

A PEATC

Do You Know....



Factsheet for Virginia's Parents - Eligibility

IS MY CHILD ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES?

Your child has been identified as needing extra help in school. You have agreed to have your child tested to find out his learning and developmental needs. Testing has been done, and now it's time to meet to discuss what the tests say. (see also PEATC fact sheet on "Requesting an Evaluation.")

The Meeting

The eligibility meeting is very important. You should be sure to attend the meeting as important decisions will be made. It is good to bring someone with you to the meeting. That person can take notes and provide support.

You have the right to receive your child's test results at least 2 days before the meeting. This way you have time to read them and come up with questions to ask at the meeting.

The team must be qualified to have conducted the testing, analyzed it, and to have developed recommendations about your child's educational needs including any behavior or medical needs that may affect his learning.

At the eligibility meeting, your child's team will:

- Review evaluation results and answer your questions
- Decide if your child qualifies as a child with a disability under IDEA
- If the answer is yes, decide if he is eligible for special education and related services under one of the 14 specific disability category (e.g., autism, learning disability)

Your child cannot be found eligible for special education and related services if the reason that he meets the eligibility criteria is because he has not had appropriate instruction in reading or math; or if he uses a language other than English.

ELIGIBILITY FOR SPECIAL EDUCATION

Before a child can be found eligible for special education services for the first time, evaluations must be done.

The Eligibility Team includes:

- **You – the parent**
- The school special education administrator
- A special education teacher
- A general education teacher
- A person qualified to conduct testing
- School staff who work in the areas tested

Contact Us:

800-869-6782 / 703-923-0010

www.peatc.org

Hablamos Español

Factsheet for Virginia's Parents

Disability Categories for Eligibility

A medical diagnosis of a disability does not mean a student is eligible for special education and related services. The student **MUST** meet specific rules. These are included in Virginia's State regulations for special education which you can [find here](#), beginning on page 29.

The regulations provide a lot of information about eligibility and other special education rules. They can be hard to understand, so feel free to ask questions.

What if My Child is Not Eligible?

If the team decides your child is not eligible for special education and related services, they must tell you why, in writing. This is called Prior Written Notice. Information about the evaluations related to your child's education has to be provided to your child's teacher or other school-based team, including a private school if you agree to the results being shared.

You have the right to appeal the eligibility decision if you disagree with it. The school must give you information on your rights as a parent (called Procedural Safeguards) and information about resources that can help you if you don't agree with the decision or any part of it.

What Happens Next?

If your child is found eligible by the team, an Individualized Education Program (IEP) will be developed within 30 calendar days and include all of the services and supports that your child needs to succeed in his learning. You and your child are important members of the IEP team.

Eligibility Categories

Children with disabilities (age 2-21) may be eligible for special education and related services. Below are the eligibility categories. These are defined in the VA Regulations for Special Education.

- Autism
- Deaf-Blindness
- Deafness
- Developmental delay (ages 2-6)
- Emotional Disability
- Hearing Impairment
- Intellectual Disability
- Multiple disabilities
- Orthopedic Impairment
- Other Health Impairment
- Specific Learning Disability
- Speech or Language Impairment
- Traumatic Brain Injury
- Visual Impairment

PEATC's mission focuses on building positive futures for Virginia's children by working collaboratively with families, schools and communities to improve opportunities for excellence in education and success in school and community life.

For more information about us, please contact:

800-869-6782 / 703-923-0010

www.peatc.org



The contents of this factsheet were developed under a grant from the Department for Aging and Rehabilitative Services and the US Department of Education, #H328M140013-18. However, those contents do not necessarily represent the policy of the US Department of Education, and you should not assume endorsement by the Federal Government Project Officer. PEATC is not a legal services agency and cannot provide legal advice or legal representation. Any information contained in this factsheet is not intended as legal advice and should not be used as a substitution for legal advice.

