



Eligibility for Special Education

Description

Federal and state laws require that students be found eligible for special education prior to obtaining services. The student must meet eligibility criteria in one or more of the following categories:

- Children between three and six years old experiencing developmental delays
- Children between six years old and eighteen years old with the following:
 - Language and speech disorder
 - Specific Learning Disability including dyslexia
 - Intellectual Impairment
 - Autism
 - Visual Impairment (including blindness)
 - Hearing Impairment (including deafness)
 - Both hearing and visual impairment
 - Attention Deficit Hyperactivity Disorder
 - Other Health Impaired (impaired in strength, vitality, or alertness due to chronic or acute health problems)
 - Orthopedic Impairment
 - Traumatic Brain Injury
 - Emotional Disturbance
 - Multiple Disabilities
- Adults between 18 and 21 years old can continue receiving special education if
 - The student was in special education by 19 years old and
 - Has not met proficiency standards or
 - Has not completed prescribed course of student or
 - Has not graduated from high school with a regular high school diploma.

In addition to meeting the eligibility criteria, the student must have an impairment that adversely affects his or her educational performance and requires special education. 34 C.F.R. Sec. 300.8; 5 C.C.R. Sec. 3030

Children with disabilities from birth through age three can obtain early intervention services through the

Regional Center. From age three until six, a child would receive special education preschool services from their school. After age six, the child would receive special education services from a school district.

In order to qualify for special education, the school district first conducts an assessment. Once the assessment is completed, an Individualized Education Program Meeting is held to review the assessment and make a determination. Parents are members of the IEP team and participate in making decisions about eligibility.

Our attorneys are experienced in reviewing assessment findings and representing parents at IEP meetings. Our knowledge of eligibility criteria and how to apply assessment findings go a long way in securing special education services for the child. . In addition, we advise parents on obtaining independent assessments if there is a disagreement with a school district assessment. We also file for due process hearings if the school district denies a child eligibility.

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