

- communication development,
- cognitive development,
- physical development,
- social or emotional development, or
- adaptive development.

A child with a disability who only needs a related service, as defined under 34 CFR Sec. 300.34, and not special education as defined under 34 CFR Sec. 300.39(a)(2)(i), is not eligible under the Individuals with Disabilities Education Act (IDEA), and is not eligible to receive related services.

Subsection J (2) of 6.31.2.10 New Mexico Administrative Code (NMAC) establishes that the use of the DD classification for children aged three through nine may be used at the option of individual local education agencies (LEA) but may only be used for children who are not eligible for special education under any other IDEA disability category. If an LEA chooses to use the eligibility category of DD, they must make that eligibility category available for children aged three through nine and cannot limit the eligibility to a different age range. A child who is not eligible under any other IDEA disability category at age 10 will no longer be eligible for special education and related services. These children should typically be reevaluated during the school year in which they turn 9, as they are no longer eligible under this category when they turn 10.

Characteristics and Educational Impact

Children with DD have a disability that adversely affects their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To identify characteristics and educational impact, the Eligibility Determination Team (EDT) must address the question of "How do these characteristics of the disability manifest in the child's natural environment (e.g., home, classroom, recess, etc.)?"

As with all disabilities, the characteristics and educational impact for children with DD will vary greatly. The following sections outline characteristics that may be associated with DD and possible educational impact of those characteristics. This information does not represent an exhaustive list of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with DD will demonstrate all of the following characteristics.

The characteristics of the disability are very similar for school-aged and preschool-aged children, but the educational impact may differ. For children with DD, regardless of age, the impact of the disability may be manifested in one or more ways, including, but not limited to:

Adaptive Behavior

Potential Characteristics

Delays in ability to perform functional skills needed for daily living, including difficulty:

- Performing age appropriate daily-living and self-help skills such as, toileting, eating, dressing, and personal hygiene
- Recognizing and responding appropriately to safe and unsafe situations
- Engaging in self-directed activities, such as play and academic tasks, at a developmentally appropriate level
- Establishing and maintaining friendships as developmentally appropriate
- Engaging in and learning from developmentally appropriate play
- Using coping skills effectively across community, school, and classroom settings
- Solving day-to-day problems

Potential Educational Impact

A child with DD in adaptive development may have difficulty with the following aspects of the educational setting due to adaptive characteristics:

- Learning through incidental experiences
- Demonstrating safe behavior in the educational setting
- Functioning independently, like peers of the same age, because of assistance needs to complete daily living skills (eating, toileting, etc.)
- Participating in group activities, including those in the classroom, on the playground, at recess, during afterschool activities or other extracurricular activities, etc.

- Demonstrating appropriate behavior for the setting due to susceptibility to negative peer influence and/or interactions (e.g., responding to peer direction or peer pressure in a negative way)
- Being safe in a typical classroom setting because of difficulty understanding and following rules, self-regulating behavior, resolve conflict, etc.

Cognitive

Potential Characteristics

Delays in ability to learn, problem solve, and/or remember, including difficulty:

- Learning new information appropriate for the child's age
- Applying learned information to new tasks or in new settings
- Initiating and completing tasks

Potential Educational Impact

A child with DD in cognitive development may have difficulty with the following aspects of the educational setting due to cognitive characteristics:

- Making progress in the general education curriculum
- Developing skills in pre-academic and academic areas such as early literacy (e.g., print awareness, letters, letter sounds, etc.), early numeracy (e.g., shapes, sorting, sizes, etc.), reading, math, science, etc.
- Resolving conflict with peers because of problem-solving difficulties
- Following school behavioral expectations and rules because of limited ability to understand the rules
- Learning without extensive repetition, modeling, and/or visual supports to learn routines, concepts, behavioral expectations, etc.
- Learning more abstract concepts
- Organizing self and belongings to complete tasks
- Sequencing movements, behaviors, activities, etc., to participate in educational activities, including transitions around the environment
- Learning incidentally without direct instruction
- Applying learned skills in new environments or with new people

Communication

Potential Characteristics

Delays in verbal and/or non-verbal communication and language development, including difficulty:

- Expressing wants, needs, and ideas in most situations
- Communicating intelligibly and/or fluently
- Engaging in appropriate social interaction, including taking and sharing turns with others
- Understanding and using age-appropriate vocabulary, language concepts, and/or conversation
- Engaging in coordinated attention for activities and interactions

Potential Educational Impact

A child with DD in communication development may have difficulty with the following aspects of the educational setting due to communication characteristics:

- Understanding and following school routines and expectations
- Learning from group activities, including in the classroom, during electives, etc.
- Participating in small-group activities, including play, centers within the classroom, small group assignments, afterschool school-sponsored activities, etc.
- Establishing age-appropriate relationships in the educational setting to allow for playing, working, and learning in pairs or groups
- Learning from verbal instruction
- Demonstrating knowledge using their verbal skills
- Completing applied math problems
- Understanding what they read to be able to answer questions and extract meaning from text

Physical

Potential Characteristics

Delays in fine motor and/or gross motor skills, including difficulty:

- Using educational tools appropriately (e.g., scissors, pencils, keyboards, manipulatives, etc.)
- Accessing the playground, PE, and/or classroom furniture/equipment
- Maintaining or controlling posture
- Walking, running, jumping, and/or moving through the educational environment

Delays processing sensory information, including:

- Sensitivity to sounds, textures, tastes, smells, etc. that significantly impacts attention or performance
- Need for more movement or sensory input than provided by the environment and when compared to other children the same age
- Decreased awareness of when to respond to sounds, like teacher calling their name or teacher providing whole- or small-group instruction, fire alarms, etc.
- “Crashing” into people and furniture
- Not reacting when hurt
- Resistance to movement

Potential Educational Impact

A child with DD in physical development may have difficulty with the following aspects of the educational setting due to physical characteristics:

- Attending to the learning environment
- Being safe in the school environment, behaviorally and/or when navigating the environment
- Using school materials
- Demonstrating knowledge through physical products (e.g., writing, drawing, etc.)

- Participating in educational activities that require movement and/or use of materials
- Maintaining appropriate level of alertness for educational activities
- Making progress in the general education curriculum because of difficulty attending to teacher-led instruction
- Meaningful participation with peers during recess and other movement-based activities, due to difficulty with coordinated gross and/or fine motor play

Social/ Emotional

Potential Characteristics

Delays in social, emotional, and/or behavioral skills, including difficulty:

- Initiating, maintaining, and terminating appropriate social interactions
- Engaging in appropriate verbal and nonverbal behaviors across settings
- Transitioning effectively across settings and activities
- Complying with expectations and/or directions
- Using effective problem-solving strategies for a given situation

Potential Educational Impact

A child with DD in social or emotional development may have difficulty with the following aspects of the educational setting due to social or emotional characteristics:

- Participating in group activities
- Participating in classroom or community activities
- Making progress in the general education curriculum due to difficulty with incidental learning and/or group participation
- Participating in recess, etc. due to difficulty with peer relationships and group activities
- Transitioning between activities and/or locations in the educational setting
- Being educated with peers because of challenging behaviors that impact their learning or that of others (e.g., safety issues for the child or others, inappropriate behaviors for an educational setting)
- Demonstrating appropriate behavior for the setting due to susceptibility to negative peer influence and/or interactions (e.g., responding to peer direction or peer pressure in a negative way)

Special Considerations for Assessment

As children transition out of Part C services and are evaluated for possible eligibility under IDEA (2004), it is important for evaluation teams to remember that “at risk” behaviors do not necessarily equate to a developmental delay as defined by IDEA (2004) and Subsection F (2) of 6.31.2.10 NMAC. Eligibility under all other eligibility categories must be excluded before DD can be considered.

Multiple transitions between and across multiple settings (e.g., home, school, and early intervention agencies) affect a child’s performance skills, so collaboration between various

professionals and the child's parents is essential in order to identify each child's unique configuration of strengths, challenges, and temperament.

Initial Evaluation

The list below provides the evaluation team with required components of an initial evaluation to determine whether a student is eligible for and in need of special education and related services under the eligibility category of DD:

Required components

With rare exception, the evaluation team must include all of the elements outlined under Required Components. A team must clearly document any deviation from these guidelines and the rationale for the deviation. Even if formal assessment information isn't available in an area, the evaluation team is expected to consider data in all of these required areas and deviations should be extremely rare.

Review existing evaluation data, including:

1. Previously conducted screening data
2. Previously conducted evaluation data (formal, informal, and extant information)
3. Student assistance team (SAT) file documentation
4. Previously gathered developmental history
5. Previously gathered educational history, including test scores and grades
6. Previously gathered medical history and school health records
7. Previously gathered family history, including home language survey
8. Previously gathered social history

Updated/current evaluation data

1. Gather and analyze current and updated developmental, educational, medical (including vision and hearing), family, and social history, including an interview with the parent(s)/guardian(s) and information from general education teachers.

2. Complete direct observations across multiple settings, both structured and unstructured and various times, by multiple observers.

3. Evaluate the child in the following areas, including the use of formal, informal, and extant information, as appropriate:
    a. Adaptive behavior
    b. Cognitive
    c. Communication
    d. Physical
    e. Social and emotional

Potential additional components

The evaluation team must determine what Potential Additional Components of an initial evaluation are appropriate for each individual child.

Teams should consider an evaluation using a variety of data sources (or by a specific provider outlined below) if there is any concern that the child is demonstrating difficulties in this area or if there is not adequate existing data to describe the child's present levels of performance in that area.

1. The evaluation team may determine that additional information (formal, informal, and/or extant information) is required related to specific areas of needs, such as:
    a. Academic achievement or pre-academic skills
2. The evaluation team may determine that additional information is required from specific professionals related to their area(s) of expertise, such as:
    a. Medical provider (primary care, neurologist, or other specialist)
    b. Psychologist (school or clinical)

NOTE: Standardized measures are not always the most appropriate or valid source of data for a particular child. Data from standardized measures should always be contextualized with other data sources. If the EDT determines that a standardized measure is not appropriate or valid for a particular child, the evaluation team should use alternative methods of obtaining data to gather information about the child's present levels of performance.

NOTE: According to the New Mexico Guidance: Children Transitioning from IDEA Part C to Part B (2019), "the Part B eligibility determination team shall review current assessments and shall determine the additional data and assessments needed for the comprehensive evaluation. Current assessments are defined as assessments, other than medical assessments, conducted no more than six months prior to the date of the meeting of the Part B eligibility determination team."

Eligibility Determination

If the child's disability is best described by another disability (eligibility) category, then they would not be appropriately identified under the eligibility category of DD.

For example, a child may demonstrate a delay of greater than 2 standard deviations in speech and/or language, but if the child has other delays that are also significantly contributing to the reason that the child needs specially designed instruction, then eligibility under the category of DD may be more appropriate for that child than eligibility under the category of SLI.

In most cases, DD will not be the only eligibility category under consideration. EDTs should remember to document the eligibility determination process (e.g., use the worksheets) for all categories under consideration.

NOTE: When the child's standardized test scores are not more than 2 SD below the mean, it is generally not appropriate to calculate and consider chronological age instead of using the standard scores.

If the EDT must use age-equivalency scores to determine if a child is demonstrating a delay that is at least 30 percent below chronological age, it is best practice to either use *broad factor scores* or consider the pattern of all of the subscale scores within a broad factor.

For a child to be eligible to receive special education and related services under the eligibility category of DD, as defined by IDEA (2004), the EDT must document that the child demonstrates both of the following:

Prong 1: Presence of a disability

The child is a child with DD because:

- ïò Lack of appropriate instruction in reading or math is not the primary reason for the child's educational difficulties. *For preschool children, consider whether the child has had the opportunity to participate in developmentally appropriate early childhood experiences;*
- îò Limited English proficiency is not the primary reason for the child's educational difficulties;
- íò The child is a child with DD (as defined by IDEA and NMAC) based on an evaluation that demonstrates the following in one or more DD area:
  - ¿ò Significantly below average abilities in one or more DD area as documented by a variety of data sources (e.g., formal, informal, and extant information) that are consistent with a score that is 2 standard deviations below the mean considering standard error of measurement (or 30 percent below chronological age, if more robust scores are not available, e.g., standard scores; see guidelines regarding the use of SEM in Section Six of this manual); and
- ìò No other eligibility category better describes the child's disability.

Prong 2: Need for specially designed instruction

As a result of DD, the child requires specially designed instruction in order to:

a) be involved in and make progress in the general education curriculum (or for a preschool child to participate in appropriate activities);
b) participate in extracurricular and other nonacademic activities; and/or
c) be educated and participate with other children with disabilities and nondisabled children.

Reevaluation

The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special education and related services. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

A reevaluation of a child identified as a child with DD must be reevaluated before turning 10 years old (e.g., during the school year that they are 9), because a child who, at age 10, does not demonstrate the presence of another disability (prong 1; as defined by IDEA and NMAC) and demonstrate a need for special education and related services as a result of that disability (prong 2) will no longer be eligible for special education and related services. In that case, the child must be referred to the SAT to ensure that appropriate supports are provided and documented.

NOTE: There are no specific reevaluation eligibility criteria; therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the Review of Existing Evaluation Data (REED) process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

As part of the reevaluation process, the EDT must answer these two questions:

1. What, if any, evaluation data (formal, informal, or extant) needs to be collected to determine whether the child continues to be eligible for and in need of special education and related services under the eligibility category of DD?
2. What, if any, evaluation data (formal, informal, or extant) needs to be collected to develop an appropriate Individualized Education Program (IEP) to meet the child's unique needs?

Reevaluation does not necessarily mean more testing. If existing data do not provide adequate information to answer these critical questions, additional data may need to be collected. To assist the EDT in determining what additional data, if any, may be needed, the team should:

1. Review existing evaluation data related to the child to include:

    a. Current classroom-based, short-cycle, and/or state assessments;
    b. Observations and information provided by teachers and related service providers; and
    c. Observations, information, and/or evaluations provided by the child's parents.

2. Based on this review, and including input from the child's teachers, parents, and other service providers, the team must answer each of these questions:
    a. What are the child's present levels of academic achievement and functional performance?
    b. What are the child's educational needs?
    c. Does the child continue to have a disability?
    d. Does the child continue to need specialized instruction and related services?
    e. What, if any, changes to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child's IEP and to participate, as appropriate, in the general education curriculum?

Discontinuation of Special Education Services

Children with DD should be considered for discontinuation of special education supports and services when they demonstrate the ability to function independently, access and perform adequately in the general curriculum, including extracurricular and nonacademic activities, and no longer demonstrate a need for special education services.

The LEA must evaluate the child before determining that the child is no longer a child with a disability (34 CFR Sec. 300.305(e)(1)). When there is sufficient existing data, this evaluation may be appropriately conducted using data gathered during the REED process. It may not be necessary to gather additional data prior to determining that the child is no longer a child with a disability.

Any child whose special education services are discontinued should promptly be referred to the SAT at their school to ensure that the child is supported in this important transition period. For a child with DD, the SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

Resources

CDD's Preschool Network
505-272-1506
http://cdd.unm.edu/ec/PSN

Developmental Delay Resources
Toll free: 800-497-0944
http://www.devdelay.org/

Division for Early Childhood (DEC)
310-428-7209
http://www.dec-sped.org/

National Association of the Education of Young Children (NAEYC)
Toll free: 800-424-2460
http://www.naeyc.org/

National Early Childhood Technical Assistance Center (NECTAC)
919- 962-2001
http://www.nectac.org/

Tresco Tots
Toll free: 800-595-TOTS (8687)
http://www.trescoinc.org/

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EMOTIONAL DISTURBANCE

Definition

Emotional disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

- An inability to learn which cannot be explained by intellectual, sensory, or other health factors.
- An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- Inappropriate types of behavior or feelings under normal circumstances.
- A general pervasive mood of unhappiness or depression.
- A tendency to develop physical symptoms or fears associated with personal or school problems.

Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted unless it is determined that they (also) have an emotional disturbance under paragraph 34 CFR Sec. 300.8(c)(4)(i). (34 CFR Sec. 300.8(c)(4))

NOTE: As with all evaluations, outside evaluation data and information must be thoughtfully considered by the EDT as a part of the comprehensive evaluation. However, the presence of a medical or psychiatric diagnosis **does not** automatically lead to eligibility for special education and related services under Individuals with Disabilities Education Act (IDEA, 2004).

Characteristics and Educational Impact

Children with emotional disturbance (ED) have a disability that adversely affects their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To identify characteristics and educational impact, the eligibility determination team (EDT) must address the question of "How do these characteristics of the disability manifest in the child's natural environment (e.g., home, classroom, recess, etc.)?"

As with all disabilities, the characteristics and educational impact for children with ED will vary greatly. The following sections outline characteristics that may be associated with ED and possible educational impact of those characteristics. This information does not represent an exhaustive list of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with ED will demonstrate all of the following characteristics.

It is imperative for EDTs to recognize that a wide range of social and emotional responses to life circumstances are appropriate and to be expected. EDTs should consider the frequency, intensity, and duration of the responses while determining whether the child demonstrates characteristics of ED, as the behaviors themselves may be appropriate under certain circumstances or in certain contexts, depending on the age of the child.

The characteristics of the disability are very similar for school-aged and preschool-aged children, but the educational impact may differ. For children with ED, regardless of age, the impact of the disability may be manifested in one or more ways, including, but not limited to:

Social/Emotional

Potential Characteristics

Difficulty regulating behaviors due to reasons such as poor emotional regulation, a notably low threshold or tolerance for frustration, anxiety, difficulty problem-solving, etc. This includes behaviors that are unexpected in intensity, frequency, and/or duration, and are outside the range expected for a child of the same age, such as:

- Throwing objects whenever things do not go their way
- Excessive yelling, shouting or cursing at other people
- Physical aggression to self, property, or others
- Unexpected duration and/or intensity of reaction to frustration

Difficulty with age-appropriate communication and/or socialization to a significant degree:

- Significantly withdrawn behavior that may include avoidance of social interaction
- Difficulty initiating, maintaining, and/or terminating social interactions
- Talking about topics that may make peers and/or adults uncomfortable
- Making comments that do not fit within the social context or environment

Significant difficulty managing nervousness or anxiety, such as:

- Excessively picking at certain areas of the body
- Insistence on perfection in schoolwork (e.g., rewriting sentences until they look “right,” being upset when answers aren’t correct)
- Excessive worry about various situations or topics
- High-level of distractibility and/or low attention span due to anxiety or worry
- Stomach aches, body aches, headaches, or other physical symptoms of anxiety that do not have an underlying medical cause

Showing signs of temporary loss of reality contact, including behaviors such as:

- Experiencing dissociations, hallucinations, and/or delusions
- Repeating the same thought over and over
- Difficulty identifying what is real and what isn’t (inappropriate for age)

Demonstrating harmful behaviors towards self, such as:

- Deliberate self-injurious behavior (e.g., cutting)

- Threats of self-harm
- Negative self-talk

Other behaviors that are unexpected in intensity, frequency, or duration for the child's age, such as:

- A pattern of not following rules and requests made by adults, not due to difficulty with language or cognitive skills
- Showing pervasive depressed behavior not clearly related to universal life events (e.g., loss of a loved one, fight with a friend, divorce of parents, etc.)
- Routinely eating non-food items
- Significant mood swings
- Fixating on or obsessing about things

Potential Educational Impact

A child with ED may have difficulty with the following aspects of the educational setting due to social/emotional characteristics:

- Participating in large and small group activities, including in the classroom, during electives, etc.
- Making progress in the general education curriculum due to difficulty with group participation and/or attention
- Being educated with peers because of challenging behaviors that impacts their learning or that of others (e.g., safety issues for the child or others, inappropriate behaviors for an educational team)
- Participating in recess, etc., due to difficulty with peer relationships and group activities
- Making progress in the general education curriculum because of frequent removal from the educational setting due to challenging behaviors
- Participating in and making progress in the general education setting due to frequent absences related to the social/emotional difficulties (e.g., anxiety about school, depression, etc.)

More specifically, students with ED engage in behaviors that are characterized as either externalizing or internalizing. Externalizing behaviors include aggression, disruption, and acting out behaviors and tend to be readily identified. Internalizing behaviors, such as withdrawal, anxiety, and depression, may be more difficult to observe but may also indicate a need for special education and related services that are just as critical for the child. None of these behaviors alone indicate eligibility for special education and related services under the category of ED; however, they do suggest that further evaluation may be appropriate.

Special Considerations for Assessment

Generally, academic achievement and problem behaviors go hand-in-hand for children with ED. Thus, it is essential for the EDT to determine why a child is not performing the work that is expected of him or her, including whether the behaviors exhibited are due to a skills deficit or a

motivation deficit (i.e., the child cannot do the task or the child won't do the task). This distinction is critical because it may lead to different interventions and possibly a different eligibility determination decision. An accurate and detailed description of the child's behavior and analysis of the causes and consequences of the behavior is essential to make this determination. This description and analysis is considered a functional behavior assessment (FBA), but EDTs are encouraged to think broadly about the FBA process and who can/should participate in the data gathering and analysis.

The evaluation process should include an analysis of all aspects of a child's past and present performance to clearly document the specific behavioral concerns, as well as the frequency, intensity, and duration of the behavior(s). It must be documented that the behaviors have occurred over an extended amount of time and to a marked degree.

Preschool-aged Children

There is no doubt that ED can emerge in early childhood and that the behaviors in which the children engage often impair: (a) their ability to maintain functional interpersonal relationships; (b) their ability to exhibit age-appropriate social and emotional behaviors; and (c) their overall developmental functioning.

Evaluators of young children must be sensitive to the rapid changes that occur during the early years of life and must possess a special alertness to, and a working knowledge of, the many stages and phases of child development. Without this insight, it is difficult to discern what is developmentally appropriate and what is not.

Even when a disability is documented, the EDT needs to determine if it significantly interferes with the child's ability to operate on a developmental level similar to peers. For young children the discussion regarding the need for special education will focus on activities that are appropriate for the child's age and developmental level, rather than on the general education curriculum.

Initial Evaluation

The initial eligibility determination under the category of ED must include the participation of a New Mexico licensed psychologist (clinical or school). The list below provides the evaluation team with components of an initial evaluation to determine whether a child is eligible for and in need of special education and related services under the eligibility category of ED:

Required components

With rare exception, the evaluation team must include all of the elements outlined under Required Components. A team must clearly document any deviation from these guidelines and the rationale for the deviation. Even if formal assessment information isn't available in an area, the evaluation team is expected to consider data in all of these required areas and deviations should be extremely rare.

Review of existing evaluation data, including:

1. Previously conducted screening data
2. Previously conducted evaluation data (formal, informal, and extant information)
3. Student assistance team (SAT) file documentation
4. Previously gathered developmental history
5. Previously gathered educational history, including test scores and grades
6. Previously gathered medical history and school health records
7. Previously gathered family history, including home language survey
8. Previously gathered social history

Updated/current evaluation data

1. Gather and analyze current and updated developmental, educational, medical (including vision and hearing), family, and social history, including an interview with the parent(s)/guardian(s) and information from general education teachers.

2. Complete direct observations across multiple settings, both structured and unstructured and various times, by multiple observers.

3. Evaluate the child in the following areas, including the use of formal, informal, and extant information, as appropriate, including involvement from a school psychologist:
    a. Behavior
        i. Frequency and intensity of behaviors of concern (internalizing and externalizing)
        ii. Causes and consequences of behaviors
    b. Social and emotional

Potential additional components

The evaluation team must determine what Potential Additional Components of an initial evaluation are appropriate for each individual child.

Teams should consider an evaluation using a variety of data sources (or by a specific provider outlined below) if there is any concern that the child is demonstrating difficulties in this area or if there is not adequate existing data to describe the child's present levels of performance in that area.

1. The evaluation team may determine that additional information (formal, informal, and/or extant information) is required related to specific areas of needs, such as:
    a. Academic achievement
    b. Communication (e.g., expressive language, receptive language, pragmatic language, functional communication, etc.)
    c. Sensory processing
    d. Transition (e.g., Transition Assessment Summary)

2. The evaluation team may determine that additional information is required from specific professionals related to their area(s) of expertise, such as:
    a. Medical provider (primary care, neurologist, or other specialist)
    b. Psychologist (school or clinical)

NOTE: Standardized measures are not always the most appropriate or valid source of data for a particular child. Data from standardized measures should always be contextualized with other data sources. If the EDT determines that a standardized measure is not appropriate or valid for a particular child, the evaluation team should use alternative methods of obtaining data to gather information about the child's present levels of performance.

Eligibility Determination

For a child to be eligible to receive special education and related services under the eligibility category of ED, as defined by IDEA (2004), the EDT must document that the child meets all of the following:

Prong 1: Presence of a disability

The child is a child with ED because:

1. Lack of appropriate instruction in reading or math is not the primary reason for the child's educational difficulties*. For preschool children, consider whether the child has had the opportunity to participate in developmentally appropriate early childhood experiences;*
2. Limited English proficiency is not the primary reason for the child's educational difficulties;
3. The child is a child with ED (as defined by IDEA and NMAC), as evidenced by **both of** the following (a. and b.):
    a. **One or more** of the five ED characteristics:
        i. An inability to learn which cannot be explained by intellectual, sensory, or other health factors;
        ii. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;
        iii. Inappropriate types of behavior or feelings under normal circumstances;
        iv. A general pervasive mood of unhappiness or depression; **and/or**
        v. A tendency to develop physical symptoms or fears associated with personal or school problems.
    b. ED characteristics (outlined above) that meet **all** of the three following elements:
        i. Present over a long period of time;
        ii. Present to a marked degree; **and**
        iii. Adversely impacting educational performance.
4. No other eligibility category better describes the child's disability.

Prong 2: Need for specially designed instruction

As a result of ED, the child requires specially designed instruction in order to:

a) be involved in and make progress in the general education curriculum (or for a preschool child to participate in appropriate activities);
b) participate in extracurricular and other nonacademic activities; and/or
c) be educated and participate with other children with disabilities and nondisabled children.

To be eligible for special education and related services under the eligibility category of ED, the EDT must document that the child exhibits one or more of the five ED characteristics (see the list above) over a long period of time, to a marked degree, and must adversely affect a child's educational performance. These terms are discussed in more detail below.

Long Period of Time

The Office of Special Education Programs (OSEP) has clarified that a generally acceptable definition of a long period of time as a range of from two to nine months, assuming that preliminary interventions have been implemented and proven ineffective during that period (Letter to Anonymous, 231 IDELR 247, OSEP 1989). OSEP also suggests that in determining whether a child's characteristics of their disability have persisted over a long period of time, the team must base this determination largely on the unique facts and circumstances of a particular case (Letter to Woodson, EHLR 213:225, 226, OSEP, 1989).

Marked Degree

Neither IDEA statute, nor its regulations at 34 CFR Sec. 300.8(c)(4)(i), defines the requirement that a child's qualifying behavior manifest itself to a marked degree. OSEP takes the position that it generally refers to the frequency, duration, or intensity of a child's emotionally disturbed behavior in comparison to the behavior of peers, and can be indicative of either degree or acuity and/or pervasiveness (Letter to Anonymous, 213 IDELR 247, OSEP 1989).

Adversely Affects Educational Performance

In determining whether a child's educational performance is being adversely affected, there must be evidence that the child's behavior and decreased educational performance are related; it should be kept in mind that educational performance is not limited to academic performance, but may also include peer interactions and participation in class activities. In a policy letter dated September 14, 1990, OSEP clarified that educational performance must be determined on an individual basis and should include non-academic, as well as academic standards as determined by standardized measures. The letter concluded that the measurement of educational performance for children with IEPs will be different for each child and must be limited to each child's unique educational needs. (Letter to Lybarger, 17 IDELR 54, OSEP 1990)

The term ED does not apply to children experiencing sociolinguistic stress, acculturational stress, or any other situational challenges, unless it is determined that they (also) have an emotional disturbance. This includes stress related to the COVID-19 pandemic, such as, grief related to loss of family members, isolation from peers during the pandemic, anxiety regarding returning to school after remote schooling, etc.

The term does not apply to children who are socially maladjusted unless it is determined that they (also) have an ED. “Socially maladjusted” has many different definitions and there is currently no universally accepted definition, nor is it defined in federal law. However, the regulation specifically states that the term ED “does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance” (34 CFR Sec. 300.8(a)(4)(ii)). In such circumstances, a child identified as socially maladjusted must meet all of the requirements for ED as defined in IDEA (2004).

Children who are primarily socially maladjusted and not identified as demonstrating the characteristics of ED are often those children or adolescents who engage in simple, chronic delinquent behavior, as well as children who demonstrate controlled misbehavior depending on the situation and potential gain. A social maladjustment **unaccompanied** by an emotional disturbance is often indicated by some or all of the following:

- Unhappiness or depression that is not pervasive.
- Problem behaviors that are goal-directed, self-serving and manipulative.
- Actions that are based on perceived self-interest even though others may consider the behavior to be self-defeating.
- General social conventions and behavioral standards are understood, but are not accepted.
- Negative counter-cultural standards/peers are accepted and followed.
- Problem behaviors have escalated during pre-adolescence or adolescence.
- Inappropriate behaviors are displayed in select settings or situations (e.g., only at home, in school or in selected classes), while other behavior is appropriately controlled, that is unrelated to specific characteristics of that setting (e.g., positive behavioral supports, different expectations, etc.).
- Problem behaviors are frequently the result of encouragement by a peer group, are intentional, and the student understands the consequences of such behaviors.

It is important to recognize that a child found to be socially maladjusted, but not ED, may quality for a free appropriate public education (FAPE) pursuant to Section 504. The EDT should consider social maladjustment as a persistent pattern of violating societal norms, such as multiple acts of truancy, or substance or sex abuse, and marked by struggle with authority, impulsivity, or manipulative behaviors.

NOTE: If the child is determined to be eligible for special education and related services under the category of ED **based on “Presence of a disability” items 1 though** 4 **above, the child**

would not be eligible under the category of developmental delay (DD**)** (Subsection J (2) (a) of 6.31.2.10 NMAC**).**

Reevaluation

The reevaluation process must occur at least once every 3 years to determine continued eligibility and need for special education and related services. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

NOTE: There are no specific reevaluation eligibility criteria; therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the Review of Existing Evaluation Data (REED) process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

As part of this REED process that must be a part of every reevaluation, the EDT must answer these two questions:

1. What, if any, evaluation data (formal, informal, or extant) needs to be collected to determine whether the child continues to be eligible for and in need of special education and related services under the eligibility category of ED?

2. What, if any, evaluation data (formal, informal, or extant) needs to be collected to develop an appropriate Individualized Education Program (IEP) to meet the child's unique needs?

Reevaluation does not necessarily mean more testing. If existing data do not provide adequate information to answer these critical questions, additional data may need to be collected. To assist the EDT in determining what additional data, if any, may be needed, the team should:

1. Review existing evaluation data related to the child to include:
    a. Current classroom-based, short-cycle, and/or state assessments;
    b. Observations and information provided by teachers and related service providers; and
    c. Observations, information, and/or evaluations provided by the child's parents.

2. Based on this review, and including input from the child's teachers, parents, and other service providers, the team must answer each of these questions:
    a. What are the child's present levels of academic achievement and functional performance?
    b. What are the child's educational needs?

c. Does the child continue to have a disability?
d. Does the child continue to need specialized instruction and related services?
e. What, if any, changes to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child's IEP and to participate, as appropriate, in the general education curriculum?

Discontinuation of Special Education Services

Children with ED should be considered for discontinuation of special education supports and services when they demonstrate the ability to function independently, access and perform adequately in the general curriculum (including extracurricular and nonacademic activities), and no longer demonstrate a need for special education services.

The local education agency (LEA) must evaluate the child before determining that the child is no longer a child with a disability (34 CFR Sec. 300.305(e)(1)). When there is sufficient existing data, this evaluation may be appropriately conducted using data gathered during the REED process. It may not be necessary to gather additional data prior to determining that the child is no longer a child with a disability.

Any child whose special education services are discontinued should promptly be referred to the SAT at the school to ensure that the child is supported in this important transition period. Monitoring of social skills, behavior, communication, current levels of academic performance, and independence may continue to be necessary. For a child with ED, the SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

Resources

Addressing Student Behavior – A Guide for All Educators.
www.ped.state.nm.us/RtI/dl10/Addressing%20Student%20Behavior%20Guide%202010.pdf

American Academy of Child & Adolescent Psychiatry
202-966-7300
http://www.aacap.org/

Council for Children with Behavioral Disorders
http://www.ccbd.net/

National Association of School Psychologists
Toll free: 866-331-NASP
http://www.nasponline.org/

National Mental Health Information (NAMI) New Mexico
http://www.mentalhealth.org/

ParentPals
http://parentpals.com/gossamer/pages/

Positive Behavioral Interventions and Supports
http://www.pbis.org/
http://www.pbisworld.org

Programs for Children and Adolescents—
UNM provides connections to multidisciplinary mental health professionals (UNM)
505-272-2190
505-272-2111
http://hospitals.unm.edu/bh/children_adolescents.shtml

RxP Legislation Resources
Toll free: 800-374-2721
http://www.apa.org/

Substance Abuse and Mental Health Administration
Toll free: 877-SAMHSA-7 (877-726472-7)
http://store.samhsa.gov/

The Child Psychologist
http://www.childpsychologist.com/

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HEARING IMPAIRMENT, INCLUDING DEAFNESS

Definition

Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a child's educational performance. (34 CFR Sec. 300.8(c)(3))

Hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section. (34 CFR Sec. 300.8(c)(5))

In New Mexico, the terms deafness and hearing impairment are combined into one eligibility category called Hearing Impairment, including Deafness. (Subsection B (2) of 6.31.2.7 NMAC).

Characteristics and Educational Impact

Children who are eligible for special education and related services under the category of hearing impairment, including deafness, have a disability that adversely affects their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To identify characteristics and educational impact, the eligibility determination team (EDT) must address the question of "How do these characteristics of the disability manifest in the child's natural environment (e.g., home, classroom, recess, etc.)?"

As with all disabilities, the characteristics and educational impact for children with a hearing impairment, including deafness, will vary greatly. The following sections outline characteristics that may be associated with a hearing impairment, including deafness, and possible educational impact of those characteristics. This information does not represent an exhaustive list of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with a hearing impairment, including deafness, will demonstrate all of the following characteristics.

For all children with a hearing impairment, including deafness, it is important to consider developmentally appropriate skill levels and behaviors for the child's age and educational setting. The characteristics of the disability are very similar for school-aged and preschool-aged children, but the educational impact may differ. For children with hearing impairment, including deafness, regardless of age, the impact of the disability may be manifested in one or more ways, including, but not limited to:

Communication

Potential Characteristics

Deficits with expressive communication, including difficulty:

- Verbally communicating with others
- Producing sounds to clearly articulate words when talking with others

Deficits with receptive communication, including difficulty:

- Fully accessing language spoken by others
- Accessing information presented in the home, school, and community

Potential Educational Impact

A child with a hearing impairment, including deafness, may have difficulty with the following aspects of the educational setting due to communication characteristics:

- Learning from group activities, including in the classroom, during electives, etc.
- Communicating ideas, knowledge, or opinions during educational activities
- Participating in small-group activities with peers, including play, centers within the classroom, small group assignments, afterschool school-sponsored activities, etc.
- Establishing age-appropriate relationships in the educational setting to allow for playing, working, and learning in pairs or groups
- Learning from only verbal instruction
- Making progress in the general education curriculum due to difficulty accessing educational materials, particularly verbal or auditory information

Social/Emotional

Potential Characteristics

- Deficits with social communication, including difficulties with:
- Early and appropriate communication skills, such as turn-taking, preventing or repairing communication breakdowns, engaging in conversations, and/or cooperative play
- Presence of challenging behaviors related to communication difficulties

Potential Educational Impact

A child with a hearing impairment, including deafness, may have difficulty with the following aspects of the educational setting due to social/emotional characteristics:

- Participating in group activities
- Participating in classroom or community activities
- Making progress in the general education curriculum due to difficulty with incidental learning and/or group participation
- Participating in recess, etc. due to difficulty with peer relationships and group activities

Special Considerations for Assessment

Hearing impairment, including deafness, can mean a hearing loss (with or without amplification) that is:

- mild through profound,
- bilateral or unilateral,
- sensorineural or conductive, and/or
- permanent or fluctuating

as documented in a comprehensive audiological evaluation administered by a licensed audiologist.

NOTE: Children who have received cochlear implant(s) may still be found eligible for special education and related services under the eligibility category of Hearing Impairment, Including Deafness if they demonstrate a need for specially designed instruction due to their hearing impairment.

Evaluation of a child with hearing impairment, including deafness, must include an analysis of factors specifically related to the hearing impairment information such as:

- etiology of hearing impairment
- age of onset
- amount of residual hearing
- cultural and language background
- multiplicity of disabilities
- communication skills
- language environment must be assessed.

These factors may impact a child's ability to learn language visually through sign language, auditorily through speech, or both.

Evaluations should include an examination of whether the child needs to utilize amplification/assistive hearing technology or an interpreter to develop concepts, maximize their learning potential, and be an active participant in their educational environment.

It is important for evaluators to use caution when selecting assessment measures for children with hearing impairment, including deafness, because there are no standardized measures available that are normed for children with hearing loss. Measures whose norm group is comprised of children who are hearing may be used if they are appropriate for the child's level of communicative functioning. In order to choose appropriate tests and procedures, the evaluator must first determine which language or communication systems the child uses, including a description of the level of the child's competence. Scores from standardized assessments should be used with caution and primarily for descriptive purposes. In other words, it may not be appropriate to report a Full Scale or Composite cognitive score for a child with a hearing impairment, including deafness. Careful attention should be made when comparing

verbal and non-verbal scores due to the impact of hearing loss on verbal language development. Evaluators must recognize that lower scores in verbal areas likely are a manifestation of the child's hearing impairment, rather than a reflection of another condition such as an intellectual disability. The examiner may wish to consult with a person trained in the education of children who have hearing impairment, including deafness, regarding choice of test instruments and any modifications in the methods, materials, and environment that might enhance the assessment.

The evaluation team must make use of a licensed interpreter for the deaf, when necessary, to ensure that the child is able to participate in the evaluation process. Professionals conducting evaluations using an interpreter must:

- Determine, prior to the evaluation, whether the child has sufficient language skills and maturity to effectively use an interpreter and is at a developmental level that is adequate for understanding the role of the interpreter;
- Gather information about how to effectively work with an interpreter (e.g., the lag time involved with an interpreted environment and that the interpretation needs to be conceptually accurate rather than a 1:1 English-ASL correspondence); and
- Meet with the interpreter prior to the testing to review the language of the test and determine how the interpreter will present the instructions and questions in a manner that is both consistent with the test standardization and comprehensible to the child.

Consistent with Individuals with Disabilities Education Act (IDEA 2004), it is essential that assessment results accurately reflect the factors being assessed (e.g., cognitive skills, achievement level, etc.), rather than other factors (e.g., sensory, motor, or speaking skills). This is particularly relevant when assessing a child with a known or suspected hearing impairment, including deafness, and it is important that assessment techniques are not negatively impacted by the child's hearing levels.

Initial Evaluation

The list below provides the evaluation team with required components of an initial evaluation to determine whether a student is eligible for and in need of special education and related services under the eligibility category of hearing impairment, including deafness:

NOTE: It is possible for a child to have both a hearing impairment and/or visual impairment and intellectual disability. As with all eligibility determination decisions, EDT teams are reminded to use multiple sources of information when making decisions regarding a child's eligibility for special education and related services to determine the most appropriate eligibility category for an individual child.

Required components

With rare exception, the evaluation team must include all of the elements outlined under Required Components. A team must clearly document any deviation from these guidelines and the rationale for the deviation. Even if formal assessment information isn't available in an area, the evaluation team is expected to consider data in all of these required areas and deviations should be extremely rare.

Review of existing evaluation data, including:

1. Previously conducted screening data
2. Previously conducted evaluation data (formal, informal, and extant information)
3. Student assistance team (SAT) file documentation
4. Previously gathered developmental history
5. Previously gathered educational history, including test scores and grades
6. Previously gathered medical history and school health records
7. Previously gathered family history, including home language survey
8. Previously gathered social history

Updated/current evaluation data

1. Gather and analyze current and updated developmental, educational, medical (including vision and hearing), family, and social history, including an interview with the parent(s)/guardian(s) and information from general education teachers. *Note: Because hearing loss places an increased demand on visual functioning, give special attention to vision screening records.*
2. Complete direct observations across multiple settings, both structured and unstructured and various times, by multiple observers.

3. Evaluate the child in the following areas, including the use of formal, informal, and extant information, as appropriate:
    a. Communication (e.g., expressive language, receptive language, pragmatic language, speech, etc.)

4. Gather and document information specifically related to the disability of hearing impairment, including deafness, from specific professionals related to their area(s) of expertise:
    a. Audiologist (degree and type of hearing; aided and unaided hearing levels; functional use of hearing)

Potential additional components

The evaluation team must determine what Potential Additional Components of an initial evaluation are appropriate for each individual child.

Teams should consider an evaluation using a variety of data sources (or by a specific provider outlined below) if there is any concern that the child is demonstrating difficulties in this area or if

there is not adequate existing data to describe the child's present levels of performance in that area.

1. The evaluation team may determine that additional information (formal, informal, and/or extant information) is required related to specific areas of needs, such as:
    a. Academic achievement
    b. Adaptive behavior
    c. Assistive technology
    d. Cognition (verbal and non-verbal, when appropriate)
    e. Functional gross and/or fine motor
    f. Social and emotional
    g. Transition (e.g., Transition Assessment Summary)

NOTE: Standardized measures are not always the most appropriate or valid source of data for a particular child. Data from standardized measures should always be contextualized with other data sources. If the EDT determines that a standardized measure is not appropriate or valid for a particular child, the evaluation team should use alternative methods of obtaining data to gather information about the child's present levels of performance.

Eligibility Determination

For a child to be eligible to receive special education and related services under the eligibility category of hearing impairment, including deafness, as defined by IDEA (2004), the EDT must document that the child meets all of the following:

Prong 1: Presence of a disability

The child is a child with hearing impairment, including deafness, because:

1. Lack of appropriate instruction in reading or math is not the primary reason for the child's educational difficulties. *For preschool children, consider whether the child has had the opportunity to participate in developmentally appropriate early childhood experiences;*
2. Limited English proficiency is not the primary reason for the child's educational difficulties;
3. The child is a child with hearing impairment, including deafness, (as defined by IDEA and NMAC); and
4. No other eligibility category better describes the child's disability; and

Prong 2: Need for specially designed instruction

As a result of hearing impairment, including deafness, the child requires specially designed instruction in order to:

a) be involved in and make progress in the general education curriculum (or for a preschool child to participate in appropriate activities);
b) participate in extracurricular and other nonacademic activities; and/or

c) be educated and participate with other children with disabilities and nondisabled children.

NOTE: If the child is determined to be eligible for special education and related services under the category of hearing impairment, including deafness, based on “Presence of a disability” items 1 through 4 above, the child would not be eligible under the category of developmental delay (DD). (Subsection J (2) (a) of 6.31.2.10 NMAC).

Reevaluation

The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special education and related services. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

NOTE: There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the Review of Existing Evaluation Data (REED) process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

As part of this process, the EDT must answer these two questions:

1. What, if any, assessment information (formal or informal) needs to be collected to determine whether the child continues to be eligible for and in need of special education and related services under the eligibility category of hearing impairment, including deafness?

2. What, if any, assessment information (formal or informal) needs to be collected to develop an appropriate Individualized Education Plan (IEP) to meet the child’s unique needs?

Reevaluation does not necessarily mean more testing. If existing data do not provide adequate information to answer these critical questions, additional assessments may need to be conducted to provide necessary data to determine continued eligibility; provide solid information for program planning; and address concerns, questions, or developments since the last evaluation. To assist the EDT in determining what assessments, if any, may be needed, the team should:

1. Review existing evaluation data related to the child to include:

    a. Current classroom-based, short-cycle, and/or state assessments;

b. Observations and information provided by teachers and related service providers; and
c. Observations, information, and/or evaluations provided by the child's parents.

2. Based on this review, and including input from the child's teachers, parents, and other service providers, the team must answer each of these questions:

   a. What are the child's present levels of academic achievement and functional performance?
   b. What are the child's educational needs?
   c. Does the child continue to have a disability?
   d. Does the child continue to need specialized instruction and related services?
   e. What, if any, changes to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child's IEP and to participate, as appropriate, in the general education curriculum?

Discontinuation of Special Education Services

Children who have a hearing impairment, including deafness, can be considered for discontinuation of special education supports and services when they demonstrate the ability to function independently and access direct and incidental communication needed for instruction. In addition, children should be able to access and perform adequately in the general curriculum, including extracurricular and nonacademic activities, and no longer demonstrate a need for special education services.

The local education agency (LEA) must evaluate the child before determining that the child is no longer a child with a disability (34 CFR Sec. 300.305(e)(1)). When there is sufficient existing data, this evaluation may be appropriately conducted using data gathered during the REED process. It may not be necessary to gather additional data prior to determining that the child is no longer a child with a disability.

Any child whose special education services are discontinued should be referred to the SAT at their school to ensure that the child is supported in this important transition period. For a child with a hearing impairment including deafness, the SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

Resources

American Society for Deaf Children
Toll free: 800-942-2732
http://www.deafchildren.org/

American Speech-Language-Hearing Association Members:
Toll free: 800-498-2071
Non-Member: 800-638-8255
http://www.asha.org/

Community Outreach Program for the Deaf (COPD)
505-255-7636
http://www.copdnm.org/

Conference of Educational Administrators of Schools and Programs for the Deaf (CEASD)
904-810-5200
http://www.ceasd.org/

Families for Hands and Voices
217-357-3647
http://www.handsandvoices.org/

Laurent Clerc National Deaf Education Center
202-651-5855
http://clerccenter.gallaudet.edu/

New Alexander Graham Bell Association for the Deaf
http://www.agbell.org/

New Mexico Commission for the Deaf and Hard of Hearing
Toll free: 800-489-5836
http://www.nmcdhh.org/

Registry of Interpreters for the Deaf
703-838-0030
http://www.rid.org/

The New Mexico School for the Deaf
Toll free: 800-841-6699
http://www.nmsd.k12.nm.us/

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INTELLECTUAL DISABILITY

Definition

Intellectual disability means significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child's educational performance. (34 CFR Sec. 300.8(c)(6))

NOTE: On October 5, 2010, President Obama signed Rosa's Law (S. 2781), effectively replacing the term 'mental retardation' in Federal law with 'intellectual disability.'

NOTE: Remember that the presence of a medical diagnosis or a diagnosis based on current DSM criteria does not make a child automatically eligible for special education and related services under Individuals with Disabilities Education Act (IDEA 2004). Determination of eligibility for special education and related services is based on both: (a) an identified disability as defined by IDEA (2004) and (b) a documented need for special education and related services.

Characteristics and Educational Impact

Children who are eligible for special education and related services under the category of intellectual disability (ID) have a disability that adversely affects their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To identify characteristics and educational impact, the eligibility determination team (EDT) must address the question of "How do these characteristics of the disability manifest in the child's natural environment (e.g., home, classroom, recess, etc.)?"

As with all disabilities, the characteristics and educational impact for children with ID will vary greatly. The following sections outline characteristics that may be associated with ID and possible educational impact of those characteristics. This information does not represent an exhaustive list of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with ID will demonstrate all of the following characteristics.

For all children with ID, it is important to consider developmentally-appropriate skill levels and behaviors for the child's age and educational setting. The characteristics of the disability are very similar for school-aged and preschool-aged children, but the educational impact may differ. For children with ID, regardless of age, the impact of the disability may be manifested in one or more ways, including, but not limited to:

Cognition

Potential Characteristics

Difficulty learning new skills, such as:

- Academic skills
- Routines
- Self-care

Difficulty generalizing skills across environments, tasks, and/or familiar/unfamiliar people

Deficits in information processing, including difficulty:

- Figuring out how to solve problems, such as asking for a drink, using a stool to reach objects, resolving social conflict, academic tasks, etc.
- Trying new strategies to solve problems if the attempted strategy was unsuccessful

Difficulty completing tasks without a clear sequence of steps, including both academic and everyday activities

Potential Educational Impact

A child with ID may have difficulty with the following aspects of the educational setting due to cognitive characteristics:

- Learning incidentally without direct instruction
- Applying learned skills in new environments or with new people
- Participating in educational activities when the schedule, routine, or steps are varied
- Learning without extensive repetition, modeling, and/or visual supports to learn routines, concepts, behavioral expectations, etc.
- Learning more abstract concepts
- Organizing self and belongings to complete tasks
- Sequencing movements, behaviors, activities, etc., to participate in educational activities, including transitions around the environment
- Identifying the important features of an assignment, activity, interaction, etc.
- Establishing peer relationships due to different interests and/or cognitive level of play or communication

Communication

Potential Characteristics

Difficulty using expressive language skills, including:

- Using language to express wants, needs, and emotions
- Generating complete sentences to communicate
- Retelling stories and experiences
- Sharing information

Difficulty using receptive language skills, including:

- Following instructions

- Understanding what peers and adults are saying
- Learning and understanding age-appropriate vocabulary

Difficulty with nonverbal communication, including:
- Understanding nonverbal communication used by others
- Using nonverbal communication, such as gestures, to effectively compensate for expressive language delays
- Recognizing and appropriately responding to the feelings and behaviors of others

Potential Educational Impact
A child with ID may have difficulty with the following aspects of the educational setting due to communication characteristics:
- Learning from group activities, including in the classroom, during electives, etc.
- Participating in small-group activities, including play, centers within the classroom, small group assignments, afterschool school-sponsored activities, etc.
- Establishing age-appropriate relationships in the educational setting to allow for playing, working, and learning in pairs or groups
- Being safe in a typical classroom because of difficulty communicating wants or needs and/or understanding classroom rules
- Behaving in a way that significantly distracts from their learning or that of classmates
- Demonstrating what they have learned

Social/Emotional
Potential Characteristics
Deficits in social and/or emotional skills, including difficulty:
- Initiating age-appropriate relationships, such as with siblings or same-age peers
- Developing and maintaining age-appropriate relationships
- Protecting self from exploitation due to difficulty with social judgment and interpersonal skills
- Maintaining positive self-esteem
- Regulating emotional responses to everyday events and activities

Potential Educational Impact
A child with ID may have difficulty with the following aspects of the educational setting due to social/emotional characteristics:
- Participating in group activities
- Participating in classroom or community activities
- Making progress in the general education curriculum due to difficulty with incidental learning and/or group participation
- Participating in recess, etc. due to difficulty with peer relationships and group activities
- Transitioning between activities and/or locations in the educational setting

- Being educated with peers because of challenging behaviors that impacts their learning or that of others (e.g., safety issues for the child or others, inappropriate behaviors for an educational setting)
- Demonstrating appropriate behavior for the setting due to susceptibility to negative peer influence and/or interactions (e.g., responding to peer direction or peer pressure in a negative way)

Adaptive Behavior

Potential Characteristics

Deficits in adaptive behavior, including difficulty:

- Completing self-care, such as dressing and personal hygiene
- Recognizing and responding to safety concerns
- Navigating through the school and community at a level appropriate for age
- Performing daily tasks, such as using money, telling time, organizing self and belongings, etc.

Potential Educational Impact

A child with ID may have difficulty with the following aspects of the educational setting due to adaptive behavior characteristics:

- Transitioning between activities and/or locations in the educational setting
- Managing daily schedule
- Engaging in lunch, field trips, etc., with the same level of independence as peers
- Developing and maintaining peer relationships due to self-care concerns
- Completing age-appropriate self-care independently, such as eating, toileting, managing clothing, etc.

The effects of ID will vary considerably, depending in large part upon the child's intellectual functioning, adaptive behavior, and family and community supports. Some persons with ID may have pervasive and lifelong limitations while many others learn the skills necessary to lead independent lives and engage in competitive employment.

Despite these potential impacts of ID, children with ID have the capacity to learn, to develop, and to grow. With supports, including appropriate education services, children with ID can become contributing and full participants in society.

Special Considerations for Assessment.

Young Children with Suspected ID

There is a need for extreme caution when identifying a young child as having ID. Although testing during infancy and early childhood is useful for identifying current strengths and needs, it is not highly predictive of later cognitive ability since infant and toddler measures of intellectual functioning tend to emphasize sensory-motor tasks over conceptualization or reasoning tasks. In addition, as with all children, but perhaps more notably for young children, low cognitive

scores may reflect unrelated factors such as short attention span, fatigue, or lack of interest or motivation for the tasks.

However, EDTs should recognize that ID can be appropriately identified in some preschool-aged children. EDTs should look at all available information, including medical diagnoses, developmental history, and other information, when considering the eligibility category of ID.

ID Assumptions

The following five assumptions, regarding ID, provided by the American Association on Intellectual and Developmental Disabilities are essential to the consideration of eligibility for special education and related services under this IDEA eligibility category:

- Limitations in present functioning must be considered within the context of community environments typical of the individual's age, peers, and culture
- Valid assessment considers cultural and linguistic diversity as well as differences in communication, sensory, motor, and behavioral factors
- Within an individual, limitations often coexist with strengths
- An important purpose of describing limitations is to develop a profile of needed supports
- With appropriate personalized supports over a sustained period, the life functioning of the person with ID generally will improve

Cognitive and Adaptive Behavior Score Discrepancies

Some children will demonstrate cognitive (IQ) scores that are consistent with eligibility for ID, but may have adaptive behavior scores that are not commensurate with their cognitive functioning (i.e., below average but not significantly below average). In these situations, evaluation teams should approach eligibility determinations carefully and thoughtfully. No single score should be used in isolation (refer to Sections Five, Seven, and Eight of this manual). Instead, the eligibility team should consider all available evaluation data that inform the child's cognitive and adaptive functioning.

One purpose of the adaptive behavior component in the identification of children with ID is to help determine whether the child demonstrates pervasive, real-world difficulties functioning independently and meeting age- and culturally-expected expectations across everyday settings. The adaptive behavior component also serves as a safeguard against identifying children whose cognitive scores may underestimate their true functioning for other reasons, such as limited educational opportunities, language or cultural differences, trauma or chronic stress, sensory or motor impairments, medical issues, inconsistent engagement during testing, or specific learning weaknesses rather than global impairment.

Children with low cognitive scores but without significantly impaired adaptive behavior may be more appropriately identified under an eligibility category other than ID. At the same time, adaptive behavior scores that are higher than expected should not automatically exclude ID from consideration, as isolated adaptive strengths may mask an overall pattern of dependence and functional difficulty.

NOTE: It is possible for a child to have both a hearing impairment and/or visual impairment and ID. As with all eligibility determination decisions, EDT teams are reminded to use multiple sources of information when making decisions regarding a child's eligibility for special education and related services under the category of ID.

Initial Evaluation

The list below provides the evaluation team with required components of an initial evaluation to determine whether a student is eligible for and in need of special education and related services under the eligibility category of ID:

Required components

With rare exception, the evaluation team must include all of the elements outlined under Required Components. A team must clearly document any deviation from these guidelines and the rationale for the deviation. Even if formal assessment information isn't available in an area, the evaluation team is expected to consider data in all of these required areas and deviations should be extremely rare.

Review of existing evaluation data, including:

1. Previously conducted screening data
2. Previously conducted evaluation data (formal, informal, and extant information)
3. Student assistance team (SAT) file documentation
4. Previously gathered developmental history
5. Previously gathered educational history, including test scores and grades
6. Previously gathered medical history and school health records
7. Previously gathered family history, including home language survey
8. Previously gathered social history

Updated/current evaluation data

1. Gather and analyze current and updated developmental, educational, medical (including vision and hearing), family, and social history, including an interview with the parent(s)/guardian(s) and information from general education teachers.

2. Complete direct observations across multiple settings, both structured and unstructured and various times, by multiple observers.

3. Evaluate the child in the following areas, including the use of formal, informal, and extant information, as appropriate:
    a. Academic achievement
    b. Adaptive behavior (including conceptual, social, and practical skills)

        Note: Due to the importance of this information for an eligibility determination under the category of ID, it is strongly recommended that

this information be gathered through a structured interview with respondents, rather than simply having respondents fill out a questionnaire.

c. Cognition (including verbal and non-verbal, when appropriate)

Notes:

- *It is recommended that two formal assessments be used (when appropriate for the child) and that the data are all triangulated to look for consistency with informal data and extant information. This is particularly important when the obtained score on the first assessment was greater than 70, but was lower than 70 when considering SEM. The scores on this second assessment can provide the EDT with valuable information that may be suggestive of ID or another disability.*
- *It is important for EDTs to consider SEM when interpreting cognitive scores (not confidence intervals of 90 or 95%)*
- *EDTs should generally use the overall cognitive score (not subtests, brief, or abbreviated cognitive assessments) when that score is considered a valid representation of the child's abilities.*
- *Refer to Sections Five and Seven for more information*

d. Communication (e.g., expressive language, receptive language, pragmatic language, speech, etc.)

NOTE: It is paramount to accurately identify the appropriate eligibility category for all children with disabilities, but this is particularly true and poignant in the case of ID. Misidentifying a child who has ID (e.g., under the category of autism, other health impairment, specific learning disability, or speech-language impairment) is both false and misleading and can be detrimental to the life and wellbeing of the child and family, particularly when considering school to life transition issues. (Atkins v. Virginia)

Potential additional components

The evaluation team must determine what Potential Additional Components of an initial evaluation are appropriate for each individual child.

The following components should be considered and evaluated using a variety of data sources (or by a specific provider, as outlined below) if there are concerns, unanswered questions, or inadequate existing data in any area.

1. The evaluation team may determine that additional information (formal, informal, and/or extant information) is required related to specific areas of needs, such as:
    a. Assistive technology
    b. Behavior
        i. Frequency and intensity of behaviors of concern (internalizing and externalizing)

        ii. Causes and consequences of behaviors
    c. Functional gross motor
    d. Functional fine motor
    e. Sensory processing
    f. Social and emotional
    g. Transition (e.g., Transition Assessment Summary)

2. The evaluation team may determine that additional information is required from specific professionals related to their area(s) of expertise, such as:
    a. Medical provider (primary care, neurologist, or other specialist)
    b. Psychologist (school or clinical)

NOTE: Standardized measures are not always the most appropriate or valid source of data for a particular child. Data from standardized measures should always be contextualized with other data sources. If the EDT determines that a standardized measure is not appropriate or valid for a particular child, the evaluation team should use alternative methods of obtaining data to gather information about the child's present levels of performance.

Eligibility Determination

For a child to be eligible to receive special education and related services under the eligibility category of ID, as defined by IDEA (2004), the EDT must document that the child meets all of the following:

Prong 1: Presence of a disability

The child is a child with ID because:

1. Lack of appropriate instruction in reading or math is not the primary reason for the child's educational difficulties*. For preschool children, consider whether the child has had the opportunity to participate in developmentally appropriate early childhood experiences;*
2. Limited English proficiency is not the primary reason for the child's educational difficulties;
3. The child is a child with ID (as defined by IDEA and NMAC) based on an evaluation that demonstrates all of the following:
    a. Significantly below average cognitive abilities as documented by a variety of data sources (e.g., formal, informal, and extant information) that is consistent with a valid, overall (e.g., broad, full scale, or composite) cognitive score that is at least 2 standard deviations below the mean (considering SEM; see guidelines regarding the use of SEM in Section Six of this manual); and
    b. Significantly below average adaptive behavior skills as documented by a variety of data sources (e.g., formal, informal, and extant information) that is consistent with scores that are at least 2 standard deviations below the mean (considering

SEM) in conceptual, social, and/or practical skills (or an overall score that includes those three components)

4. No other eligibility category better describes the child's disability.

NOTE: Only in rare cases in which documented deficits related to the child's disability (e.g., vision, hearing, communication, or motor skills) limit the use of an overall cognitive score would another assessment method or score be permissible as an estimate of cognitive ability (e.g., use of an index score or arena assessment). This is only appropriate when the EDT determines that this method or score is the most valid representation of the child's cognitive ability.

Prong 2: Need for specially designed instruction

As a result of ID, the child requires specially designed instruction in order to:

a) be involved in and make progress in the general education curriculum (or for a preschool child to participate in appropriate activities);
b) participate in extracurricular and other nonacademic activities; and/or
c) be educated and participate with other children with disabilities and nondisabled children.

NOTE: If the child is determined to be eligible for special education and related services under the category of ID based on "Presence of a disability" items 1 through 4 above, the child would not be eligible under the category of developmental delay (DD) (Subsection J (2) (a) of 6.31.2.10 NMAC).

Reevaluation

The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special education and related services. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

NOTE: There are no specific reevaluation eligibility criteria; therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the Review of Existing Evaluation Data (REED) process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

As part of this process, the EDT must answer these two questions:

1. What, if any, assessment information (formal or informal) needs to be collected to determine whether the child continues to be eligible for and in need of special education and related services under the eligibility category of ID?

2. What, if any, assessment information (formal or informal) needs to be collected to develop an appropriate Individualized Education Program (IEP) to meet the child's unique needs.

Reevaluation does not necessarily mean more testing. If existing data do not provide adequate information to answer these critical questions, additional assessments may need to be conducted to provide necessary data to determine continued eligibility; provide solid information for program planning; and address concerns, questions, or developments since the last evaluation. To assist the EDT in determining what assessments, if any, may be needed, the team should:

1. Review existing evaluation data on the child to include:
   a. Current classroom-based, short-cycle, and/or state assessments;
   b. Observations and information provided by teachers and related service providers; and
   c. Observations, information, and/or evaluations provided by the child's parents.

2. Based on this review, and including input from the child's teachers, parents, and other service providers, the team must answer each of these questions:
   a. What are the child's present levels of academic achievement and functional performance?
   b. What are the child's educational needs?
   c. Does the child continue to have a disability?
   d. Does the child continue to need specialized instruction and related services?
   e. What, if any, changes to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child's IEP and to participate, as appropriate, in the general education curriculum?

NOTE: It is not always necessary to complete a formal assessment of cognitive abilities at the time of reevaluation. However, a formal assessment may be important if the most current cognitive results were gathered before age eight. (Neisworth & Bagnato 1992)

Discontinuation of Special Education Services

It is important to avoid prematurely discontinuing special education supports and services, as children with ID will likely continue to need special education and/or related services throughout their school tenure. With appropriate special education supports, the child's functioning will generally improve and the intensity of their supports may simply need to be adapted.

The LEA must evaluate the child before determining that the child is no longer a child with a disability (34 CFR Sec. 300.305(e)(1)). When there is sufficient existing data, this evaluation may be appropriately conducted using data gathered during the REED process. It may not be

necessary to gather additional data prior to determining that the child is no longer a child with a disability.

Any child whose special education services are discontinued must be referred to the SAT at their school to ensure that the child is supported in this important transition period. For a child with an ID, the SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

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MULTIPLE DISABILITIES

Definition

Multiple disabilities means concomitant impairments (such as intellectual disability and blindness or intellectual disability and orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities does not include deaf-blindness. (34 CFR Sec. 300.8(c)(7))

Children eligible for special education and related services under the category of multiple disabilities (MD) must demonstrate the presence of a disability (prong 1) and need specially designed instruction due to those disabilities (prong 2) in two or more Individuals with Disabilities Education Act (IDEA) categories consistent with NM TEAM guidelines.

This eligibility category is characterized by the need for extensive and/or pervasive intensities of educational supports and, as such, is an extremely low-incidence category. It involves complex, inseparable interactions between two or more disabilities and it is neither possible nor appropriate to designate the disabilities within this category as primary and secondary.

Characteristics and Educational Impact

Children who are eligible for special education and related services under the category of MD have disabilities that adversely affect their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To identify characteristics and educational impact, the eligibility determination team (EDT) must address the question of “How do these characteristics of the disabilities manifest in the child’s natural environment (e.g., home, classroom, recess, etc.)?”

As with all disabilities, the characteristics and educational impact for children with MD will vary greatly. The following sections outline characteristics that may be associated with MD and possible educational impact of those characteristics. This information does not represent an exhaustive list of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with MD will demonstrate all of the following characteristics.

The potential educational impact reflects the unique interaction between the particular disabilities present for a given child. For some people with MD, the need for assistance or services may only be in one aspect of their everyday lives. For others with MD, these needs not only span the many aspects of their everyday lives, but across their school years and into adulthood.

Please refer to the specific chapters in this manual for the potential educational impacts of any other special education disabilities that might be considered as one interacting component of a multiple disability.

When a disability such as intellectual disability (ID) interacts with one or more additional identified disabilities (e.g., such as autism, orthopedic impairment, or visual impairment), the result can be significant challenges in cognitive information processing and development of independent life skills. For example, a child with ID who also has a visual impairment will likely demonstrate needs that are quite distinct from typically developing peers, other children with ID, and other children with visual impairments. This child's educational program would likely need to include interventions and supports to differentiate instructions to support cognitive needs, as well as to address strategies to compensate for the visual impairment within the context of the cognitive impairment. An evaluation of a child with suspected MD should ensure that the EDT gathers the information necessary to determine the child's educational needs within the context of the child's disability.

Possible combinations for MD are:

- Sensory-cognitive,
- Sensory-physical, and
- Cognitive-physical.

Special Considerations for Assessment

Based on the extremely low incidence of this category, including the need for intensive and pervasive support, the following eligibility categories might be considered when determining a possible eligibility under MD:

- Autism;
- Deaf-blindness: *Only considered if the child also demonstrates another disability*;
- Hearing impairment, including deafness;
- Intellectual disability (ID);
- Orthopedic impairment (OI);
- Other health impairment (OHI): *Medical conditions such as ADD/ADHD, diabetes, asthma, etc. would not be considered under the category of MD due to the lack of intensive and pervasive support needs associated with these conditions*;
- Traumatic brain injury (TBI); and/or
- Visual impairment (VI), including blindness.

When two or more of the above eligibility categories are determined to be appropriate for a child, in most cases the EDT will use the eligibility category of MD rather than identifying a primary and secondary eligibility category. It is not appropriate to "rank" the disabilities in order of severity to determine a primary eligibility category. Instead, the eligibility category of MD would be most appropriate.

Initial Evaluation

Required and potential additional components of an initial evaluation should be determined by the evaluation team based upon the concomitant disabilities and the guidance provided in this manual that is specific to those areas of suspected disability.

With rare exception, the evaluation team must include all of the elements outlined under Required Components for each eligibility category under consideration. A team must document any deviation from these guidelines. In addition, the evaluation team must determine what potential additional components of an initial evaluation are appropriate for each individual child.

NOTE: It is possible for a child to have both a hearing impairment and/or visual impairment and intellectual disability. As with all eligibility determination decisions, EDT teams are reminded to use multiple sources of information when making decisions regarding a child's eligibility for special education and related services to determine the most appropriate eligibility category for an individual child.

Eligibility Determination

For a child to be eligible to receive special education and related services under the eligibility category of MD, as defined by Individuals with Disabilities Education Act (IDEA, 2004), the EDT must document that the child meets all of the following:

Prong 1: Presence of a disability

The child is a child with MD because:

1. Lack of appropriate instruction in reading or math is not the primary reason for the child's educational difficulties*. For preschool children, consider whether the child has had the opportunity to participate in developmentally appropriate early childhood experiences;*
2. Limited English proficiency is not the primary reason for the child's educational difficulties;
3. The child is a child with two or more disabilities consistent with the MD definition (as defined by IDEA and NMAC); and
4. No other eligibility category better describes the child's disability.

Prong 2: Need for specially designed instruction

As a result of MD, the child requires specially designed instruction in order to:

a) be involved in and make progress in the general education curriculum (or for a preschool child to participate in appropriate activities);
b) participate in extracurricular and other nonacademic activities; and/or
c) be educated and participate with other children with disabilities and nondisabled children.

NOTE: If the child is determined to be eligible for special education and related services under the category of MD based on "Presence of a disability" items 1 through 4 above, the child would not be eligible under the category of developmental delay (DD) (Subsection J (2) (a) of 6.31.2.10 NMAC).

Reevaluation

The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special education and related services. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

NOTE: There are no specific reevaluation eligibility criteria; therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the Review of Existing Evaluation Data (REED) process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

As part of this REED process that must be a part of every reevaluation, the EDT must answer these two questions:

1. What, if any, evaluation data (formal, informal, or extant) needs to be collected to determine whether the child continues to be eligible for and in need of special education and related services under the eligibility category of MD?
2. What, if any, evaluation data (formal, informal, or extant) needs to be collected to develop an appropriate Individualized Education Program (IEP) to meet the child's unique needs?

Reevaluation does not necessarily mean more testing. If existing data do not provide adequate information to answer these critical questions, additional data may need to be collected. To assist the EDT in determining what additional data, if any, may be needed, the team should:

1. Review existing evaluation data related to the child to include:
    a. Current classroom-based, short-cycle, and/or state assessments;
    b. Observations and information provided by teachers and related service providers; and
    c. Observations, information, and/or evaluations provided by the child's parents.

2. Based on this review, and including input from the child's teachers, parents, and other service providers, the team must answer each of these questions:

a. What are the child's present levels of academic achievement and functional performance?
b. What are the child's educational needs?
c. Does the child continue to have a disability?
d. Does the child continue to need specialized instruction and related services?
e. What, if any, changes to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child's IEP and to participate, as appropriate, in the general education curriculum?

Discontinuation of Special Education Services

It is important to avoid prematurely discontinuing special education supports and services, as children with MD will likely continue to need special education and/or related services throughout their school tenure. With appropriate special education supports, the child's functioning will generally improve and the intensity of their supports may simply need to be adapted.

Children should be considered for discontinuation of special education supports and services when they demonstrate the ability to function independently, access and perform adequately in the general curriculum, including extracurricular and nonacademic activities, and no longer demonstrate a need for special education services.

The LEA must evaluate the child before determining that the child is no longer a child with a disability (34 CFR Sec. 300.305(e)(1)). When there is sufficient existing data, this evaluation may be appropriately conducted using data gathered during the REED process. It may not be necessary to gather additional data prior to determining that the child is no longer a child with a disability.

Any child whose special education services are discontinued must be referred to the SAT at their school to ensure that the child is supported in this important transition period. For a child with MD, the SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

Resources

Association of University Centers for Excellence (AUCD)
301-588-8252
http://www.aucd.org/

Hands and Voices
866-422-0422
http://www.handsandvoices.org/

The American Association on Intellectual and Developmental Disabilities
202-387-1968
http://www.aaidd.org/

The Arc of New Mexico
Toll free: 800-358-6493
http://www.arcnm.org/

The Association for Persons with Severe Handicaps (TASH)
202-540-9020
http://www.tash.org/

The National Rehabilitation Information Center (NARIC)
Toll free: 800-346-2742
http://www.naric.com/

United Cerebral Palsy (UCP)
Toll free: 800-872-5827
http://www.ucp.org/

ORTHOPEDIC IMPAIRMENT

Definition

Orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures). (34 CFR Sec. 300.8(c)(8))

Characteristics and Educational Impact

An orthopedic impairment (OI) involves a chronic physical or structural limitation of the skeleton, joints, muscles, and/or fascia. Disabilities may be congenital or acquired anomalies, excluding traumatic brain injury.

Children who are eligible for special education and related services under the category of OI have a disability that adversely affects their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To identify characteristics and educational impact, the eligibility determination team (EDT) must address the question of "How do these characteristics of the disability manifest in the child's natural environment (e.g., home, classroom, recess, etc.)?"

Educational performance related to OI may include the child's ability to:

- Access the general education curriculum
- Participate in general education classrooms
- Safely negotiate throughout the school campus
- Utilize school resources, including but not limited to playground equipment, cafeteria, science labs, media centers, social groups, athletics, and restrooms
- Participate in physical education activities that are required of or provided for children without disabilities in the same grades and schools.

As with all disabilities, the characteristics and educational impact for children with OI will vary greatly. The following sections outline characteristics that may be associated with OI and possible educational impact of those characteristics. This information does not represent an exhaustive list of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with OI will demonstrate all of the following characteristics.

For all children with OI, it is important to consider developmentally appropriate skill levels and behaviors for the child's age and educational setting. For children with OI, regardless of age, the impact of the disability may be manifested in one or more ways, including, but not limited to:

Physical

Potential Characteristics

Deficits with gross motor skills, including difficulty:

- Moving through environments independently
- Demonstrating the same level of endurance as peers
- Sitting in chairs, at the lunch table, on the floor, or at desks
- Moving between locations, including over varied terrain and around the school campus
- Carrying materials throughout the educational environment

Deficits with fine motor skills, including difficulty:

- Using writing tools
- Participating in age-appropriate self-help activities, such as toileting, dressing, and eating
- Accessing books, computers, keyboards, a mouse, etc.

Medical factors related to the disability, including:

- Pain and discomfort
- Fatigue
- Absenteeism
- Side effects of medication

Potential Educational Impact

A child with OI may have difficulty with the following aspects of the educational setting due to physical characteristics:

- Accessing playgrounds, classrooms, cafeterias, or other locations
- Participating in play activities with peers
- Attending to the learning environment
- Using school materials
- Demonstrating knowledge through physical products (e.g., writing, drawing, etc.)
- Participating in educational activities that require movement and/or use of materials
- Maintaining an appropriate level of alertness for educational activities

Communication

Potential Characteristics

Deficits in speech skills, including difficulty:

- Speaking clearly enough to fully communicate ideas, needs, and wants

Potential Educational Impact

A child with OI may have difficulty with the following aspects of the educational setting due to

communication characteristics:

- Establishing peer relationships because of difficulty being understood
- Demonstrating what they have learned
- Participating in large and small group classroom activities
- Learning from interactive group activities due to difficulty communicating own ideas

Social/Emotional

Delayed social and emotional skills due to decreased opportunities for social interactions with peers

Psychological factors, including:

- Lack of motivation to initiate and complete tasks
- Learned helplessness
- Depression related to physical or medical status
- Self-esteem issues related to self-image and/or independence
- Increased absenteeism or avoidance of school

Potential Educational Impact

A child with OI may have difficulty with the following aspects of the educational setting due to social or emotional characteristics:

- Participating in group activities
- Participating in classroom or community activities
- Participation in and/or enjoyment of educational activities
- Completing tasks without more support and encouragement than would be expected given the child's abilities
- Making progress in the general education curriculum due to difficulty with attendance or engagement

NOTE: Children with OI are often stereotyped as having cognitive impairments. This perception may inappropriately limit educational expectations for the child and may also contribute negatively to the psychological factors described above. **As such, when assessing for cognitive functioning, it is important to select instruments whose results are not negatively impacted by the orthopedic impairment (e.g., Block Design, written responses, timed tests, etc.).**

Special Considerations for Assessment

A Section 504 Accommodation Plan may be appropriate for a child with OI who does not require specially designed instruction and therefore is not eligible under Individuals with Disabilities Education Act (IDEA 2004).

Consistent with IDEA (2004), it is essential that assessment results accurately reflect the factors being assessed (e.g., cognitive skills, achievement level, etc.), rather than other factors (e.g., sensory, motor, or speaking skills). This is particularly relevant when assessing a child with a known or suspected OI, and it is important that assessment techniques are not negatively impacted by the child's physical skills.

NOTE: IDEA does not necessarily require a school district to conduct a medical evaluation for the purpose of determining whether a child has an orthopedic impairment, which may lead to an eligibility determination under the category of OI. If the EDT believes that a medical evaluation by a licensed physician is needed as part of the evaluation to determine whether a child suspected of having orthopedic impairment is eligible for special education and related services under the category of OI, or any other disability category under the IDEA, the local education agency (LEA) must ensure that this evaluation is conducted at no cost to the parents. (See OSEP Letter to Williams [March 14, 1994])

Initial Evaluation

The list below provides the evaluation team with components of an initial evaluation to determine whether a child is eligible for and in need of special education and related services under the eligibility category of OI:

Required components

With rare exception, the evaluation team must include all of the elements outlined under Required Components. A team must clearly document any deviation from these guidelines and the rationale for the deviation. Even if formal assessment information isn't available in an area, the evaluation team is expected to consider data in all of these required areas and deviations should be extremely rare.

Review of existing evaluation data, including:

1. Previously conducted screening data
2. Previously conducted evaluation data (formal, informal, and extant information)
3. Student assistance team (SAT) file documentation
4. Previously gathered developmental history
5. Previously gathered educational history, including test scores and grades
6. Previously gathered medical history and school health records
7. Previously gathered family history, including home language survey
8. Previously gathered social history

Updated/current evaluation data

1. Gather and analyze current and updated developmental, educational, medical (including vision and hearing), family, and social history, including an interview with the parent(s)/guardian(s) and information from general education teachers

2. Complete direct observations across multiple settings, both structured and unstructured and various times, by multiple observers

3. Evaluate the child in the following areas, including the use of formal, informal, and extant information, as appropriate:
    a. Adaptive behavior
    b. Functional fine motor
    c. Functional gross motor

4. Gather and document information specifically related to the presence of a chronic orthopedic impairment

Potential additional components

The evaluation team must determine what Potential Additional Components of an initial evaluation are appropriate for each individual child.

Teams should consider an evaluation using a variety of data sources (or by a specific provider outlined below) if there is any concern that the child is demonstrating difficulties in this area or if there is not adequate existing data to describe the child's present levels of performance in that area.

1. The evaluation team may determine that additional information (formal, informal, and/or extant information) is required related to specific areas of needs, such as:
    a. Academic achievement
    b. Assistive technology
    c. Cognition
    d. Communication
    e. Social and emotional
    f. Transition (e.g., Transition Assessment Summary)

2. The evaluation team may determine that additional information is required from specific professionals related to their area(s) of expertise, such as:
    a. Medical provider (primary care, neurologist, or other specialist)

NOTE: Standardized measures are not always the most appropriate or valid source of data for a particular child. Data from standardized measures should always be contextualized with other data sources. If the EDT determines that a standardized measure is not appropriate or valid for a particular child, the evaluation team should use alternative methods of obtaining data to gather information about the child's present levels of performance.

Eligibility Determination

For a child to be eligible to receive special education and related services under the eligibility category of OI, as defined by IDEA (2004), the EDT must document that the child meets all of the following:

Prong 1: Presence of a disability

The child is a child with OI because:

1. Lack of appropriate instruction in reading or math is not the primary reason for the child's educational difficulties*. For preschool children, consider whether the child has had the opportunity to participate in developmentally appropriate early childhood experiences;*
2. Limited English proficiency is not the primary reason for the child's educational difficulties;
3. The child is a child with OI (as defined by IDEA and NMAC); and
4. No other eligibility category better describes the child's disability.

Prong 2: Need for specially designed instruction

As a result of OI, the child requires specially designed instruction in order to:

a) be involved in and make progress in the general education curriculum (or for a preschool child to participate in appropriate activities);
b) participate in extracurricular and other nonacademic activities; and/or
c) be educated and participate with other children with disabilities and nondisabled children.

NOTE: If the child is determined to be eligible for special education and related services under the category of OI based on "Presence of a disability" items 1 though 4 above, the child would not be eligible under the category of developmental delay (DD) (Subsection J (2) (a) of 6.31.2.10 NMAC).

Reevaluation

The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special education and related services. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

NOTE: There are no specific reevaluation eligibility criteria; therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the Review of Existing Evaluation Data (REED) process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of

eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

As part of this process, the EDT must answer these two questions:

1. What, if any, assessment information (formal or informal) needs to be collected to determine whether the child continues to be eligible for and in need of special education and related services under the eligibility category of OI?
2. What, if any, assessment information (formal or informal) needs to be collected to develop an appropriate Individualized Education Program (IEP) to meet the child's unique needs?

Reevaluation does not necessarily mean more testing. If existing data do not provide adequate information to answer these critical questions, additional data may need to be collected. To assist the EDT in determining what additional data, if any, may be needed, the team should:

1. Review existing evaluation data related to the child to include:
    a. Current classroom-based, short-cycle, and/or state assessments;
    b. Observations and information provided by teachers and related service providers; and
    c. Observations, information, and/or evaluations provided by the child's parents.

2. Based on this review, and including input from the child's teachers, parents, and other service providers, the team must answer each of these questions:
    a. What are the child's present levels of academic achievement and functional performance?
    b. What are the child's educational needs?
    c. Does the child continue to have a disability?
    d. Does the child continue to need specialized instruction and related services?
    e. What, if any, changes to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child's IEP and to participate, as appropriate, in the general education curriculum?

Discontinuation of Special Education Services

Discontinuation of special education services for children with OI should be considered when a child demonstrates the ability to function independently, access and perform adequately in the general education curriculum, including extracurricular and nonacademic activities, with adaptations that are available in the general education classroom, and no longer demonstrates a need for specially designed instruction and related services. Children with OI may make significant progress in terms of their medical program, technological support(s), and academic programs that help to alleviate their educational concerns.

The LEA must evaluate the child before determining that the child is no longer a child with a disability (34 CFR Sec. 300.305(e)(1)). When there is sufficient existing data, this evaluation may be appropriately conducted using data gathered during the REED process. It may not be necessary to gather additional data prior to determining that the child is no longer a child with a disability.

Any child whose special education services are discontinued must be referred to the SAT at their school to ensure that the child is supported in this important transition period. For a child with OI, the SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

Resources

Carrie Tingley Hospital
505-272-2111
https://unmhealth.org/locations/carrie-tingley-hospital.html

Carrie Tingley Hospital Foundation
505-243-6626
http://carrietingleyhospitalfoundation.org

Disabled Sports USA
301-217-0960
http://www.dsusa.org/

Easter Seals Foundation
312-726-6200
Toll free: 800-221-6827
http://www.easterseals.com/

Kiwanis Club
317-875-8755 (X411)
Toll free: 800-549-2647 [X411]
http://www.kiwanis.org/

New Mexico Technology Assistance Program (NMTAP)
505-841-4464
Toll free: 877-696-1470
http://www.nmtap.com/

Shriners of North America
813-281-0300
http://www.shrinershq.org/

Very Special Arts (VSA) New Mexico
505-345-2872
http://www.vsartsnm.org/

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OTHER HEALTH IMPAIRMENT

Definition

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette Syndrome; and adversely affects the child's educational performance. (34 CFR Sec. 300.8(c)(9))

NOTE: Remember that the presence of a medical diagnosis or a diagnosis based on current Diagnostic and Statistical Manual (DSM) criteria does not make a child automatically eligible for special education and related services under Individuals with Disabilities Education Act (IDEA 2004). Determination of eligibility for special education and related services is based on both: (a) an identified disability as defined by IDEA (2004) and (b) a documented need for special education and related services.

Characteristics and Educational Impact

Children who are eligible for special education and related services under the category of other health impairment (OHI) have a disability that adversely affects their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To identify characteristics and educational impact, the eligibility determination team (EDT) must address the question of "How do these characteristics of the disability manifest in the child's natural environment (e.g., home, classroom, recess, etc.)?"

As with all disabilities, the characteristics and educational impact for children with OHI will vary greatly. The following sections outline characteristics that may be associated with OHI and possible educational impact of those characteristics. This information does not represent an exhaustive list of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with OHI will demonstrate all of the following characteristics.

For all children with OHI, it is important to consider developmentally-appropriate skill levels and behaviors for the child's age and educational setting. The characteristics of the disability are very similar for school-aged and preschool-aged children, but the educational impact may differ. For children with OHI, regardless of age, the impact of the disability may be manifested in one or more ways, including, but not limited to:

Physical

Potential Characteristics

Complex physical and/or medical needs, possibly requiring nursing services throughout the day

Safety concerns related to seizures, side effects of medication, etc.

Difficulty with processing sensory information, including:

- Sensitivity to sounds, textures, tastes, smells, etc. that significantly impacts attention or performance
- Need for more movement or sensory input than provided by the environment and when compared to other children of the same age
- Decreased awareness of when to respond to sounds, like teacher calling his/her name or teacher providing whole- or small-group instruction, fire alarms, etc.
- “Crashing” into people and furniture
- Not reacting when hurt
- Resistance to movement

Differences with functional use of fine and/or gross motor skills, including difficulty:

- Poor balance, strength, or endurance that make it difficult for the child to sit in chairs, at the lunch table, on the floor, or at desks
- Using educational tools appropriately
- Managing clothing or other belongings

Medical factors related to the disability, including:

- Pain and discomfort
- Fatigue
- Absenteeism
- Side effects of medication

Potential Educational Impact

A child with OHI may have difficulty with the following aspects of the educational setting due to physical characteristics:

- Attending to the learning environment
- Being safe in the school environment, behaviorally and/or when navigating the environment
- Using school materials
- Demonstrating knowledge through physical products (e.g., writing, drawing, etc.)
- Participating in educational activities that require movement and/or use of materials
- Maintaining appropriate level of alertness for educational activities
- Making progress in the general education curriculum because of difficulty attending to teacher-led instruction
- Participation in educational and social activities due to time spent in medical/health related tasks

- Academic achievement delays related to issues such as frequent absences; limited educational opportunities because of health issues; and/or difficulty focusing on, engaging in, and/or completing academic activities

Social/Emotional

Potential Characteristics

Difficulty with developing and maintaining friendships appropriate for age (may be related to limited opportunities for social interactions, different life experiences from peers, and/or skill deficits related to attention, alertness, endurance, vitality, etc.)

Difficulty with social and/or behavioral skills, including:

- Engaging in appropriate verbal and nonverbal behaviors across settings
- Transitioning effectively across setting and activities
- Complying with expectations and/or directions
- Using effective problem-solving strategies for a given situation

Potential Educational Impact

A child with OHI may have difficulty with the following aspects of the educational setting due to social or emotional characteristics:

- Participating in group activities
- Participating in classroom or community activities
- Making progress in the general education curriculum due to difficulty with group participation
- Participating in recess, etc., due to difficulty with peer relationships and group activities
- Transitioning between activities and/or locations in the educational setting
- Being educated with peers because of challenging behaviors that impact their learning or that of others (e.g., safety issues for the child or others, inappropriate behaviors for an educational setting)

Special Considerations for Assessment

NOTE: Individuals with Disabilities Education Act (IDEA) does not necessarily require a local education agency (LEA) to conduct a medical evaluation for the purpose of determining whether a child has a health impairment, which may lead to an eligibility determination under the category of OHI. If the EDT believes that a medical evaluation by a licensed physician is needed as part of the evaluation to determine whether a child suspected of having a health impairment requires special education and related services under the category of OHI, or any other disability category under the IDEA, the local educational agency (LEA) must ensure that this evaluation is conducted at no cost to the parents. (See OSEP Letter to Williams [March 14, 1994])

In almost all cases, documentation of a health impairment will come from a licensed physician or a qualified mental health professional; however, consistent with OSEP guidance, the NM

TEAM allows EDTs to make an eligibility determination of OHI without a medical diagnosis. For example, the EDT may make an eligibility determination of OHI without a medical diagnosis for a child with ADD/ADHD because the team is making an educational determination, rather than medical diagnosis.

If the EDT believes that there are other appropriate and effective methods for determining whether a child suspected of having a health impairment meets eligibility requirements of the OHI category AND the EDT has the expertise to make an eligibility determination without a medical diagnosis, they have the option of using the data they collect during the evaluation process to make an eligibility determination decision as long as all of the protections in evaluation procedures are met (see OSEP Letter to Williams, (March 14, 1994)). The EDT must document any decision to determine eligibility without documentation from a licensed physician, including the rationale and supporting documentation used.

Initial Evaluation

The list below provides the evaluation team with components of an initial evaluation to determine whether a child is eligible for and in need of special education and related services under the eligibility category of autism.

Required components

With rare exception, the evaluation team must include all of the elements outlined under Required Components. A team must clearly document any deviation from these guidelines and the rationale for the deviation. Even if formal assessment information isn't available in an area, the evaluation team is expected to consider data in all of these required areas and deviations should be extremely rare.

Review of existing evaluation data, including:

1. Previously conducted screening data
2. Previously conducted evaluation data (formal, informal, and extant information)
3. Student assistance team (SAT) file documentation
4. Previously gathered developmental history
5. Previously gathered educational history, including test scores and grades
6. Previously gathered medical history and school health records
7. Previously gathered family history, including home language survey
8. Previously gathered social history

Updated/current evaluation data

1. Gather and analyze current and updated developmental, educational, medical (including vision and hearing), family, and social history, including an interview with the parent(s)/guardian(s) and information from general education teachers.

2. Complete direct observations across multiple settings, both structured and unstructured and various times, by multiple observers.

3. Gather and document information specifically related to the presence of a health impairment.
   Note: If there are attention concerns (e.g., concerns related to characteristics of ADHD), the evaluation must include components specifically targeting the child's attention in the educational setting, including, for example, behavior rating scales/checklists; time-sampled observations (which should include a typically developing peer observation for comparison); and possibly a Functional Behavioral Assessment (FBA)

Potential additional components

The evaluation team must determine what Potential Additional Components of an initial evaluation are appropriate for each individual child.

Teams should consider an evaluation using a variety of data sources (or by a specific provider outlined below) if there is any concern that the child is demonstrating difficulties in this area or if there is not adequate existing data to describe the child's present levels of performance in that area.

1. The evaluation team may determine that additional information (formal, informal, and/or extant information) is required related to specific areas of needs, such as:
   a. Academic achievement
   b. Adaptive behavior
   c. Assistive technology
   d. Behavior
      i. Frequency and intensity of behaviors of concern (internalizing and externalizing; ensure gathering of data related to limited strength, vitality, or alertness (including heightened alertness))
      ii. Causes and consequences of behaviors (FBA)
   e. Cognition
   f. Functional motor skills
   g. Sensory processing
   h. Social and emotional
   i. Transition (e.g.,Transition Assessment Summary)

2. The evaluation team may determine that additional information is required from specific professional related to their area(s) of expertise, such as:
   a. Medical provider (primary care, neurologist, or other specialist)

NOTE: Standardized measures are not always the most appropriate or valid source of data for a particular child. Data from standardized measures should always be contextualized with other

data sources. If the EDT determines that a standardized measure is not appropriate or valid for a particular child, the evaluation team should use alternative methods of obtaining data to gather information about the child's present levels of performance.

Eligibility Determination

For a child to be eligible to receive special education and related services under the eligibility category of OHI, as defined by IDEA (2004), the EDT must document that the child meets all of the following:

Prong 1: Presence of a disability

The child is a child with OHI because:

1. Lack of appropriate instruction in reading or math is not the primary reason for the child's educational difficulties*. For preschool children, consider whether the child has had the opportunity to participate in developmentally appropriate early childhood experiences;*
2. Limited English proficiency is not the primary reason for the child's educational difficulties;
3. The child is a child with OHI (as defined by IDEA and NMAC); and
4. No other eligibility category better describes the child's disability.

Prong 2: Need for specially designed instruction

As a result of OHI, the child requires specially designed instruction in order to:

a) be involved in and make progress in the general education curriculum (or for a preschool child to participate in appropriate activities);
b) participate in extracurricular and other nonacademic activities; and/or
c) be educated and participate with other children with disabilities and nondisabled children.

NOTE: If the child is determined to be eligible for special education and related services under the category of OHI based on "Presence of a disability" items 1 though 4 above, the child would not be eligible under the category of developmental delay (DD) (Subsection J (2) (a) of 6.31.2.10 NMAC).

Reevaluation

The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special education and related services. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

NOTE: There are no specific reevaluation eligibility criteria; therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the Review of Existing Evaluation Data (REED) process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

As part of this process, the EDT must answer these two questions:

1. What, if any, assessment information (formal or informal) needs to be collected to determine whether the child continues to be eligible for and in need of special education and related services under the eligibility category of other health impairment?
2. What, if any, assessment information (formal or informal) needs to be collected to develop a reasonably calculated Individualized Education Plan (IEP) to meet the child's unique needs?

Reevaluation does not necessarily mean more testing. If existing data do not provide adequate information to answer these critical questions, additional data may need to be collected. To assist the EDT in determining what additional data, if any, may be needed, the team should:

1. Review existing evaluation data related to the child to include:
    a. Current classroom-based, short-cycle, and/or state assessments;
    b. Observations and information provided by teachers and related service providers; and
    c. Observations, information, and/or evaluations provided by the child's parents.

2. Based on this review, and including input from the child's teachers, parents, and other service providers, the team must answer each of these questions:
    a. What are the child's present levels of academic achievement and functional performance?
    b. What are the child's educational needs?
    c. Does the child continue to have a disability?
    d. Does the child continue to need specialized instruction and related services?
    e. What, if any, changes to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child's IEP and to participate, as appropriate, in the general education curriculum?

Discontinuation of Special Education Services

Children with OHI should be considered for discontinuation of special education supports and services when they demonstrate the ability to function independently, access and perform adequately in the general curriculum, including extracurricular and nonacademic activities, and no longer demonstrate a need for specially designed instruction and related services. Children

with OHI may make significant progress in terms of their medical program, technological support(s), and academic programs that help to alleviate their educational concerns.

The LEA must evaluate the child before determining that the child is no longer a child with a disability (34 CFR Sec. 300.305(e)(1)). When there is sufficient existing data, this evaluation may be appropriately conducted using data gathered during the REED process. It may not be necessary to gather additional data prior to determining that the child is no longer a child with a disability.

Any child whose special education services are discontinued must be referred to the SAT at his or her school to ensure that the student is supported in this important transition period. The SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

Resources

Access Unlimited
http://www.accessunlimited.com/

American Burn Association (ABA)
http://www.ameriburn.org/

American Cancer Society (ACS)
http://www.cancer.org/docroot/home/index.asp

American Diabetes Association (ADA)
http://www.diabetes.org/home.jsp

Asthma and Allergy Foundation of America
http://www.aafa.org/

Amyotrophic Lateral Sclerosis Association (ALSA)
http://www.alsa.org/

Children and Adults with Attention Deficit/Hyperactivity Disorder (CHADD)
http://www.chadd.org/

Epilepsy Foundation of America
http://www.epilepsyfoundation.org/

Lupus Foundation of America
http://www.lupus.org/

Multiple Sclerosis Foundation (MSF)
http://msfocus.org/

Muscular Dystrophy Association (MDA)
www.mda.org

National Hemophilia Foundation
http://www.hemophilia.org/NHFWeb/MainPgs/MainNHF

National Organization for Rare Disorders (NORD)
http://rarediseases.org/

National Spinal Cord Injury Association (NSCIA)
http://www.spinalcord.org/

Tourette Syndrome Association (TSA)
http://www.tsa-usa.org/

SPECIFIC LEARNING DISABILITY

Definition

Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage. (34 CFR Sec. 300.8(c)(10))

NOTE: Effective July 1, 2023, 6.31.2.10 (Subsection K) NMAC no longer allows the use of "severe discrepancy model" for determination of a specific learning disability. The only permissible method of identification of a specific learning disability in New Mexico is the "dual discrepancy model," which will be discussed in this section. 6.31.2.10(K)(3) NMAC provides that MLSS is one source of data that will inform the process of the dual discrepancy model.

An SLD is a disability rooted in a neurological processing deficit (e.g., auditory processing, memory, processing speed, phonological processing, visual/perceptual processing, etc.) and results in significant academic underachievement despite sustained, high-quality, scientific, research-based instruction and intervention. SLD may be manifested in the following areas:

- Basic reading skills
- Reading fluency skills
- Reading comprehension skills
- Written expression
- Mathematics calculation
- Mathematics problem solving
- Oral expression
- Listening comprehension

SLD is unique to the individual and is not the result of exclusionary factors (outlined below). To identify SLD, the following three elements must be documented:

1. The child demonstrates **significant academic underachievement** that is documented and supported by a pattern of strengths and weaknesses in performance and/or achievement. This underachievement persists despite sustained, high-quality, scientific, research-based instruction and intervention.

2. There is evidence of **basic neurological processing deficit(s)**. There should be a research-based connection between the academic weakness and the identified neurological processing deficits. The following table of neurological processing deficits (and research-based related academic areas) should not be viewed to be all-inclusive but is provided as a starting point to guide aid EDTs in considering the most likely connections between neurological processing and academic areas.

3. The child's challenges are not caused primarily by following exclusionary factors:
   - Lack of appropriate instruction in reading;
   - Lack of appropriate instruction in math;
   - Limited English proficiency
   - Visual, hearing, or motor disability;
   - Intellectual disability;
   - Emotional disturbance;
   - Cultural factors; or
   - Environmental or economic factors.

   Note: This list reflects the specific IDEA exclusionary factors, but it is important for evaluation teams and EDTs to consider all appropriate factors, such as lack of appropriate instruction in written expression, prior to making an eligibility determination.

Characteristics and Educational Impact

Children who are eligible for special education and related services under the category of SLD have a disability that adversely affects their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To identify characteristics and educational impact, the EDT must address the question of "How do these characteristics of the disability manifest in the child's natural environment (e.g., home, classroom, recess, etc.)?"

As with all disabilities, the characteristics and educational impact for children with SLD will vary greatly. The following sections outline characteristics that may be associated with SLD and possible educational impact of those characteristics. This information does not represent an exhaustive list of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with SLD will demonstrate all of the following characteristics.

Because children with SLD are identified based on academic underachievement despite access to high-quality instruction, it is highly unlikely for SLD to be identified in preschool-aged children.

For school-aged children with SLD, it is important for evaluation teams to make explicit connections between areas of academic need and underlying cognitive processing (neurological) deficits, as that both supports accurate identification of children with SLD and provides guidance for appropriate instructional supports and accommodations. The following

two sections of educational impact are organized around these two domains: academic skills and cognitive processing abilities. This guides teams in recognizing what cognitive processing deficits may be impacting the child when completing the Patterns of Strengths and Weaknesses (PSW) process as part of the evaluation. More information on the PSW process is provided in following sections.

For school-aged children with SLD, the impact of the disability may be manifested in one or more of the following ways, including, but not limited to:

Academics

Potential Characteristics

Basic reading difficulties, including:

- Remembering sounds/words when decoding
- Recognizing and/or naming letters
- Pairing letters and sounds
- Segmenting and/or blending sounds
- Rhyming
- Spelling using phonetic strategies
- Reading sight words without trying to sound them out

Reading fluency difficulties, including:

- Reading words without guessing
- Reading words in isolation
- Consistently excludes the sounds in the middle or end of words
- Reading correct words without substitutions
- Reading smoothly without frequent pauses or being “choppy”
- Accurately reading simple words (a, that, an, in, the, etc.)
- Completing reading tasks in a reasonable amount of time

Reading comprehension difficulties, including:

- Remembering what was read
- Recalling relevant details from what was read
- Sequencing events in a story
- Providing possible outcomes in an unfinished story
- Identifying inconsistencies in a story
- Elaborating on details in a story

Math calculation difficulties, including:

- Counting objects
- Learning basic math facts (e.g., requires excessive repetition)
- Retrieving math facts
- Regrouping

- Consistently solving problems correctly (e.g., answering something wrong after already having solved it correctly)
- Transitioning to solving problems mentally instead of using tangible objects (e.g., not being able to solve computation problems without drawings or objects)
- Sequencing steps to solve a math problem
- Making or understanding charts or graphs
- Understanding geometric concepts and relationships

Math problem solving difficulties, including:

- Understanding underlying math concepts
- Identifying relevant information
- Sequencing steps to solve a problem
- Identifying appropriate algorithms/strategies to solve a problem
- With conceptual understanding related to recognizing the problem that needs to be solved
- Applying math skills across new problems or situations
- Learning abstract mathematical concepts

Written expression difficulties, including:

- Generating written output that demonstrate their learning
- Generating written output that is of the same (or similar) quality as what they can provide verbally
- Organizing and producing written output (verb tense, sentence structure, punctuation, etc.) at the same level as their oral language and inconsistent with instructional experiences
- Expanding on ideas in writing at the same level as their oral language
- Spelling because of overreliance on phonetic elements when spelling and/or inability to recognize spelling errors, beyond what is expected given reading level

Listening comprehension difficulties, including:

- Following directions
- Retelling stories
- Completing assignments accurately
- Answering questions about information presented auditorily
- Making connections with previous learning

Oral expression difficulties, including:

- Answering questions
- Conveying wants, needs, ideas, etc.
- Telling events in sequence
- Retelling stories
- Demonstrating knowledge orally
- Using language appropriately (e.g., syntax, grammar, word choice, social language)

Potential Educational Impact

A child with SLD may have difficulty with the following aspects of the educational setting due to academic characteristics:

- Making expected progress in academic areas
- Accessing curriculum without accommodations
- Participating in large and/or small group activities
- Completing work in the same amount of time as peers
- Accurately showing the depth of their learning when completing assignments without accommodations
- Performing consistently across content areas (e.g., lower performance in certain academic areas than in others)
- Demonstrating knowledge in a content area when SLD in another area is impacting performance (e.g., difficulty with word problems in math because of SLD in reading)

Cognition

Potential Characteristics

Visual spatial or other visual perceptual difficulties (e.g., visual discrimination, visual memory, sequential visual memory, figure-ground, visual closure, form constancy), including:

- Paying attention to visual tasks
- Discriminating between different letters, numbers, and other symbols
- Remembering symbols that they've seen
- Using and understanding directional concepts, such as "in front," "on top," "first," or "next to"
- Identifying relevant visual features (e.g., when reading a graph or chart)

Language processing difficulties, including:

- Following spoken or written instructions
- Answering questions about daily life, stories, etc.
- Speaking fluently
- Speaking with age-appropriate skills
- Paying attention because verbal information is coming too fast
- Understanding nonverbal cues
- Holding conversations and maintaining social interactions

Working memory difficulties, including auditory and/or visual memory, including:

- Remembering details long enough to answer questions
- Following multiple step directions (e.g., sequencing)
- Mentally holding and manipulating auditory information long enough to complete tasks (e.g., remembering spoken information while answering questions, taking notes, or completing directions)
- Remembering details of word problems long enough to solve them

- Having appropriate conversations because they lose track of what the other person is saying
- Staying on task with assignments/tasks
- Sequencing individual letters/sounds into words/sentences/paragraphs when reading
- Connecting new ideas with previously learned information
- Completing math problems without manipulatives (i.e., mental math)

Long-term storage and retrieval difficulties, including:

- Recalling/retrieving previously learned information or databases without memory lapses
- Learning new concepts or skills
- Memorizing information, such as math facts, historical dates, personal information, etc.
- Remembering the correct words or vocabulary (e.g., naming objects)

Fluid reasoning difficulties, including:

- Understanding how ideas are related
- Drawing conclusions from specific information (e.g., figuring out how to solve a word problem in math, predicting the ending of a story)
- Identifying patterns or relationships
- Generalizing or transferring skills to new situations
- Applying logic and reasoning to new situations
- Understanding the consequences of actions
- Using abstraction in recognizing and understanding concepts or ideas that are not concrete or obvious

Processing speed difficulties, including:

- Developing automatic skills with basic facts, such as math facts, letter naming, etc.
- Paying attention because the information is coming in too fast
- Completing tasks within a limited amount of time
- Participating in conversations, especially when there are multiple people
- Responding to questions quickly
- Making rapid decisions
- Completing activities/tasks accurately and fluently

Phonological awareness difficulties, including:

- Recognizing and creating rhymes
- Discriminating between different sounds
- Separating words into syllables or merging syllables into words
- Identifying first, last, and/or middle sounds in a word
- Learning the relationships between letters and sounds
- Pronouncing words correctly

Attention difficulties, including:

- Paying careful attention to details to avoid careless errors or glossing over important facts
- Maintaining attention and focus without becoming distracted from the learning activity or information source
- Difficulty with working memory (see below)
- Difficulty with processing speed (see above)
- Other executive functioning deficits (see below)

Orthographic processing difficulties, including:

- Learning the relationships between letters and sounds
- Reading fluently without sounding out each word
- Spelling without over-relying on phonological information
- Visualizing letters or other symbols
- Recognizing shapes and orientation of symbols
- Correctly reading simple words (e.g., ‘it’ and ‘on’)

Executive functioning difficulties, including:

- Planning, monitoring, and completing tasks
- Prioritizing task completion by considering a variety of factors, such as due dates, length/difficulty, time available and personal interest
- Age-appropriate meta-cognition through the ability to self-monitor and self-direct one’s own behavior or actively develop strategies that are particular to the current problem/task
- Adjusting behavior, expectations, or problem-solving strategies to meet changing circumstances (e.g., flexibility)
- Controlling impulses, delaying responses, or stopping behavior at appropriate times
- Ability to begin tasks
- Regulating emotional responses
- Using age-appropriate study skills, such as note-taking, test/quiz preparation, prioritizing assignments and self-checking work

Speed of lexical access (rapid automatic naming) difficulties, including:

- Naming letters, numbers, words, or other symbols rapidly and fluently
- Using the correct word (e.g., substitutes words)
- Remembering the words they want to use
- Quickly remembering math facts

Potential Educational Impact

A child with SLD may have difficulty with the following aspects of the educational setting due to cognitive processing characteristics:

- Generalizing and synthesizing learned information beyond the classroom setting to other classes or life situations

- Making progress in academic areas
- Participating in large or small groups, including during non-academic and/or extracurricular activities
- Completing assignments/tasks in the same amount of time as peers
- Being prepared with appropriate materials and supplies
- Working independently
- Organizing written work, materials, etc.

Social and Emotional

Potential Characteristics

Social and/or emotional difficulties, including:

- Poor self-esteem
- Difficulty communicating effectively with others
- Difficulty coping with everyday expectations
- Perception of others that the child isn't trying hard enough or lacks motivation

Potential Educational Impact

A child with SLD may have difficulty with the following aspects of the educational setting due to social and emotional characteristics:

- Accessing the educational environment, due to lack of consistent attendance at school related to anxiety, low self-esteem, frustration with educational environment, etc.
- Participating in educational activities or accessing the educational environment due to challenging behaviors, such as refusal, distraction of self or others, etc., as an escape from difficult tasks
- Participation in large and small group activities, including non-academic and extracurricular activities
- Completing assignments or tasks
- Working independently to demonstrate knowledge

Special Considerations for Assessment.

Age of eligibility determination under SLD

The category of SLD may not be appropriate for children in preschool, kindergarten, or early in first grade. SLD manifests in academic underachievement following quality instruction and intervention. In the early years, instruction may not have been focused on the specific instruction and intervention necessary for academic achievement. Instead, early childhood curriculum is likely geared toward developmental gains and global educational curriculum. It is not until a child's educational instruction and progress has been documented that SLD would be appropriate as a possible eligibility category.

Sensorimotor function

Although sensorimotor function is not a basic psychological process, these skills provide the foundation for other psychological processes and may be contributing factors for difficulties in areas such as math calculation and written expression. For example, children with sensorimotor difficulties may have difficulty organizing their thoughts in written format, producing written work that demonstrates their true level of knowledge, regulating behavior to attend to the educational environment, etc. It is essential to include the expertise of other specialists when a child demonstrates any indication that they may have impaired sensorimotor function. Possible indications include (but are not limited to): information provided by teachers or parents suggest difficultly with motor skills or self-regulation, the child demonstrates poor performance on assessments requiring motor function (e.g., visual-motor assessments, coding/cancellation tasks, etc.), or based on information gathered during observations conducted prior to and during the comprehensive evaluation process, etc.

Expertise of other evaluation specialists

It is important to involve other evaluation specialists for an evaluation of a child with suspected SLD (e.g., occupational therapists (OT) and speech-language pathologists (SLP)). For example, an SLP will likely need to be involved when any of the language and/or verbal processing areas are suspected to be impacted and an OT will likely need to be involved when attention, executive functioning, motor, and/or visual processing areas are suspected to be impacted. Additionally, there may be an overlap between the SLD category and the speech or language impairment category in the area of language. Oral expression and listening comprehension are academic areas and should be treated as such in the evaluation process. The information provided through a speech-language evaluation may support the presence of a specific learning disability.

Not only is it important to involve them in the evaluation process, but they also often need to be involved **early** in the evaluation process. By involving these professionals early in the evaluation process, other evaluators (e.g., educational diagnosticians) will have valuable information to help plan other components of the evaluation and the evaluation team will have information to interpret and triangulate evaluation findings.

Attention and Executive Functioning

Attention and executive functioning difficulties may affect performance across nearly all areas of assessment and should be carefully considered when interpreting evaluation results. Difficulties sustaining attention, regulating alertness, inhibiting impulses, shifting focus, organizing information, or maintaining mental effort may interfere with a child's ability to fully demonstrate their knowledge and skills during testing and other assessment activities. As a result, performance may vary significantly depending on factors such as task length, level of interest, environmental distractions, amount of structure provided, fatigue, processing demands, and opportunities for redirection or breaks. Difficulties with attention may impact performance in cognitive, academic, language, social-emotional, adaptive, motor, and behavioral domains, even when the underlying skill being measured is not primarily attentional in nature. Evaluation

teams should therefore interpret assessment data within the broader context of the child's functioning across settings and consider patterns of strengths and weaknesses, behavioral observations, response to supports, and variability in performance over time.

NOTE: Subsection B of 6.31.2.7(5) NMAC, defines dyslexia as "a condition of neurological origin that is characterized by difficulty with accurate or fluent word recognition and by poor spelling and decoding abilities, which characteristics typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction and may result in problems in reading comprehension and reduced reading experience that may impede the growth of vocabulary and background knowledge." The New Mexico Public Education Department highly recommends that the EDT use the information in the New Mexico TEAM Identification of Dyslexia Supplemental Narrative and Worksheet associated with this manual to document decisions related to the identification of dyslexia in children with known or suspected specific learning disability (SLD).

Dyslexia and SLD in New Mexico

Any child who has been referred for an evaluation due to specific difficulties in reading or written expression should be evaluated to determine whether the child demonstrates the characteristics of dyslexia pursuant to Subsection B (6) of 6.31.2.7(5) NMAC.

It is important to recognize that not all children with SLD in reading and/or written expression will demonstrate the characteristics of dyslexia, as dyslexia is defined as a specific pattern of processing deficits and many children with dyslexia will be successful without requiring special education and related services. No single measure can be used to identify this pattern of characteristics, so **New Mexico TEAM Identification of Dyslexia Supplemental Narrative and Worksheet** outlines a collection of assessments that, when examined within the context of one another, can be used to determine whether a child demonstrates the characteristics of dyslexia and can ensure that the evaluation team is conducting a comprehensive evaluation of the child.

Although not all children with dyslexia will be eligible for special education and related services under the eligibility category of SLD, the information gathered from this evaluation targeting characteristics of dyslexia will support the child's educational team in providing appropriate educational supports.

Dyslexia, Dyscalculia, Dysgraphia and SLD

Labels such as dyslexia, dyscalculia, and dysgraphia can be difficult for EDTs to understand within the context of educational evaluations for determining eligibility for special education and related services. These terms refer to medical diagnoses within the Diagnostic and Statistical Manual – 5th Edition (DSM-5), not to disabilities consistent with IDEA (2004). These terms refer to individuals who have impairments in a specific area (i.e., reading, math, or writing), as diagnosed by a medical professional. Children with these characteristics or diagnoses may or

may not be eligible for special education and related services under the eligibility category of SLD. **The primary consideration for EDTs is the severity of the educational impact on the child.** A child may have difficulty with reading, math, and/or writing, but it should only be considered an SLD when it reaches the level of severity consistent with the SLD eligibility category as outlined in this section. Most children with these medical diagnoses will be appropriately supported through general education supports, such as MLSS, the Student Assistance Team process, and/or accommodations under Section 504.

Multilayered System of Supports (MLSS) and SLD Evaluations

All local education agencies (LEAs) in New Mexico are expected to have a MLSS system in place to support children who are demonstrating needs in academic and social-emotional areas. This system provides a framework that is critical for evaluation teams and EDTs to make eligibility determination decisions under all eligibility categories, but particularly under SLD. The MLSS framework outlines expectations for educators to provide targeted supports to children and collect regular data (at least every two weeks) to guide instruction based on the child's growth (or lack of growth). Data provided through the MLSS process is critical in supporting EDTs in determining if a child has SLD and if they require specially designed instruction (i.e., special education and related services). This MLSS process is often referred to as multi-tiered system of supports (MTSS) at the national level. LEAs have the responsibility to identify children who have disabilities and require specially designed instruction, so it is the LEAs responsibility to ensure that these data are available or to identify alternative sources of data to support a comprehensive evaluation when MLSS data are not readily available.

It is important for LEAs to remember that the regulations at 34 CFR Sec. 300.301(b) allow a parent to request an initial evaluation at any time to determine if a child is a child with a disability. The Office of Special Education and Rehabilitative Services (OSERS) "reminds … LEAs about previous guidance regarding the use of MTSS, such as RtI [Response to Intervention], and timely evaluations, specifically that a parent may request an initial evaluation at any time to determine if a child is a child with a disability under IDEA (34 CFR §300.301(b)), and the use of MTSS, such as RTI, may not be used to delay or deny a full and individual evaluation under 34 CFR §§300.304-300.311 of a child suspected of having a disability." (OSERS Dear Colleague: Dyslexia Guidance, October 23, 2015).

Dual Discrepancy Considerations

The only allowable method for identification of children with SLD in New Mexico is the dual discrepancy model. The dual discrepancy model considers a child's academic performance (factor 1) with their rate of learning when provided appropriate education (factor 2). It also allows for consideration of a pattern of strengths and weaknesses to link cognitive processing deficits to poor academic performance.

The following information provides additional guidance to evaluation teams and EDTs related to these factors.

Factor 1: Level of Achievement

As with all EDT decisions, the child's level of academic achievement must be evident by triangulating multiple data sources rather than relying primarily on one data source (e.g., standardized testing). Refer to Section 5 of this manual for more information on triangulation of data.

To demonstrate a pattern of performance consistent with Factor 1 of the SLD definition, the child must demonstrate academic performance in one or more SLD area that is significantly lower than expected given the child's educational history. Low Level of Achievement (Factor 1) may be evident by data such as, but not limited to:

- Percentile ranks at or below the 6th percentile (e.g., curriculum-based measures, short-cycle assessments, standards based assessments, etc.), and/or;
- Standard scores 1.5 SD below the mean (individual, standardized academic achievement testing).

Again, teams are reminded not to rely on single data points, to investigate and explain discrepancies in data, and to consider standard error of measurement (SEM) when interpreting formal assessment scores. Refer to Sections 5 and 7 of this manual for more information on these topics. It is the LEA's responsibility to determine what evaluation data and assessments provide the most reliable and valid data to respond to this question.

Factor 2: Rate of Improvement (Growth) or Pattern of Strengths and Weaknesses

There are two different pathways for demonstrating that a child's characteristics are consistent with Factor 2 of the SLD definition: rate of improvement or patterns of strengths and weaknesses.

Factor 2a: Rate of Improvement (Growth)

The EDT must analyze the child's rate of improvement data (Factor 2a) to determine if the child is making sufficient progress to meet age or State approved grade-level standards directly related to one or more of the specified SLD areas. Using the child's frequent (at least bi-weekly, but ideally weekly or semi-weekly) progress-monitoring assessment data, the determination of insufficient progress must be evidenced by a difference of 1.5 standard deviations between a child's progress-monitoring assessment rate of improvement (growth) and that of the rate of improvement of same grade peers within the LEA.

If the child does not meet Factor 2a or if the data are unavailable due to the school's and/or district's procedures, the EDT may consider Factor 2b: Patterns of Strengths and Weaknesses.

Factor 2b: Pattern of Strengths and Weaknesses

The EDT must analyze the child's strengths and weaknesses to determine if the child demonstrates a pattern of performance that is consistent with an SLD in the area(s) of academic

concern. The EDT worksheet provides a table that guides the EDT in documenting academic needs and associated cognitive processing areas. **To demonstrate a pattern of strengths and weaknesses consistent with SLD, the child must have lower than expected academic achievement that can be at least partially explained by a corresponding deficit in one or more of the cognitive processing areas associated with that area of academics.** The EDT should identify areas of academic weakness (as identified in Factor 1) and then examine the data (using the PSW table and/or EDT worksheet for guidance) to determine if the child demonstrates a cognitive processing deficit that is reasonably associated with that particular academic area. **It is important for teams to rely on multiple sources of data, not just test scores, when making this determination, and to thoughtfully identify the most valid and appropriate scores to consider as part of the broader evaluation.** The PSW table and PSW component of the EDT worksheet are not designed to be prescriptive, however, they provide teams with guidance regarding the research that has identified a moderate correlation between cognitive processing areas and academic performance. If any other relationship is used for an eligibility determination decision, the justification should be clearly documented and should not be used solely for the purpose of selecting scores/performance to determine that a child is a child with SLD. Professional judgment can be a component of making this determination, but evaluation teams are reminded that professional judgment must be rooted in data and is not a replacement for data-based decision making. See Section Eight for more information on the use of professional judgment. Also see Sections Five and Seven for more information on triangulation of data and use of standardized scores, specifically for information on consideration of SEM and selection of scores.

In the context of a pattern of strengths and weaknesses for SLD identification, a strength is an area in which the child is either performing at or above expected performance for their age/grade or an area in which the child is performing better than expected given their other skills.

Challenges with Dual Discrepancy Documentation

Difficulty Obtaining Data

This model relies heavily on progress-monitoring data or other sources of data (e.g., short cycle assessment data) to determine if the child is making progress in specific academic areas. Sometimes these data are not easily accessible by the evaluation team.

Evaluation teams must make extra efforts to gather the necessary data (e.g., accessing item-level information on short-cycle assessments for an individual child), to interpret the data at a meaningful level (e.g., specific subtests of short-cycle assessments, rather than on the overall scores provided), and/or to support the general education team in gathering the relevant data (e.g., through progress monitoring through the MLSS system).

Complexity in Triangulating and Interpreting Data

This model relies on a large body of data from multiple sources, so EDTs must be able to gather and analyze the data as a whole, rather than relying on separate interpretations of various data sources. This includes identifying and explaining any discrepant data either by gathering

additional data or developing strong hypothesis regarding the cause of the discrepancies. This process must be completed by an evaluation team, rather than by a single evaluator, in order to have confidence in the validity of the findings.

As described in Section Three, no single source of information provides a complete picture of a child's functioning. The strength of the evaluation process lies in bringing together perspectives from individuals who interact with the child in different roles and environments and examining how those perspectives align with available records, intervention data, observations, and assessment results. Because important information is distributed across sources, accurate eligibility decisions depend on collaborative analysis of the evidence rather than the conclusions of any one professional.

Contributors to this process may include SAT/MLSS personnel, educators, related service providers, family members, and others with relevant knowledge of the child's performance, progress, and response to intervention. Participation in the evaluation process does not require administration of standardized assessments. Valuable contributions may come from classroom observations, intervention records, interviews, rating scales, work samples, progress-monitoring data, records review, and other information that helps the team understand the child's functioning across contexts. While SAT/MLSS documentation may provide important information, it is only one component of the broader body of evidence considered by the evaluation team.

The EDT must gather data from a variety of sources, including existing records, interviews, and observations; informal assessment data; and formal assessment data. It is essential that the EDT evaluate the trustworthiness of each data point, asking questions such as: How much confidence do they have in the accuracy of the data? Were progress monitoring data collected reliably? Were interventions implemented with fidelity? Are there other factors that may influence the child's performance (e.g., fatigue, illness, family events, school activities, other disability areas, etc.)?

After the data have been collected and evaluated for trustworthiness to ensure that the data are valid representations of the child's skills, the EDT must systematically triangulate the data to determine the child's strengths and areas of need. This includes inspecting the data for logical connections and, if necessary, gathering additional data to better understand and explain any discrepancies in the data. For example, if the child's performance on standardized testing reflects abilities higher than classroom performance data, the EDT should discuss the reasons for those discrepancies, which may include consideration of other eligibility categories. This analysis and the associated discussions are essential for accurate eligibility determination decisions and for identifying appropriate supports for the child.

Initial Evaluation

The list below provides the evaluation team with components of an initial evaluation to determine whether a child is eligible for and in need of special education and related services under the eligibility category of SLD.

Required components

With rare exception, the evaluation team must include all of the elements outlined under Required Components. A team must clearly document any deviation from these guidelines and the rationale for the deviation. Even if formal assessment information isn't available in an area, the evaluation team is expected to consider data in all of these required areas and deviations should be extremely rare.

Review of existing evaluation data, including:

1. Previously conducted screening data
2. Previously conducted evaluation data (formal, informal, and extant information)
3. Student assistance team (SAT) file documentation
4. Previously gathered developmental history
5. Previously gathered educational history, including test scores and grades
6. Previously gathered medical history and school health records
7. Previously gathered family history, including home language survey
8. Previously gathered social history

Updated/current evaluation data

1. Gather and analyze current and updated developmental, educational, medical (including vision and hearing), family, and social history, including an interview with the parent(s)/ guardian(s) and information from general education teachers.

2. Complete direct observations across multiple settings, both structured and unstructured, at various times, by multiple observers. These may be completed by school staff during the MLSS process. Observations should be completed by more than one qualified school staff member.

3. Evaluate the child in the following areas, including the use of formal, informal, and extant information, as appropriate:

- ∇ Cognition (including verbal and non-verbal, when appropriate
- ∇ Academic achievement data (e.g., benchmark testing, progress monitoring, curriculum-based measures, running records, work samples, criterion-referenced testing, standardized testing in all areas of suspected disability.
- ∇ Cognitive processing skills associated with the academic areas(s of suspected disability (see table in this section and the patterns of strengths and weaknesses table in the EDT worksheet.

NOTE: Evaluations must include a review of all components within the specific area of difficulty. For example, if concerns are documented in any area of reading, all associated areas (e.g., phonics, fluency, phonemic awareness, vocabulary, and comprehension) must be reviewed and/or assessed.

Potential additional components

The evaluation team must determine what Potential Additional Components of an initial evaluation are appropriate for each individual child.

The following components should be considered and evaluated using a variety of data sources (or by a specific provider, as outlined below) if there are concerns, unanswered questions, or inadequate existing data in any area.

1. The evaluation team may determine that additional information (formal, informal, and/or extant information) is required related to specific areas of needs, such as:
    a. Functional behavioral assessment
    b. Sensorimotor skills
    c. Social and/or emotional
    d. Speech, language, and/or communication
    e. Post-secondary transition (e.g., Transition Assessment Summary)
2. The evaluation team may determine that additional information is required from specific professionals related to their area(s) of expertise, such as:
    a. Medical provider (primary care, neurologist, or other specialist)

NOTE: Standardized measures are not always the most appropriate or valid source of data for a particular child. Data from standardized measures should always be contextualized with other data sources. If the EDT determines that a standardized measure is not appropriate or valid for a particular child, the evaluation team should use alternative methods of obtaining data to gather information about the child's present levels of performance.

Eligibility Determination

For a child to be eligible to receive special education and related services under the eligibility category of SLD, as defined by IDEA (2004), the EDT must document that the child meets all of the following:

Prong 1: Presence of a disability

The child is a child with SLD because:

1. Lack of appropriate instruction in reading or math is not the primary reason for the child's educational difficulties (*This includes consideration of provision of high quality, scientific, research-based instruction and intervention by qualified personnel in general education settings and learning experiences and instruction appropriate for the child's age or State-approved grade-level standards.);*

2. None of the following are the primary reason for the child's educational difficulties: visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; Limited English proficiency;
3. The child is a child with SLD (as defined by IDEA and NMAC) as demonstrated by the following:
    a. the child does not achieve adequately for age or to meet grade level standards (e.g., percentile rank of 6 or below on short-cycle assessments; standard score more than 1.5 SD below grade level expectations) ,
    b. the child does not make sufficient progress and/or has a pattern of strengths and weaknesses consistent with SLD; and
    c. the child demonstrates a neurological processing deficit consistent with the area(s) of academic need (see table on next page for guidance);
4. No other eligibility category better describes the child's disability.

NOTE: EDTs should be aware of the impact of certain foundational skills on higher-level skills and be thoughtful about the eligibility determination decision made. For example, a child with significant difficulties in basic reading will also have difficulty with reading fluency and reading comprehension. However, those difficulties would likely not be indicative of an SLD in those reading areas because of the impact of basic reading on the other reading areas. A similar pattern is seen with reading skills and written expression and with math computation and math problem solving.

IEP teams and EDTs should also be aware that eligibility determination decisions do not determine the services provided to a child and that children must receive appropriate support in all areas of concern, regardless of their eligibility category. In other words, a child with an SLD in basic reading will also likely need support to develop reading fluency and reading comprehension skills.

Academic Achievement Areas and Associated Cognitive Processing Areas

Cognitive Processing Areas	Academic Achievement Areas							
	Basic Reading	Reading Fluency	Reading Comprehension	Written Expression	Math Calculation	Math Problem Solving	Oral Expression	Listening Comprehension
Visual-Spatial						✪		
Language Processing	✪	✪	✪	✪		✪	✪	✪
Working Memory	✪	✪	✪	✪	✪	✪	✪	✪
Long-Term Storage / Retrieval	✪	✪	✪	✪	✪		✪	
Fluid Reasoning			✪	✪	✪	✪	✪	✪
Processing Speed	✪	✪		✪	✪		✪	✪
Phonological Awareness	✪							✪
Attention	✪	✪	✪	✪	✪	✪	✪	✪
Orthographic Processing	✪	✪		✪	✪			
Executive Functioning	✪	✪	✪	✪	✪	✪	✪	✪
Speed of Lexical Access	✪	✪			✪			

Adapted from https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/178/CognitiveAchievemenGrid.pdf and https://www.tandfonline.com/toc/pcgn20/34/3-4 on May 9, 2024.

Prong 2: Need for specially designed instruction

As a result of SLD, the child requires specially designed instruction in order to:

a) be involved in and make progress in the general education curriculum;
b) participate in extracurricular and other nonacademic activities; and/or
c) be educated and participate with other children with disabilities and nondisabled children.

NOTE: If the child is determined to be eligible for special education and related services under the category of SLD based on "Presence of a disability" items 1 though 4 above, the child would not be eligible under the category of developmental delay (DD) (Subsection J (2) (a) of 6.31.2.10 NMAC).

Reevaluation

The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special and related services. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

NOTE: There are no specific reevaluation eligibility criteria; therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the Review of Existing Evaluation Data (REED) process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

As part of this REED process that must be a part of every reevaluation, the EDT must answer these two questions:

1. What, if any, evaluation data (formal, informal, or extant) needs to be collected to determine whether the child continues to be eligible for and in need of special education and related services under the eligibility category of SLD?
2. What, if any, evaluation data (formal, informal, or extant) needs to be collected to develop an appropriate Individualized Education Program (IEP) to meet the child's unique needs?

Reevaluation does not necessarily mean more testing. If existing data do not provide adequate information to answer these critical questions, additional data may need to be collected. To assist the EDT in determining what additional data, if any, may be needed, the team should:

1. Review existing evaluation data related to the child to include:

a. Current classroom-based, short-cycle, and/or state assessments;
b. Observations and information provided by teachers and related service providers; and
c. Observations, information, and/or evaluations provided by the child's parents.

2. Based on this review, and including input from the child's teachers, parents, and other service providers, the team must answer each of these questions:
    a. What are the child's present levels of academic achievement and functional performance?
    b. What are the child's educational needs?
    c. Does the child continue to have a disability?
    d. Does the child continue to need specialized instruction and related services?
    e. What, if any, changes to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child's IEP and to participate, as appropriate, in the general education curriculum?

Discontinuation of Special Education Services

Children with SLD should be considered for discontinuation of special education supports and services when they demonstrate the ability to function independently, access and perform adequately in the general curriculum, including extracurricular and nonacademic activities, and no longer demonstrate a need for special education services.

The LEA must evaluate the child before determining that the child is no longer a child with a disability (34 CFR Sec. 300.305(e)(1)). When there is sufficient existing data, this evaluation may be appropriately conducted using data gathered during the REED process. It may not be necessary to gather additional data prior to determining that the child is no longer a child with a disability.

Any child whose special education services are discontinued should promptly be referred to the SAT at the school to ensure that the child is supported in this important transition period. For a child with SLD, the SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

Resources

International Dyslexia Association
www.interdys.org

LD Online
http://www.ldonline.org/

Learning Disabilities Association of America
www.ldanatl.org

National Research Center on Learning Disabilities
http://www.ncld.org/

National Center on Student Progress Monitoring
www.studentprogress.org
http://www.ldanatl.org/

Portland Public Schools Identification of Specific Learning Disabilities via Patterns of Strengths and Weaknesses Manual
http://www.pps.net/cms/lib8/OR01913224/Centricity/Domain/178/PPS%20PSW%20Manual.pdf

Response to Intervention Resources
New Mexico Public Education Department
http://ped.state.nm.us/ped/RtIdocs/RtI%20Manual%20Resources.pdf

RTI Action Network
http://rtinetwork.org
Contact: http://rtinetwork.org/contact-us

Schultz, E. K., Simpson, C. G., and Lynch, S. (2012). Specific learning disability identification: What constitutes a pattern of strengths and weaknesses?, *Learning Disabilities, 18*(2), 87-97.http://ped.state.nm.us/ped/RtIdocs/RtI Manual Resources.pdf
ldaamerica.org/wp-content/uploads/2013/10/Journal-Vol-18-2_article.pdf

Southwest International Dyslexia Association (SWIDA)
505-255-8234
www.southwestida.com

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SPEECH OR LANGUAGE IMPAIRMENT

Definition

A speech or language impairment means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment that adversely affects a child's educational performance. (34 CFR Sec. 300.8(c)(11))

Characteristics and Educational Impact

Children who are eligible for special education and related services under the category of speech or language impairment (SLI) have a disability that adversely affects their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To identify characteristics and educational impact, the eligibility determination team (EDT) must address the question of “How do these characteristics of the disability manifest in the child’s natural environment (e.g., home, classroom, recess, etc.)?”

As with all disabilities, the characteristics and educational impact for children with SLI will vary greatly. The following sections outline characteristics that may be associated with SLI and possible educational impact of those characteristics. This information does not represent an exhaustive list of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with SLI will demonstrate all of the following characteristics.

The characteristics of the disability are very similar for school-aged and preschool-aged children, but the educational impact may differ. For children with SLI, regardless of age, the impact of the disability may be manifested in one or more ways, including, but not limited to:

Communication

Potential Characteristics

Difficulty with speech production, including difficulty:

- Correctly pronouncing sounds and words (at the sound, word, and/or sentence level)
- Speaking clearly enough to be understood
- Acquiring phonological skills necessary for reading

Difficulty with receptive, expressive, and/or pragmatic language, including difficulty:

- Understanding what peers and adults are saying
- Learning, understanding, and using age-appropriate vocabulary
- Expressing wants, needs, feelings, and/or knowledge
- Retelling stories and experiences
- Acquiring foundational skills necessary for reading

- Engaging in appropriate social interactions with peers and/or adults
- Engaging in coordinated attention
- Responding to verbal and nonverbal cues from others
- Repairing communication breakdowns

Potential Educational Impact
A child with SLI may have difficulty with the following aspects of the educational setting due to communication characteristics:

- Understanding and following school routines and expectations
- Learning from group activities, including in the classroom, during electives, etc.
- Participating in small-group activities, including play, centers within the classroom, small group assignments, afterschool school-sponsored activities, etc.
- Establishing age-appropriate relationships in the educational setting to allow for playing, working, and learning in pairs or groups
- Learning from verbal instruction
- Demonstrating knowledge using their language skills
- Learning to read at the same rate as their peers
- Understanding what they read to be able to answer questions and extract meaning from text
- Completing applied math problems

Special Considerations for Assessment

As outlined by the American Speech and Hearing Association (ASHA), it is essential that EDTs and evaluators differentiate a speech or language impairment from a speech or language difference which may be due to bilingualism, dialectical or cultural differences in language use, or being non-English dominant.

Accents and dialects reflect regional and social backgrounds and are not indicative of a speech or language disorder. It is the responsibility of evaluators and eligibility determination teams to "understand the rules and linguistic features of American English dialects represented by their clientele and be familiar with nondiscriminatory testing and dynamic assessment procedures" (ASHA 2014). Additionally, evaluators should "recognize that a regional, social, or cultural/ethnic variation of a communication system is rule-based and should not be considered a disorder of speech or language" (ASHA 2014).

As part of the assessment process, evaluators should work with the evaluation team, including the child's parents and other members of his/her community, as appropriate, to examine the speech or language patterns of a child within the context of the regional, social, or cultural/ethnic norms. This will help minimize the risk of over-identifying children as having speech or language impairments due to communication differences.

NOTE: Individuals with Disabilities Education Act (IDEA) does not necessarily require a local education agency (LEA) to conduct a medical evaluation for the purpose of determining whether a child has a speech disorder (voice), which may lead to an eligibility determination under the category of SLI. If the EDT believes that a medical evaluation by a licensed physician is needed as part of the evaluation to determine whether a child suspected of having a speech or language impairment has the educational disability of SLI, or any other disability category under the IDEA, the LEA must ensure that this evaluation is conducted at no cost to the parents. (See OSEP Letter to Williams [March 14, 1994])

A voice evaluation by an SLP may begin in the absence of diagnostic medical information regarding the concern. However, decisions regarding the need for specially designed instruction should be deferred until the medical evaluation is available in order for teams to have complete information regarding any medical needs and to make appropriate eligibility determination decisions.

Initial Evaluation

The list below provides the evaluation team with required components of an initial evaluation to determine whether a student is eligible for and in need of special education and related services under the eligibility category of SLI. Due to the different natures of the evaluations, the required components of a speech evaluation and a language evaluation are delineated below.

Required components

With rare exception, the evaluation team must include all of the elements outlined under Required Components. A team must clearly document any deviation from these guidelines and the rationale for the deviation. Even if formal assessment information isn't available in an area, the evaluation team is expected to consider data in all of these required areas and deviations should be extremely rare.

Review existing evaluation data, including:

1. Previously conducted screening data
2. Previously conducted evaluation data (formal, informal, and extant information)
3. Student assistance team (SAT) file documentation
4. Previously gathered developmental history
5. Previously gathered educational history, including test scores and grades
6. Previously gathered medical history and school health records
7. Previously gathered family history, including home language survey
8. Previously gathered social history

Updated/current evaluation data

1. Gather and analyze current and updated developmental, educational, medical (including vision and hearing), family, and social history, including an interview with the parent(s)/guardian(s) and information from general education teachers.

2. Complete direct observations across multiple settings, both structured and unstructured and various times, by multiple observers.

3. Complete a functional communication assessment, including data gathered in the child's natural environments (e.g., classroom, recess, lunch, etc.)

4. Evaluate the child in the following areas, including the use of formal, informal, and extant information, based on area(s) of concern:

    a. Speech (Articulation, Voice, and/or Fluency)
        i. Oral motor and oral mechanism exam
        ii. Speech intelligibility
        iii. Spontaneous speech sample
        iv. Additional required components specific to area of concern:
            1. Articulation
                a) Speech sounds and phonological processes
                b) Stimulability assessment
            2. Voice
                a) Quality, resonance, pitch, and volume
            3. Fluency
                a) Oral, laryngeal, and respiratory behaviors
                b) Other aspects of fluency
                c) Speech rate

    b. Language (Receptive, Expressive, and/or Pragmatic)
        i. Language content (semantics)
        ii. Language form (morphology and syntax)
        iii. Language use (pragmatics)

Potential additional components

The evaluation team must determine what Potential Additional Components of an initial evaluation are appropriate for each individual child.

The following components should be considered and evaluated using a variety of data sources (or by a specific provider, as outlined below) if there are concerns, unanswered questions, or inadequate existing data in any area.

1. The evaluation team may determine that additional information (formal, informal, and/or extant information) is required related to specific areas of needs, such as:

a. Academic achievement
b. Assistive technology
c. Cognitive abilities
d. Transition

2. The evaluation team may determine that additional information is required from specific professionals related to their area(s) of expertise, such as:
    a. Audiologist
    b. Medical provider (primary care, neurologist, or other specialist)

Eligibility Determination

For a child to be eligible to receive special education and related services under the eligibility category of SLI, as defined by IDEA (2004), the EDT must document that the child meets all of the following:

Prong 1: Presence of a disability

The child is a child with SLI because:

1. Lack of appropriate instruction in reading or math is not the primary reason for the child's educational difficulties. For preschool children, consider whether the child has had the opportunity to participate in developmentally appropriate early childhood experiences;
2. Limited English proficiency is not the primary reason for the child's educational difficulties;
3. A language difference is not the primary reason for the child's educational difficulties;
4. The child is a child with SLI (as defined by IDEA and NMAC) based on an evaluation that demonstrates one or both of the following:

- Significant impairment in the area of speech (articulation and/or voice and/or fluency) as documented by a variety of data sources (e.g., formal, informal, and extant information); and/or
- Significantly below average language abilities as documented by a variety of data sources (e.g., formal, informal, and extant information) that is consistent with a valid, overall (e.g., broad, full scale, or composite) cognitive score that is at least 2 standard deviations below the mean (considering SEM; see guidelines regarding the use of SEM in Section Six of this manual)
- No other eligibility category better describes the child's disability.

Prong 2: Need for specially designed instruction

As a result of SLI, the child requires specially designed instruction in order to:

a) be involved in and make progress in the general education curriculum (or for a preschool child to participate in appropriate activities);
b) participate in extracurricular and other nonacademic activities; and/or
c) be educated and participate with other children with disabilities and nondisabled children.

NOTE: If the child is determined to be eligible for special education and related services under the category of SLI based on "Presence of a disability" items 1 through 5 above, the child would not be eligible under the category of developmental delay (DD) (Subsection J (2) (a) of 6.31.2.10 NMAC).

Reevaluation

The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special education and related services. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

NOTE: There are no specific reevaluation eligibility criteria; therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the Review of Existing Evaluation Data (REED) process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

As part of this REED process that must be a part of every reevaluation, the EDT must answer these two questions:

1. What, if any, evaluation data (formal, informal, or extant) needs to be collected to determine whether the child continues to be eligible for and in need of special education and related services under the eligibility category of autism?
2. What, if any, evaluation data (formal, informal, or extant) needs to be collected to develop an appropriate Individualized Education Program (IEP) to meet the child's unique needs?

Reevaluation does not necessarily mean more testing. If existing data do not provide adequate information to answer these critical questions, additional data may need to be collected. To assist the EDT in determining what additional data, if any, may be needed, the team should:

1. Review existing evaluation data related to the child to include:
    a. Current classroom-based, short-cycle, and/or state assessments;
    b. Observations and information provided by teachers and related service providers; and
    c. Observations, information, and/or evaluations provided by the child's parents.

2. Based on this review, and including input from the child's teachers, parents, and other service providers, the team must answer each of these questions:
    a. What are the child's present levels of academic achievement and functional performance?

b. What are the child's educational needs?
c. Does the child continue to have a disability?
d. Does the child continue to need specialized instruction and related services?
e. What, if any, changes to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child's IEP and to participate, as appropriate, in the general education curriculum?

Discontinuation of Special Education Services

Children with SLI should be considered for discontinuation of special education supports and services when they demonstrate the ability to function independently, access and perform adequately in the general curriculum, including extracurricular and nonacademic activities, and no longer demonstrate a need for specially designed instruction and related services.

The LEA must evaluate the child before determining that the child is no longer a child with a disability (34 CFR Sec. 300.305(e)(1)). When there is sufficient existing data, this evaluation may be appropriately conducted using data gathered during the REED process. It may not be necessary to gather additional data prior to determining that the child is no longer a child with a disability.

Any child whose special education services are discontinued must be referred to the SAT at his or her school to ensure that the student is supported in this important transition period. The SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

Resources

American Speech-Language-Hearing Association
Members: 800-498-2071
Non-Member: 800-638-8255
www.asha.org

American Cleft Palate-Craniofacial Association
Toll free: 800-24CLEFT (242-5338)
919-933-9044
www.cleftline.org

Childhood Apraxia of Speech Association
412-343-7102
www.apraxia-kids.org

New Mexico Speech and Hearing Association
505-899-6674
www.nmsha.net
email: nmsha505@gmail.com

Stuttering Foundation of America
Toll free: 800-992-9392
www.stutteringhelp.org

TRAUMATIC BRAIN INJURY

Definition

Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury 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. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma. (34 CFR Sec. 300.8(c)(12))

Characteristics and Educational Impact

Children who are eligible for special education and related services under the category of traumatic brain injury (TBI) have a disability that adversely affects their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To identify characteristics and educational impact, the eligibility determination team (EDT) must address the question of “How do these characteristics of the disability manifest in the child’s natural environment (e.g., home, classroom, recess, etc.)?”

As with all disabilities, the characteristics and educational impact for children with TBI will vary greatly. The following sections outline characteristics that may be associated with TBI and possible educational impact of those characteristics. This information does not represent an exhaustive list of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with TBI will demonstrate all of the following characteristics.

For all children with TBI, it is important to consider both: (a) the child’s pre-injury skills, and (b) developmentally appropriate skill levels and behaviors for the child’s age. The characteristics of the disability are very similar for school-aged and preschool-aged children, but the educational impact may differ. In addition, it is important to recognize that the sudden onset of a severe disability resulting from trauma provides a very different context than for other disabilities. For children with TBI, regardless of age, the impact of the disability may be manifested in one or more ways, including, but not limited to:

Cognition

Potential Characteristics

Deficits with executive functioning and information processing, including difficulty:

- Initiating schoolwork, play, and/or social activities
- Identifying and using strategies to meet goals, such as requesting, completing projects, etc.
- Completing multiple-step tasks, such as class projects, math problems, etc.
- Keeping materials and schoolwork organized
- Following lengthy or multistep instructions
- Sequencing, such as spelling, learning the alphabet, telling a story or event, completing self-care
- Following a daily schedule
- Starting a task at the beginning
- Responding appropriately to instructions

Deficits in memory, including difficulty:

- Remembering and keeping track of belongings
- Learning new concepts and skills (Note: The child may remember content learned prior to his/her injury
- Remembering due dates, appointments, etc.

Deficits in problem solving, including difficulty:

- Figuring out how to solve problems, such as how to solve basic problems (e.g. using a stool to reach an object), resolve conflict, request clarification
- Trying new strategies to solve problems if a previous strategy is unsuccessful

Deficits with attention and concentration, including difficulty:

- Maintaining focus on activities
- Tolerating noise and activity level
- Taking and waiting for a turn during games, discussions, etc.
- Staying with a task until the activity is completed

Potential Educational Impact

A child with TBI may have difficulty with the following aspects of the educational setting due to cognitive characteristics:

- Learning incidentally without direct instruction
- Applying learned skills in new environments or with new people
- Participating in educational activities when the schedule or routine varies
- Learning without extensive repetition, modeling, and/or visual supports to learn routines, concepts, behavioral expectations, etc.
- Completing assignments and/or turning them in (e.g., because of disorganization, losing materials, etc.)
- Identifying the important features of an assignment, activity, interaction, etc., without getting overly distracted by less important details
- Learning and remembering new knowledge to make progress in the general education curriculum

- Completing assignments, including writing and math assignments, that rely on problem-solving or critical thinking skills

Communication

Potential Characteristics

Deficits with abstract ideas, including difficulty:

- Understanding double language meanings (e.g., idioms)
- Understanding and using age-appropriate humor

Deficits with word retrieval, including:

- Using vague referents and fillers (e.g., “um”, “you know”, and “that thing”)

Deficits with receptive language, including difficulty:

- With age-appropriate vocabulary
- Understanding curriculum-based vocabulary
- Understanding and following discussions

Deficits with expressive language organization, including difficulty:

- Telling stories that are organized appropriately for child’s age
- Describing their experiences and feelings
- Including adequate detail and information when speaking or writing

Deficits with pragmatics, including difficulty:

- Noticing and/or understanding nonverbal cues
- Turn-taking in play and conversations
- Having a varied repertoire of topics and responses

Potential Educational Impact

A child with TBI may have difficulty with the following aspects of the educational setting due to communication characteristics:

- Learning from group activities, including in the classroom, during electives, etc.
- Participating in small group activities
- Making progress in the general educational curriculum due to difficulty understanding content and concepts
- Developing peer relationships within and outside of the classroom
- Participating in nonacademic activities at an age-appropriate level
- Demonstrating knowledge

Physical

Potential Characteristics

Deficits with functional gross motor skills, including difficulty:

- Changing positions, such as from sitting to standing
- Sitting independently on the floor during classroom activities

- Accessing playground equipment, playing outside, and physical education activities
- Carrying materials around the classroom and through the school environment
- Transitioning from one walking surface to another (e.g., from carpet to tile, sidewalk to dirt, etc.)

Deficits with fine motor control, including difficulty:

- Using educational materials, such as for writing, typing, etc.
- Managing self-care tasks, including eating, drinking, managing clothing during self-care

Difficulty with processing sensory information, including:

- Filtering out irrelevant information (e.g., environmental sounds, irrelevant visual information, etc.)
- Regulating behavior in response to sensory input

Medical factors related to the TBI, including:

- Pain and discomfort
- Fatigue
- Absenteeism
- Side effects of medications
- Seizures

Potential Educational Impact

A child with TBI may have difficulty with the following aspects of the educational setting due to physical characteristics:

- Accessing playgrounds, classrooms, cafeterias, or other locations
- Participating in play activities with peers
- Attending to the learning environment
- Using school materials
- Demonstrating knowledge through physical products (e.g., writing, drawing, etc.)
- Participating in educational activities that require movement and/or use of materials
- Maintaining an appropriate level of alertness for educational activities
- Interacting safely with peers due to sensory processing differences
- Regulating emotions to participate in educational activities
- Completing activities appropriately due to difficulty filtering out irrelevant information
- Maintaining appropriate level of alertness for educational activities
- Academic achievement deficits due to medical issues (e.g., absences, etc.)

Social/Emotional

Potential Characteristics

Difficulty interacting appropriately with peers and/or adults due to impulsivity, differences with information processing, etc.

Difficulty regulating emotions

Psychological factors related to the TBI, including:

- Depression
- Anxiety

Potential Educational Impact

A child with TBI may have difficulty with the following aspects of the educational setting due to social or emotional characteristics:

- Participating in and learning from group activities
- Making progress in the general education curriculum due to difficulty with group participation
- Participating in recess, field trips, etc., due to difficulty with peer relationships and group activities
- Being educated with peers because of challenging behaviors that impact their learning or that of others (e.g., safety issues for the child or others, inappropriate behaviors for the educational setting)
- Participating in and making progress in the general education curriculum due to depression, anxiety, or other psychological factors

Special Considerations for Assessment.

NOTE: Individuals with Disabilities Education Act (IDEA) does not necessarily require a local education agency (LEA) to conduct a medical evaluation for the purpose of determining whether a child has a TBI, which may lead to an eligibility determination under the category of TBI. If the EDT believes that a medical evaluation by a licensed physician is needed as part of the evaluation to determine whether a child suspected of having TBI requires special education and related services under the category of TBI, or any other disability category under the IDEA, the local educational agency (LEA) must ensure that this evaluation is conducted at no cost to the parents. (See OSEP Letter to Williams [March 14, 1994])

There are significant considerations when assessing children with TBI that are unique to this disability. Specifically, Ylvisaker and Gioia (1998) describe the complexities of assessing children and adolescents with TBI as follows:

- Inconsistency in test scores is commonly observed in children with TBI.
- Most children with severe TBI improve neurologically in ways that are difficult to predict for several weeks or months or possibly even years after the injury. Therefore, an assessment completed in the early weeks or months following injury may quickly lose its predictive validity as an accurate description of the child's profile of strengths and weaknesses.
- Executive function deficits (associated with prefrontal lobe injury) are notoriously resistant to identification and classification with standardized tests alone.
- Pronounced inconsistency in a child's performance, related to neurologic, emotional, and contextual factors, adds to the difficulty of straightforward interpretation of test results.

- A child may perform poorly when new information or skills are required or when effective behavior regulation is necessary but perform adequately when knowledge and skill acquired before the injury are needed.

Formal, standardized assessments may lack predictive validity, as well as necessary reliability (especially with children who have sustained prefrontal injury). When assessing a child with TBI, there are no single, formal, standardized assessments to rely on. Rather, the evaluation must include using a variety of assessment tools and focus on processes such as: (a) attention, memory, executive process; (b) memory and learning; (c) organization and reasoning; and (d) knowledge base, speech, and language.

NOTE: A child with a medical diagnosis of shaken baby syndrome may be found eligible for special education and related services under the eligibility category of TBI. However, children with brain injuries induced by birth trauma (i.e., oxygen deprivation) cannot be considered for eligibility under the category of TBI because the definition under IDEA specifically references “external physical force.”

Initial Evaluation

The list below provides the evaluation team with components of an initial evaluation to determine whether a child is eligible for and in need of special education and related services under the eligibility category of TBI:

Required components

With rare exception, the evaluation team must include all of the elements outlined under Required Components. A team must clearly document any deviation from these guidelines and the rationale for the deviation. Even if formal assessment information isn’t available in an area, the evaluation team is expected to consider data in all of these required areas and deviations should be extremely rare.

Review of existing evaluation data, including:

1. Previously conducted screening data
2. Previously conducted evaluation data (formal, informal, and extant information)
3. Student assistance team (SAT) file documentation
4. Previously gathered developmental history
5. Previously gathered educational history, including test scores and grades
6. Previously gathered medical history and school health records
7. Previously gathered family history, including home language survey
8. Previously gathered social history

Updated/current evaluation data

1. Gather and analyze current and updated developmental, educational, medical (including vision and hearing), family, and social history, including an interview with the parent(s)/guardian(s) and information from general education teachers.

2. Complete direct observations across multiple settings, both structured and unstructured and various times, by multiple observers.

3. Evaluate the child in the following areas, including the use of formal, informal, and extant information, as appropriate:
    a. Adaptive behavior
    b. Cognition
    c. Communication
    d. Sensory processing
    e. Social and emotional

4. Gather and document information specifically related to the presence of a traumatic brain injury

Potential additional components

The evaluation team must determine what Potential Additional Components of an initial evaluation are appropriate for each individual child.

Teams should consider an evaluation using a variety of data sources (or by a specific provider outlined below) if there is any concern that the child is demonstrating difficulties in this area or if there is not adequate existing data to describe the child's present levels of performance in that area.

1. The evaluation team may determine that additional information (formal, informal, and/or extant information) is required related to specific areas of needs, such as:
    a. Academic achievement
    b. Assistive technology
    c. Behavior
        i. Frequency and intensity of behaviors of concern (internalizing and externalizing)
        ii. Causes and consequences of behaviors
    d. Functional fine motor skills
    e. Functional gross motor skills
    f. Social and emotional
    g. Transition (e.g., Transition Assessment Summary)

2. The evaluation team may determine that additional information is required from specific professionals related to their area(s) of expertise, such as:
    a. Medical provider (primary care, neurologist, or other specialist)

NOTE: A parent may report that a TBI has occurred, but medical or historical documentation has not been provided. If this documentation cannot be obtained, information reported by the parents needs to be considered. In addition, the EDT might consider obtaining current medical and/or neuropsychological evaluation(s) to gain further insight into the child's brain functioning. Final eligibility under the category of TBI should not be made unless sufficient data supports the eligibility decision.

NOTE: Standardized measures are not always the most appropriate or valid source of data for a particular child. Data from standardized measures should always be contextualized with other data sources. If the EDT determines that a standardized measure is not appropriate or valid for a particular child, the evaluation team should use alternative methods of obtaining data to gather information about the child's present levels of performance.

This is particularly relevant under the eligibility category of TBI because formal evaluations measures may not be possible or appropriate at the time of initial eligibility determination due to the sudden onset and associated medical complications of TBI. This should not delay the eligibility determination decision and/or provision of a free appropriate public education (FAPE) for these children.

Eligibility Determination

For a child to be eligible to receive special education and related services under the eligibility category of TBI, as defined by IDEA (2004), the EDT must document that the child meets all of the following:

Prong 1: Presence of a disability

The child is a child with TBI because:

1. Lack of appropriate instruction in reading or math is not the primary reason for the child's educational difficulties*. For preschool children, consider whether the child has had the opportunity to participate in developmentally appropriate early childhood experiences;*
2. Limited English proficiency is not the primary reason for the child's educational difficulties;
3. The child is a child with TBI (as defined by IDEA and NMAC); and
4. No other eligibility category better describes the child's disability.

Prong 2: Need for specially designed instruction

As a result of TBI, the child requires specially designed instruction in order to:

a) be involved in and make progress in the general education curriculum (or for a preschool child to participate in appropriate activities);
b) participate in extracurricular and other nonacademic activities; and/or

c) be educated and participate with other children with disabilities and nondisabled children.

NOTE: If the child is determined to be eligible for special education and related services under the category of TBI based on "Presence of a disability" items 1 through 4 above, the child would not be eligible under the category of developmental delay (DD) (Subsection J (2) (a) of 6.31.2.10 NMAC).

Reevaluation

The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special education and related services. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

NOTE: There are no specific reevaluation eligibility criteria; therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the Review of Existing Evaluation Data (REED) process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

As part of this REED process that must be a part of every reevaluation, the EDT must answer these two questions:

1. What, if any, evaluation data (formal, informal, or extant) needs to be collected to determine whether the child continues to be eligible for and in need of special education and related services under the eligibility category of TBI?
2. What, if any, evaluation data (formal, informal, or extant) needs to be collected to develop an appropriate Individualized Education Program (IEP) to meet the child's unique needs?

Reevaluation does not necessarily mean more testing. If existing data do not provide adequate information to answer these critical questions, additional data may need to be collected. To assist the EDT in determining what additional data, if any, may be needed, the team should:

1. Review existing evaluation data related to the child to include:
    a. Current classroom-based, short-cycle, and/or state assessments;
    b. Observations and information provided by teachers and related service providers; and
    c. Observations, information, and/or evaluations provided by the child's parents.

2. Based on this review, and including input from the child's teachers, parents, and other service providers, the team must answer each of these questions:
    a. What are the child's present levels of academic achievement and functional performance?
    b. What are the child's educational needs?
    c. Does the child continue to have a disability?
    d. Does the child continue to need specialized instruction and related services?
    e. What, if any, changes to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child's IEP and to participate, as appropriate, in the general education curriculum?

Discontinuation of Special Education Services

Children with TBI should be considered for discontinuation of special education supports and services only when they demonstrate the ability to function independently, access and perform adequately in the general curriculum, including extracurricular and nonacademic activities, and no longer demonstrate a need for special education services.

The LEA must evaluate the child before determining that the child is no longer a child with a disability (34 CFR Sec. 300.305(e)(1)). When there is sufficient existing data, this evaluation may be appropriately conducted using data gathered during the REED process. It may not be necessary to gather additional data prior to determining that the child is no longer a child with a disability.

Any child whose special education services are discontinued should promptly be referred to the SAT at their school to ensure that the child is supported in this important transition period. Monitoring of social skills, behavior, communication, current levels of academic performance, and independence may continue to be necessary. The SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

Resources

Brain Injury Association of New Mexico
Toll free: 888-292-7415
www.braininjurynm.org

National Brain Injury Association of America
Toll free: 800-444-6443
http://www.biausa.org/Pages/splash.html

National Resource Center on Traumatic Brain Injury
http://www.neuro.pmr.vcu.edu/

The Brain Trauma Foundation
http://www.braintrauma.org/

The New Mexico Public Education Department, Division of Vocational Rehabilitation
505-954-8500
http://www.dvrgetsjobs.com/

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VISUAL IMPAIRMENT, INCLUDING BLINDNESS

Definition

A visual impairment, including blindness, means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness. (34 CFR Sec. 300.8(c)(13))

Characteristics and Educational Impact

Children who are eligible for special education and related services under the category of visual impairment (VI), including blindness, have a disability that adversely affects their involvement and progress in the general curriculum, including extracurricular and non-academic activities, or their participation in developmentally appropriate activities. To determine the educational impact of VI, the eligibility determination team (EDT) must address the question of "How do these characteristics of the disability manifest in the child's natural environment (e.g., home, classroom, recess, etc.)?"

As with all disabilities, the characteristics and educational impact for children with VI will vary greatly. The following sections outline characteristics that may be associated with VI and possible educational impact of those characteristics. This information does not represent an exhaustive list of areas of need or of all factors that need to be considered for an individual child, nor is it intended to suggest that all children with VI will demonstrate all of the following characteristics.

For all children with VI, it is important to consider developmentally-appropriate skill levels and behaviors for the child's age and educational setting. The characteristics of the disability are very similar for school-aged and preschool-aged children, but the educational impact may differ. For children with VI, regardless of age, the impact of the disability may be manifested in one or more ways, including, but not limited to:

Adaptive Behavior

Potential Characteristics

Delays in development of adaptive behavior skills, including:

- Self-care (e.g., eating, hygiene, etc.)
- Age-appropriate independence moving through the environment
- Age-appropriate management of materials
- Difficulties with practical skills, such as use of money and telling time

Potential Educational Impact

A child with VI may have difficulty with the following aspects of the educational setting due to adaptive behavior characteristics:

- Learning from group activities, including in the classroom, during electives, etc.
- Participating in small-group activities, including play, centers within the classroom, small group assignments, afterschool school-sponsored activities, etc.
- Demonstrating functional independence to participate in academic and non-academic activities in the educational setting

Communication

Potential Characteristics

Deficits in communication, including difficulty:

- Recognizing and responding to nonverbal social cues
- Accessing nonverbal information
- Modulating volume, content, etc., for the environment and situation

Potential Educational Impact

A child with VI may have difficulty with the following aspects of the educational setting due to communication characteristics:

- Learning from group activities, including in the classroom, during electives, etc.
- Participating in small-group activities, including play, centers within the classroom, small group assignments, afterschool school-sponsored activities, etc.
- Establishing age-appropriate relationships in the educational setting to allow for playing, working, and learning with others
- Learning from primarily visual instruction

Social/Emotional

Potential Characteristics

Potential psychological issues, such as depression, self-esteem concerns, etc.

Difficulty with social and emotional skills, including:

- Forming relationships with peers and adults
- Learning from non-verbal cues, such as people's facial expressions conveying emotion, eye gaze, and gestures
- Navigating social interactions that depend on observing dynamics between other people
- Responding appropriately to other people's communication, like understanding when people are unhappy, when they want the child to do something that isn't directly stated, etc.

Potential Educational Impact

A child with VI may have difficulty with the following aspects of the educational environment due to social and emotional characteristics:

- Learning from and participating in group activities
- Developing and maintaining age-appropriate relationships with peers and adults
- Working with the same degree of independence as other children of the same age (e.g., potential for learned helplessness)

Assistive Technology

A child with VI may demonstrate a significantly improved ability to participate in and make progress in the general education curriculum with the use of assistive technology to compensate for their VI. Evaluation teams should consider both low-technology and high-technology options to promote access to the learning environment for a child with VI.

Special Considerations for Assessment

Few formal assessments have been standardized with students who have VI. Thus, the evaluation team must rely heavily on informal, individually planned assessment information for evaluation and program planning.

The evaluation for a child with known or suspected VI should include information that will guide the educational team in making appropriate accommodations and modifications. These may include: Braille or large print materials, tactile graphs or maps, manipulatives for math or science, talking calculators, magnifiers, abacuses, verbal descriptions of activities or environmental information, and lighting appropriate to the visual condition.

Consistent with the Individuals with Disabilities Education Act (IDEA, 2004), it is essential that assessment results accurately reflect the factors being assessed (e.g., cognitive skills, achievement level, etc.), rather than other factors (e.g., sensory, motor, or speaking skills). This is particularly relevant when assessing a child with a known or suspected VI and it is important that assessment results are not negatively impacted by the child's visual skills because of the assessment techniques used.

Initial Evaluation

The list below provides the evaluation team with required components of an initial evaluation to determine whether a student is eligible for and in need of special education and related services under the eligibility category of VI:

NOTE: It is possible for a child to have both a hearing impairment and/or visual impairment and intellectual disability. As with all eligibility determination decisions, EDT teams are reminded to use multiple sources of information when making decisions regarding a child's eligibility for special education and related services to determine the most appropriate eligibility category for an individual child.

Required components

With rare exception, the evaluation team must include all of the elements outlined under Required Components. A team must clearly document any deviation from these guidelines and the rationale for the deviation. Even if formal assessment information isn't available in an area, the evaluation team is expected to consider data in all of these required areas and deviations should be extremely rare.

Note: It is highly recommended that a functional vision evaluation and a learning media assessment conducted by a licensed Teacher(s) of Students with Blindness/Visual Impairment be completed prior to the educational assessments.

Review of existing evaluation data, including:

1. Previously conducted screening data
2. Previously conducted evaluation data (formal, informal, and extant information)
3. Student assistance team (SAT) file documentation
4. Previously gathered developmental history
5. Previously gathered educational history, including test scores and grades
6. Previously gathered medical history and school health records
7. Previously gathered family history, including home language survey
8. Previously gathered social history

Updated/current evaluation data:

1. Gather and analyze current and updated developmental, educational, medical (including vision and hearing), family, and social history, including an interview with the parent(s)/guardian(s) and information from general education teachers.

2. Complete direct observations across multiple settings, both structured and unstructured and various times, by multiple observers.

3. Evaluate the child in the following areas, including the use of formal, informal, and extant information, as appropriate:
    a. Adaptive behavior
    b. Assistive technology

4. Gather and document information specifically related to the disability of VI from specific professionals related to their area(s) of expertise:
    a. Eye specialist (e.g., an ophthalmologist or an optometrist) (diagnosis of eye condition, visual acuity, recommendations regarding prescription lenses)
    b. Teacher of students with blindness/visual impairment
        i. Functional vision evaluation that includes observations of visual responses; screening tests and self-report (when appropriate) of visual abilities; observations by parents and educational staff; observation of

accommodations in classroom methods, materials, and environment, such as lighting, time of day, location in classroom, etc.)

ii. Learning media assessment that addresses the sensory channels the child uses to access information, determination of the primary literacy medium, and a statement of need for continuing assessment of literacy media (if the child is an emergent reader)

Potential additional components

The evaluation team must determine what Potential Additional Components of an initial evaluation are appropriate for each individual child.

Teams should consider an evaluation using a variety of data sources (or by a specific provider outlined below) if there is any concern that the child is demonstrating difficulties in this area or if there is not adequate existing data to describe the child's present levels of performance in that area.

1. The evaluation team may determine that additional information (formal, informal, and/or extant information) is required related to specific areas of needs, such as:
    a. Academic achievement
    b. Braille
    c. Cognition (verbal and non-verbal, as appropriate)
    d. Communication (including pragmatics)
    e. Functional fine motor
    f. Functional gross motor
    g. Orientation and mobility
    h. Sensory processing
    i. Social and emotional
    j. Transition (e.g., Transition Assessment Summary)

NOTE: Standardized measures are not always the most appropriate or valid source of data for a particular child. Data from standardized measures should always be contextualized with other data sources. If the EDT determines that a standardized measure is not appropriate or valid for a particular child, the evaluation team should use alternative methods of obtaining data to gather information about the child's present levels of performance.

Eligibility Determination

For a child to be eligible to receive special education and related services under the eligibility category of VI, as defined by IDEA (2004), the EDT must document that the child meets all of the following:

Prong 1: Presence of a disability

The child is a child with VI because:

1. Lack of appropriate instruction in reading or math is not the primary reason for the child's educational difficulties*. For preschool children, consider whether the child has had the opportunity to participate in developmentally appropriate early childhood experiences;*
2. Limited English proficiency is not the primary reason for the child's educational difficulties;
3. The child is a child with VI (as defined by IDEA and NMAC); and
4. No other eligibility category better describes the child's disability.

Prong 2: Need for specially designed instruction

As a result of VI, the child requires specially designed instruction in order to:

a) be involved in and make progress in the general education curriculum (or for a preschool child to participate in appropriate activities);
b) participate in extracurricular and other nonacademic activities; and/or
c) be educated and participate with other children with disabilities and nondisabled children.

NOTE: If the child is determined to be eligible for special education and related services under the category of VI based on "Presence of a disability" items 1 through 4 above, the child would not be eligible under the category of developmental delay (DD) (Subsection J (2) (a) of 6.31.2.10 NMAC).

Reevaluation

The **reevaluation process** must occur at least once every 3 years to determine continued eligibility and need for special education and related services. A reevaluation may not occur more than once a year, unless the parent and the public agency agree otherwise (34 CFR Sec. 300.303(b)).

NOTE: There are no specific reevaluation eligibility criteria; therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the Review of Existing Evaluation Data (REED) process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

As part of this REED process that must be a part of every reevaluation, the EDT must answer these two questions:

1. What, if any, evaluation data (formal, informal, or extant) needs to be collected to determine whether the child continues to be eligible for and in need of special education and related services under the eligibility category of VI?
2. What, if any, evaluation data (formal, informal, or extant) needs to be collected to develop an appropriate Individualized Education Program (IEP) to meet the child's unique needs?

Reevaluation does not necessarily mean more testing. If existing data do not provide adequate information to answer these critical questions, additional data may need to be collected. To assist the EDT in determining what additional data, if any, may be needed, the team should:

1. Review existing evaluation data related to the child to include:
    a. Current classroom-based, short-cycle, and/or state assessments;
    b. Observations and information provided by teachers and related service providers; and
    c. Observations, information, and/or evaluations provided by the child's parents.

2. Based on this review, and including input from the child's teachers, parents, and other service providers, the team must answer each of these questions:
    a. What are the child's present levels of academic achievement and functional performance?
    b. What are the child's educational needs?
    c. Does the child continue to have a disability?
    d. Does the child continue to need specialized instruction and related services?
    e. What, if any, changes to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the child's IEP and to participate, as appropriate, in the general education curriculum?

Discontinuation of Special Education Services

Children with visual impairments, including blindness should be considered for discontinuation of special education supports and services only when they demonstrate the ability to function independently, access and perform adequately in the general curriculum, including extracurricular and nonacademic activities, and no longer demonstrate a need for special education services.

The local educational agency (LEA) must evaluate the child before determining that the child is no longer a child with a disability (34 CFR Sec. 300.305(e)(1)). When there is sufficient existing data, this evaluation may be appropriately conducted using data gathered during the REED process. It may not be necessary to gather additional data prior to determining that the child is no longer a child with a disability.

Any child whose special education services are discontinued should promptly be referred to the SAT at his or her school to ensure that the child is supported during this important transition

period. For a child with a VI, the SAT should pay particular attention to the consideration of a Section 504 Accommodation Plan to support the child, as appropriate.

Resources

American Printing House for the Blind (APH)
Toll free: 800-223-1839
http://www.aph.org/

American Foundation for the Blind (AFB)
Toll free: 800-232-5463
http://www.afb.org/

Association for the Education and Rehabilitation for the Blind and Visually Impaired (AER)
703-671-4500
http://www.aerbvi.org/

Learning Ally
Toll free: 800-221-4792
http://www.rfbd.org/

Local Lion's Club
http://www.lionsclubs.org/

Library of Congress
Toll free: 800-NLS-READ (424-8567)
http://www.loc.gov/nls

National Federation of the Blind
410-659-9314
http://www.nfb.org/nopbc.htm

National Organization of Parents of Blind Children (NOPOBC)
410-659-9314
http://www.nfb.org/nopbc.htm

New Mexico Academy of Ophthalmology
505-366-3273
www.nmao.org/

New Mexico Commission for the Blind
http://www.cfb.state.nm.us/

New Mexico School for the Blind and Visually Impaired
Toll free: 800-437-3505
http://www.nmsbvi.k12.nm.us/

New Mexico State Library for the Blind and Physically Handicapped
Toll free: 800-456-5515
http://www.nmstatelibrary.org/direct-services/lbph

Texas School for the Blind and Visually Impaired
512-454-8631
http://www.tsbvi.edu/

APPENDICES

Appendix A: Acronyms

Appendix B: Glossary of Terms

Appendix C: Prior Written Notice and Consent for Evaluation

Appendix D: Medical Forms

Appendix E: Review of Existing Evaluation Data (REED) Form

Appendix F: Eligibility Determination Worksheets for Individual Eligibility Categories

Appendix G: Eligibility Determination Team Signature Page

Appendix H: Resources

Appendix I: References

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APPENDIX A: ACRONYMS

CFR: Code of Federal Regulations (IDEA 2004 Regulations)

CLD: Culturally and Linguistically Diverse

DSM-5: Diagnostic and Statistical Manual of Mental Disorders

EDT: Eligibility Determination Team

IDEA: Individuals with Disabilities Education Act (2004)

IEP: Individualized Education Program

LEA: Local Education Agency (e.g., local school district)

MLSS: Multilayered Systems of Support

NMAC: New Mexico Administrative Code

OSEP: Office of Special Education Programs

OSERS: Office of Special Education and Rehabilitative Services

PED: New Mexico Public Education Department

PSW: Patterns of Strengths and Weaknesses

REED: Review of Existing Evaluation Data

RtI: Response to Intervention

SAT: Student Assistance Team

SEA: State Education Agency (e.g., PED)

SEM: Standard Error of Measurement

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APPENDIX B: GLOSSARY OF TERMS

Assessment: pieces of information used during the evaluation process, including formal, informal, standardized, and non-standardized measures of child performance

Child: a person, between the ages of 3 and 21, who has not yet graduated from high school.

Eligibility Determination Team (EDT): a group of people who determine whether the child is eligible for and in need of special education and related services under one or more of the eligibility categories defined by IDEA (2004). This group must include: the child's parents, the child's general education teacher(s), the child's special education teacher(s), a representative of the public agency, an individual who can interpret evaluation results, other individuals who have knowledge and expertise, and the child (as appropriate). If the child does not have a general education and/or special education teacher, a teacher who is qualified to teach children of the child's age should participate on this team. This group is defined in New Mexico Administrative Code (NMAC), but not specifically in IDEA.

Evaluation: procedures used in accordance with Sec. Sec. 300.304 through 300.311 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs (34 CFR Sec. 300.15). This includes the use of multiple data sources, not simply formal assessments.

Individualized Education Program (IEP) Team: a group of people who are responsible for reviewing, developing or revising the Individualized Education Program (IEP) for a child with a disability (34 CFR Sec. 300.23). Like the EDT, the IEP team must include: the child's parents, the child's general education teacher(s), the child's special education teacher(s), a representative of the public agency, an individual who can interpret evaluation results, other individuals who have knowledge and expertise, and the child (as appropriate). The responsibility of this team is educational planning rather than eligibility determination (34 CFR Sec. 300.321).

Multi-Layered System of Supports (MLSS): New Mexico's comprehensive approach to supporting student success in academic and social-emotional areas through a framework of delivering a range of layered interventions based on student performance data. This is provided through general education services. The layers of supports are flexible and provide opportunities for teachers to adjust or change interventions as needed, based on data.

Patterns of Strengths and Weaknesses (PSW): a critical consideration for eligibility determination decisions under the category of specific learning disability (SLD). A PSW approach is dependent the analysis of strong, multiple sources of data (interviews/observations, informal assessment, and formal assessment) collected over a period of time. The essential steps of a PSW process "are (a) identifying an academic need

in one of the seven areas found in federal guidelines for SLD, (b) determining if there is an area or areas of cognitive weakness that have a research-based link to problems in the identified academic areas, (c) establishing whether there are other cognitive areas which are average or above, and (d) analyzing these findings for a pattern that will rule out or confirm the presence of SLD" (Schultz, Simpson, & Lynch, 2012, p. 88).

Review of Existing Evaluation Data Process: an active process that guides teams through gathering existing data regarding a child's strengths and concerns in order to determine if additional assessment data are needed in order to answer one or more questions outlined be IDEA, including (a) whether a child continues to have a disability; (b) the educational needs of the child, (c) the present levels of academic achievement, functional performance, and related developmental needs of the child; (d) whether the child continues to need special education and related services; and (e) whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP and to participate, as appropriate, in the general education curriculum.

Review of Existing Evaluation Data Form: a form that guides teams through the documentation of the REED process.

Student Assistance Team (SAT): a school-based group of people, including educators, administrators, and the child's parents, who collect and review data, identify and document interventions and their effects, make retention determinations, and refer students for a comprehensive evaluation for eligibility for special education and related services.

Triangulation: collecting and analyzing information from a variety of sources to ensure that the data are valid prior to using them for educational decision making. It is a foundational part of all evaluations and refers to examining connections between all available data, including formal evaluation data, informal evaluation data, and extant information (observations, interviews, historical data, etc.).

APPENDIX C: PRIOR WRITTEN NOTICE AND PARENTAL CONSENT FOR EVALUATION

This section includes a form to document a Public Agency's response to a parental request for an evaluation or a Public Agency's proposal for an evaluation. In addition, it provides the form required to document the parental consent (or non-consent) for the evaluation.

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Prior Written Notice of Proposed Action Related to Evaluation of a Child

300.503 Prior notice by the public agency; content of notice.

(a) Notice. Written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability a reasonable time before the public agency—

1. *Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or*
2. *Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.*

(b) Content of notice. The notice required under paragraph (a) of this section must include—

1. *A description of the action proposed or refused by the agency;*
2. *An explanation of why the agency proposes or refuses to take the action;*
3. *A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;*
4. *A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;*
5. *Sources for parents to contact to obtain assistance in understanding the provisions of this part;*
6. *A description of other options that the IEP Team considered and the reasons why those options were rejected; and*
7. *A description of other factors that are relevant to the agency's proposal or refusal.*

(c) Notice in understandable language.

1. *The notice required under paragraph (a) of this section must be—*
   - *i. Written in language understandable to the general public; and*
   - *ii. Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.*
2. *If the native language or other mode of communication of the parent is not a written language, the public agency must take steps to ensure—*
   - *i. That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;*
   - *ii. That the parent understands the content of the notice; and*
   - *iii. That there is written evidence that the requirements in paragraphs (c)(2)(i) and (ii) of this section have been met.*

Child's Information	
Child's Name:	
DOB:	
Student State ID Number:	
Grade:	Select grade
School:	
Date of This Notice:	

This document (called a prior written notice or PWN) relates to an evaluation request for this child. Prior written notice related to a proposal for an evaluation is required if:

- The Public Agency (school) proposes to initiate an evaluation
- The Public Agency (school) accepts or refuses a parental request for an evaluation.

This PWN outlines information about the evaluation request and, if it was requested by the parent, if the Public Agency accepts or refuses this evaluation request. This PWN will explain why the Public Agency proposes or refuses to conduct this evaluation, including the other options considered by the district and why those options were rejected and all the data (evaluation procedures, assessments, referral information, etc.) that were used as the basis for the decisions in this PWN.

- If the Public Agency proposes to conduct this evaluation or accepts the parental request, this PWN will also explain the purpose and scope of the evaluation. In addition, a separate consent form will be attached to this PWN to request your consent to conduct this evaluation as proposed. No parts of this evaluation will be initiated without your written consent on that consent form.

Information about This Evaluation Request

Requested by:	**Select one**
This request is for:	Select one

The Public Agency's Decision/Proposal

The Public Agency Select one

The justification for this decision is documented in the appropriate section below.

Refusal (if appropriate)

The Public Agency (school) refuses the parental request for an evaluation.
This refusal was based on:

The information reviewed indicate that:
Instead of conducting this evaluation, the Public Agency will:

Acceptance/Proposal (if appropriate)

The Public Agency (school) <u>accepts</u> the parental request for an evaluation or <u>proposed</u> this evaluation.
This acceptance/proposal was based on:
The information reviewed indicate that:
Other options that were considered instead of this evaluation include: These options were rejected because:

Evaluation Proposal (only for Acceptance/Proposal)

The Public Agency proposes the following evaluation:

Purpose of Proposed Evaluation:	☐ To determine if your child is or continues to be a child with a disability ☐ To determine the educational needs of your child ☐ To plan an appropriate school program for your child

Scope of the Evaluation:

The Public Agency is requesting your consent to conduct a **comprehensive evaluation** related to the areas of concern. A comprehensive evaluation of your child includes **gathering data from multiple sources of information**, including formal measures (standardized tests), informal measures (progress monitoring, work samples) and extant information including interviews with you, your child's teachers and observations of your child in the educational setting. This comprehensive evaluation may be conducted by multiple educational determination (EDT) team members.

This evaluation will consider your child's abilities in the areas of concern, which may include any or all areas outlined below. Other areas beyond these primary areas of focus may also need to be evaluated in order to conduct a comprehensive evaluation of your child and identify all areas of need (if any). If additional areas emerge as a focus of this evaluation, the Public Agency will notify you. Based on the existing information, the following areas will be the primary focus of this evaluation.

Background Information

Information about your child's home life and school experiences may be gathered as part of the comprehensive evaluation to better understand challenges in the learning environment. This may include developmental history, educational information, social history, and school attendance.

Communication Information

Communication difficulties, including both speech and language, may impact a child's ability to talk, understand, read and write, and socially communicate. This may include how well your child understands what is said and how well your child can express thoughts, including how clearly they speak and how they interact with others.

Physical Information

Physical difficulties may affect a child's educational performance. This could include difficulty using their body, vision, hearing, sensory processing differences, sustaining attention, or other health problems.

Social, Emotional, and/or Behavioral Information

Social, emotional, or behavioral difficulties may impact a child's learning, the learning of others, or the ability to be educated with peers. This could include difficulty managing their behavior, difficulty getting along with others, significantly low self-esteem, or problems with depression or anxiety.

Functional Behavior Assessment

In some instances, identifying possible reasons a child might be exhibiting certain behaviors can help to identify specific strategies to improve or eliminate the behaviors. This is often referred to as a **functional behavior assessment (FBA)**. As a result, and if appropriate, a behavior intervention plan may be developed.

Cognitive Information

Cognitive difficulties may impact a child's ability to reason, plan, solve problems, think abstractly, comprehend ideas, and/or learn quickly compared to others of the same age.

Functional Performance Information

Functional performance difficulties may include difficulty with daily tasks, such as completing assignments, using educational materials, organizing materials and school work, transitioning between tasks or locations, or participating in group activities.

Adaptative Behavior/Self-Help Skills Information

Adaptive behavior skills are sometimes called self-help skills. This can include skills such as getting dressed, toileting, personal hygiene, and eating and can impact a child's ability to be independent during the school day.

Academic Achievement Information

Academic achievement includes areas such as reading (early literacy, basic reading, reading fluency, reading comprehension), math (early mathematics, match calculation, math reasoning), written expression, oral expression, and listening comprehension.

Transition Information

In this context, transition specifically refers to preparing children for adult life by supporting them with their transition needs after graduation. This must be addressed for all children starting at age 13, but may need to be addressed for some children at a younger age.

Other Information

Other factors may be considered as part of your child's evaluation, including the need to collect specific information on certain conditions related to areas of suspected disability, or any other factors that may not have been addressed above.

If this is a focus of the evaluation, here is a description of the other information that will be gathered as part of this evaluation:

Disability Categories Under Consideration

The following are suspected disability categories under consideration as part of your child's evaluation based on the referral information provided (including any current disability category your child may be eligible under). During the evaluation, other eligibility categories (other than those listed below) may need to also be considered by the eligibility determination team (EDT) as possible eligibility categories and **additional evaluation data may need to be gathered as a focus of the evaluation beyond the areas identified above**.

☐ Autism	☐ Deaf-blindness	☐ Developmental delay
☐ Emotional disturbance	Hearing impairment, including deafness	☐ Intellectual disability
☐ Multiple disabilities	☐ Orthopedic impairment	☐ Other health impairment
☐ Specific learning disability	☐ Speech or language impairment	
☐ Traumatic brain injury	☐ Visual impairment, including blindness	

Your Rights as a Parent

The parents of a child with a disability have protection under the Individuals with Disabilities Education Act (IDEA) procedural safeguards. Federal regulations require that parents and adult students be provided with a copy of the procedural safeguards (rights) available to the parents of a child with a disability. These must be provided in their native language or other mode of communication one time a school year and upon initial referral or parent request for evaluation, upon receipt of the first State complaint or first due process hearing in a school year, when a decision is made to make a disciplinary change of placement, and upon request of the parent or adult student. This document is titled *Special Education Procedural Safeguards for Students with Disabilities and Their Families Required Under IDEA Part B.* This document is available in several languages and you have the right to receive this information in your native language.

You have the right to revoke your consent for this evaluation if you later change your mind. However, that revocation is not retroactive. That means that it doesn't negate an action that occurred after the consent was given and before it was revoked. The Public Agency has the responsibility to act on what has been completed and the meeting to act on the information can be held without a parent in attendance if they are unable to convince a parent to attend.

Timeline Information

If this evaluation is an initial evaluation, the Public Agency has 60 calendar days from the date that you sign the consent form to complete the written evaluation report, unless you repeatedly fail to produce you child for the evaluation or your child changes schools during the evaluation process. Upon completion of the comprehensive evaluation of your child, a meeting, called an eligibility determination team meeting (EDT), will be held to discuss the results of the evaluation. This meeting will be scheduled at an agreeably mutual time with you. The Public Agency is required to provide you with a copy of the written report two days before the EDT meeting.

If this evaluation **is not an initial evaluation**, this 60-calendar day timeline does not apply. However, the Public Agency is responsible for conducting this proposed evaluation in a timely manner to ensure that your child is receiving appropriate supports and services. If this evaluation is part of a **reevaluation**, it must be completed no later than the three-year reevaluation due date, but should be completed in a timely manner and the following EDT or IEP meetings should be held promptly to make sure that your child is receiving a free, appropriate public education (FAPE). In other words, even though this proposed evaluation (whether for a **reevaluation** or for a **specific area of need**) is not bound by the same timeline, it should still be completed in a reasonable amount of time and communicated with you so that an appropriate educational program can be developed for your child.

Check applicable box:

- ☐ This is an initial referral or parent request for evaluation and a copy of *Special Education Procedural Safeguards for Students with Disabilities and Their Families Required Under IDEA Part B* is **enclosed with this form**.
- ☐ This is an initial referral or parent request for evaluation and, as part of this initial referral or parent request, a copy of *Special Education Procedural Safeguards for Students with Disabilities and Their Families Required Under IDEA Part B* **was given on:**
  to
  by
- ☐ If this notice is not an initial referral for evaluation, you can obtain a copy of *Special Education Procedural Safeguards for Students with Disabilities and Their Families Required Under IDEA Part B* by contacting

Resources to Understand Your Parental Rights

Your Local School District:
Contact Name:
Phone Number:
Email Contact:

New Mexico Public Education Department Special Education Division
Parent Liaison: 505-490-2490
Website: https://web.ped.nm.gov/bureaus/special-education/

Parents Reaching Out (PRO):
Phone Number: 505-247-0192 or 800-524-5176
Online Contact: parentsreachingout.org/contact-us/
Website: parentsreachingout.org

Education for Parents of Indian Children with Special Needs (EPICS):
Phone Number: 888-499-2070
Email Contact: www.epicsnm.org/contact
Website: www.epicsnm.org

Request for Consent for Full and Individual Evaluation

Child's Information	
Child's Name:	
DOB:	
Student State ID Number:	
Grade:	Select grade
School:	
Date of This Notice:	

Dear Parent(s)/Guardian(s):

You have received the Prior Written Notice of Full and Individual Evaluation which is included with this consent form. This form allows you to indicate if you give consent for this evaluation or not. Please check the appropriate box by each statement, sign your name, date the signature, and return this form to the school as soon as possible, even if you do not give consent for this evaluation.

- I have been fully informed in my native language (or other mode of communication) and understand the evaluation process and why it has been recommended for my child. *If "no," please explain.*
  ☐ Yes ☐ No Explanation (if "No"):

- I have been given the contact information of a school staff member whom I may call if I want more information or have more questions. *If "no," please explain.*
  ☐ Yes ☐ No Explanation (if "No"):

- I give permission for the evaluation that has been recommended for my child. *If "no," please explain.*
  ☐ Yes ☐ No Explanation (if "No"):

- I understand that my consent is voluntary and can be revoked at any time. If I revoke that consent, however, the consent is not retroactive (i.e., it does not negate an action that has occurred after consent was given and before consent was revoked). The school has an obligation to act on what has been completed and the meeting to act on the information can be held without a parent if the school is unable to convince a parent to attend. *If "no," please explain.*
  ☐ Yes ☐ No Explanation (if "No"):

- I have been fully informed and understand the evaluation process and why it has been recommended for my child. *If "no," please explain.*
  ☐ Yes ☐ No Explanation (if "No"):

_____
Parent Name (Printed)

_____ _____
Parent Signature Date of Signature

_____ _____
Signature of Interpreter, if used Date of Signature

APPENDIX D: OBTAINING MEDICAL INFORMATION

As part of the evaluation and eligibility determination process, it may be necessary to obtain current medical information. This section includes a form for Authorization for Disclosure of Protected Health Information and a Medical Examination Form. Additional forms, such as Medication Authorization Forms and Individualized Health Care Plans, may also be necessary for the eligibility determination process. These forms are available from individual school districts and from http://www.nmschoolhealthmanual.org/resources/forms.htm

It is important to involve the school nurse early in the evaluation and eligibility determination process for children with known or suspected medical/health concerns. The school nurse is a necessary and important member of the eligibility determination team for these children.

Authorization for Disclosure of Protected Health Information, Form One

AUTHORIZATION FOR USE OR DISCLOSURE OF HEALTH INFORMATION BETWEEN MEDICAL PROVIDERS and SCHOOL DISTRICTS

Completion of this document authorizes the disclosure and/or use of individually identifiable health information, as set forth below, consistent with Federal laws (including HIPAA) concerning the privacy of such information. Failure to provide all information requested may invalidate this authorization.

USE AND DISCLOSURE INFORMATION:

Patient/Child's Name:_____
Last First MI Date of Birth

I, the undersigned, do hereby authorize:
(1) _____
(name of agency and/or health care providers)

(2) _____
(name of agency and/or health care providers)

to provide health information from the above-named child's medical record to and from:

_____
School District to Which Disclosure is Made Address / City and State / Zip Code

_____
Contact Person at School District Area Code and Telephone Number

The disclosure of health information is required for the following purpose:

_____

Requested information shall be limited to the following:
☐ All minimum necessary health information; or
☐ Condition-specific information as described:

DURATION:
This authorization shall become effective immediately and shall remain in effect until _____ (enter date) or for one year from the date of signature, if no date entered.

RESTRICTIONS:

Law prohibits the Requestor from making further disclosure of my health information unless the Requestor obtains another authorization form from me or unless such disclosure is specifically required or permitted by law.

YOUR RIGHTS:

I understand that I have the following rights with respect to this Authorization: *I may revoke this Authorization at any time. My revocation must be in writing, signed by me or on my behalf, and delivered to the school district/health care agencies/persons listed above. My revocation will be effective upon receipt, but will not be effective to the extent that the Requestor or others have acted in reliance to this Authorization.*

RE-DISCLOSURE:

I understand that the Requestor (School District) will protect this information as prescribed by the Family Educational Rights and Privacy Act (FERPA) and that the information becomes part of the student's educational record. The information will be shared with individuals working at or with the School District for the purpose of providing safe, appropriate and least restrictive educational settings and school health services and programs .I have a right to receive a copy of this Authorization. Signing this Authorization may be required in order for this student to obtain appropriate services in the educational setting.

APPROVAL:

_____ Printed

Name Signature Date

_____

Relationship to Patient/Child Area Code and Telephone Number

Adapted from West Virginia Department of Education (http://wvde.state.wv.us/healthyschools/).

Authorization for Disclosure of Protected Health Information, Form Two

I hereby authorize workforce members of _____
[Health Information Provider – HIP] **to disclose information from the health records of**
Patient's Name: _____DOB: _____
Address:_____
City: _____ State: _____ ZIP: _____ Phone: _____ E-mail _____

This authorization is valid covering the time period(s): Fill in ranges of dates.
from _____ to _____; from _____ to _____; from _____ to _____
Information that I authorize to be disclosed:

Information can be disclosed to:

_____
(district) (phone)

_____
(address)
This information is to be disclosed for the following purposes:

I understand that:
a. [HIP]_____ may not place conditions upon treatment, payment, enrollment, or eligibility for benefits based on whether I sign this agreement;

b. my health information may potentially be redisclosed by the recipient identified in this authorization. [HIP] _____ is not responsible for any such disclosures. [HIP] _____ and its workforce are released from any legal responsibility of liability for disclosures made pursuant to this authorization.;

c. this authorization may be revoked in writing at any time, except to the extent that action has been taken in reliance on this authorization. Unless revoked, this authorization will expire on the following date, event, or condition:_____

_____
Signature of Parent, Student, or Legal Representative Date

Description of authority of Representative acting on behalf of the student:

_____

Page intentionally blank.

Medical Examination Form

MEDICAL EXAMINATION (To be completed by a licensed medical professional, including physician, psychiatrist, physician assistant, etc.)

NOTE TO LICENSED MEDICAL PROFESSIONAL: Appropriate educational programming for certain children requires that they receive a current physical examination and recommendations from a licensed medical professional. Please detail the child's medical diagnosis and etiology for any cognitive, physical, behavioral, emotional, health, and/or speech/language impairments, including prognosis, physical limitations, medications, and description of any prosthetic devices. The information that the school obtains through this form will be utilized as part of the evaluation and eligibility determination process, as well as educational program planning.

Name of Child	Date of Birth		Date(s) of Exam
School	Sex	Grade	Student ID #
Primary Medical Diagnosis/Concern: (including any cognitive, physical, behavioral, emotional, health, and/or speech/language impairments)			
Etiology of Primary Medical Diagnosis/Concern:			
Prognosis of Primary Medical Diagnosis/Concern:			
Additional Medical Diagnosis/Concern, if applicable:			
Etiology of Additional Medical Diagnosis/Concern, if applicable:			

Prognosis of Additional Medical Diagnosis/Concern, if applicable:

Impact: Describe how the condition(s) listed above impact the child's performance of and/or functioning in everyday activities:

Current Medication: Is child taking any medication? Yes ( ) No ( ) If yes, list and note the dosage, frequency, and time of day the medication should be administered to be most effective, if applicable:

If yes, please describe any possible side effects of the medication that the school should be aware of:

If the medication will be administered at school, please indicate that and complete a Medication Administration Form.

NOTE: Medication Administration Authorization forms are available from http://www.nmschoolhealthmanual.org/resources/forms.htm or from the child's school district.

Allergies: Please list any known allergies and describe any allergic reactions:

Nutrition: Please explain any significant concerns about the child's nutritional needs, including mealtime difficulties (e.g., special diet and/or difficulty with eating, swallowing, etc.):

Nursing Procedures: Will any nursing procedures or treatments be required at school? (e.g., catheterization, suction, tube feeding, etc.) Yes ( ) No ( ) If yes, please explain briefly below and complete an Individualized Health Care Plan form.

NOTE: Individualized Health Care Plan forms are available from http://www.nmschoolhealthmanual.org/resources/forms.htm or from the child's school district.

Assistive Devices: Does this child require any assistive devices (e.g., hearing aids, eyeglasses, splints, positioning devices, prosthetics, etc.)? Yes ( ) No ( ) If yes, describe the device(s) and parameters of use:
Safety Needs: Secondary to the medical conditions noted above, do you have specific recommendations or additional relevant information regarding the child's safety needs at school? Yes ( ) No ( ) If yes, please explain:
Other Pertinent Information:

_____

Licensed Medical Professional's Signature Date

_____

Licensed Medical Professional's Name (Please print or type) Phone

_____

Licensed Medical Professional's Address

Page intentionally blank.

Eye Examination Form

District: _____

Patient's Name: _____ DOB: _____

Street Address: _____

City: _____ State: _____ ZIP: _____

Occular History (e.g., previous eye diseases, injuries, or operations):

Age of Onset: _____

History of Treatment

- ☐ Glasses
- ☐ Patches (schedule) R_____ L_____
- ☐ Medication _____
- ☐ Refer for other medical treatment/exam

☐ Other

	Without Glasses		**With Best Correction**	
	Near	**Distance**	**Near**	**Distance**
RRRR				
LLLL				

Is depth perception impaired? _____ YES ____ NO

If acuity cannot be measured, please check the most appropriate estimation:

☐ hand movements ☐ counts fingers ☐ object perception

☐ light perception ☐ totally blind (NIL)

☐ functions at definition of blindness (due to brain injury/dysfunction, cortical/cerebral impairment)

Attention Eye Care Specialist. Please address each item below. Your thoroughness in this evaluation is essential for this patient to receive appropriate service.

Field of Vision: ☐ Normal ☐ Abnormal Please Describe:
Muscle Function: ☐ Normal ☐ Abnormal Please Describe:

Intraocular Pressure Reading: R _____ L _____

Color Vision: ☐ Normal ☐ Abnormal Please Describe:

Photophobia ☐ YES ☐ NO

Prognosis:

☐ stable ☐ recurrent ☐ improving ☐ communicable

☐ progressive ☐ permanent ☐ can be improved ☐ uncertain

Precautions:

Restrictions on activities:

Attention Eye Care Specialist. Please address each item above. Your thoroughness in this evaluation is essential for this patient to receive appropriate service.

_____

Doctor's Signature Date

_____

Doctor's Name (Please print or type) Phone

_____

Address

PLEASE RETURN COMPLETED FORM TO:

Name: _____

Agency: _____

Address: _____

Hearing Screening Form

Student: _____DOB: _____
School: _____
Date of Referral: _____ Teacher: _____
Person Referring: _____

PROBLEM	YES	NO	RIGHT EAR	LEFT EAR
Wears Hearing Aid(s)				
Cerumen				
Has known hearing loss				
Ear infection today				
Cold/flu symptoms today				

If "YES" is checked by any of the above questions, DO NOT TEST the student's hearing. Students who wear hearing aid(s) and/or have known hearing loss should be referred to the school audiologist. When cerumen impaction, ear infections, and cold/flu are resolved, proceed with the hearing test.

PURE TONE RESULTS
(Hearing Levels)

	RIGHT EAR	LEFT EAR
1000 Hz		
2000 Hz		
4000 Hz		

Students who fail to detect tone at 20 dB in either ear should be referred to the school Audiologist or ENT Physician.

Results of this Evaluation: _____ _____ Date Parent/Guardian Notified (if failed): _____
Pass Fail

_____ _____ _____
Evaluator's Signature Position Date

Copy of individual screens to appropriate student file as indicated (e.g. student health record, special education file, etc.)

Page intentionally blank.

APPENDIX E: REVIEW OF EXISTING EVALUATION DATA DOCUMENTATION FORM

This section includes a form to document the Review of Existing Evaluation Data (REED) process.

Page intentionally blank.

REVIEW OF EXISTING EVALUATION DATA (REED) DOCUMENTATION FORM

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language: Select one		Language(s) of Instruction:	
Is the child an English Learner?			
Review of Existing Evaluation Data (REED process) Initiation Date:		Review of Existing Evaluation Data (REED process) Completion Date:	

☐ **Initial Evaluation** ☐ **Reevaluation (Due date):**
☐ **Special Request:**

Previously Identified Disability(ies):

☐ Autism	☐ Deaf-blindness	☐ Developmental delay
☐ Emotional disturbance	☐ Hearing impairment, including deafness	☐ Intellectual disability
☐ Multiple disabilities	☐ Orthopedic impairment	☐ Other health impairment
☐ Specific learning disability	☐ Speech or language impairment	
☐ Traumatic brain injury	☐ Visual impairment, including blindness	☐ None

SECTION I: REVIEW OF EXISTING EVALUATION DATA

Upon completion of this review, the Public Agency needs to determine if additional data (such as interviews/observations, informal assessment data, and/or formal assessment data) is needed to determine:

1. Whether the child has a disability (for initial evaluations) or continues to have a disability (for reevaluations);
2. The educational needs of the child;
3. The present levels of academic achievement and related developmental needs of the child;
4. Whether the child needs or continues to need special education and related services; and/or
5. Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the Individualized Education Program (IEP) and to participate, as appropriate, in the general education curriculum.

NOTE: The REED process may be conducted without a meeting. The REED form can be a "walking document," with participation by team members via telephone, in person, through electronic collaboration or email, etc. A "walking document" means that there does not need to be a meeting to gather data, complete the document, or obtain signatures. In other words, there is no requirement that there be a formal meeting to initiate or complete the REED process. Signatures on the form represent participation in the process, even if a meeting was not held.

Background Factors

Summary of Existing Data

Determination of Need for Additional Data Related to Background Factors

Does this child's background information suggest that the child's history is a factor contributing to their educational performance/difficulties?

☐ **No**. The background information suggest that the child's history is not a contributing factor for their educational performance/difficulties, so no additional data is needed in this area.

☐ **Yes**. The background information suggests that the child's history (developmental, experiential, social, familial, medical, etc.) may be a contributing factor to their educational performance/difficulties.

- ☐ The EDT/IEP team **has adequate data** to describe how the child's history contributes to the child's educational performance/difficulties.
- ☐ The EDT/IEP team **has unanswered questions** and needs more information about the child's history and how it contributes to the child's educational performance/difficulties.

Explanation of Determination of Need for Additional Data

Communication Factors

Summary of Existing Data

Determination of Need for Additional Data Related to Communication Factors

Do the existing data suggest that communication is a factor contributing to the child's educational performance/difficulties?

☐ **No**. The existing data suggest that communication factors are not contributing to the child's educational performance/difficulties. No additional data are needed in this area.

☐ **Yes**. The existing data suggest that communication factors may be contributing to the child's educational performance/difficulties.

- ☐ The EDT/IEP team **has adequate data** to describe how communication factors are contributing to the child's educational performance/difficulties.
- ☐ The EDT/IEP team **has unanswered questions** and needs additional data about communication factors and how they contribute to the child's educational performance/difficulties. *This additional data may include formal or informal assessment data, interviews, observations, etc., conducted/collected by a variety of professionals.*

Explanation of Determination of Need for Additional Data

Physical Factors

Summary of Existing Data

Determination of Need for Additional Data Related to the Physical Factors

Do the existing data suggest that physical abilities are contributing to the child's educational performance/difficulties?

☐ **No**. The existing data suggest that physical factors are not contributing to the child's educational performance/difficulties. No additional data are needed in this area.

☐ **Yes**. The existing data suggest that physical factors may be contributing to the child's educational performance/difficulties.

- ☐ The EDT/IEP team **has adequate data** to describe how physical factors are contributing to the child's educational performance/difficulties.
- ☐ The EDT/IEP team **has unanswered questions** and needs additional data about physical factors and how they contribute to the child's educational performance/difficulties. *This additional data may include formal or informal assessment data, interviews, observations, etc., conducted/collected by a variety of professionals.*

Explanation of Determination of Need for Additional Data

Social, Emotional, and Behavioral Factors

Summary of Existing Data

Determination of Need for Additional Data Related to Social, Emotional, and Behavioral Factors

Do the existing data suggest that social, emotional, and/or behavioral factors are contributing to the child's educational performance/difficulties?

☐ **No**. The existing data suggest that social, emotional, and/or behavioral factors are not contributing to the child's educational performance/difficulties. No additional data are needed in this area.

☐ **Yes**. The existing data suggest that social, emotional, and/or behavioral factors may be contributing to the child's educational performance/difficulties.

- ☐ The EDT/IEP team **has adequate data** to describe how social, emotional, and/or behavioral factors contribute to the child's s educational performance/difficulties.
- ☐ The EDT/IEP team **has unanswered questions** and needs additional data about social, emotional, and/or behavioral factors and how they contribute to the child's educational performance/difficulties. *This additional data may include formal or informal assessment data, interviews, observations, etc., conducted/collected by a variety of professionals.*

Explanation of Determination of Need for Additional Data

Cognitive Factors

Summary of Existing Data

Determination of Need for Additional Data Related Cognitive Factors

Do the existing data suggest that cognitive factors are contributing to the child's educational performance/difficulties?

☐ **No**. The existing data suggest that cognitive factors are not contributing to the child's educational performance/difficulties. No additional data are needed in this area.

☐ **Yes**. The existing data suggest that cognitive factors may be contributing to the child's educational performance/difficulties.

- ☐ The EDT/IEP team **has adequate data** to describe how cognitive factors contribute to the child's educational performance/difficulties.
- ☐ The EDT/IEP team **has unanswered questions** and needs additional data about cognitive factors and how they contribute to the child's educational performance/difficulties. *This additional data may include formal or informal assessment data, interviews, observations, etc., conducted/collected by a variety of professionals. Include a summary of the type of information required in the box below.*

Explanation of Determination of Need for Additional Data

Functional Performance and Adaptive Behavior Factors

Summary of Existing Data

Determination of Need for Additional Data Related to Functional Performance and Adaptive Behaviors Factors

Do the existing data suggest that functional performance and/or adaptive behavior factors are contributing to his/her educational performance/difficulties?

☐ **No**. The existing data suggest that functional performance and adaptive behavior factors are not contributing to the child's educational performance/difficulties. No additional data are needed in this area.

☐ **Yes**. The existing data suggest that functional performance and adaptive behavior factors may be contributing to the child's educational performance/difficulties.

- ☐ The EDT/IEP team **has adequate data** to describe how functional performance and adaptive behavior factors contribute to the child's educational performance/difficulties.
- ☐ The EDT/IEP team **has unanswered questions** and needs additional data about functional performance and adaptive behaviors factors and how they contribute to the child's educational performance/difficulties. *This additional data may include formal or informal assessment data, interviews, observations, etc., conducted/collected by a variety of professionals. Include a summary of the type of information required in the box below.*

Explanation of Determination of Need for Additional Data

Academic Achievement Factors

Summary of Existing Data

Determination of Need for Additional Data Related to Academic Achievement Factors

Do the existing data suggest that academic achievement factors are contributing to the child's educational performance/difficulties?

☐ **No**. The child does not demonstrate any "Academic Achievement Factors" (as documented above), so the existing information suggests that academic achievement factors are not contributing to his/her educational performance/difficulties. No additional data are needed in this area.

☐ **Yes**. The existing data suggest that academic achievement factors may be contributing to the child's educational performance/difficulties.

- ☐ The EDT/IEP team **has adequate data** to describe how academic achievement factors contribute to the child's educational performance/difficulties.
- ☐ The EDT/IEP team **has unanswered questions** and needs additional data about academic achievement factors and how they contribute to the child's educational performance/difficulties. *This additional data may include formal or informal assessment data, interviews, observations, etc., conducted/collected by a variety of professionals. Include a summary of the type of information required in the box below.*

Explanation of Determination of Need for Additional Data

Other Factors

Summary of Existing Data

Determination of Need for Additional Data Related to Other Factors

Does this child's information suggest that there are other factors contributing to their educational performance/difficulties?

☐ **No**. The existing information suggests that the child doesn't have other factors that may be contributing to their educational performance/difficulties, so no additional data are needed in this area.

☐ **Yes**. The existing information suggests that the child may have other factors that may be contributing to their educational performance/difficulties.

- ☐ The EDT/IEP team **has adequate data** to describe how other information about the child contributes to the child's educational performance/difficulties.
- ☐ The EDT/IEP team **has unanswered questions** and needs more information about the child and how other factors may contribute to the child's educational performance/difficulties.

Explanation of Determination of Need for Additional Data

SECTION II: CURRENT DISABILITY(IES) UNDER CONSIDERATION

Based on the review of existing evaluation data, including formal, informal, and extant information, the following eligibility categories should be discussed to determine which one, if any, best describe the child's disability (if any). This must include the child's current disability:

☐ Autism	☐ Deaf-blindness	☐ Developmental delay
☐ Emotional disturbance	☐ Hearing impairment, including deafness	☐ Intellectual disability
☐ Multiple disabilities	☐ Orthopedic impairment	☐ Other health impairment
☐ Specific learning disability	☐ Speech or language impairment	
☐ Traumatic brain injury	☐ Visual impairment, including blindness	☐ None

SECTION III: SUMMARY OF NEED FOR ADDITIONAL DATA

☐ **YES, AS REFLECTED ABOVE, THERE IS A NEED FOR ADDITIONAL DATA**

The additional data specified above are needed in order to determine any of the following:

1. Whether the child has a disability (for initial evaluations) or continues to have a disability (for reevaluations);
2. The educational needs of the child;
3. The present levels of academic achievement and related developmental needs of the child;
4. Whether the child continues to need special education and related services; and/or
5. Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP and to participate, as appropriate, in the general education curriculum.

NOTE: If the EDT has determined that there is a need for additional data (formal, informal, and/or extant), the LEA will gather any evaluation data necessary to complete a full and individual evaluation of the child consistent with NM TEAM (2023) to make an appropriate eligibility determination decision. Prior to gathering the data, the LEA must provide prior written notice to the parent, including a copy of parental safeguards notice, and obtain written parental consent. If this REED was in response to a request for an evaluation (initial or reevaluation), this prior written notice and opportunity to provide parental consent must be provided to the parent within 15 school days of making the determination that there is a need for additional information (or within 30 calendar days of students returning to school if there is a scheduled break of at least 14 calendar days). The Eligibility Determination Team meeting will be scheduled upon completion of this full and individual evaluation (including completion of the written report). If it was not a request for an evaluation, all components of the reevaluation will be completed by the triennial deadline.

☐ **NO, AS REFLECTED ABOVE, THERE IS NOT A NEED FOR ADDITIONAL DATA:**

On the basis of the above review, the Public Agency determined that no additional data are needed to determine any of the following:

1. Whether the child has a disability (for initial evaluations) or continues to have a disability (for

reevaluations);
2. The educational needs of the child;
3. The present levels of academic achievement and related developmental needs of the child;
4. Whether the child continues to need special education and related services; and/or
5. Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP and to participate, as appropriate, in the general education curriculum.

Parent Notification of No Need for Additional Data

Date the parent was informed of the determination that no additional data were needed and informed of parental rights:

NOTE: If the EDT has determined there is no need for additional data, an EDT meeting will be scheduled to determine continued eligibility for special education and related services. If this is an initial evaluation and no new data are needed, the EDT meeting must be held within 15 school days of this determination. Because there is not a need for additional data, the date of EDT decision becomes the new evaluation date. The parent should be informed of this decision prior to the EDT meeting and informed of their right to request an evaluation. If this was not an initial evaluation, all components will be completed by the triennial deadline.

PARENT NOTICE IF NO ADDITIONAL DATA ARE REQUIRED:

If the Eligibility Determination Team (EDT) determines that no additional data are needed to determine whether your child continues to be a child with a disability, the Public Agency (i.e., school or school district) must notify you of its determination and the reasons for it, and of your right to request an evaluation to determine whether your child continues to be a child with a disability.

1. The Public Agency has explained the reasons for its determination that additional data are not needed to determine whether my child continues to be a child with a disability and to determine my child's educational needs.
   ☐ **YES** ☐ **NO**

2. I understand my right to request an evaluation (i.e., gathering additional formal, informal, and/or extant evaluation data) to determine whether my child continues to be a child with a disability and to determine my child's educational needs.
   ☐ **YES** ☐ **NO**

Signature of Parent, Guardian, or Adult Student _____ Date _____

To obtain a copy of your parental rights as a parent of a child with a disability under IDEA, please visit https://web.ped.nm.gov/wp-content/uploads/2025/01/Eng-Procedural-Safeguards-12-23-2020.pdf

A copy of these parental rights in Spanish and other languages can be found at https://web.ped.nm.gov/bureaus/special-education/

Participants

The asterisked members below are **required** members of all EDT meetings. Other members may be required.

Name/Title	Date	Signature of Participation *Signatures reflect participation in the REED process, not attendance at a meeting.*
Parent/Guardian*		
Parent/Guardian		
Child		
General Education Teacher of the Child*		
Special Education Teacher of the Child*		
District Representative*		
Person Interpreting Instructional Implications of Evaluation Results* *This can be another member of the IEP team.*		

Additional Participants

Name/Title	Date	Signature of Participation *Signatures reflect participation in the REED process, not attendance at a meeting.*

Page intentionally blank.

APPENDIX F: ELIGIBILITY DETERMINATION WORKSHEETS

This section includes a form to document the EDT decisions for all of the eligibility categories under IDEA and NMAC.

Page intentionally blank.

AUTISM

INITIAL ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parents Preferred Language(s):		Language(s) of Instruction:	
Is the child an English learner? Select one		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date, if applicable:		
Other Eligibility Categories Under Consideration, if applicable:			

Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three that adversely affects 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. Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance as defined in 34 CFR Sec. 300.8(c)(4). A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria described in paragraph 34 CFR Sec. 300.8(c)(1)(i) are satisfied. (34 CFR Sec. 300.8(c)(1))

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the initial evaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM, 2026):

Required components

With rare exception, the evaluation team must include all of the elements outlined under Required Components. A team must clearly document any deviation from these guidelines and the rationale for the deviation. Even if formal assessment information isn't available in an area, the evaluation team is expected to consider data in all of these required areas and deviations should be extremely rare.

Review of existing evaluation data (REED)

☐ Previously conducted evaluation data, screening data, and/or SAT file documentation
Date conducted (e.g., final SAT meeting date, screening/evaluation dates):

☐ Previously gathered developmental, educational, medical, family, and social history
Date(s):

Updated/current evaluation data

☐ Updated developmental/educational, medical, family, and social history, including an interview with the parent(s)/guardian(s) and information from general education teachers
Date(s):

☐ Direct observations across multiple settings, both structured and unstructured and various times, by multiple observers

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

☐ Comprehensive evaluations in each of the following areas (including formal, informal, and extant information)

- ☐ adaptive behavior
  Date(s):
- ☐ cognition
  Date(s):
- ☐ communication
  Date(s):
- ☐ sensory processing
  Date(s):
- ☐ social and emotional
  Date(s):
- ☐ information specifically related to the characteristics of autism, using a variety of data sources (formal, informal, and extant information) with the perspective of multiple evaluators
  Date(s):

Potential additional components

The evaluation team must determine what Potential Additional Components of an initial evaluation are appropriate for each individual child.

Teams should consider an evaluation using a variety of data sources (or by a specific provider outlined below) if there is <u>any concern that the child is demonstrating difficulties in this area</u> or if there is not adequate existing data to describe the child's present levels of performance in that area.

- ☐ Academic achievement
  Date(s):
- ☐ Behavior (frequency, intensity, duration, cause, and consequence)
  Date(s):
- ☐ Functional fine motor
  Date(s):
- ☐ Functional gross motor
  Date(s):

☐ Postsecondary transition (e.g., Transition Assessment Summary)
Date(s):

☐ Evaluation by medical provider (e.g., primary care, neurologist, or other specialist)
Date(s):

☐ Evaluation by psychologist (school or clinical)
Date(s):

☐ Other evaluation data related to areas of concern (describe and include evaluation dates)

Determine the presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child has autism as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Is the lack of (a) appropriate instruction in reading or math and/or (b) the opportunity to participate in developmentally appropriate early childhood experiences the primary reason for the child's educational performance difficulties? Select one
Justification and documentation:

⚠ *If answered **YES, the child is not eligible under the autism category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

2. Is limited English proficiency the primary reason for the child's educational performance difficulties?
Justification and documentation:

⚠ *If answered **YES, the child is not eligible under the autism category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

3. Is an emotional disturbance (as defined by NM TEAM, 2026) the primary reason for the child's educational performance difficulties? Select one

Justification and documentation:



*If answered **YES, the child is not eligible under the autism category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

4. Considering all of the evaluation information, is the child appropriately described as a child with autism as presented in NM TEAM (2026) by answering yes to **both** (a) and (b) below?

a) Are the child's characteristics consistent with the eligibility category of autism as presented in NM TEAM (2026), including **both of the following**:

   i. Social communication deficits?

   ii. Restricted, repetitive behaviors?

b) Does the eligibility category of autism better describe the child's disability than any other eligibility category?

   Note: If the other eligibility category that better describes the child's disability is multiple disabilities (MD) and the child's characteristics are consistent with autism, answer YES to this question to document the presence of autism.

Answer "yes" or "no" to question 4 consistent with this response.

Justification and documentation:



*If answered **NO** to question 4**, the child is not eligible under the autism category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate? Select One
   Justification and documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities? Select One
   Justification and documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities? Select One
   Justification and documentation:

⚠ *Answering **YES** to one or more of the above statements (1, 2, and/or 3) indicates that the child needs specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability is best described as autism (prong 1) and that the child needs specially designed instruction because of autism (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above.

Is the child eligible for special education and related services under the eligibility category of autism as a primary disability?

☐ **Yes**. The child has the NM TEAM (2026) disability of autism (prong 1) and requires specially designed instruction primarily because of this disability (prong 2), as documented above.

Note: If the EDT is considering the eligibility category of multiple disabilities (MD) and the answers to prongs 1 and 2 indicate that autism describes the child's disability and need for specially designed instruction, it is appropriate to answer YES to this question.

☐ **No**. The child is not eligible for special education and related services primarily under the eligibility category of autism because of one or more of the following reasons:

[1] *The EDT's decision related to the child's need for special education and related services under an eligibility category other than autism must be documented on the appropriate eligibility determination form.*

[2] *If the child demonstrates characteristics of autism (according to NM TEAM (2026) and/or a medical diagnosis), the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.*

☐ The child is not appropriately described as a child with autism as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

- ☐ The child does not have the NM TEAM (2026) disability of autism
- ☐ Another eligibility category better describes the child's primary disability, but if the child demonstrates characteristics of autism, those needs will be addressed through an IEP if the child is eligible[1,2]

☐ The child does not require specially designed instruction primarily due to the disability of autism (prong 2) because of one or two of the following (as documented above):

- ☐ The child does not have the NM TEAM (2026) disability of autism
- ☐ The child's educational needs are met without specially designed instruction related to autism or any other eligibility category
- ☐ The child demonstrates characteristics of autism (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to autism, if the child is eligible.[1,2]

☐ The EDT is unable to determine eligibility under the eligibility category of autism. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

☐ Additional information from:

☐ Additional evaluation data in the following areas:

☐ Other:

AUTISM
REEVALUATION ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language(s):		Language(s) of Instruction:	
Is the child an English learner? Select one		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date:		
Other Eligibility Categories Under Consideration, if applicable:			

Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three that adversely affects 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. Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance as defined in 34 CFR Sec. 300.8(c)(4). A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria described in paragraph 34 CFR Sec. 300.8(c)(1)(i) are satisfied. (34 CFR Sec. 300.8(c)(1))

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the reevaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM, 2026):

Review of existing evaluation data (REED)
Date REED Process was completed:

Additional data
Were additional data (formal, informal, and/or extant information) gathered in the following areas?

Background Information
☐ Yes ☐ No
If yes, date(s) of new data:

Communication Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Physical Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Social, Emotional, and Behavioral Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Cognitive Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Functional Performance and Adaptive Behavior Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Academic Achievement Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Other Information

☐ Yes ☐ No

If yes, description and date(s) of new data:

NOTE: There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

Determine the continued presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child continues to have autism as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Considering all of the evaluation information, does the child continue to be appropriately described as a child with autism as presented in NM TEAM (2026) by answering yes to **both** (a) and (b) below?

   a) Do the child's characteristics continue to be consistent with the eligibility category of autism as presented in NM TEAM (2026)? Select one

   b) Does the eligibility category of autism continue to better describe the child's disability than any other eligibility category?
   Note: If the other eligibility category that better describes the child's disability is multiple disabilities (MD) and the child's characteristics are consistent with autism, answer YES to this question to document the presence of autism.

Justification and documentation:

⚠ *If answered **NO** to question 1**, the child is no longer eligible under the autism category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child continue to require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?
   Justification and documentation:

2. As a result of the disability, does the child continue to require specially designed instruction in order to participate in extracurricular and other nonacademic activities?
   Justification and documentation:

3. As a result of the disability, does the child continue to require specially designed instruction in order to be educated and participate with other children with and without disabilities?
   Justification and documentation:

⚠ *Answering **YES** to <u>one or more</u> of the above statements (1, 2, and/or 3) indicates that the child <u>continues to</u> <u>need</u> specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability continues to be best described as autism (prong 1) <u>and</u> that the child continues to need specially designed instruction because of autism (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above during this reevaluation process.

Does the child continue to be eligible for special education and related services under the eligibility category of autism?

☐ **Yes**. The child continues to have the NM TEAM (2026) disability of autism (prong 1) and continues to require specially designed instruction because of this disability (prong 2), as documented above.

Note: If the EDT is considering the eligibility category of multiple disabilities (MD) and the answers to prongs 1 and 2 indicate that autism describes the child's disability and need for specially designed instruction, it is appropriate to answer YES to this question.

☐ **No**. The child is no longer eligible for special education and related services under the eligibility category of autism because of <u>one or more</u> of the following reasons:

[1] The EDT's decision related to the child's need for special education and related services under an eligibility category other than autism must be documented on the appropriate eligibility determination form.

[2] If the child demonstrates characteristics of autism (according to NM TEAM (2026) and/or a medical diagnosis), the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.

☐ The child is no longer appropriately described as a child with autism as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

- ☐ The child no longer has the NM TEAM (2026) disability of autism
- ☐ Another eligibility category better describes the child's primary disability, but if the child demonstrates characteristics of autism, those needs will be addressed through an IEP if the child is eligible[1,2]

☐ The child no longer requires specially designed instruction due to the disability of autism (prong 2) because of <u>one or two</u> of the following (as documented above):

- ☐ The child no longer has the NM TEAM (2026) disability of autism
- ☐ The child's educational needs are now met without specially designed instruction related to autism or any other eligibility category
- ☐ The child demonstrates characteristics of autism (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to autism, if the child is eligible.[1,2]

☐ The EDT is unable to determine eligibility under the eligibility category of autism. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

☐ Additional information from:

☐ Additional evaluation data in the following areas:

☐ Other:

DEAF-BLINDNESS

INITIAL ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language(s):		Language(s) of Instruction:	
Is the child an English learner? Select one		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date, if applicable:		
Other Eligibility Categories Under Consideration, if applicable:			

Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness. (34 CFR Sec. 300.8(c)(2))

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the initial evaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM, 2026):

Required components

With rare exception, the evaluation team must include all of the elements outlined under Required Components. A team must clearly document any deviation from these guidelines and the rationale for the deviation. Even if formal assessment information isn't available in an area, the evaluation team is expected to consider data in all of these required areas and deviations should be extremely rare.

Review of existing evaluation data (REED)

☐ Previously conducted evaluation data, screening data, and/or SAT file documentation
Date conducted (e.g., final SAT meeting date, screening/evaluation dates):

☐ Previously gathered developmental, educational, medical, family, and social history
Date(s):

Updated/current evaluation data

☐ Updated developmental/educational, medical, family, and social history, including an interview with the parent(s)/guardian(s) and information from general education teachers
Date(s):

☐ Direct observations across multiple settings, both structured and unstructured and various times, by multiple observers

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

☐ Comprehensive evaluations in each of the following areas (including formal, informal, and extant information)

- ☐ adaptive behavior
  Date(s):
- ☐ communication
  Date(s):

☐ audiological evaluation

Date(s):

☐ evaluation from eye specialist

Date(s):

☐ functional vision evaluation

Date(s):

☐ learning media assessment

Date(s):

Potential additional components

The evaluation team must determine what Potential Additional Components of an initial evaluation are appropriate for each individual child.

Teams should consider an evaluation using a variety of data sources (or by a specific provider outlined below) if there is any concern that the child is demonstrating difficulties in this area or if there is not adequate existing data to describe the child's present levels of performance in that area.

☐ Academic achievement
Date(s):

☐ Assistive technology
Date(s):

☐ Cognition
Date(s):

☐ Functional fine motor
Date(s):

☐ Functional gross motor
Date(s):

☐ Orientation and mobility
Date(s):

☐ Social and emotional
Date(s):

☐ Postsecondary transition (e.g., Transition Assessment Summary)
Date(s):

☐ Other evaluation data related to areas of concern (describe and include evaluation dates)

Determine the presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child has deaf-blindness as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Is the lack of (a) appropriate instruction in reading or math and/or (b) the opportunity to participate in developmentally appropriate early childhood experiences the primary reason for the child's educational performance difficulties? Select one
Justification and documentation:

⚠ *If answered **YES, the child is not eligible under the deaf-blindness category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

2. Is limited English proficiency the primary reason for the child's educational performance difficulties?
Justification and documentation:

⚠ *If answered **YES, the child is not eligible under the deaf-blindness category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

3. Considering all of the evaluation information, is the child appropriately described as a child with deaf-blindness as presented in NM TEAM (2026) by answering yes to **both** (a) and (b) below?

a) Are the child's characteristics consistent with the eligibility category of deaf-blindness as presented in NM TEAM (2026)?

b) Does the eligibility category of deaf-blindness better describe the child's disability than any other eligibility category? Select one

Note: If the other eligibility category that better describes the child's disability is multiple disabilities (MD) and the child's characteristics are consistent with autism, answer YES to this question to document the presence of autism.

Answer "yes" or "no" to question 3 consistent with this response.

NOTE: The category of multiple disabilities is not appropriate for children with deaf-blindness if there are no other significant co-occurring disabling conditions.

Justification and documentation:

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?
   Justification and documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?
   Justification and documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?
   Justification and documentation:

⚠ *Answering **YES** to one or more of the above statements (1, 2, and/or 3) indicates that the child needs specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability is best described as DEAF-BLINDNESS (prong 1) and that the child needs specially designed instruction because of DEAF-BLINDNESS (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above.

Is the child eligible for special education and related services under the eligibility category of deaf-blindness as a primary disability?

☐ **Yes**. The child has the NM TEAM (2026 disability of deaf-blindness (prong 1) and requires specially designed instruction primarily because of this disability (prong 2), as documented above.

Note: If the EDT is considering the eligibility category of multiple disabilities (MD) and the answers to prongs 1 and 2 indicate that deaf-blindness describes the child's disability and need for specially designed instruction, it is appropriate to answer YES to this question.

☐ **No**. The child is not eligible for special education and related services primarily under the eligibility category of deaf-blindness because of one or more of the following reasons:

[1] The EDT's decision related to the child's need for special education and related services under an eligibility category other than deaf-blindness must be documented on the appropriate eligibility determination form.

[2] If the child demonstrates characteristics of deaf-blindness (according to NM TEAM (2026) and/or a medical diagnosis), the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.

☐ The child is not appropriately described as a child with deaf-blindness as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

- ☐ The child does not have the NM TEAM (2026) disability of deaf-blindness
- ☐ Another eligibility category better describes the child's primary disability, but if the child demonstrates characteristics of deaf-blindness, those needs will be addressed through an IEP if the child is eligible[1,2]

☐ The child does not require specially designed instruction primarily due to the disability of DEAF-BLINDNESS (prong 2) because of one or two of the following (as documented above):

- ☐ The child does not have the NM TEAM (2026) disability of deaf-blindness
- ☐ The child's educational needs are met without specially designed instruction related to deaf-blindness or any other eligibility category
- ☐ The child demonstrates characteristics of deaf-blindness (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to deaf-blindness, if the child is eligible.[1,2]

☐ The EDT is unable to determine eligibility under the eligibility category of deaf-blindness. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

- ☐ Additional information from:

☐ Additional evaluation data in the following areas:

☐ Other:

DEAF-BLINDNESS
REEVALUATION ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language(s):		Language(s) of Instruction:	
Is the child an English learner? Select one		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date:		
Other Eligibility Categories Under Consideration, if applicable:			

Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness. (34 CFR Sec. 300.8(c)(2))

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the reevaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM, 2026):

Review of existing evaluation data (REED)
Date REED Process was completed:

Additional data
Were additional data (formal, informal, and/or extant information) gathered in the following areas?

Background Information
☐ Yes ☐ No
If yes, date(s) of new data:

Communication Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Physical Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Social, Emotional, and Behavioral Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Cognitive Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Functional Performance and Adaptive Behavior Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Academic Achievement Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Other Information
☐ Yes ☐ No
If yes, description and date(s) of new data:

NOTE: There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

Determine the continued presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child continues to have deaf-blindness as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Considering all of the evaluation information, does the child continue to be appropriately described as a child with deaf-blindness as presented in NM TEAM (2026) by answering yes to **both** (a) and (b) below?

   a) Do the child's characteristics continue to be consistent with the eligibility category of deaf-blindness as presented in NM TEAM (2026)? Select one

   b) Does the eligibility category of deaf-blindness continue to better describe the child's disability than any other eligibility category?
   Note: If the other eligibility category that better describes the child's disability is multiple disabilities (MD) and the child's characteristics are consistent with deaf-blindness, answer YES to this question to document the presence of deaf-blindness.

Justification and documentation:

⚠ *If answered **NO** to question 1**, the child is no longer eligible under the deaf-blindness category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child continue to require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?
Justification and documentation:

2. As a result of the disability, does the child continue to require specially designed instruction in order to participate in extracurricular and other nonacademic activities?
Justification and documentation:

3. As a result of the disability, does the child continue to require specially designed instruction in order to be educated and participate with other children with and without disabilities?
Justification and documentation:

⚠ *Answering **YES** to one or more of the above statements (1, 2, and/or 3) indicates that the child continues to need specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability continues to be best described as deaf-blindness (prong 1) and that the child continues to need specially designed instruction because of deaf-blindness (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above during this reevaluation process.

Does the child continue to be eligible for special education and related services under the eligibility category of deaf-blindness?

☐ **Yes**. The child continues to have the NM TEAM (2026) disability of deaf-blindness (prong 1) and continues to require specially designed instruction because of this disability (prong 2), as documented above.

Note: If the EDT is considering the eligibility category of multiple disabilities (MD) and the answers to prongs 1 and 2 indicate that deaf-blindness describes the child's disability and need for specially designed instruction, it is appropriate to answer YES to this question.

☐ **No**. The child is no longer eligible for special education and related services under the eligibility category of deaf-blindness because of <u>one or more</u> of the following reasons:

[1] The EDT's decision related to the child's need for special education and related services under an eligibility category other than deaf-blindness must be documented on the appropriate eligibility determination form.

[2] If the child demonstrates characteristics of deaf-blindness (according to NM TEAM (2026) and/or a medical diagnosis), the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.

☐ The child is no longer appropriately described as a child with deaf-blindness as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

- ☐ The child no longer has the NM TEAM (2026) disability of deaf-blindness
- ☐ Another eligibility category better describes the child's primary disability, but if the child demonstrates characteristics of deaf-blindness, those needs will be addressed through an IEP if the child is eligible[1,2]

☐ The child no longer requires specially designed instruction due to the disability of deaf-blindness (prong 2) because of <u>one or two</u> of the following (as documented above):

- ☐ The child no longer has the NM TEAM (2026) disability of deaf-blindness
- ☐ The child's educational needs are now met without specially designed instruction related to deaf-blindness or any other eligibility category
- ☐ The child demonstrates characteristics of deaf-blindness (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to deaf-blindness, if the child is eligible.[1,2]

☐ The EDT is unable to determine eligibility under the eligibility category of deaf-blindness. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

☐ Additional information from:

☐ Additional evaluation data in the following areas:

☐ Other:

DEVELOPMENTAL DELAY

INITIAL ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language(s):		Language(s) of Instruction:	
Is the child an English learner? Select one		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date, if applicable:		
Other Eligibility Categories Under Consideration, if applicable:			

Developmental delay means a child who is experiencing developmental delays, as defined by the State. (34 CFR Sec. 300.8(b))

In New Mexico, developmental delay (DD) is called developmentally delayed and means a child aged 3 through 9 (or who will turn 3 at any time during the school year) with documented delays in development which are at least two standard deviations below the mean on a standardized test instrument or 30 percent below chronological age; and who, in the professional judgment of the Individualized Education Program (IEP) team and one or more qualified evaluators, needs special education and related services in at least one of the following areas:

- communication development,

- cognitive development,
- physical development,
- social or emotional development, or
- adaptive development. (NMAC 6.31.2.7(B)(3))

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the initial evaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM, 2026):

Required components

With rare exception, the evaluation team must include all of the elements outlined under Required Components. A team must clearly document any deviation from these guidelines and the rationale for the deviation. Even if formal assessment information isn't available in an area, the evaluation team is expected to consider data in all of these required areas and deviations should be extremely rare.

Review of existing evaluation data (REED)

☐ Previously conducted evaluation data, screening data, and/or SAT file documentation
Date conducted (e.g., final SAT meeting date, screening/evaluation dates):

☐ Previously gathered developmental, educational, medical, family, and social history
Date(s):

Updated/current evaluation data

☐ Updated developmental/educational, medical, family, and social history, including an interview with the parent(s)/guardian(s) and information from general education teachers
Date(s):

☐ Direct observations across multiple settings, both structured and unstructured and various times, by multiple observers
Date: Observer:
Date: Observer:
Date: Observer:
Date: Observer:
Date: Observer:
Date: Observer:
Date: Observer:

☐ Comprehensive evaluations in each of the following areas (including formal, informal, and extant information)

- ☐ adaptive behavior
  Date(s):
- ☐ cognition
  Date(s):
- ☐ communication
  Date(s):
- ☐ physical
  Date(s):
- ☐ social and emotional
  Date(s):

Potential additional components

The evaluation team must determine what Potential Additional Components of an initial evaluation are appropriate for each individual child.

Teams should consider an evaluation using a variety of data sources (or by a specific provider outlined below) if there is <u>any concern that the child is demonstrating difficulties in this area</u> or if there is not adequate existing data to describe the child's present levels of performance in that area.

☐ Academic achievement and/or pre-academic skills
Date(s):

☐ Evaluation by medical provider (e.g., primary care, neurologist, or other specialist)
Date(s):

☐ Evaluation by psychologist (school or clinical)
Date(s):

☐ Other evaluation data related to areas of concern (describe and include evaluation dates)

Determine the presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child has DD as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Is the lack of (a) appropriate instruction in reading or math and/or (b) the opportunity to participate in developmentally appropriate early childhood experiences the primary reason for the child's educational performance difficulties? Select one

   Justification and documentation:



*If answered **YES, the child is not eligible under the DD category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

2. Is limited English proficiency the primary reason for the child's educational performance difficulties?

   Justification and documentation:



*If answered **YES, the child is not eligible under the DD category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

3. Considering all of the evaluation information, is the child appropriately described as a child with DD as presented in NM TEAM (2023) by answering yes to **both** (a) and (b) below?

a) Are the child's characteristics consistent with the eligibility category of DD as presented in NM TEAM (2023), including **significant deficits in <u>one or more</u> of the following DD areas**:

NOTE: A child with DD demonstrates significant performance deficits in the educational environment that are consistent with standardized test scores that are 2 standard deviations below the mean considering SEM or 30 percent below chronological age (if more robust scores are not available). All test scores should be contextualized with other sources of data.

i.	Adaptive?	Select one
ii.	Cognitive?	Select one
iii.	Communication?	Select one
iv.	Physical?	Select one
v.	Social and emotional?	Select one

b) Does the eligibility category of DD better describe the child's disability than any other eligibility category?

Justification and documentation:

⚠ *If answered **NO, the child is not eligible under the DD category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?
   Justification and documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?
   Justification and documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?
   Justification and documentation:

⚠ *Answering **YES** to one or more of the above statements (1, 2, and/or 3) indicates that the child needs specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability is best described as DD (prong 1) and that the child needs specially designed instruction because of DD (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above.

Is the child eligible for special education and related services under the eligibility category of DD as a primary disability?

☐ **Yes**. The child has the NM TEAM (2026) disability of DD (prong 1) and requires specially designed instruction primarily because of this disability (prong 2), as documented above.

☐ **No**. The child is not eligible for special education and related services primarily under the eligibility category of DD because of one or more of the following reasons:

[1] The EDT's decision related to the child's need for special education and related services under an eligibility category other than DD must be documented on the appropriate eligibility determination form.

[2] If the child demonstrates characteristics of DD (according to NM TEAM (2026) and/or a medical diagnosis), the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.

☐ The child is not appropriately described as a child with DD as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

- ☐ The child does not have the NM TEAM (2026) disability of DD
- ☐ Another eligibility category better describes the child's primary disability, but if the child demonstrates characteristics of DD, those needs will be addressed through an IEP if the child is eligible[1,2]

☐ The child does not require specially designed instruction primarily due to the disability of DD (prong 2) because of one or two of the following (as documented above):

- ☐ The child does not have the NM TEAM (2026) disability of DD
- ☐ The child's educational needs are met without specially designed instruction related to DD or any other eligibility category
- ☐ The child demonstrates characteristics of DD (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to DD, if the child is eligible.[1,2]

☐ The EDT is unable to determine eligibility under the eligibility category of DD. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

☐ Additional information from:

☐ Additional evaluation data in the following areas:

☐ Other:

DEVELOPMENTAL DELAY
REEVALUATION ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language(s):		Language(s) of Instruction:	
Is the child an English learner? Select one		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date:		
Other Eligibility Categories Under Consideration, if applicable:			

In New Mexico, developmental delay (DD) is called developmentally delayed and means a child aged 3 through 9 (or who will turn 3 at any time during the school year) with documented delays in development which are at least two standard deviations below the mean on a standardized test instrument or 30 percent below chronological age; and who, in the professional judgment of the Individualized Education Program (IEP) team and one or more qualified evaluators, needs special education and related services in at least one of the following areas:

- communication development,
- cognitive development,
- physical development,
- social or emotional development, or
- adaptive development

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the reevaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM, 2026):

Review of existing evaluation data (REED)
Date REED Process was completed:

Additional data
Were additional data (formal, informal, and/or extant information) gathered in the following areas?

Background Information
☐ Yes ☐ No
If yes, date(s) of new data:

Communication Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Physical Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Social, Emotional, and Behavioral Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Cognitive Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Functional Performance and Adaptive Behavior Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Academic Achievement Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Other Information

☐ Yes ☐ No

If yes, description and date(s) of new data:

NOTE: There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

Determine the continued presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child continues to have DD as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Considering all of the evaluation information, does the child continue to be appropriately described as a child with DD as presented in NM TEAM (2026) by answering yes to **both** (a) and (b) below?

a) Do the child's characteristics continue to be consistent with the eligibility category of DD as presented in NM TEAM (2026)? Select one

b) Does the eligibility category of DD continue to better describe the child's disability than any other eligibility category?

Justification and documentation:

⚠ *If answered **NO** to question 1, **the child is no longer eligible under the DD category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child continue to require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?
   Justification and documentation:

2. As a result of the disability, does the child continue to require specially designed instruction in order to participate in extracurricular and other nonacademic activities?
   Justification and documentation:

3. As a result of the disability, does the child continue to require specially designed instruction in order to be educated and participate with other children with and without disabilities?
   Justification and documentation:

⚠ *Answering **YES** to one or more of the above statements (1, 2, and/or 3) indicates that the child continues to need specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability continues to be best described as DD (prong 1) and that the child continues to need specially designed instruction because of DD (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above during this reevaluation process.

Does the child continue to be eligible for special education and related services under the eligibility category of DD?

☐ **Yes**. The child continues to have the NM TEAM (2026) disability of DD (prong 1) and continues to require specially designed instruction because of this disability (prong 2), as documented above.

☐ **No**. The child is no longer eligible for special education and related services under the eligibility category of DD because of one or more of the following reasons:

[1] The EDT's decision related to the child's need for special education and related services under an eligibility category other than DD must be documented on the appropriate eligibility determination form.

[2] If the child demonstrates characteristics of DD (according to NM TEAM (2026) and/or a medical diagnosis), the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.

☐ The child is no longer appropriately described as a child with DD as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

- ☐ The child no longer has the NM TEAM (2026) disability of DD
- ☐ Another eligibility category better describes the child's primary disability, but if the child demonstrates characteristics of DD, those needs will be addressed through an IEP if the child is eligible[1,2]

☐ The child no longer requires specially designed instruction due to the disability of DD (prong 2) because of one or two of the following (as documented above):

- ☐ The child no longer has the NM TEAM (2026) disability of DD
- ☐ The child's educational needs are now met without specially designed instruction related to DD or any other eligibility category
- ☐ The child demonstrates characteristics of DD (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to DD, if the child is eligible.[1,2]

☐ The EDT is unable to determine eligibility under the eligibility category of DD. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

☐ Additional information from:

☐ Additional evaluation data in the following areas:

☐ Other:

EMOTIONAL DISTURBANCE

INITIAL ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language(s):		Language(s) of Instruction:	
Is the child an English learner? Select one		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date, if applicable:		
Other Eligibility Categories Under Consideration, if applicable:			

Emotional disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

- An inability to learn which cannot be explained by intellectual, sensory, or other health factors.
- An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- Inappropriate types of behavior or feelings under normal circumstances.
- A general pervasive mood of unhappiness or depression.

- A tendency to develop physical symptoms or fears associated with personal or school problems.

Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted unless it is determined that they (also) have an emotional disturbance under paragraph 34 CFR Sec. 300.8(c)(4)(i). (34 CFR Sec. 300.8(c)(4))

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the initial evaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM, 2026):

Required components

With rare exception, the evaluation team must include all of the elements outlined under Required Components. A team must clearly document any deviation from these guidelines and the rationale for the deviation. Even if formal assessment information isn't available in an area, the evaluation team is expected to consider data in all of these required areas and deviations should be extremely rare.

Review of existing evaluation data (REED)

☐ Previously conducted evaluation data, screening data, and/or SAT file documentation
Date conducted (e.g., final SAT meeting date, screening/evaluation dates):

☐ Previously gathered developmental, educational, medical, family, and social history
Date(s):

Updated/current evaluation data

☐ Updated developmental/educational, medical, family, and social history, including an interview with the parent(s)/guardian(s) and information from general education teachers
Date(s):

☐ Direct observations across multiple settings, both structured and unstructured and various times, by multiple observers
Date: Observer:
Date: Observer:
Date: Observer:
Date: Observer:
Date: Observer:

Date: Observer:

Date: Observer:

☐ Comprehensive evaluations in each of the following areas (including formal, informal, and extant information)

☐ adaptive behavior
Date(s):

☐ behavior (frequency, intensity, duration, cause, and consequence)
Date(s):

☐ social and emotional
Date(s):

Potential additional components

The evaluation team must determine what Potential Additional Components of an initial evaluation are appropriate for each individual child.

Teams should consider an evaluation using a variety of data sources (or by a specific provider outlined below) if there is any concern that the child is demonstrating difficulties in this area or if there is not adequate existing data to describe the child's present levels of performance in that area.

☐ Academic achievement
Date(s):

☐ Communication
Date(s):

☐ Sensory processing
Date(s):

☐ Postsecondary transition (e.g., Transition Assessment Summary)
Date(s):

☐ Evaluation by medical provider (e.g., primary care, neurologist, or other specialist)
Date(s):

☐ Evaluation by psychologist (school or clinical)
Date(s):

☐ Other evaluation data related to areas of concern (describe and include evaluation dates)

Determine the presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child has ED as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Is the lack of (a) appropriate instruction in reading or math and/or (b) the opportunity to participate in developmentally appropriate early childhood experiences the primary reason for the child's educational performance difficulties? Select one
   Justification and documentation:

⚠ *If answered **YES, the child is not eligible under the ED category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

2. Is limited English proficiency the primary reason for the child's educational performance difficulties?
   Justification and documentation:

⚠ *If answered **YES, the child is not eligible under the ED category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

3. Considering all of the evaluation information, is the child appropriately described as a child with ED as presented in NM TEAM (2026) by answering yes to **all** (a), (b), **and** (c) below?

   a) Are the child's characteristics consistent with the eligibility category of ED as presented in NM TEAM (2026), including **one or more of the following**:

      i. inability to learn which cannot be explained by intellectual, sensory, or other health factors?

ii. inability to build or maintain satisfactory interpersonal relationships with peers and teachers?

iii. inappropriate types of behaviors or feelings under normal circumstances?

iv. a general, pervasive mood of unhappiness or depression?

v. a tendency to develop physical symptoms or fears associated with personal or school problems?

b) Has the child demonstrated the above ED characteristic(st) to a marked degree **and** over a long period of time?

c) Does the eligibility category of ED better describe the child's disability than any other eligibility category?

Justification and documentation:

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?
   Justification and documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?
   Justification and documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?
   Justification and documentation:



*Answering **YES** to one or more of the above statements (1, 2, and/or 3) indicates that the child needs specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability is best described as ED (prong 1) and that the child needs specially designed instruction because of ED (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above.

Is the child eligible for special education and related services under the eligibility category of ED as a primary disability?

☐ **Yes**. The child has the NM TEAM (2026) disability of ED (prong 1) and requires specially designed instruction primarily because of this disability (prong 2), as documented above.

☐ **No**. The child is not eligible for special education and related services primarily under the eligibility category of ED because of one or more of the following reasons:

[1] The EDT's decision related to the child's need for special education and related services under an eligibility category other than ED must be documented on the appropriate eligibility determination form.

[2] If the child demonstrates characteristics of ED (according to NM TEAM (2026) and/or a medical diagnosis), the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.

☐ The child is not appropriately described as a child with ED as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

- ☐ The child does not have the NM TEAM (2026) disability of ED
- ☐ Another eligibility category better describes the child's primary disability, but if the child demonstrates characteristics of ED, those needs will be addressed through an IEP if the child is eligible[1,2]

☐ The child does not require specially designed instruction primarily due to the disability of ED (prong 2) because of one or two of the following (as documented above):

- ☐ The child does not have the NM TEAM (2026) disability of ED
- ☐ The child's educational needs are met without specially designed instruction related to ED or any other eligibility category
- ☐ The child demonstrates characteristics of ED (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to ED, if the child is eligible.[1,2]

☐ The EDT is unable to determine eligibility under the eligibility category of ED. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

- ☐ Additional information from:

☐ Additional evaluation data in the following areas:

☐ Other:

EMOTIONAL DISTURBANCE
REEVALUATION ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language(s):		Language(s) of Instruction:	
Is the child an English learner? Select one		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date:		
Other Eligibility Categories Under Consideration, if applicable:			

Emotional disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

- An inability to learn which cannot be explained by intellectual, sensory, or other health factors.
- An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- Inappropriate types of behavior or feelings under normal circumstances.

- A general pervasive mood of unhappiness or depression.
- A tendency to develop physical symptoms or fears associated with personal or school problems.

Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted unless it is determined that they (also) have an emotional disturbance under paragraph 34 CFR Sec. 300.8(c)(4)(i). (34 CFR Sec. 300.8(c)(4))

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the reevaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM, 2026):

Review of existing evaluation data (REED)
Date REED Process was completed:

Additional data
Were additional data (formal, informal, and/or extant information) gathered in the following areas?

Background Information
☐ Yes ☐ No
If yes, date(s) of new data:

Communication Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Physical Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Social, Emotional, and Behavioral Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Cognitive Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Functional Performance and Adaptive Behavior Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Academic Achievement Factors

☐ Yes ☐ No

If yes, date(s) of new data:

Other Information

☐ Yes ☐ No

If yes, description and date(s) of new data:

NOTE: There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

Determine the continued presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child continues to have ED as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Considering all of the evaluation information, does the child continue to be appropriately described as a child with ED as presented in NM TEAM (2026) by answering yes to **both** (a) and (b) below?

   a) Do the child's characteristics continue to be consistent with the eligibility category of ED as presented in NM TEAM (2026)? Select one

   b) Does the eligibility category of ED continue to better describe the child's disability than any other eligibility category?

Justification and documentation:

Justification and documentation (continued):



*If answered **NO** to question 1**, the child is no longer eligible under the ED category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child continue to require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?
   Justification and documentation:

2. As a result of the disability, does the child continue to require specially designed instruction in order to participate in extracurricular and other nonacademic activities?
   Justification and documentation:

3. As a result of the disability, does the child continue to require specially designed instruction in order to be educated and participate with other children with and without disabilities?
Justification and documentation:

⚠ *Answering **YES** to one or more of the above statements (1, 2, and/or 3) indicates that the child continues to need specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability continues to be best described as ED (prong 1) and that the child continues to need specially designed instruction because of ED (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above during this reevaluation process.

Does the child continue to be eligible for special education and related services under the eligibility category of ED?

☐ **Yes**. The child continues to have the NM TEAM (2026) disability of ED (prong 1) and continues to require specially designed instruction because of this disability (prong 2), as documented above.

☐ **No**. The child is no longer eligible for special education and related services under the eligibility category of ED because of one or more of the following reasons:

[1] *The EDT's decision related to the child's need for special education and related services under an eligibility category other than ED must be documented on the appropriate eligibility determination form.*

[2] *If the child demonstrates characteristics of ED (according to NM TEAM (2026) and/or a medical diagnosis), the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.*

☐ The child is no longer appropriately described as a child with ED as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

☐ The child no longer has the NM TEAM (2026) disability of ED

☐ Another eligibility category better describes the child's primary disability, but if the child demonstrates characteristics of ED, those needs will be addressed through an IEP if the child is eligible[1,2]

☐ The child no longer requires specially designed instruction due to the disability of ED (prong 2) because of one or two of the following (as documented above):

- ☐ The child no longer has the NM TEAM (2026) disability of ED
- ☐ The child's educational needs are now met without specially designed instruction related to ED or any other eligibility category
- ☐ The child demonstrates characteristics of ED (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to ED, if the child is eligible.[1,2]

☐ The EDT is unable to determine eligibility under the eligibility category of ED. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

- ☐ Additional information from:
- ☐ Additional evaluation data in the following areas:
- ☐ Other:

HEARING IMPAIRMENT, INCLUDING DEAFNESS

INITIAL ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language(s):		Language(s) of Instruction:	
Is the child an English learner? Select one		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date, if applicable:		
Other Eligibility Categories Under Consideration, if applicable:			

Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance. (34 CFR Sec. 300.8(c)(3))

Hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section. (34 CFR Sec. 300.8(c)(5))

In New Mexico, the terms deafness and hearing impairment are combined into one eligibility category called Hearing Impairment, including Deafness. (Subsection B (2) of 6.31.2.7 NMAC).

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the initial evaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM, 2026):

Required components

With rare exception, the evaluation team must include all of the elements outlined under Required Components. A team must clearly document any deviation from these guidelines and the rationale for the deviation. Even if formal assessment information isn't available in an area, the evaluation team is expected to consider data in all of these required areas and deviations should be extremely rare.

Review of existing evaluation data (REED)

☐ Previously conducted evaluation data, screening data, and/or SAT file documentation
Date conducted (e.g., final SAT meeting date, screening/evaluation dates):

☐ Previously gathered developmental, educational, medical, family, and social history
Date(s):

Updated/current evaluation data

☐ Updated developmental/educational, medical, family, and social history, including an interview with the parent(s)/guardian(s) and information from general education teachers
Date(s):

☐ Direct observations across multiple settings, both structured and unstructured and various times, by multiple observers

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

☐ Comprehensive evaluations in each of the following areas (including formal, informal, and extant information)

☐ communication

Date(s):

☐ audiological evaluation
Date(s):

Potential additional components

The evaluation team must determine what Potential Additional Components of an initial evaluation are appropriate for each individual child.

Teams should consider an evaluation using a variety of data sources (or by a specific provider outlined below) if there is any concern that the child is demonstrating difficulties in this area or if there is not adequate existing data to describe the child's present levels of performance in that area.

☐ Academic achievement
Date(s):

☐ Adaptive behavior
Date(s):

☐ Assistive technology
Date(s):

☐ Cognition
Date(s):

☐ Functional fine motor
Date(s):

☐ Social and emotional
Date(s):

☐ Postsecondary transition (e.g., Transition Assessment Summary)
Date(s):

☐ Other evaluation data related to areas of concern (describe and include evaluation dates)

Determine the presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child has hearing impairment, including deafness, as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Is the lack of (a) appropriate instruction in reading or math and/or (b) the opportunity to participate in developmentally appropriate early childhood experiences the primary reason for the child's educational performance difficulties? Select one
   Justification and documentation:

⚠ *If answered **YES, the child is not eligible under the hearing impairment, including deafness category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

2. Is limited English proficiency the primary reason for the child's educational performance difficulties?
   Justification and documentation:

⚠ *If answered **YES, the child is not eligible under the hearing impairment, including deafness category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

3. Considering all of the evaluation information, is the child appropriately described as a child with hearing impairment, including deafness, as presented in NM TEAM (2026) by answering yes to **both** (a) and (b) below?

   a) Are the child's characteristics consistent with the eligibility category of hearing impairment, including deafness as presented in NM TEAM (2026)?

   b) Does the eligibility category of hearing impairment, including deafness better describe the child's disability than any other eligibility category?

   Justification and documentation:

⚠ *If answered **NO, the child is not eligible under the hearing impairment, including deafness category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?
   Justification and documentation:

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2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?
   Justification and documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?
   Justification and documentation:

⚠ *Answering **YES** to one or more of the above statements (1, 2, and/or 3) indicates that the child needs specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability is best described as hearing impairment, including deafness (prong 1) and that the child needs specially designed instruction because of hearing impairment, including deafness (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above.

Is the child eligible for special education and related services under the eligibility category of hearing impairment, including deafness as a primary disability?

☐ **Yes**. The child has the NM TEAM (2026) disability of hearing impairment, including deafness (prong 1) and requires specially designed instruction primarily because of this disability (prong 2), as documented above.

Note: If the EDT is considering the eligibility category of multiple disabilities (MD) and the answers to prongs 1 and 2 indicate that hearing impairment, including deafness describes the child's disability and need for specially designed instruction, it is appropriate to answer YES to this question.

☐ **No**. The child is not eligible for special education and related services primarily under the eligibility category of hearing impairment, including deafness because of one or more of the following reasons:

[1] The EDT's decision related to the child's need for special education and related services under an eligibility category other than hearing impairment, including deafness must be documented on the appropriate eligibility determination form.

[2] If the child demonstrates characteristics of hearing impairment, including deafness (according to NM TEAM (2026) and/or a medical diagnosis), the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.

☐ The child is not appropriately described as a child with hearing impairment, including deafness as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

- ☐ The child does not have the NM TEAM (2026) disability of hearing impairment, including deafness
- ☐ Another eligibility category better describes the child's primary disability, but if the child demonstrates characteristics of hearing impairment, including deafness, those needs will be addressed through an IEP if the child is eligible[1,2]

☐ The child does not require specially designed instruction primarily due to the disability of hearing impairment, including deafness (prong 2) because of one or two of the following (as documented above):

- ☐ The child does not have the NM TEAM (2026) disability of hearing impairment, including deafness
- ☐ The child's educational needs are met without specially designed instruction related to hearing impairment, including deafness or any other eligibility category
- ☐ The child demonstrates characteristics of hearing impairment, including deafness (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to hearing impairment, including deafness, if the child is eligible.[1,2]

☐ The EDT is unable to determine eligibility under the eligibility category of hearing impairment, including deafness. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

☐ Additional information from:

☐ Additional evaluation data in the following areas:

☐ Other:

HEARING IMPAIRMENT, INCLUDING DEAFNESS
REEVALUATION ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language(s):		Language(s) of Instruction:	
Is the child an English learner? Select one		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date:		
Other Eligibility Categories Under Consideration, if applicable:			

Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance. (34 CFR Sec. 300.8(c)(3))

Hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section. (34 CFR Sec. 300.8(c)(5))

In New Mexico, the terms deafness and hearing impairment are combined into one eligibility category called Hearing Impairment, including Deafness. (Subsection B (2) of 6.31.2.7 NMAC).

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the reevaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM, 2026):

Review of existing evaluation data (REED)
Date REED Process was completed:

Additional data
Were additional data (formal, informal, and/or extant information) gathered in the following areas?

Background Information
☐ Yes ☐ No
If yes, date(s) of new data:

Communication Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Physical Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Social, Emotional, and Behavioral Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Cognitive Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Functional Performance and Adaptive Behavior Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Academic Achievement Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Other Information

☐ Yes ☐ No

If yes, description and date(s) of new data:

NOTE: There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

Determine the continued presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child continues to have hearing impairment, including deafness, as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Considering all of the evaluation information, does the child continue to be appropriately described as a child with hearing impairment, including deafness, as presented in NM TEAM (2026) by answering yes to **both** (a) and (b) below?

   a) Do the child's characteristics continue to be consistent with the eligibility category of hearing impairment, including deafness, as presented in NM TEAM (2026)?
   Select one

   b) Does the eligibility category of hearing impairment, including deafness, continue to better describe the child's disability than any other eligibility category?
   Note: If the other eligibility category that better describes the child's disability is multiple disabilities (MD) and the child's characteristics are consistent with hearing impairment, including deafness, answer YES to this question to document the presence of hearing impairment, including deafness,.

Justification and documentation:

⚠ *If answered **NO** to question 1**, the child is no longer eligible under the hearing impairment, including deafness, category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child continue to require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?
   Justification and documentation:

2. As a result of the disability, does the child continue to require specially designed instruction in order to participate in extracurricular and other nonacademic activities?
   Justification and documentation:

3. As a result of the disability, does the child continue to require specially designed instruction in order to be educated and participate with other children with and without disabilities?
   Justification and documentation:

⚠ *Answering **YES** to one or more of the above statements (1, 2, and/or 3) indicates that the child continues to need specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability continues to be best described as hearing impairment, including deafness, (prong 1) and that the child continues to need specially designed instruction because of hearing impairment, including deafness, (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above during this reevaluation process.

Does the child continue to be eligible for special education and related services under the eligibility category of hearing impairment, including deafness?

☐ **Yes**. The child continues to have the NM TEAM (2026) disability of hearing impairment, including deafness (prong 1), and continues to require specially designed instruction because of this disability (prong 2), as documented above.

Note: If the EDT is considering the eligibility category of multiple disabilities (MD) and the answers to prongs 1 and 2 indicate that hearing impairment, including deafness, describes the child's disability and need for specially designed instruction, it is appropriate to answer YES to this question.

☐ **No**. The child is no longer eligible for special education and related services under the eligibility category of hearing impairment, including deafness, because of one or more of the following reasons:

[1] *The EDT's decision related to the child's need for special education and related services under an eligibility category other than hearing impairment, including deafness, must be documented on the appropriate eligibility determination form.*

[2] *If the child demonstrates characteristics of hearing impairment, including deafness, (according to NM TEAM (2026) and/or a medical diagnosis), the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.*

☐ The child is no longer appropriately described as a child with hearing impairment, including deafness, as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

- ☐ The child no longer has the NM TEAM (2026) disability of hearing impairment, including deafness
- ☐ Another eligibility category better describes the child's primary disability, but if the child demonstrates characteristics of hearing impairment, including deafness,, those needs will be addressed through an IEP if the child is eligible[1,2]

☐ The child no longer requires specially designed instruction due to the disability of hearing impairment, including deafness, (prong 2) because of one or two of the following (as documented above):

- ☐ The child no longer has the NM TEAM (2026) disability of hearing impairment, including deafness

☐ The child's educational needs are now met without specially designed instruction related to hearing impairment, including deafness, or any other eligibility category

☐ The child demonstrates characteristics of hearing impairment, including deafness, (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to hearing impairment, including deafness,, if the child is eligible.[1,2]

☐ The EDT is unable to determine eligibility under the eligibility category of hearing impairment, including deafness,. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

☐ Additional information from:

☐ Additional evaluation data in the following areas:

☐ Other:

INTELLECTUAL DISABILITY

INITIAL ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language(s):		Language(s) of Instruction:	
Is the child an English learner? Select one		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date, if applicable:		
Other Eligibility Categories Under Consideration, if applicable:			

Intellectual disability means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child's educational performance. (34 CFR Sec. 300.8(c)(6))

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the initial evaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM, 2026):

Required components

With rare exception, the evaluation team must include all of the elements outlined under Required Components. A team must clearly document any deviation from these guidelines and the rationale for the deviation. Even if formal assessment information isn't available in an area, the evaluation team is expected to consider data in all of these required areas and deviations should be extremely rare.

Review of existing evaluation data (REED)

☐ Previously conducted evaluation data, screening data, and/or SAT file documentation
Date conducted (e.g., final SAT meeting date, screening/evaluation dates):

☐ Previously gathered developmental, educational, medical, family, and social history
Date(s):

Updated/current evaluation data

☐ Updated developmental/educational, medical, family, and social history, including an interview with the parent(s)/guardian(s) and information from general education teachers
Date(s):

☐ Direct observations across multiple settings, both structured and unstructured and various times, by multiple observers

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

☐ Comprehensive evaluations in each of the following areas (including formal, informal, and extant information)

- ☐ academic achievement
  Date(s):
- ☐ adaptive behavior
  Date(s):

☐ cognition

Date(s):

☐ communication

Date(s):

Potential additional components

The evaluation team must determine what Potential Additional Components of an initial evaluation are appropriate for each individual child.

Teams should consider an evaluation using a variety of data sources (or by a specific provider outlined below) if there is any concern that the child is demonstrating difficulties in this area or if there is not adequate existing data to describe the child's present levels of performance in that area.

☐ Assistive technology
Date(s):

☐ Behavior (frequency, intensity, duration, cause, and consequence)
Date(s):

☐ Functional fine motor
Date(s):

☐ Functional gross motor
Date(s):

☐ Sensory processing
Date(s):

☐ Social and emotional
Date(s):

☐ Postsecondary transition (e.g., Transition Assessment Summary)
Date(s):

☐ Evaluation by medical provider (e.g., primary care, neurologist, or other specialist)
Date(s):

☐ Evaluation by psychologist (school or clinical)
Date(s):

☐ Other evaluation data related to areas of concern (describe and include evaluation dates)

Determine the presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child has ID as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Is the lack of (a) appropriate instruction in reading or math and/or (b) the opportunity to participate in developmentally appropriate early childhood experiences the primary reason for the child's educational performance difficulties? Select one

   Justification and documentation:

   `

⚠ *If answered **YES, the child is not eligible under the ID category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

2. Is limited English proficiency the primary reason for the child's educational performance difficulties?

   Justification and documentation:

⚠ *If answered **YES, the child is not eligible under the ID category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

3. Considering all of the evaluation information, is the child appropriately described as a child with ID as presented in NM TEAM (2026) by answering yes to **both** (a) and (b) below?

a) Are the child's characteristics consistent with the eligibility category of ID as presented in NM TEAM (2026), including **both of the following**:
NOTE: A child with ID demonstrates significant performance deficits in the educational environment that are consistent with standardized test scores that are 2 standard deviations below the mean considering SEM. All test scores should be contextualized with other sources of data.

   i. overall cognitive abilities?

   ii. adaptive behavior (conceptual, practical, and/or social)?

b) Does the eligibility category of ID better describe the child's disability than any other eligibility category?
   Note: If the other eligibility category that better describes the child's disability is multiple disabilities (MD) and the child's characteristics are consistent with ID, answer YES to this question to document the presence of ID.

Justification and documentation:

⚠ *If answered **NO, the child is not eligible under the ID category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?
   Justification and documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?
   Justification and documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?
   Justification and documentation:

⚠ *Answering **YES** to one or more of the above statements (1, 2, and/or 3) indicates that the child needs specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability is best described as ID (prong 1) and that the child needs specially designed instruction because of ID (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above.

Is the child eligible for special education and related services under the eligibility category of ID as a primary disability?

☐ **Yes**. The child has the NM TEAM (2026) disability of ID (prong 1) and requires specially designed instruction primarily because of this disability (prong 2), as documented above.

Note: If the EDT is considering the eligibility category of multiple disabilities (MD) and the answers to prongs 1 and 2 indicate that ID describes the child's disability and need for specially designed instruction, it is appropriate to answer YES to this question.

☐ **No**. The child is not eligible for special education and related services primarily under the eligibility category of ID because of one or more of the following reasons:

[1] *The EDT's decision related to the child's need for special education and related services under an eligibility category other than ID must be documented on the appropriate eligibility determination form.*

[2] *If the child demonstrates characteristics of ID (according to NM TEAM (2026) and/or a medical diagnosis), the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.*

☐ The child is not appropriately described as a child with ID as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

- ☐ The child does not have the NM TEAM (2026) disability of ID
- ☐ Another eligibility category better describes the child's primary disability, but if the child demonstrates characteristics of ID, those needs will be addressed through an IEP if the child is eligible[1,2]

☐ The child does not require specially designed instruction primarily due to the disability of ID (prong 2) because of one or two of the following (as documented above):

- ☐ The child does not have the NM TEAM (2026) disability of ID
- ☐ The child's educational needs are met without specially designed instruction related to ID or any other eligibility category
- ☐ The child demonstrates characteristics of ID (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to ID, if the child is eligible.[1,2]

☐ The EDT is unable to determine eligibility under the eligibility category of ID. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

☐ Additional information from:

☐ Additional evaluation data in the following areas:

☐ Other:

INTELLECTUAL DISABILITY
REEVALUATION ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language(s):		Language(s) of Instruction:	
Is the child an English learner? Select one		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date:		
Other Eligibility Categories Under Consideration, if applicable:			

Intellectual disability means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child's educational performance. (34 CFR Sec. 300.8(c)(6)).

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the reevaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM, 2026):

Review of existing evaluation data (REED)
Date REED Process was completed:

Additional data
Were additional data (formal, informal, and/or extant information) gathered in the following areas?

Background Information
☐ Yes ☐ No
If yes, date(s) of new data:

Communication Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Physical Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Social, Emotional, and Behavioral Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Cognitive Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Functional Performance and Adaptive Behavior Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Academic Achievement Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Other Information
☐ Yes ☐ No
If yes, description and date(s) of new data:

NOTE: There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

Determine the continued presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child continues to have ID as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Considering all of the evaluation information, does the child continue to be appropriately described as a child with ID as presented in NM TEAM (2026) by answering yes to **both** (a) and (b) below?

   a) Do the child's characteristics continue to be consistent with the eligibility category of ID as presented in NM TEAM (2026)? Select one

   b) Does the eligibility category of ID continue to better describe the child's disability than any other eligibility category?
   Note: If the other eligibility category that better describes the child's disability is multiple disabilities (MD) and the child's characteristics are consistent with ID, answer YES to this question to document the presence of ID.

Justification and documentation:

⚠ *If answered **NO** to question 1, **the child is no longer eligible under the ID category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child continue to require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?
   Justification and documentation:

2. As a result of the disability, does the child continue to require specially designed instruction in order to participate in extracurricular and other nonacademic activities?
   Justification and documentation:

3. As a result of the disability, does the child continue to require specially designed instruction in order to be educated and participate with other children with and without disabilities?
   Justification and documentation:

⚠ *Answering **YES** to one or more of the above statements (1, 2, and/or 3) indicates that the child continues to need specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability continues to be best described as ID (prong 1) and that the child continues to need specially designed instruction because of ID (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above during this reevaluation process.

Does the child continue to be eligible for special education and related services under the eligibility category of ID?

☐ **Yes**. The child continues to have the NM TEAM (2026) disability of ID (prong 1) and continues to require specially designed instruction because of this disability (prong 2), as documented above.

Note: If the EDT is considering the eligibility category of multiple disabilities (MD) and the answers to prongs 1 and 2 indicate that ID describes the child's disability and need for specially designed instruction, it is appropriate to answer YES to this question.

☐ **No**. The child is no longer eligible for special education and related services under the eligibility category of ID because of <u>one or more</u> of the following reasons:

[1] *The EDT's decision related to the child's need for special education and related services under an eligibility category other than ID must be documented on the appropriate eligibility determination form.*

[2] *If the child demonstrates characteristics of ID (according to NM TEAM (2026) and/or a medical diagnosis), the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.*

☐ The child is no longer appropriately described as a child with ID as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

- ☐ The child no longer has the NM TEAM (2026) disability of ID
- ☐ Another eligibility category better describes the child's primary disability, but if the child demonstrates characteristics of ID, those needs will be addressed through an IEP if the child is eligible[1,2]

☐ The child no longer requires specially designed instruction due to the disability of ID (prong 2) because of <u>one or two</u> of the following (as documented above):

- ☐ The child no longer has the NM TEAM (2026) disability of ID
- ☐ The child's educational needs are now met without specially designed instruction related to ID or any other eligibility category
- ☐ The child demonstrates characteristics of ID (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to ID, if the child is eligible.[1,2]

☐ The EDT is unable to determine eligibility under the eligibility category of ID. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

☐ Additional information from:

☐ Additional evaluation data in the following areas:

☐ Other:

MULTIPLE DISABILITIES

INITIAL ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language(s):		Language(s) of Instruction:	
Is the child an English learner? Select one		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date, if applicable:		
Other Eligibility Categories Under Consideration, if applicable:			

Multiple disabilities means concomitant impairments (such as intellectual disability and blindness or intellectual disability and orthopedic impairment), the combination of which produces such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities does not include deaf-blindness. (34 CFR Sec. 300.8(c)(7))

Children eligible for special education and related services under the category of multiple disabilities (MD) must meet the eligibility criteria in two or more IDEA categories. This eligibility category is characterized by the need for extensive and/or pervasive intensities of educational supports and, as such, is an extremely low-incidence category. It involves complex, inseparable

interactions between two or more disabilities and it is neither possible nor appropriate to designate the disabilities within this category as primary and secondary.

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the initial evaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2026):

EDTs must complete the Initial or Reevaluation Eligibility Determination Decision Form for all eligibility categories considered, as indicated below.

Eligibility Categories Under Consideration

- ☐ Autism
- ☐ Deaf-blindness
- ☐ Hearing impairment, including deafness
- ☐ Intellectual disability (ID)
- ☐ Orthopedic impairment (OI)
- ☐ Other health impairment (OHI)

  Medical conditions such as ADD/ADHD, diabetes, asthma, etc. would not be considered under the category of MD due to the lack of intensive and pervasive support needs associated with these conditions.

- ☐ Traumatic brain injury (TBI)
- ☐ Visual impairment (VI), including blindness

Determine the presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child has MD as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Considering all of the evaluation information, is the child appropriately described as a child with MD as presented in NM TEAM (2026) because no single eligibility category better describes this child's disability due to extensive and pervasive support needs related to the interactions of these disabilities by answering yes to **both** (a) and (b) below?

   a) Are the child's characteristics consistent with the eligibility category of MD as presented in NM TEAM (2026), by demonstrating **two or more of the following disabilities:** **Select**

      i. Autism — Select one

      ii. Deaf-blindness — Select one

iii.	Hearing impairment, including deafness	Select one
iv.	Intellectual disability (ID)	Select one
v.	Orthopedic impairment (OI)	Select one
vi.	Other health impairment (OHI)	Select one
vii.	Traumatic brain injury (TBI)	Select one
viii.	Visual impairment, including blindness (VI)	Select one

b) Does the eligibility category of MD better describe the child's disability than any other single eligibility category?

Justification and documentation:

⚠ *If answered **NO, the child is not eligible under the MD category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No'*

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?
   Justification and documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?
   Justification and documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?
   Justification and documentation:

⚠ *Answering **YES** to one or more of the above statements (1, 2, and/or 3) indicates that the child needs specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability is best described as MD (prong 1) and that the child needs specially designed instruction because of MD (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above.

Is the child eligible for special education and related services under the eligibility category of MD as a primary disability?

☐ **Yes**. The child has the NM TEAM (2026) disability of MD (prong 1) and requires specially designed instruction primarily because of this disability (prong 2), as documented above.

Note: The EDT should also document YES as the eligibility determination decision on two or more forms specific to the disabilities identified above.

☐ **No**. The child is not eligible for special education and related services primarily under the eligibility category of MD because of one or more of the following reasons:

[1] The EDT's decision related to the child's need for special education and related services under an eligibility category other than MD must be documented on the appropriate eligibility determination form.

☐ The child is not appropriately described as a child with MD as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

- ☐ The child does not have the NM TEAM (2026) disability of MD
- ☐ A single eligibility category better describes the child's disability[1]

☐ The child does not require specially designed instruction primarily due to the disability of MD (prong 2) because of one or two of the following (as documented above):

- ☐ The child does not have the NM TEAM (2026) disability of MD
- ☐ The child's educational needs are met without specially designed instruction related to MD or any other eligibility category
- ☐ The child demonstrates characteristics of MD (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to MD, if the child is eligible.[1]

☐ The EDT is unable to determine eligibility under the eligibility category of MD. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

- ☐ Additional information from:
- ☐ Additional evaluation data in the following areas:
- ☐ Other:

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MULTIPLE DISABILITIES
REEVALUATION ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language(s):		Language(s) of Instruction:	
Is the child an English learner? Select one		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date:		
Other Eligibility Categories Under Consideration, if applicable:			

Multiple disabilities means concomitant impairments (such as intellectual disability and blindness or intellectual disability and orthopedic impairment), the combination of which produces such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. Multiple disabilities does not include deaf-blindness. (34 CFR Sec. 300.8(c)(7))

Children eligible for special education and related services under the category of multiple disabilities (MD) must meet the eligibility criteria in two or more IDEA categories. This eligibility category is characterized by the need for extensive and/or pervasive intensities of educational supports and, as such, is an extremely low-incidence category. It involves complex, inseparable

interactions between two or more disabilities and it is neither possible nor appropriate to designate the disabilities within this category as primary and secondary.

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the reevaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM, 2026):

EDTs must complete the Initial or Reevaluation Eligibility Determination Decision Form for all eligibility categories considered, as indicated below.

Eligibility Categories Under Consideration

Autism	☐	YES	☐	NO
Deaf-blindness	☐	YES	☐	NO
Hearing impairment, including deafness	☐	YES	☐	NO
Intellectual disability (ID)	☐	YES	☐	NO
Orthopedic impairment (OI)	☐	YES	☐	NO
Other health impairment (OHI)	☐	YES	☐	NO

Medical conditions such as ADD/ADHD, diabetes, asthma, etc. would not be considered under the category of MD due to the lack of intensive and pervasive support needs associated with these conditions.

Traumatic brain injury (TBI)	☐	YES	☐	NO
Visual impairment (VI), including blindness	☐	YES	☐	NO

NOTE: There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

Determine the continued presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child continues to have MD as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Considering all of the evaluation information, does the child continue to be appropriately described as a child with MD as presented in NM TEAM (2026) by answering yes to **both** (a) and (b) below? **Select one**

a) Do the child's characteristics continue to be consistent with the eligibility category of MD as presented in NM TEAM (2026)? Select one

b) Does the eligibility category of MD continue to better describe the child's disability than any single eligibility category?

Justification and documentation:

⚠ *If answered **NO** to question 1**, the child is no longer eligible under the MD category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child continue to require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate? Select One

Justification and documentation:

2. As a result of the disability, does the child continue to require specially designed instruction in order to participate in extracurricular and other nonacademic activities? Select One

Justification and documentation:

3. As a result of the disability, does the child continue to require specially designed instruction in order to be educated and participate with other children with and without disabilities? Select One

Justification and documentation:

⚠ *Answering **YES** to one or more of the above statements (1, 2, and/or 3) indicates that the child continues to need specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability continues to be best described as MD (prong 1) and that the child continues to need specially designed instruction because of MD (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above during this reevaluation process.

Does the child continue to be eligible for special education and related services under the eligibility category of MD?

☐ **Yes**. The child continues to have the NM TEAM (2026) disability of MD (prong 1) and continues to require specially designed instruction because of this disability (prong 2), as documented above.

☐ **No**. The child is no longer eligible for special education and related services under the eligibility category of MD because of one or more of the following reasons:

[1] The EDT's decision related to the child's need for special education and related services under an eligibility category other than MD must be documented on the appropriate eligibility determination form.

[2] If the child demonstrates characteristics of MD (according to NM TEAM (2026) and/or a medical diagnosis), the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.

☐ The child is no longer appropriately described as a child with MD as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

- ☐ The child no longer has the NM TEAM (2026) disability of MD
- ☐ Another eligibility category better describes the child's primary disability, but if the child demonstrates characteristics of MD, those needs will be addressed through an IEP if the child is eligible[1,2]

☐ The child no longer requires specially designed instruction due to the disability of MD (prong 2) because of one or two of the following (as documented above):

- ☐ The child no longer has the NM TEAM (2026) disability of MD
- ☐ The child's educational needs are now met without specially designed instruction related to MD or any other eligibility category
- ☐ The child demonstrates characteristics of MD (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to MD, if the child is eligible.[1,2]

☐ The EDT is unable to determine eligibility under the eligibility category of MD. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

- ☐ Additional information from:

☐ Additional evaluation data in the following areas:

☐ Other:

ORTHOPEDIC IMPAIRMENT

INITIAL ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language(s):		Language(s) of Instruction:	
Is the child an English learner? Select one		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date, if applicable:		
Other Eligibility Categories Under Consideration, if applicable:			

Orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures). (34 CFR Sec. 300.8(c)(8))

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the initial evaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM, 2026):

Required components

With rare exception, the evaluation team must include all of the elements outlined under Required Components. A team must clearly document any deviation from these guidelines and the rationale for the deviation. Even if formal assessment information isn't available in an area, the evaluation team is expected to consider data in all of these required areas and deviations should be extremely rare.

Review of existing evaluation data (REED)

☐ Previously conducted evaluation data, screening data, and/or SAT file documentation
Date conducted (e.g., final SAT meeting date, screening/evaluation dates):

☐ Previously gathered developmental, educational, medical, family, and social history
Date(s):

Updated/current evaluation data

☐ Updated developmental/educational, medical, family, and social history, including an interview with the parent(s)/guardian(s) and information from general education teachers
Date(s):

☐ Direct observations across multiple settings, both structured and unstructured and various times, by multiple observers

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

☐ Documentation of a chronic orthopedic impairment (OI)
Date:

☐ Comprehensive evaluations in each of the following areas (including formal, informal, and extant information)

☐ adaptive behavior

Date(s):

☐ functional fine motor

Date(s):

☐ functional gross motor

Date(s):

Potential additional components

The evaluation team must determine what Potential Additional Components of an initial evaluation are appropriate for each individual child.

Teams should consider an evaluation using a variety of data sources (or by a specific provider outlined below) if there is any concern that the child is demonstrating difficulties in this area or if there is not adequate existing data to describe the child's present levels of performance in that area.

☐ Academic achievement
Date(s):

☐ Assistive technology
Date(s):

☐ Cognition
Date(s):

☐ Communication
Date(s):

☐ Social and emotional
Date(s):

☐ Postsecondary transition (e.g., Transition Assessment Summary)
Date(s):

☐ Evaluation by medical provider (e.g., primary care, neurologist, or other specialist)
Date(s):

☐ Other evaluation data related to areas of concern (describe and include evaluation dates)

Determine the presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child has OI as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Is the lack of (a) appropriate instruction in reading or math and/or (b) the opportunity to participate in developmentally appropriate early childhood experiences the primary reason for the child's educational performance difficulties? Select one

   Justification and documentation:

⚠ *If answered **YES, the child is not eligible under the OI category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

2. Is limited English proficiency the primary reason for the child's educational performance difficulties?

   Justification and documentation:

⚠ *If answered **YES, the child is not eligible under the OI category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

3. Considering all of the evaluation information, is the child appropriately described as a child with OI as presented in NM TEAM (2026) by answering yes to **both** (a) and (b) below?

a) Are the child's characteristics consistent with the eligibility category of OI as presented in NM TEAM (2026)?

b) Does the eligibility category of OI better describe the child's disability than any other eligibility category?
Note: If the other eligibility category that better describes the child's disability is multiple disabilities (MD) and the child's characteristics are consistent with OI, answer YES to this question to document the presence of OI.

Justification and documentation:

⚠ *If answered **NO, the child is not eligible under the OI category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?
   Justification and documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?
   Justification and documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?
   Justification and documentation:

⚠ *Answering **YES** to one or more of the above statements (1, 2, and/or 3) indicates that the child needs specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability is best described as OI (prong 1) and that the child needs specially designed instruction because of OI (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above.

Is the child eligible for special education and related services under the eligibility category of OI as a primary disability?

☐ **Yes**. The child has the NM TEAM (2026) disability of OI (prong 1) and requires specially designed instruction primarily because of this disability (prong 2), as documented above.

Note: If the EDT is considering the eligibility category of multiple disabilities (MD) and the answers to prongs 1 and 2 indicate that OI describes the child's disability and need for specially designed instruction, it is appropriate to answer YES to this question.

☐ **No**. The child is not eligible for special education and related services primarily under the eligibility category of OI because of one or more of the following reasons:

[1] *The EDT's decision related to the child's need for special education and related services under an eligibility category other than OI must be documented on the appropriate eligibility determination form.*

[2] *If the child demonstrates characteristics of OI (according to NM TEAM (2026) and/or a medical diagnosis), the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.*

☐ The child is not appropriately described as a child with OI as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

- ☐ The child does not have the NM TEAM (2026) disability of OI
- ☐ Another eligibility category better describes the child's primary disability, but if the child demonstrates characteristics of OI, those needs will be addressed through an IEP if the child is eligible[1,2]

☐ The child does not require specially designed instruction primarily due to the disability of OI (prong 2) because of one or two of the following (as documented above):

- ☐ The child does not have the NM TEAM (2026) disability of OI
- ☐ The child's educational needs are met without specially designed instruction related to OI or any other eligibility category
- ☐ The child demonstrates characteristics of OI (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to OI, if the child is eligible.[1,2]

☐ The EDT is unable to determine eligibility under the eligibility category of OI. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

☐ Additional information from:

☐ Additional evaluation data in the following areas:

☐ Other:

ORTHOPEDIC IMPAIRMENT
REEVALUATION ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language(s):		Language(s) of Instruction:	
Is the child an English learner? Select one		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date:		
Other Eligibility Categories Under Consideration, if applicable:			

Orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures). (34 CFR Sec. 300.8(c)(8))

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the reevaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM, 2026):

Review of existing evaluation data (REED)
Date REED Process was completed:

Additional data
Were additional data (formal, informal, and/or extant information) gathered in the following areas?

Background Information
☐ Yes ☐ No
If yes, date(s) of new data:

Communication Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Physical Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Social, Emotional, and Behavioral Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Cognitive Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Functional Performance and Adaptive Behavior Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Academic Achievement Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Other Information

☐ Yes ☐ No

If yes, description and date(s) of new data:

NOTE: There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

Determine the continued presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child continues to have OI as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Considering all of the evaluation information, does the child continue to be appropriately described as a child with OI as presented in NM TEAM (2026) by answering yes to **both** (a) and (b) below?

a) Do the child's characteristics continue to be consistent with the eligibility category of OI as presented in NM TEAM (2026)? Select one

b) Does the eligibility category of OI continue to better describe the child's disability than any other eligibility category?
Note: If the other eligibility category that better describes the child's disability is multiple disabilities (MD) and the child's characteristics are consistent with OI, answer YES to this question to document the presence of OI.

Justification and documentation:

⚠ *If answered **NO** to question 1, **the child is no longer eligible under the OI category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child continue to require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?
   Justification and documentation:

2. As a result of the disability, does the child continue to require specially designed instruction in order to participate in extracurricular and other nonacademic activities?
   Justification and documentation:

3. As a result of the disability, does the child continue to require specially designed instruction in order to be educated and participate with other children with and without disabilities?
   Justification and documentation:

⚠ *Answering **YES** to one or more of the above statements (1, 2, and/or 3) indicates that the child continues to need specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability continues to be best described as OI (prong 1) and that the child continues to need specially designed instruction because of OI (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above during this reevaluation process.

Does the child continue to be eligible for special education and related services under the eligibility category of OI?

☐ **Yes**. The child continues to have the NM TEAM (2026) disability of OI (prong 1) and continues to require specially designed instruction because of this disability (prong 2), as documented above.

Note: If the EDT is considering the eligibility category of multiple disabilities (MD) and the answers to prongs 1 and 2 indicate that OI describes the child's disability and need for specially designed instruction, it is appropriate to answer YES to this question.

☐ **No**. The child is no longer eligible for special education and related services under the eligibility category of OI because of <u>one or more</u> of the following reasons:

[1] The EDT's decision related to the child's need for special education and related services under an eligibility category other than OI must be documented on the appropriate eligibility determination form.

[2] If the child demonstrates characteristics of OI (according to NM TEAM (2026) and/or a medical diagnosis), the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.

☐ The child is no longer appropriately described as a child with OI as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

- ☐ The child no longer has the NM TEAM (2026) disability of OI
- ☐ Another eligibility category better describes the child's primary disability, but if the child demonstrates characteristics of OI, those needs will be addressed through an IEP if the child is eligible[1,2]

☐ The child no longer requires specially designed instruction due to the disability of OI (prong 2) because of <u>one or two</u> of the following (as documented above):

- ☐ The child no longer has the NM TEAM (2026) disability of OI
- ☐ The child's educational needs are now met without specially designed instruction related to OI or any other eligibility category
- ☐ The child demonstrates characteristics of OI (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to OI, if the child is eligible.[1,2]

☐ The EDT is unable to determine eligibility under the eligibility category of OI. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

☐ Additional information from:

☐ Additional evaluation data in the following areas:

☐ Other:

OTHER HEALTH IMPAIRMENT

INITIAL ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language(s):		Language(s) of Instruction:	
Is the child an English learner? Select one		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date, if applicable:		
Other Eligibility Categories Under Consideration, if applicable:			

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette Syndrome; and adversely affects the child's educational performance. (34 CFR Sec. 300.8(c)(9))

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the initial evaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM, 2026):

Required components

With rare exception, the evaluation team must include all of the elements outlined under Required Components. A team must clearly document any deviation from these guidelines and the rationale for the deviation. Even if formal assessment information isn't available in an area, the evaluation team is expected to consider data in all of these required areas and deviations should be extremely rare.

Review of existing evaluation data (REED)

☐ Previously conducted evaluation data, screening data, and/or SAT file documentation
Date conducted (e.g., final SAT meeting date, screening/evaluation dates):

☐ Previously gathered developmental, educational, medical, family, and social history
Date(s):

Updated/current evaluation data

☐ Updated developmental/educational, medical, family, and social history, including an interview with the parent(s)/guardian(s) and information from general education teachers
Date(s):

☐ Direct observations across multiple settings, both structured and unstructured and various times, by multiple observers

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

☐ Documentation of a chronic or acute health problem
Date:

Potential additional components

The evaluation team must determine what Potential Additional Components of an initial evaluation are appropriate for each individual child.

Teams should consider an evaluation using a variety of data sources (or by a specific provider outlined below) if there is any concern that the child is demonstrating difficulties in this area or if there is not adequate existing data to describe the child's present levels of performance in that area.

☐ Academic achievement
Date(s):

☐ Adaptive behavior
Date(s):

☐ Assistive technology
Date(s):

☐ Behavior (frequency, intensity, duration, cause, and consequence)
Date(s):

☐ Cognition
Date(s):

☐ Functional fine motor
Date(s):

☐ Functional gross motor
Date(s):

☐ Sensory processing
Date(s):

☐ Social and emotional
Date(s):

☐ Postsecondary transition (e.g., Transition Assessment Summary)
Date(s):

☐ Evaluation by medical provider (e.g., primary care, neurologist, or other specialist)
Date(s):

☐ Other evaluation data related to areas of concern (describe and include evaluation dates)

Determine the presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child has OHI as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Is the lack of (a) appropriate instruction in reading or math and/or (b) the opportunity to participate in developmentally appropriate early childhood experiences the primary reason for the child's educational performance difficulties? Select one

   Justification and documentation:

⚠ *If answered **YES, the child is not eligible under the OHI category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

2. Is limited English proficiency the primary reason for the child's educational performance difficulties?

   Justification and documentation:

⚠ *If answered **YES, the child is not eligible under the OHI category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

3. Considering all of the evaluation information, is the child appropriately described as a child with OHI as presented in NM TEAM (2026) by answering yes to **both** (a) and (b) below?

a) Are the child's characteristics consistent with the eligibility category of OHI as presented in NM TEAM (2026)?

b) Does the eligibility category of OHI better describe the child's disability than any other eligibility category?
Note: If the other eligibility category that better describes the child's disability is multiple disabilities (MD) and the child's characteristics are consistent with OHI, answer YES to this question to document the presence of OHI.

Justification and documentation:

⚠ *If answered **NO, the child is not eligible under the OHI category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?
   Justification and documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?
   Justification and documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?
   Justification and documentation:

⚠ *Answering **YES** to one or more of the above statements (1, 2, and/or 3) indicates that the child needs specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability is best described as OHI (prong 1) and that the child needs specially designed instruction because of OHI (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above.

Is the child eligible for special education and related services under the eligibility category of OHI as a primary disability?

☐ **Yes**. The child has the NM TEAM (2026) disability of OHI (prong 1) and requires specially designed instruction primarily because of this disability (prong 2), as documented above.

Note: If the EDT is considering the eligibility category of multiple disabilities (MD) and the answers to prongs 1 and 2 indicate that OHI describes the child's disability and need for specially designed instruction, it is appropriate to answer YES to this question.

☐ **No**. The child is not eligible for special education and related services primarily under the eligibility category of OHI because of <u>one or more</u> of the following reasons:

[1] The EDT's decision related to the child's need for special education and related services under an eligibility category other than OHI must be documented on the appropriate eligibility determination form.

[2] If the child demonstrates characteristics of OHI (according to NM TEAM (2026) and/or a medical diagnosis), the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.

☐ The child is not appropriately described as a child with OHI as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

- ☐ The child does not have the NM TEAM (2026) disability of OHI Another
- ☐ eligibility category better describes the child's primary disability, but if the child demonstrates characteristics of OHI, those needs will be addressed through an IEP if the child is eligible[1,2]

☐ The child does not require specially designed instruction primarily due to the disability of OHI (prong 2) because of <u>one or two</u> of the following (as documented above):

- ☐ The child does not have the NM TEAM (2026) disability of OHI
- ☐ The child's educational needs are met without specially designed instruction related to OHI or any other eligibility category
- ☐ The child demonstrates characteristics of OHI (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to OHI, if the child is eligible.[1,2]

☐ The EDT is unable to determine eligibility under the eligibility category of OHI. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

☐ Additional information from:

☐ Additional evaluation data in the following areas:

☐ Other:

OTHER HEALTH IMPAIRMENT
REEVALUATION ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language(s):		Language(s) of Instruction:	
Is the child an English learner? Select one		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date:		
Other Eligibility Categories Under Consideration, if applicable:			

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette Syndrome; and adversely affects the child's educational performance. (34 CFR Sec. 300.8(c)(9))

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the reevaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM, 2026):

Review of existing evaluation data (REED)
Date REED Process was completed:

Additional data
Were additional data (formal, informal, and/or extant information) gathered in the following areas?

Background Information
☐ Yes ☐ No
If yes, date(s) of new data:

Communication Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Physical Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Social, Emotional, and Behavioral Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Cognitive Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Functional Performance and Adaptive Behavior Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Academic Achievement Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Other Information

☐ Yes ☐ No

If yes, description and date(s) of new data:

NOTE: There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

Determine the continued presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child continues to have OHI as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Considering all of the evaluation information, does the child continue to be appropriately described as a child with OHI as presented in NM TEAM (2026) by answering yes to **both** (a) and (b) below?

   a) Do the child's characteristics continue to be consistent with the eligibility category of OHI as presented in NM TEAM (2026)? Select one

   b) Does the eligibility category of OHI continue to better describe the child's disability than any other eligibility category?
   Note: If the other eligibility category that better describes the child's disability is multiple disabilities (MD) and the child's characteristics are consistent with OHI, answer YES to this question to document the presence of OHI.

Justification and documentation:

⚠ *If answered **NO** to question 1, **the child is no longer eligible under the OHI category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child continue to require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?
   Justification and documentation:

2. As a result of the disability, does the child continue to require specially designed instruction in order to participate in extracurricular and other nonacademic activities?
   Justification and documentation:

3. As a result of the disability, does the child continue to require specially designed instruction in order to be educated and participate with other children with and without disabilities?
   Justification and documentation:

⚠ *Answering **YES** to one or more of the above statements (1, 2, and/or 3) indicates that the child continues to need specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability continues to be best described as OHI (prong 1) and that the child continues to need specially designed instruction because of OHI (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above during this reevaluation process.

Does the child continue to be eligible for special education and related services under the eligibility category of OHI?

☐ **Yes**. The child continues to have the NM TEAM (2026) disability of OHI (prong 1) and continues to require specially designed instruction because of this disability (prong 2), as documented above.
Note: If the EDT is considering the eligibility category of multiple disabilities (MD) and the answers to prongs 1 and 2 indicate that OHI describes the child's disability and need for specially designed instruction, it is appropriate to answer YES to this question.

☐ **No**. The child is no longer eligible for special education and related services under the eligibility category of OHI because of one or more of the following reasons:

[1] The EDT's decision related to the child's need for special education and related services under an eligibility category other than OHI must be documented on the appropriate eligibility determination form.

[2] If the child demonstrates characteristics of OHI (according to NM TEAM (2026) and/or a medical diagnosis), the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.

☐ The child is no longer appropriately described as a child with OHI as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

☐ The child no longer has the NM TEAM (2026) disability of OHI Another
☐ eligibility category better describes the child's primary disability, but if the child demonstrates characteristics of OHI, those needs will be addressed through an IEP if the child is eligible[1,2]

☐ The child no longer requires specially designed instruction due to the disability of OHI (prong 2) because of one or two of the following (as documented above):

☐ The child no longer has the NM TEAM (2026) disability of OHI
☐ The child's educational needs are now met without specially designed instruction related to OHI or any other eligibility category
☐ The child demonstrates characteristics of OHI (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to OHI, if the child is eligible.[1,2]

☐ The EDT is unable to determine eligibility under the eligibility category of OHI. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

☐ Additional information from:

☐ Additional evaluation data in the following areas:

☐ Other:

SPECIFIC LEARNING DISABILITY

INITIAL ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language:		Language(s) of Instruction:	
Is the child an English Learner? No		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date, if applicable:		
Other Eligibility Categories Under Consideration, if applicable:			

Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage. (34 CFR Sec. 300.8(c)(10))

SLD is a disability rooted in a neurological processing deficit (e.g., auditory processing, memory, processing speed, phonological processing, visual/perceptual processing, etc.) and results in significant academic underachievement following sustained, high-quality, scientific, research-based instruction and intervention. SLD may be manifested in the following areas:

- Basic reading skills
- Reading fluency skills
- Reading comprehension skills
- Written expression
- Mathematics calculation
- Mathematics problem solving
- Oral expression
- Listening comprehension

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the initial evaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM, 2026):

Required components

With rare exception, the evaluation team must include all of the elements outlined under Required Components. A team must clearly document any deviation from these guidelines and the rationale for the deviation. Even if formal assessment information isn't available in an area, the evaluation team is expected to consider data in all of these required areas and deviations should be extremely rare.

Review of existing evaluation data (REED)

☐ Previously conducted evaluation data, screening data, and/or SAT file documentation
Date conducted (e.g., final SAT meeting date, screening/evaluation dates):

☐ Previously gathered developmental, educational, medical, family, and social history
Date(s):

Updated/current evaluation data

☐ Updated developmental/educational, medical, family, and social history, including an interview with the parent(s)/guardian(s) and information from general education teachers
Date(s):

☐ Direct observations across multiple settings, both structured and unstructured and various times, by multiple observers

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

☐ Comprehensive evaluations in each of the following areas (including formal, informal, and extant information)

☐ academic achievement (e.g., benchmark testing, progress monitoring, curriculum-based measures, running records, work samples, criterion-referenced testing, standardized testing) in areas of suspected disability/ concern
Date(s):

☐ cognitive abilities (both verbal and nonverbal skills)
Date(s):

☐ cognitive processing skills in areas related to the suspected area(s) of disability (see NM TEAM, 2026 and the next section of this worksheet for more information)
Date(s):

Potential additional components

The evaluation team must determine what Potential Additional Components of an initial evaluation are appropriate for each individual child.

Teams should consider an evaluation using a variety of data sources (or by a specific provider outlined below) if there is <u>any concern that the child is demonstrating difficulties in this area</u> or if there is not adequate existing data to describe the child's present levels of performance in that area.

☐ Functional behavioral assessment
Date(s):

☐ Sensorimotor skills
Date(s):

☐ Social and/or emotional
Date(s):

☐ Speech, language, and/or communication
Date(s):

☐ Postsecondary transition (e.g., Transition Assessment Summary)
Date(s):

☐ Evaluation by medical provider (e.g., primary care, neurologist, or other specialist)
Date(s):

☐ Other evaluation data related to areas of concern (describe and include evaluation dates)

Determine the presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child has SLD as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Is the lack of (a) appropriate instruction in reading or math and/or (b) the opportunity to participate in developmentally appropriate early childhood experiences the primary reason for the child's educational performance difficulties?
This includes consideration of whether lack of learning experiences and instruction appropriate for the child's State-approved grade-level standards is the primary reason for the child's educational performance difficulties.
Select one
Justification and documentation:

⚠ *If answered **YES, the child is not eligible under the SLD category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

2. Are any of the following the primary reason for the child's educational difficulties?

Visual, hearing, or motor disability
Justification and Documentation:

Intellectual disability
Justification and Documentation:

Emotional disturbance
Justification and Documentation:

Cultural factors
Justification and Documentation:

Limited English proficiency
Justification and Documentation:

Environmental or economic factors
Justification and Documentation:

⚠ *If answered **YES** to question 2**, the child is not eligible under the SLD category. Stop and continue to the section of this document title: **Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

3. Considering all of the evaluation information, is the child appropriately described as a child with SLD as presented in NM TEAM (2026) by answering yes to **both** (a) and (b) below?
NOTE: EDTs should complete the table on the following page *(under Justification and Documentation) prior to answering these questions. Answer "yes" or "no" to question 3(a)iii(2) consistent with this response.*

a) Are the child's characteristics consistent with the eligibility category of SLD as presented in NM TEAM (2026), including **all three of the following**:

i. does not achieve adequately for age or to meet grade level standards?
Evidenced by performance 1.5 SD below expectations or the 6th percentile or below

ii. has a cognitive processing deficit consistent with the area(s) of academic needs?
Evidenced by performance consistent with a standard score below 85 (assuming mean of 100 and SD of 15)

iii. has either a rate of improvement and/or pattern of strengths and weaknesses consistent with SLD?

1) rate of improvement?
Evidenced by rate of improvement more than 1.5 SD slower than peers

2) pattern of strengths and weaknesses as described in table below?
Evidenced by multiple data sources indicating cognitive processing deficits consistent with area(s) of academic needs

b) Does the eligibility category of SLD better describe the child's disability than any other eligibility category?

Complete the following table to support a response to question 3 related to pattern of strengths and weaknesses. Use the following information as guidance. The PDF will automatically populate the responses, but the EDT must confirm the accuracy of the information:

- An area of academic need and a cognitive processing weakness in that same column is suggestive of a specific learning disability in that area. Answer "yes" to question 3(a)iii(2) if this is true in one or more academic area.
- An area of academic need but no cognitive processing weakness in that same column suggests that the child likely does not have a specific learning disability in that academic area. Answer "no" to the question if this is true in all academic areas.
- If a particular area is not an area of academic need for a child, do not complete the cognitive processing part of the table for that area.

Note: The analysis in the table below must be based information from a variety of sources (formal, informal, and extant data), not solely formal, standardized test scores. This table reflects areas with at least moderate correlations. If other associations are used, the decision must be made thoughtfully, with clear justification and documentation.

		Basic Reading	Reading Fluency*	Reading Comprehension*	Written Expression*	Math Calculation	Math Problem Solving**	Oral Expression	Listening Comprehension
	Academic Area of Need? ***Performance 1.5 SD below expectations (6th percentile or below).*** *If "no," do not complete the rest of the table in that academic area.*	Select one	Select one	Select one	Select one	Select one	Select one	Select one	Select one
	Rate of Improvement (more than 1.5 SD slower than peers)								
Cognitive Processing Weakness *(multiple data sources indicating performance consistent with standard score of <85)*	Visual-Spatial Select one	■	■	■	■	■		■	■
	Language Processing Select one					■			
	Working Memory Select one								
	Long-Term Storage & Retrieval Select one				■		■		■
	Fluid Reasoning Select one	■	■						
	Processing Speed Select one			■			■		
	Phonological Awareness Select one		■	■	■	■	■	■	
	Attention Select one								
	Orthographic Processing Select one			■			■	■	■
	Executive Functioning Select one								
	Speed of Lexical Access Select one			■	■		■	■	■

*__Note:__ Be thoughtful about the validity of reading fluency, reading comprehension, and written expression performance if the child does not have adequate basic reading skills.

**__Note:__ Be thoughtful about the validity of math problem solving skills if the child does not have adequate math calculation skills.

Justification and Documentation (continued):
The previous table provides partial documentation for the decision in question 3. In addition to the information in the table, the following narrative provides further justification and documentation for the EDT's decision:

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?
   Justification and documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?
   Justification and documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?
   Justification and documentation:



*Answering **YES** to one or more of the above statements (1, 2, and/or 3) indicates that the child needs specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability is best described as SLD (prong 1) and that the child needs specially designed instruction because of SLD (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above.

Is the child eligible for special education and related services under the eligibility category of SLD as a primary disability?

☐ **Yes**. The child has the NM TEAM (2026) disability of SLD (prong 1) and requires specially designed instruction primarily because of this disability (prong 2), as documented above.

☐ **No**. The child is not eligible for special education and related services primarily under the eligibility category of SLD because of one or more of the following reasons:

[1] The EDT's decision related to the child's need for special education and related services under an eligibility category other than SLD must be documented on the appropriate eligibility determination form.

[2] If the child demonstrates characteristics of SLD (according to NM TEAM (2026) and/or a medical diagnosis), the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.

☐ The child is not appropriately described as a child with SLD as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

- ☐ The child does not have the NM TEAM (2026) disability of SLD
- ☐ Another eligibility category better describes the child's primary disability, but if the child demonstrates characteristics of SLD, those needs will be addressed through an IEP if the child is eligible[1,2]

☐ The child does not require specially designed instruction primarily due to the disability of SLD (prong 2) because of one or two of the following (as documented above):

- ☐ The child does not have the NM TEAM (2026) disability of SLD
- ☐ The child's educational needs are met without specially designed instruction related to SLD or any other eligibility category
- ☐ The child demonstrates characteristics of SLD (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to SLD, if the child is eligible.[1,2]

☐ The EDT is unable to determine eligibility under the eligibility category of SLD. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

☐ Additional information from:

☐ Additional evaluation data in the following areas:

☐ Other:

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SPECIFIC LEARNING DISABILITY
REEVALUATION ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language(s):		Language(s) of Instruction:	
Is the child an English learner? Select one		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date:		
Other Eligibility Categories Under Consideration, if applicable:			

Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage. (34 CFR Sec. 300.8(c)(10))

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the reevaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM, 2026):

Review of existing evaluation data (REED)
Date REED Process was completed:

Additional data
Were additional data (formal, informal, and/or extant information) gathered in the following areas?

Background Information
☐ Yes ☐ No
If yes, date(s) of new data:

Communication Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Physical Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Social, Emotional, and Behavioral Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Cognitive Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Functional Performance and Adaptive Behavior Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Academic Achievement Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Other Information

☐ Yes ☐ No

If yes, description and date(s) of new data:

NOTE: There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

Determine the continued presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child continues to have SLD as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Considering all of the evaluation information, does the child continue to be appropriately described as a child with SLD as presented in NM TEAM (2026) by answering yes to **both** (a) and (b) below?

a) Do the child's characteristics continue to be consistent with the eligibility category of SLD as presented in NM TEAM (2026)? Select one

b) Does the eligibility category of SLD continue to better describe the child's disability than any other eligibility category?

Justification and documentation:

⚠ *If answered **NO** to question 1**, the child is no longer eligible under the SLD category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child continue to require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?
   Justification and documentation:

2. As a result of the disability, does the child continue to require specially designed instruction in order to participate in extracurricular and other nonacademic activities?
   Justification and documentation:

3. As a result of the disability, does the child continue to require specially designed instruction in order to be educated and participate with other children with and without disabilities?
   Justification and documentation:

⚠ *Answering **YES** to one or more of the above statements (1, 2, and/or 3) indicates that the child continues to need specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability continues to be best described as SLD (prong 1) and that the child continues to need specially designed instruction because of SLD (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above during this reevaluation process.

Does the child continue to be eligible for special education and related services under the eligibility category of SLD?

☐ **Yes**. The child continues to have the NM TEAM (2026) disability of SLD (prong 1) and continues to require specially designed instruction because of this disability (prong 2), as documented above.

☐ **No**. The child is no longer eligible for special education and related services under the eligibility category of SLD because of one or more of the following reasons:

[1] The EDT's decision related to the child's need for special education and related services under an eligibility category other than SLD must be documented on the appropriate eligibility determination form.

[2] If the child demonstrates characteristics of SLD (according to NM TEAM (2026) and/or a medical diagnosis), the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.

☐ The child is no longer appropriately described as a child with SLD as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

- ☐ The child no longer has the NM TEAM (2026) disability of SLD
- ☐ Another eligibility category better describes the child's primary disability, but if the child demonstrates characteristics of SLD, those needs will be addressed through an IEP if the child is eligible[1,2]

☐ The child no longer requires specially designed instruction due to the disability of SLD (prong 2) because of one or two of the following (as documented above):

- ☐ The child no longer has the NM TEAM (2026) disability of SLD
- ☐ The child's educational needs are now met without specially designed instruction related to SLD or any other eligibility category
- ☐ The child demonstrates characteristics of SLD (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to SLD, if the child is eligible.[1,2]

☐ The EDT is unable to determine eligibility under the eligibility category of SLD. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

☐ Additional information from:

☐ Additional evaluation data in the following areas:

☐ Other:

SPEECH OR LANGUAGE IMPAIRMENT

INITIAL ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language(s):		Language(s) of Instruction:	
Is the child an English learner? Select one		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date, if applicable:		
Other Eligibility Categories Under Consideration, if applicable:			

A speech or language impairment means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance. (34 CFR Sec. 300.8(c)(11))

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the initial evaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM, 2026):

Required components

With rare exception, the evaluation team must include all of the elements outlined under Required Components. A team must clearly document any deviation from these guidelines and the rationale for the deviation. Even if formal assessment information isn't available in an area, the evaluation team is expected to consider data in all of these required areas and deviations should be extremely rare.

Review of existing evaluation data (REED)

☐ Previously conducted evaluation data, screening data, and/or SAT file documentation
Date conducted (e.g., final SAT meeting date, screening/evaluation dates):

☐ Previously gathered developmental, educational, medical, family, and social history
Date(s):

Updated/current evaluation data

☐ Updated developmental/educational, medical, family, and social history, including an interview with the parent(s)/guardian(s) and information from general education teachers
Date(s):

☐ Direct observations across multiple settings, both structured and unstructured and various times, by multiple observers

Date:	Observer:
Date:	Observer:
Date:	Observer:
Date:	Observer:
Date:	Observer:

☐ Functional communication assessment
Date:

☐ Comprehensive evaluations (including formal, informal, and extant information, as appropriate) in speech and/or language, as outlined below:

Speech (Articulation, Voice, and/or Fluency)

☐	oral motor and oral mechanism exam	Date:
☐	speech intelligibility	Date:

☐	spontaneous speech sample	Date:
☐	additional highly recommended components specific to area of concern:	
	Articulation (if an area of concern):	
	☐ speech sounds/phonological processes	Date:
	☐ stimulability assessment	Date:
	Voice (if an area of concern):	
	☐ quality, resonance, pitch, and volume	Date:
	Fluency (if an area of concern):	
	☐ oral, laryngeal, and respiratory behaviors	Date:
	☐ other aspects of fluency (e.g., coping behaviors, emotional reactions, etc.)	Date:
	☐ speech rate	Date:

Language (Receptive, Expressive, and/or Pragmatic)

☐	language content (semantics)	Date:
☐	language form (morphology and syntax)	Date:
☐	language use (pragmatics)	Date:
☐	functional, spontaneous language sample	Date:

Potential additional components

The evaluation team must determine what Potential Additional Components of an initial evaluation are appropriate for each individual child.

Teams should consider an evaluation using a variety of data sources (or by a specific provider outlined below) if there is any concern that the child is demonstrating difficulties in this area or if there is not adequate existing data to describe the child's present levels of performance in that area.

☐ Academic achievement
Date(s):

☐ Assistive technology
Date(s):

☐ Audiological evaluation
Date(s):

☐ Cognition
Date(s):

☐ Postsecondary transition (e.g., Transition Assessment Summary)
Date(s):

☐ Evaluation by medical provider (e.g., primary care, neurologist, or other specialist)
Date(s):

☐ Other evaluation data related to areas of concern (describe and include evaluation dates)

Determine the presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child has SLI as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Is the lack of (a) appropriate instruction in reading or math and/or (b) the opportunity to participate in developmentally appropriate early childhood experiences the primary reason for the child's educational performance difficulties? No
   Justification and documentation:

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⚠ *If answered **YES, the child is not eligible under the SLI category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

2. Is limited English proficiency the primary reason for the child's educational performance difficulties? No

Justification and documentation:

*If answered **YES, the child is not eligible under the SLI category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

3. Are the child's communication (e.g., speech and/or language) difficulties primarily the result of bilingualism and/or cultural/dialect differences? No

Justification and documentation:

*If answered **YES, the child is not eligible under the SLI category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

3. Considering all of the evaluation information, is the child appropriately described as a child with SLI as presented in NM TEAM (2026) by answering yes to **both** (a) and (b) below? **No**

a) Are the child's characteristics consistent with the eligibility category of SLI as presented in NM TEAM (2026), including **significant deficits in one or both of the following**: **No**

i. Speech abilities (articulation, fluency, and/or voice)? No

ii. Language abilities (expressive, receptive, and/or pragmatic)? No

NOTE: A child with SLI in language demonstrates significant performance deficits in the educational environment that are consistent with standardized test scores that are 2 standard deviations below the mean considering SEM. All test scores should be contextualized with other sources of data.

b) Does the eligibility category of SLI better describe the child's disability than any other eligibility category?

Justification and documentation:

⚠ *If answered **NO, the child is not eligible under the SLI category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate? Select One

   Justification and documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities? Select One
Justification and documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities? Select One
Justification and documentation:

⚠ *Answering **YES** to <u>one or more</u> of the above statements (1, 2, and/or 3) indicates that the child <u>needs</u> specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability is best described as SLI (prong 1) <u>and</u> that the child needs specially designed instruction because of SLI (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above.

Is the child eligible for special education and related services under the eligibility category of SLI as a primary disability?

☐ **Yes**. The child has the NM TEAM (2026) disability of SLI (prong 1) and requires specially designed instruction primarily because of this disability (prong 2), as documented above.

☐ **No**. The child is not eligible for special education and related services primarily under the eligibility category of SLI because of <u>one or more</u> of the following reasons:

[1] The EDT's decision related to the child's need for special education and related services under an eligibility category other than SLI must be documented on the appropriate eligibility determination form.

[2] If the child demonstrates characteristics of SLI (according to NM TEAM (2026) and/or a medical diagnosis), the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.

☐ The child is not appropriately described as a child with SLI as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

- ☐ The child does not have the NM TEAM (2026) disability of SLI
- ☐ Another eligibility category better describes the child's primary disability, but if the child demonstrates characteristics of SLI, those needs will be addressed through an IEP if the child is eligible[1,2]

☐ The child does not require specially designed instruction primarily due to the disability of SLI (prong 2) because of <u>one or two</u> of the following (as documented above):

- ☐ The child does not have the NM TEAM (2026) disability of SLI
- ☐ The child's educational needs are met without specially designed instruction related to SLI or any other eligibility category
- ☐ The child demonstrates characteristics of SLI (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to SLI, if the child is eligible.[1,2]

☐ The EDT is unable to determine eligibility under the eligibility category of SLI. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

- ☐ Additional information from:

- ☐ Additional evaluation data in the following areas:

☐ Other:

SPEECH OR LANGUAGE IMPAIRMENT
REEVALUATION ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language(s):		Language(s) of Instruction:	
Is the child an English learner? Select one		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date:		
Other Eligibility Categories Under Consideration, if applicable:			

A speech or language impairment means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance. (34 CFR Sec. 300.8(c)(11))

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the reevaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM, 2026):

Review of existing evaluation data (REED)
Date REED Process was completed:

Additional data
Were additional data (formal, informal, and/or extant information) gathered in the following areas?

Background Information
☐ Yes ☐ No
If yes, date(s) of new data:

Communication Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Physical Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Social, Emotional, and Behavioral Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Cognitive Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Functional Performance and Adaptive Behavior Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Academic Achievement Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Other Information
☐ Yes ☐ No
If yes, description and date(s) of new data:

NOTE: There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

Determine the continued presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child continues to have SLI as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Considering all of the evaluation information, does the child continue to be appropriately described as a child with SLI as presented in NM TEAM (2026) by answering yes to **both** (a) and (b) below? **Select one**

   a) Do the child's characteristics continue to be consistent with the eligibility category of SLI as presented in NM TEAM (2026)? Select one

   b) Does the eligibility category of SLI continue to better describe the child's disability than any other eligibility category?

Justification and documentation:

⚠ *If answered **NO** to question 1**, the child is no longer eligible under the SLI category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child continue to require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate? Select One

Justification and documentation:

2. As a result of the disability, does the child continue to require specially designed instruction in order to participate in extracurricular and other nonacademic activities? Select One

Justification and documentation:

3. As a result of the disability, does the child continue to require specially designed instruction in order to be educated and participate with other children with and without disabilities? Select One

Justification and documentation:



*Answering **YES** to one or more of the above statements (1, 2, and/or 3) indicates that the child continues to need specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability continues to be best described as SLI (prong 1) and that the child continues to need specially designed instruction because of SLI (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above during this reevaluation process.

Does the child continue to be eligible for special education and related services under the eligibility category of SLI?

☐ **Yes**. The child continues to have the NM TEAM (2026) disability of SLI (prong 1) and continues to require specially designed instruction because of this disability (prong 2), as documented above.

☐ **No**. The child is no longer eligible for special education and related services under the eligibility category of SLI because of one or more of the following reasons:

[1] The EDT's decision related to the child's need for special education and related services under an eligibility category other than SLI must be documented on the appropriate eligibility determination form.

[2] If the child demonstrates characteristics of SLI (according to NM TEAM (2026) and/or a medical diagnosis), the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.

☐ The child is no longer appropriately described as a child with SLI as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

- ☐ The child no longer has the NM TEAM (2026) disability of SLI
- ☐ Another eligibility category better describes the child's primary disability, but if the child demonstrates characteristics of SLI, those needs will be addressed through an IEP if the child is eligible[1,2]

☐ The child no longer requires specially designed instruction due to the disability of SLI (prong 2) because of one or two of the following (as documented above):

- ☐ The child no longer has the NM TEAM (2026) disability of SLI
- ☐ The child's educational needs are now met without specially designed instruction related to SLI or any other eligibility category
- ☐ The child demonstrates characteristics of SLI (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to SLI, if the child is eligible.[1,2]

☐ The EDT is unable to determine eligibility under the eligibility category of SLI. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

☐ Additional information from:

☐ Additional evaluation data in the following areas:

☐ Other:

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TRAUMATIC BRAIN INJURY

INITIAL ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language(s):		Language(s) of Instruction:	
Is the child an English learner? Select one		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date, if applicable:		
Other Eligibility Categories Under Consideration, if applicable:			

Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury 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. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma. (34 CFR Sec. 300.8(c)(12))

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the initial evaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM, 2026):

Required components

With rare exception, the evaluation team must include all of the elements outlined under Required Components. A team must clearly document any deviation from these guidelines and the rationale for the deviation. Even if formal assessment information isn't available in an area, the evaluation team is expected to consider data in all of these required areas and deviations should be extremely rare.

Review of existing evaluation data (REED)

☐ Previously conducted evaluation data, screening data, and/or SAT file documentation
Date conducted (e.g., final SAT meeting date, screening/evaluation dates):

☐ Previously gathered developmental, educational, medical, family, and social history
Date(s):

Updated/current evaluation data

☐ Updated developmental/educational, medical, family, and social history, including an interview with the parent(s)/guardian(s) and information from general education teachers
Date(s):

☐ Direct observations across multiple settings, both structured and unstructured and various times, by multiple observers

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

☐ Documentation of a traumatic brain injury (TBI, historical or medical documentation), including, if available, pre-injury functioning
Date(s):

☐ Comprehensive evaluations in each of the following areas (including formal, informal, and extant information)

- ☐ adaptive behavior
  Date(s):
- ☐ cognition
  Date(s):
- ☐ communication
  Date(s):
- ☐ sensory processing
  Date(s):
- ☐ social and emotional
  Date(s):

Potential additional components

The evaluation team must determine what Potential Additional Components of an initial evaluation are appropriate for each individual child.

Teams should consider an evaluation using a variety of data sources (or by a specific provider outlined below) if there is any concern that the child is demonstrating difficulties in this area or if there is not adequate existing data to describe the child's present levels of performance in that area.

- ☐ Academic achievement
  Date(s):
- ☐ Assistive technology
  Date(s):
- ☐ Behavior (frequency, intensity, duration, cause, and consequence)
  Date(s):
- ☐ Functional fine motor
  Date(s):
- ☐ Functional gross motor
  Date(s):

☐ Postsecondary transition (e.g., Transition Assessment Summary)
Date(s):

☐ Evaluation by medical provider (e.g., primary care, neurologist, or other specialist)
Date(s):

☐ Other evaluation data related to areas of concern (describe and include evaluation dates)

Determine the presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child has TBI as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Is the lack of (a) appropriate instruction in reading or math and/or (b) the opportunity to participate in developmentally appropriate early childhood experiences the primary reason for the child's educational performance difficulties? Select one
Justification and documentation:

⚠ *If answered **YES, the child is not eligible under the TBI category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

2. Is limited English proficiency the primary reason for the child's educational performance difficulties?
Justification and documentation:

⚠ *If answered **YES, the child is not eligible under the TBI category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

3. Considering all of the evaluation information, is the child appropriately described as a child with TBI as presented in NM TEAM (2026) by answering yes to **both** (a) and (b) below?

a) Are the child's characteristics consistent with the eligibility category of TBI as presented in NM TEAM (2026)?

b) Does the eligibility category of TBI better describe the child's disability than any other eligibility category?
Note: If the other eligibility category that better describes the child's disability is multiple disabilities (MD) and the child's characteristics are consistent with TBI, answer YES to this question to document the presence of TBI.

Justification and documentation:

⚠ *If answered **NO, the child is not eligible under the TBI category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?
   Justification and documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?
   Justification and documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?
   Justification and documentation:

⚠ *Answering **YES** to one or more of the above statements (1, 2, and/or 3) indicates that the child needs specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability is best described as TBI (prong 1) and that the child needs specially designed instruction because of TBI (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above.

Is the child eligible for special education and related services under the eligibility category of TBI as a primary disability?

☐ **Yes**. The child has the NM TEAM (2026) disability of TBI (prong 1) and requires specially designed instruction primarily because of this disability (prong 2), as documented above.

Note: If the EDT is considering the eligibility category of multiple disabilities (MD) and the answers to prongs 1 and 2 indicate that TBI describes the child's disability and need for specially designed instruction, it is appropriate to answer YES to this question.

☐ **No**. The child is not eligible for special education and related services primarily under the eligibility category of TBI because of one or more of the following reasons:

[1] The EDT's decision related to the child's need for special education and related services under an eligibility category other than TBI must be documented on the appropriate eligibility determination form.

[2] If the child demonstrates characteristics of TBI (according to NM TEAM (2026) and/or a medical diagnosis), the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.

☐ The child is not appropriately described as a child with TBI as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

- ☐ The child does not have the NM TEAM (2026) disability of TBI
- ☐ Another eligibility category better describes the child's primary disability, but if the child demonstrates characteristics of TBI, those needs will be addressed through an IEP if the child is eligible[1,2]

☐ The child does not require specially designed instruction primarily due to the disability of TBI (prong 2) because of one or two of the following (as documented above):

- ☐ The child does not have the NM TEAM (2026) disability of TBI
- ☐ The child's educational needs are met without specially designed instruction related to TBI or any other eligibility category
- ☐ The child demonstrates characteristics of TBI (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to TBI, if the child is eligible.[1,2]

☐ The EDT is unable to determine eligibility under the eligibility category of TBI. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

☐ Additional information from:

☐ Additional evaluation data in the following areas:

☐ Other:

TRAUMATIC BRAIN INJURY
REEVALUATION ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language(s):		Language(s) of Instruction:	
Is the child an English learner? Select one		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date:		
Other Eligibility Categories Under Consideration, if applicable:			

Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury 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. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma. (34 CFR Sec. 300.8(c)(12))

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the reevaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM, 2026):

Review of existing evaluation data (REED)
Date REED Process was completed:

Additional data
Were additional data (formal, informal, and/or extant information) gathered in the following areas?

Background Information
☐ Yes ☐ No
If yes, date(s) of new data:

Communication Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Physical Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Social, Emotional, and Behavioral Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Cognitive Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Functional Performance and Adaptive Behavior Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Academic Achievement Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Other Information

☐ Yes ☐ No

If yes, description and date(s) of new data:

NOTE: There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

Determine the continued presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child continues to have TBI as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Considering all of the evaluation information, does the child continue to be appropriately described as a child with TBI as presented in NM TEAM (2026) by answering yes to **both** (a) and (b) below?

Select one

a) Do the child's characteristics continue to be consistent with the eligibility category of TBI as presented in NM TEAM (2026)?

Select one

b) Does the eligibility category of TBI continue to better describe the child's disability than any other eligibility category?

Note: If the other eligibility category that better describes the child's disability is multiple disabilities (MD) and the child's characteristics are consistent with TBI, answer YES to this question to document the presence of TBI.

Justification and documentation:

⚠ *If answered **NO** to question 1**, the child is no longer eligible under the TBI category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child continue to require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate? Select One
   Justification and documentation:

2. As a result of the disability, does the child continue to require specially designed instruction in order to participate in extracurricular and other nonacademic activities? Select One
   Justification and documentation:

3. As a result of the disability, does the child continue to require specially designed instruction in order to be educated and participate with other children with and without disabilities? Select One
   Justification and documentation:

⚠ *Answering **YES** to one or more of the above statements (1, 2, and/or 3) indicates that the child continues to need specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability continues to be best described as TBI (prong 1) and that the child continues to need specially designed instruction because of TBI (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above during this reevaluation process.

Does the child continue to be eligible for special education and related services under the eligibility category of TBI?

☐ **Yes**. The child continues to have the NM TEAM (2026) disability of TBI (prong 1) and continues to require specially designed instruction because of this disability (prong 2), as documented above.

Note: If the EDT is considering the eligibility category of multiple disabilities (MD) and the answers to prongs 1 and 2 indicate that TBI describes the child's disability and need for specially designed instruction, it is appropriate to answer YES to this question.

☐ **No**. The child is no longer eligible for special education and related services under the eligibility category of TBI because of <u>one or more</u> of the following reasons:

[1] *The EDT's decision related to the child's need for special education and related services under an eligibility category other than TBI must be documented on the appropriate eligibility determination form.*

[2] *If the child demonstrates characteristics of TBI (according to NM TEAM (2026) and/or a medical diagnosis), the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.*

☐ The child is no longer appropriately described as a child with TBI as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

- ☐ The child no longer has the NM TEAM (2026) disability of TBI
- ☐ Another eligibility category better describes the child's primary disability, but if the child demonstrates characteristics of TBI, those needs will be addressed through an IEP if the child is eligible[1,2]

☐ The child no longer requires specially designed instruction due to the disability of TBI (prong 2) because of <u>one or two</u> of the following (as documented above):

- ☐ The child no longer has the NM TEAM (2026) disability of TBI
- ☐ The child's educational needs are now met without specially designed instruction related to TBI or any other eligibility category
- ☐ The child demonstrates characteristics of TBI (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to TBI, if the child is eligible.[1,2]

☐ The EDT is unable to determine eligibility under the eligibility category of TBI. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

☐ Additional information from:

☐ Additional evaluation data in the following areas:

☐ Other:

VISUAL IMPAIRMENT, INCLUDING BLINDNESS

INITIAL ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language(s):		Language(s) of Instruction:	
Is the child an English learner? Select one		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date, if applicable:		
Other Eligibility Categories Under Consideration, if applicable:			

A visual impairment, including blindness, means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness. (34 CFR Sec. 300.8(c)(13))

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the initial evaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM, 2026):

Required components

With rare exception, the evaluation team must include all of the elements outlined under Required Components. A team must clearly document any deviation from these guidelines and the rationale for the deviation. Even if formal assessment information isn't available in an area, the evaluation team is expected to consider data in all of these required areas and deviations should be extremely rare.

Review of existing evaluation data (REED)

☐ Previously conducted evaluation data, screening data, and/or SAT file documentation
Date conducted (e.g., final SAT meeting date, screening/evaluation dates):

☐ Previously gathered developmental, educational, medical, family, and social history
Date(s):

Updated/current evaluation data

☐ Updated developmental/educational, medical, family, and social history, including an interview with the parent(s)/guardian(s) and information from general education teachers
Date(s):

☐ Direct observations across multiple settings, both structured and unstructured and various times, by multiple observers

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

Date: Observer:

☐ Comprehensive evaluations in each of the following areas (including formal, informal, and extant information)

- ☐ adaptive behavior
  Date(s):
- ☐ assistive technology
  Date(s):

☐ Evaluation from specific professionals related to their area of expertise

- ☐ eye specialist
  Date(s):
- ☐ teacher of students with blindness/visual impairment (including functional vision assessment and learning media assessment)
  Date(s):

Potential additional components

The evaluation team must determine what Potential Additional Components of an initial evaluation are appropriate for each individual child.

Teams should consider an evaluation using a variety of data sources (or by a specific provider outlined below) if there is <u>any concern that the child is demonstrating difficulties in this area</u> or if there is not adequate existing data to describe the child's present levels of performance in that area.

- ☐ Academic achievement
  Date(s):
- ☐ Braille
  Date(s):
- ☐ Cognition
  Date(s):
- ☐ Communication (including pragmatics)
  Date(s):
- ☐ Functional fine motor
  Date(s):
- ☐ Functional gross motor
  Date(s):
- ☐ Orientation and mobility
  Date(s):
- ☐ Sensory processing
  Date(s):
- ☐ Social and emotional
  Date(s):

☐ Postsecondary transition (e.g., Transition Assessment Summary)
Date(s):

☐ Other evaluation data related to areas of concern (describe and include evaluation dates)

Determine the presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child has visual impairment, including blindness, as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Is the lack of (a) appropriate instruction in reading or math and/or (b) the opportunity to participate in developmentally appropriate early childhood experiences the primary reason for the child's educational performance difficulties? Select one
Justification and documentation:

⚠ *If answered **YES, the child is not eligible under the visual impairment, including blindness category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

2. Is limited English proficiency the primary reason for the child's educational performance difficulties?
Justification and documentation:

⚠ *If answered **YES, the child is not eligible under the visual impairment, including blindness category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

3. Considering all of the evaluation information, is the child appropriately described as a child with visual impairment, including blindness, as presented in NM TEAM (2026) by answering yes to **both** (a) and (b) below?

a) Are the child's characteristics consistent with the eligibility category of visual impairment, including blindness, as presented in NM TEAM (2026)?

b) Does the eligibility category of visual impairment, including blindness, better describe the child's disability than any other eligibility category?
Note: If the other eligibility category that better describes the child's disability is multiple disabilities (MD) and the child's characteristics are consistent with visual impairment, including blindness, answer YES to this question to document the presence of visual impairment, including blindness.

Justification and documentation:

⚠ *If answered **NO, the child is not eligible under the visual impairment, including blindness category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?
   Justification and documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?
   Justification and documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?
   Justification and documentation:

⚠ *Answering **YES** to one or more of the above statements (1, 2, and/or 3) indicates that the child needs specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability is best described as visual impairment, including blindness (prong 1) and that the child needs specially designed instruction because of visual impairment, including blindness (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above.

Is the child eligible for special education and related services under the eligibility category of visual impairment, including blindness, as a primary disability?

☐ **Yes**. The child has the NM TEAM (2026) disability of visual impairment, including blindness (prong 1) and requires specially designed instruction primarily because of this disability (prong 2), as documented above.

Note: If the EDT is considering the eligibility category of multiple disabilities (MD) and the answers to prongs 1 and 2 indicate that visual impairment, including blindness, describes the child's disability and need for specially designed instruction, it is appropriate to answer YES to this question.

☐ **No**. The child is not eligible for special education and related services primarily under the eligibility category of visual impairment, including blindness, because of one or more of the following reasons:

[1] *The EDT's decision related to the child's need for special education and related services under an eligibility category other than visual impairment, including blindness, must be documented on the appropriate eligibility determination form.*

[2] *If the child demonstrates characteristics of visual impairment, including blindness, (according to NM TEAM (2026) and/or a medical diagnosis), the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.*

☐ The child is not appropriately described as a child with visual impairment, including blindness, as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

- ☐ The child does not have the NM TEAM (2026) disability of visual impairment, including blindness
- ☐ Another eligibility category better describes the child's primary disability, but if the child demonstrates characteristics of visual impairment, including blindness, those needs will be addressed through an IEP if the child is eligible[1,2]

☐ The child does not require specially designed instruction primarily due to the disability of visual impairment, including blindness (prong 2) because of one or two of the following (as documented above):

- ☐ The child does not have the NM TEAM (2026) disability of visual impairment, including blindness

☐ The child's educational needs are met without specially designed instruction related to visual impairment, including blindness, or any other eligibility category

☐ The child demonstrates characteristics of visual impairment, including blindness, (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to visual impairment, including blindness, if the child is eligible.[1,2]

☐ The EDT is unable to determine eligibility under the eligibility category of visual impairment, including blindness. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

☐ Additional information from:

☐ Additional evaluation data in the following areas:

☐ Other:

VISUAL IMPAIRMENT, INCLUDING BLINDNESS
REEVALUATION ELIGIBILITY DETERMINATION DECISION DOCUMENTATION

Child's Name:		DOB:	
Gender: Select one		Age: Select age	
School:		Grade: Select grade	
State Student ID Number:			
District Student ID Number:			
Parent(s)/Guardian(s):			
Parent(s) Preferred Language(s):		Language(s) of Instruction:	
Is the child an English learner? Select one		Meeting Interpreter Needed: Select one	
EDT Meeting Date:	Review of Existing Evaluation Data (REED process) Completion Date:		
Other Eligibility Categories Under Consideration, if applicable:			

A visual impairment, including blindness, means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness. (34 CFR Sec. 300.8(c)(13))

Documentation of evaluation data

The eligibility determination team (EDT) reviewed and/or gathered the following data as part of the reevaluation process, according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM, 2026):

Review of existing evaluation data (REED)
Date REED Process was completed:

Additional data
Were additional data (formal, informal, and/or extant information) gathered in the following areas?

Background Information
☐ Yes ☐ No
If yes, date(s) of new data:

Communication Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Physical Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Social, Emotional, and Behavioral Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Cognitive Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Functional Performance and Adaptive Behavior Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Academic Achievement Factors
☐ Yes ☐ No
If yes, date(s) of new data:

Other Information
☐ Yes ☐ No
If yes, description and date(s) of new data:

NOTE: There are no specific reevaluation eligibility criteria, therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

Determine the continued presence of a disability (Prong 1)

The questions below should be answered to help the EDT determine whether or not the child continues to have visual impairment, including blindness, as defined by NM TEAM (2026) based on the evaluation data documented above.

1. Considering all of the evaluation information, does the child continue to be appropriately described as a child with visual impairment, including blindness, as presented in NM TEAM (2026) by answering yes to **both** (a) and (b) below? **Select one**

   a) Do the child's characteristics continue to be consistent with the eligibility category of visual impairment, including blindness, as presented in NM TEAM (2026)?
   Select one

   b) Does the eligibility category of visual impairment, including blindness, continue to better describe the child's disability than any other eligibility category?
   Note: If the other eligibility category that better describes the child's disability is multiple disabilities (MD) and the child's characteristics are consistent with visual impairment, including blindness, answer YES to this question to document the presence of visual impairment, including blindness.

Justification and documentation:

⚠ *If answered **NO** to question 1**, the child is no longer eligible under the visual impairment, including blindness, category. Stop and continue to the section of this document titled: Eligibility determination decision** and answer 'No' to Presence of a Disability (prong 1).*

Determine need for specially designed instruction (Prong 2)

The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004) based on the evaluation data documented above.

1. As a result of the disability, does the child continue to require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate? Select One
   Justification and documentation:

2. As a result of the disability, does the child continue to require specially designed instruction in order to participate in extracurricular and other nonacademic activities? Select One
   Justification and documentation:

3. As a result of the disability, does the child continue to require specially designed instruction in order to be educated and participate with other children with and without disabilities? Select One
   Justification and documentation:

⚠ *Answering **YES** to <u>one or more</u> of the above statements (1, 2, and/or 3) indicates that the child <u>continues to</u> <u>need</u> specially designed instruction. Continue to **Eligibility determination decision** and answer "YES" to document that the child's disability continues to be best described as visual impairment, including blindness (prong 1) <u>and</u> that the child continues to need specially designed instruction because of visual impairment, including blindness (prong 2).*

Eligibility determination decision

The questions below serve as documentation of the EDT's final eligibility determination decision for this child based on the referral and all evaluation data documented above during this reevaluation process.

Does the child continue to be eligible for special education and related services under the eligibility category of visual impairment, including blindness?

☐ **Yes**. The child continues to have the NM TEAM (2026) disability of visual impairment, including blindness (prong 1) and continues to require specially designed instruction because of this disability (prong 2), as documented above.

Note: If the EDT is considering the eligibility category of multiple disabilities (MD) and the answers to prongs 1 and 2 indicate that visual impairment, including blindness describes the child's disability and need for specially designed instruction, it is appropriate to answer YES to this question.

☐ **No**. The child is no longer eligible for special education and related services under the eligibility category of visual impairment, including blindness, because of <u>one or more</u> of the following reasons:

[1] *The EDT's decision related to the child's need for special education and related services under an eligibility category other than visual impairment, including blindness, must be documented on the appropriate eligibility determination form.*

[2] *If the child demonstrates characteristics of visual impairment, including blindness, (according to NM TEAM (2026) and/or a medical diagnosis), the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.*

☐ The child is no longer appropriately described as a child with visual impairment, including blindness, as a primary eligibility category (prong 1) according to NM TEAM (2026) because of one or both of the following:

- ☐ The child no longer has the NM TEAM (2026) disability of visual impairment, including blindness
- ☐ Another eligibility category better describes the child's primary disability, but if the child demonstrates characteristics of visual impairment, including blindness, those needs will be addressed through an IEP if the child is eligible[1,2]

☐ The child no longer requires specially designed instruction due to the disability of visual impairment, including blindness (prong 2) because of <u>one or two</u> of the following (as documented above):

- ☐ The child no longer has the NM TEAM (2026) disability of visual impairment, including blindness

- ☐ The child's educational needs are now met without specially designed instruction related to visual impairment, including blindness, or any other eligibility category
- ☐ The child demonstrates characteristics of visual impairment, including blindness, (according to NM TEAM (2026) and/or medical diagnosis) but the child's primary need for specially designed instruction is better described under another eligibility category. The child's IEP team will address the child's needs related to visual impairment, including blindness, if the child is eligible.[1,2]

☐ The EDT is unable to determine eligibility under the eligibility category of visual impairment, including blindness. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

- ☐ Additional information from:

- ☐ Additional evaluation data in the following areas:

- ☐ Other:

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APPENDIX G: ELIGIBILITY DETERMINATION TEAM MEETING SIGNATURE PAGE

This section includes the form required to document participation by required team members in the EDT process.

Unlike previous versions of NM TEAM, there is only one signature page required (rather than one for each EDT worksheet), allowing the EDT to sign one time indicating participation in the decision making process for all eligibility categories considered.

Teams are encouraged to remind meeting participants that, consistent with signatures on the IEP forms, signatures reflect participation in the process rather than agreement with any decision.

The Public Agency has the responsibility to inform a parent of the Public Agency's decisions related to identification, evaluation, educational placement, or provision of FAPE. If the parent disagrees with the proposals, their concerns should be considered in a meaningful way and documented in the appropriate space on the PWN form. If they continue to disagree with a decision made by the Public Agency, the parent should be informed of their parental rights to resolve disputes.

Eligibility Determination Team Meeting Participation Signatures

Signatures below indicate participation in the EDT meeting for this child, not agreement with the final determination made. Only one signature page is required, regardless of how many eligibility categories were under consideration at the meeting.

Eligibility Categories Considered

The following eligibility categories were discussed and considered during this EDT Meeting and an EDT worksheet was completed for each one documenting the EDT's discussion and decision:

☐ Autism	☐ Deaf-blindness	☐ Developmental delay
☐ Emotional disturbance	☐ Hearing impairment, including deafness	☐ Intellectual disability
☐ Multiple disabilities	☐ Orthopedic impairment	☐ Other health impairment
☐ Specific learning disability	☐ Speech or language impairment	
☐ Traumatic brain injury	☐ Visual impairment, including blindness	

Eligibility Determination Decision

The following eligibility category, if any, was determined to be the child's primary eligibility category for special education and related services. If the child was found eligible for special education and related services, the child's IEP team must ensure that the child's needs are addressed in the IEP, regardless of primary or secondary eligibility.

☐ Autism	☐ Deaf-blindness	☐ Developmental delay
☐ Emotional disturbance	☐ Hearing impairment, including deafness	☐ Intellectual disability
☐ Multiple disabilities	☐ Orthopedic impairment	☐ Other health impairment
☐ Specific learning disability	☐ Speech or language impairment	
☐ Traumatic brain injury	☐ Visual impairment, including blindness	
☐ None. The child was not found to be eligible for special education and related services under any eligibility category		

Participants

The asterisked members below are **required** members of all EDT meetings. Other members may be required.

Name/Title	Date	Signature of Participation *Signatures reflect participation in the EDT meeting, not agreement with the decision of the EDT.*
Parent/Guardian*		Select one
Parent/Guardian		Select one
Child		Select one
General Education Teacher of the Child*		Select one
Special Education Teacher of the Child*		Select one
District Representative*		Select one
Person Interpreting Instructional Implications of Evaluation Results* *This can be another member of the IEP team.*		Select one

Additional Participants

Name/Title	Date	Signature of Participation *Signatures reflect participation in the EDT meeting, not agreement with the decision of the EDT.*

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APPENDIX H: RESOURCES

Center for Development and Disability (CDD)
505-272-3000
http://cdd.unm.edu/

Council for Exceptional Children (CEC)
888-CEC-SPED (232-7733)
www.cec.sped.org

CDD Information Network Library
Toll Free: 800-827-6380

Developmental Disabilities Supports Division
Regional Offices Metro: 800-283-5548
Northwest: 866-315-7123
Northeast: 866-742-5226
Southwest: 866-895-9138

Early Childhood Evaluation Program Center for Development & Disability
University of New Mexico
Toll Free: 800-337-6076
505-272-2756 (Albuquerque)

Family Infant Toddler Program (FIT)
Long Term Services Division
New Mexico Department of Health
Toll Free: 1-877-696-1472

Indian Health Services
505-248-4500
http://www.ihs.gov/

LINC (Library and Information Network for the Community)
University of New Mexico
Toll Free: 800-827-6380 (toll free)
505-272-0281 (Albuquerque)

National Dissemination Center for Students with Disabilities
http://www.nichcy.org/

New Mexico Administrative Code
http://164.64.110.239/nmac/

New Mexico Kids
www.newmexicokids.org

New Mexico School Health Manual
http://www.nmschoolhealthmanual.org/index.html
Blank Individualized Health Care Plan Form:
http://www.nmschoolhealthmanual.org/forms/sectionV/36_ihp.doc

New Mexico Technology Assistance Program (NMTAP)
Toll Free: 800-866-2253
http://www.nmtap.com/

Office of Special Education Programs
http://www2.ed.gov/about/offices/list/osers/osep/index.html

Parents for Behaviorally Different Children
Toll Free: 800-273-7232
www.pbdconline.org

Parents Reaching Out
Toll Free: 800-524-5176 (toll free)
505-247-0192 (Albuquerque)
www.parentsreachingout.org

Public Education Department Special Education Bureau
505-827-1457
www.ped.state.nm.us/seo/index.htm

University of New Mexico Center for Development and Disability (UNM-CDD)
505-272-3000
http://cdd.unm.edu

The New Mexico Public Education Department, Division of Vocational Rehabilitation
505-954-8500
http://www.dvrgetsjobs.com

The United Way
505-247-3671
https://www.unitedway.org/

What Works Clearinghouse
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APPENDIX I: REFERENCES

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