Statewide Training updated by CDE March 2013

Overview Slides:

HB11-1277

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The following slides included in this training PowerPoint provide an overview of HB11-1277 content, timelines, and next-steps specific to eligibility of students for special education services.

It is recommended that these slides be used in advance of any of the training guidance PowerPoints on individual eligibility categories.

Together We Can

Vision

All students in Colorado will become educated and productive citizens capable of succeeding in a globally competitive workforce.

Mission

The mission of CDE is to shape, support, and safeguard a statewide education system that prepares all students for success in a globally competitive world.

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HB11-1277 Statutory Changes to PK-12 Education

- Made several conforming amendments in the Exceptional Children's Educational Act (ECEA) to align with federal terms and requirements and/or terminology used in the field. Passed May 2011.

- IDEA provides broad disability category definitions and charges each State with expansion and clarification of criteria for each definition.

Definition = a brief precise statement of what a word or expression means, e.g., in a dictionary.

Criteria = an accepted standard used in making a decision or judgment about something.

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The specificity of the criteria is important as it gives guidance on which children are eligible as a child with a disability and which are not.

HB11-1277 Statutory Changes to the Eligibility Categories

A. Autism Spectrum Disorder

B. Hearing Impairment, Including Deafness

C. A Serious Emotional Disability

D. An Intellectual Disability

E. Multiple Disabilities

F. An Orthopedic Impairment

G. Other Health Impairment

There are 13 disability categories for school-age learners and one specific to infants and toddlers. Three of the disability categories did not change their titles; the remaining 11 have title changes per alignment with the federal IDEA definitions.

Two broad existing categories (*multiple disabilities and physical disability) were further divided* into new categories. Deaf-blindness is now a self-standing definition and not merged within the category of multiple disabilities. Traumatic Brain Injury, Autism Spectrum Disorder, Orthopedic Impairment, and Other Health Impaired are now four distinct definition categories instead of falling under the former category of Physical Disability.

HB11-1277 Statutory Changes
Eligibility Categories

H. **A Specific Learning Disability**

I. **A Speech or Language Impairment**

J. **Traumatic Brain Injury**

K. **A Visual Impairment, Including Blindness**

L. **Deaf-Blindness**

M. **A Preschooler with a Disability** (A Child with a Developmental Delay)

N. **An Infant or Toddler with a Disability**

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The HB11-1277 legislation changed "Preschool Child with a Disability" to "Preschooler with a Disability" but since the passage of HB11-1277, the 2012 Colorado legislature passed a new bill to change the definition category of Preschooler with a Disability to a Child with a Developmental Delay.

The definition and criteria for Child with a Developmental Delay was voted on by the State Board of Education in January 2013 and was effective on March 2, 2013.

Changes to Eligibility Criteria

- Ten of the eligibility categories have substantive revisions to their eligibility criteria based on federal IDEA regulations and specific criteria determined by the Colorado stakeholders.

- Two of the disability categories (*specific learning disability and speech or language impairment*) do not have name or eligibility criteria changes other than an alignment of new terminology and format.

- *Infant and Toddler with a Disability* is defined by the Colorado Department of Human Services, which is the lead agency for Part C.

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Key Timelines

- At this time, each Colorado administrative unit (AU) can begin the process of adopting the revised definitions.

- **The new eligibility categories, definitions and criteria must be adopted in full by July 1, 2016.**

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When May and Must AUs Use the Revised Eligibility Definitions

- Administrative units (AUs) have the flexibility to develop their own phase-in plan with the understanding that all AU must use the revised eligibility category labels, definitions, and criteria for every child identified with a disability by July 1, 2016.

- If every administrative unit adopts the revised eligibility labels, definitions, and criteria prior to July 1, 2016, then the CDE will cease using the former definitions and eligibility criteria on all CDE paperwork regarding the State Individualized Education Program, data collections, etc.

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How will the Revised Definitions be Applied to Current IEP Students?:

- The CDE recommends that after an AU adopts the revised eligibility definitions and criteria, it apply those new definitions and criteria no later than at the students' next triennial evaluation, using the new updated eligibility checklists.

- These assignments of new categories to identified students will be reevaluations (not initial evaluations), and should be completed consistent with the regulations relating to reevaluations.

- An IEP team may determine that to continue a student's ID as a *child with a disability*, additional data or formal testing are required, or, conversely, may review the existing data and determine that additional data are not needed.

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Former and Revised Eligibility Checklists

- The former and updated IEP disability-specific Eligibility Checklists are posted on the CDE ESSU website at:

  http://www.cde.state.co.us/cdesped/IEP_Forms.asp

  Scroll down toward to find the chart containing the Eligibility Checklists.

What if an AU would like to Continue to Use the Old Eligibility Checklists?

Administrative units will still have access to "old" eligibility checklists with the eligibility criteria that was in effect prior to the passage of HB11-1277 (May 2011).

These forms will also be posted on the CDE website until they are no longer being used by any Colorado administrative unit and/or before July 1, 2016. These forms have been adapted to include both the former and the new disability name of the eligibility category.

The web link for both the "old" and new eligibility checklists is:

http://www.cde.state.co.us/cdesped/IEP_Forms.asp

Exiting Students

If a student is no longer eligible for special education services based on the revised eligibility criteria, the AU should proceed with "exiting" the student from special education consistent with the IDEA's procedural safeguards, including providing prior written notice to the parents.

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CDE Data Collections

How will the CDE Data Collections Be Managed?

Codes for both the "old" and the "new" category information are included in student data collections within CDE and the new State IEP system.

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Child Find ("Child Identification Process" ECEA 4.02)

Each AU shall develop and implement procedures for locating, identifying and evaluating all children ages birth to 21 who may have a disability and are eligible for early intervention services under either IDEA Part C Child Find (birth through age 2); or are eligible for special education services under IDEA Part B (ages 3 to 21) even though such children are advancing from grade to grade.

Child Find must be ongoing throughout the year to all children including children who have not yet entered school.

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Child Find ("Child Identification Process" ECEA 4.02)

For children ages birth through two years, each AU of residence is responsible for certain child find activities under Part C of IDEA

OSEP Memorandum 11-07 - Part B, Section 612(a)(3) - clarifies that a Response to Intervention (RTI) process cannot be used to delay/deny an evaluation for eligibility under the IDEA.

Please take time to read this memo as a separate handout of this training.

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Questions about HB11-1277

Please contact:

Tanni Anthony   (303) 866-6681
                       anthony_t@cde.state.co.us

Wendy Armstrong   (303) 866-6213
                       armstrong_w@cde.state.co.us

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Thank You!

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