COLORADO
Department of Education

Colorado IEP Parent Training

Module 3: Special Education Eligibility

May 15, 2026

Module 3 overview

- Overview of eligibility process
- Multidisciplinary team determination
- Categories of disability
- Meaning of primary disability category
- First 5 questions for all children
- Determination of disability category
- Parent consent to initial special education services

Review of acronyms

- **IDEA**: The Individuals with Disabilities Education Act
- **ECEA**: The Exceptional Children's Educational Act
- **CDE**: Colorado Department of Education
- **AU**: Administrative Unit, which includes school districts and Boards of Cooperative Education Services (BOCES), etc.
- **FAPE**: Free Appropriate Public Education
- **IEP**: Individualized Education Program
- **PSN**: Procedural Safeguards Notice
- **PWN:** Prior Written Notice

Overview of eligibility process

1. The school gives the parents notice of the eligibility meeting. This happens after the evaluation is completed.
2. The multidisciplinary team (MDT) meets to determine eligibility.
3. The MDT must determine that the child has a disability as defined under ECEA, experiences an adverse educational impact because of the disability, and needs specially designed instruction.
4. If the child is determined eligible, parent consent is needed if parents want their child to begin receiving special education services.
5. After the school receives parent consent, the MDT develops an Individualized Education Program (IEP).

Notice of meeting

- Parents must be given a **notice of meeting** before the eligibility meeting.
- The notice must include:
  - The purpose, time and place of the meeting.
  - Who will be attending. This could be by role rather than names.
  - That parents may invite others.
- The notice must be given early enough for parents to have an opportunity to attend. It is common practice, but not required, to give notice at least 10 days before the meeting.
- The AU must ensure that parents whose native language is not English understand the notice.

Multidisciplinary team

- The eligibility determination is made by a multidisciplinary team knowledgeable about the child and the meaning of the evaluation data. The team includes the parents. ECEA Rule 4.02(6)(b).



Eligibility determination

- Not every child with a disability needs special education. Schools provide a continuum of interventions and supports outside of special education to support individual children's needs.
- To be eligible for special education in Colorado:
  1. The child must have a qualifying disability as defined by ECEA.
  2. The child must experience an adverse educational impact as a result of the disability.
  3. The child must need specially designed instruction to access and benefit from general education.



Determination based on educational definitions

- IDEA/ECEA eligibility categories are specific to education.
- A special education eligibility determination is different from medical diagnosis.
- A medical diagnosis will be considered as part of the evaluation.
- For example, a child may have a clinical diagnosis of Autism Spectrum Disorder (ASD) based on the criteria of the Diagnostic and Statistical Manual (DSM-5). This will be considered by the MDT but will not by itself mean that the child meets the criteria for the ECEA definition of ASD.
- For more information, see The Consideration of Medical/Clinical Diagnoses in the Educational Identification of Disabilities under IDEA

Categories of disability

- Categories of disability
  - IDEA defines 13 official categories of disability (20 USC §1401(3)(A); 34 CFR § 300.8).
  - States may have slightly different definitions or criteria for specific categories.
  - For example, Colorado uses:
    - “Developmental delay” for children ages 3 through 8 (ends at 9)
    - “Infant/Toddler with a Disability” for birth to age 3
    - “Serious Emotional Disability” rather than “Emotional Disturbance.”

Colorado disability categories

- Autism Spectrum Disorder (ASD)
- Deaf-Blindness
- Developmental Delay (ages 3 through 8)
- Hearing Impairment, Including Deafness
- Infant/Toddler with a Disability (up to 3)
- Intellectual Disability
- Multiple Disabilities
- Orthopedic Impairment
- Other Health Impaired (OHI)
- Serious Emotional Disability (SED)
- Specific Learning Disability (SLD)
- Speech or Language Impairment
- Traumatic Brain Injury (TBI)
- Visual Impairment, Including Blindness

Primary disability category

- A child may meet the criteria for more than one disability category.
- The MDT may identify a Primary Disability and one or more Secondary Disabilities. The Primary Disability is the one that has the greatest impact on the child's learning.
- The IEP is based on the unique and individualized educational needs of the child, and not a label or disability category.
- The IEP is based on the child's educational needs. All special education needs must be identified, even if not usually linked to the primary disability category.

Multiple disabilities vs. multiple categories

- Children may meet the definition of more than one disability category. This does not mean they meet the definition of “Multiple Disabilities.”
- Multiple Disabilities is a specific category. It is for a child with **two or more areas of significant impairment, one of which is an intellectual disability**. The combination of such impairments creates a unique condition. The child will have a multiplicity of severe educational needs.

First 5 questions for all children

- For all disability categories, the MDT must first determine that:

  1. The **evaluation is sufficiently comprehensive** to appropriately identify all the child's special education and related service needs, whether or not commonly linked to the disability category;

  2. The child ***cannot*** **receive reasonable educational benefit from general education alone;**

  3. The child's performance is **not due to a lack of appropriate instruction in reading**, including the essential components of reading instruction;

  4. The child's performance is **not due to a lack of appropriate instruction in math**; and

  5. The child's performance is **not due to limited English proficiency**.

Questions 3 & 4: Not due to lack of instruction

- To rule out lack of appropriate instruction, the MDT must determine that the child:
  - has not had adequate achievement for their age and grade level
  - despite being provided with appropriate instruction.
- The MDT will review information such as:
    - Existing data
    - Analysis of instruction
    - Response to research-based interventions
- This analysis is particularly important for a Specific Learning Disability determination. Slides 17 and 18 have more information.

Question 5: Not due to limited English proficiency

- To determine that the child's performance is not due to limited English proficiency, relevant information might include:
- English Language Proficiency (ELP) level data
- Level(s) of proficiency across domains in the primary language.
- Information about formal education (or interruption of education).
- Information about practices in the home.
- Data comparison with True Peer Comparative Data.
- Factors such as the student's background knowledge, lived experiences, access to academic content, access to the English language, and the child's and family's cultural values and expectations.

For each disability category

- The MDT must consider how the evaluation data supports (or goes against) the determination of the disability category.
- The basis for the determination of disability category must be documented in writing.
- Model eligibility forms are provided for convenience on CDE's website under Individualized Education Program, Disability Categories and Eligibility Criteria.
- The MDT must also determine that the disability prevents the child from receiving reasonable educational benefit from general education (e.g., to access and benefit from the general education curriculum).

Specific learning disability -1

- Specific learning disability (SLD) is the most common category of disability.
- For a determination of SLD, there must be a “body of evidence” that confirms both the presence of an academic skill deficit and insufficient progress in an identified area.
- The areas are oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematical calculation, and mathematics problem solving.
- Learn more about Colorado’s criteria. Specific Learning Disability Evaluation and Eligibility.

Specific learning disability – 2

- The MDT must also determine that its findings are not primarily the result of—
  - A visual, hearing, or motor disability;
  - An intellectual disability;
  - Emotional disturbance;
  - Cultural factors;
  - Environmental or economic disadvantage; or
  - Limited English proficiency.
  - 34 CFR § 300.309(a)(3).

Options when parents disagree with the disability category

- The parents' disagreement with the eligibility category should be documented.
- The parents can request another MDT meeting to discuss their concerns about the eligibility category. (Keep in mind that the IEP will be developed to meet the child's educational needs, even if those needs are not usually linked to the specific disability category.)
- The parents can request a CDE special education meeting facilitator for the MDT meeting.
- The parents can request an Independent Educational Evaluation (IEE) at public expense.
- If the parents' concerns are not resolved, the parents can consider dispute resolution (DR) options.
- More on meeting facilitators and DR in **Module 9.**

Consent to special education

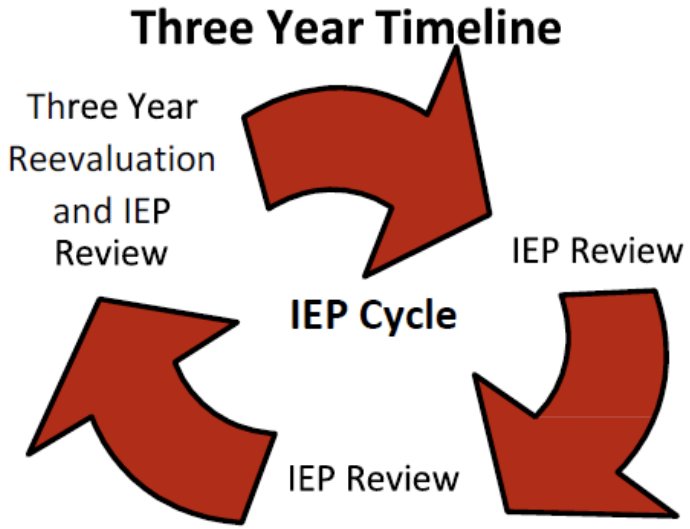
- For eligible children, parent consent is needed if parents want their child to begin receiving special education and related services.
- Parents need to sign a Prior Written Notice & Consent for Initial Provision of Special Education and Related Services that is provided by the AU after the eligibility determination.
- After the school receives the signed consent, the IEP can be developed.
- **Module 4** is about IEP development.

Parents can refuse or revoke consent.

- Parents can refuse to consent to special education and related services for their child.
- If parents refuse special education and related services, the AU cannot use due process to get consent. The child will not receive the services.
- Parents can revoke consent for special education and related services.
- If parents revoke consent for special education and related services, the child can no longer receive them. The child must go through the evaluation and eligibility process before they can receive special education again.

Eligibility redetermination

- Once a student has been found eligible for special education, a reevaluation must be done at least once every three years.
- Eligibility will be considered at every reevaluation.
- A parent or the AU can request a reevaluation sooner if they have concerns that the child's educational needs have changed.



Reevaluation scenario

- With parent consent, the school completed the child's reevaluation on time. At the time of the reevaluation, the child's eligibility category was Specific Learning Disability.
- The MDT determined that the child was functioning well in the regular classroom with accommodations. They determined the child did not need specially designed instruction.
- The MDT recommended accommodations under a Section 504 Plan instead.
- The parents disagree with the determination. They want the child to continue to receive special education and related services.

Reevaluation scenario parent options

- The parents' disagreement should be noted.
- The parents can request that the MDT meet again to discuss their concerns.
- Parents can request an Independent Educational Evaluation (IEE) at the AU's expense because they disagree with the evaluation. Or parents can pay to have an IEE done and request reimbursement. The IEE must meet the AU's criteria.
- Parents can request a CDE special education meeting facilitator for the MDT meeting.
- Parents can use IDEA dispute resolution (DR) options.
- **Module 9** on Resolving Disagreements includes more information on meeting facilitation and DR options.

Individual support

Families, educators, and other professionals with questions about Special Education or needing assistance can contact CDE's Office of Special Education.

Phone: 720-926-1453

Email:

Parents_ESSUquestions@cde.state.co.us



CDE/Colorado resources

- CDE, Colorado Procedural Safeguards Notice (linked on CDE's Individualized Education Program page and at Dispute Resolution, Parent and Child Rights in Special Education)
- CDE, The Consideration of Medical/Clinical Diagnoses in the Educational Identification of Disabilities under IDEA
- CDE, Specific Learning Disability Evaluation and Eligibility
- CDE, Cultural and/or Linguistic Diversity & Specific Learning Disability