**Determining Eligibility for an IEP**

Once all the evaluations are completed, the IEP team develops a written summary of the test results.  Next, the IEP team, which includes the parents, meets to consider all available information to determine if your child has an educational disability.  Having a medical diagnosis does not automatically qualify a child for special education, though in some cases a medical diagnosis is required to determine eligibility.  There are also specific requirements under federal guidelines as to who is qualified to diagnose certain disabilities.  To be eligible for special education, your child must have an educational disability.  An educational disability is defined as one of 13 categories below that adversely affects their educational performance and requires special education and related services.

* **Intellectual Disability (formerly referred to as Mental Retardation)** – Generally perceived to be an IQ less than 70.
* **Emotional disturbance** **(ED)**– An emotional disturbance can include mental health illnesses or concerns such as bipolar disorder, depression, anxiety disorder, schizophrenia, post-traumatic stress disorder (PTSD), obsessive compulsive disorder (OCD) but not behavior disorders such as oppositional defiant disorder (ODD) or children who may be socially maladjusted.  An emotional disturbance is broadly defined as a condition where the child exhibits one of more of the following over a long period of time:
  + Inability to learn that can’t be explained by intellectual, sensory or health factors
  + Inability to build or maintain appropriate relationships with peers and teachers
  + Inappropriate feelings or behaviors under normal circumstance
  + General pervasive depression or unhappiness
* **Autism** – Autism is defined as a developmental disability that significantly affects verbal and nonverbal communication and social interactions.  Children with autism also typically engage in repetitive activities and stereotyped movements, have great difficulty with change in daily routine and difficulty handling sensory stimuli. Though it is generally diagnosed by age 3, an older child can also be diagnosed with autism if they experience the above characteristics.  The autism category can include any of the autism spectrum disorders such as PDD, PDD NOS, Asperger’s Syndrome.
* **Traumatic brain injury (TBI) –** A TBI is defined as an acquired brain injury and  not as a brain injuries that is congenital or degenerative or that was caused by birth trauma.  The TBI results in a total or partial functional disability or psychosocial disability or both.  This could be an open or closed head injury that results in impairments in cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem solving, sensory, perceptual and motor abilities, psychosocial behavior, physical functioning, information processing and speech.
* **Acquired Brain Injury (ABI)** – This refers to a brain injury that occurs after birth. It includes injury caused by infection, disease, or lack of oxygen resulting in total or partial functional disability or psychosocial impairment, or both.
* **Other health impairment** **(OHI)**- This means the child has limited strength or alertness to the educational environment related to a health condition.  It also can refer to a heightened alertness to stimuli, like in the case of ADD and ADHD.   OHI can also include sensory integration dysfunction, anxiety disorder, asthma, sickle cell anemia, diabetes, epilepsy, lead poisoning leukemia, nephritis, food allergies.
* **Multiple disabilities**- This means that there is a combination of disabilities that are so connected that they cause such a significant disability that the needs can not be met in a special education program designed solely for one of the disabilities.  Generally, this would include mental retardation and another disability.  For instance, mental retardation and blindness.
* **Hearing impairment** **(HI)**– Whether with or without amplification, and includes deafness.
* **Speech or language impairment** **(SL)**- This not only includes articulation issues, but can also include impairments in language processing.
* **Visual impairment** **(VI)**– This includes partial sightedness and blindness.
* **Deaf/blindness** – This means that there is co-existing blindness and deafness which combined present unique needs that can not be met in educational programs designed for those who are solely blind or designed for those who are solely deaf.
* **Developmental delay for children ages 3-10** **(DD)**- Sometimes it can be difficult to diagnose disabilities in young children.  The category of developmental delay is designed to be used when the team suspects a child is eligible under another category, but are unable to define or diagnose a specific disability at that time.  However, by age 9 the team needs to decide which of the other categories best describes the child’s disability.
* **Orthopedic impairment** – This includes congenital anomaly such as clubfoot, or impairments caused by disease or conditions such as cerebral palsy or amputations.
* **Specific learning disabilities** (**LD)** – There are 7 types of Learning Disabilities:
  + Oral Expression
  + Listening Comprehension
  + Written Expression
  + Basic Reading skill
  + Reading Comprehension
  + Math Calculation
  + Math Reasoning

It is important to notice that terms such as dyslexia, non-verbal learning disorder (NVLD/NLD) and ADD do not appear in the list of educational disabilities.  That does not mean they do not qualify for special education.  ADD and ADHD are categorized under Other Health Impairment and require a doctor’s diagnosis.  Dyslexia, dysgraphia, executive functioning disorder and NVLD typically fall under the category of specific learning disability.

Once your child is determined eligible for special education and under what category or code, the team must present you with Written Prior Notice (WPN)of its decision.  The IEP team then has 30 days to begin writing your child’s Individualized Education Program (IEP).  Sometimes this happens at the same time as eligibility is determined and sometimes it is a separate meeting.