

TOOL FOR IDENTIFYING QUESTIONS

Step #1: Identifying whether the child has a disability

Suspected area(s) of disability:

Definitions from state/federal regulations:

- Section 504 disability definition) [34 C.F.R. 104.3\(j\)](#)
- IDEA disability definition(s): [34 C.F.R. 300.8\(c\)](#)
- Other (e.g., state definitions)

CHARACTERISTICS: KEY WORDS FROM DEFINITIONS THAT TELL US AREAS WHERE LEARNING PROBLEMS COULD HAPPEN FOR CHILDREN IF THEY HAVE THIS DISABILITY	DATA POINTS FROM ASSESSMENT(S) AND TEAM INPUT USED WHEN EVALUATING CHARACTERISTICS	GUIDING QUESTIONS THE TEAM WILL USE TO DETERMINE WHETHER THE CHILD IS DISABLED

If the child is not found to have a disability, the eligibility determination process stops here.

If the child is found to have a disability, the eligibility determination process continues. See page 2 for additional criteria.

Step #2: Determining whether the child is receiving FAPE

- For Section 504 Eligibility Determination: Is the child accessing the general curriculum and the life of the school so that “the individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met” (see [Section 504 FAQ Question 13](#))?

- For Special Education Eligibility Determination: Is the child making progress in the general curriculum in a way that is “appropriate in light of the child’s circumstances” (see [Q & A on U. S. Supreme Court Case Decision Endrew F. v. Douglas County School District Re-1](#))?

What information will the team use to determine the answer(s) to these questions (check all that apply)?

- Specific learning standards from curriculum frameworks
- Student work samples
- Student responses on teacher-generated tests/quizzes/assignments + assignment descriptions and grade-level exemplars
- [Developmental Milestones \(Birth - 5\) Checklist](#)
- [Learning Checklists Milestones for K-12 Students](#)
- [WIDA Standards for English Learners](#)
- Whole School Records (attendance, incident reports, school health information, transcripts, etc.): please indicate specific records to be reviewed and criteria for success (e.g. 80% or higher attendance rate)
- Response to Intervention or Tiered Systems of Support data: please indicate specific records to be reviewed and criteria for success
- Interviews (team member input): please indicate who will be interviewed, who will conduct interviews, and the interview questions
- Observations: please indicate who will observe, where/when observations will take place, and the focus questions or criteria for observation
- Other data: please indicate any additional data that will be used to answer this question

Step #3: Determining whether disability-related needs are the barrier to FAPE

- Question #1: What is the student’s profile as a learner (e.g., individual strengths; identified needs; identified disability-related needs)? The team should name the PRIMARY AREAS of STRENGTH, the PRIMARY AREAS of NEED AT SCHOOL, and the PRIMARY AREAS of DISABILITY-RELATED NEED (e.g., aligned to the characteristics from disability definitions). These labels should be based on the conversations and the data used to determine whether the child has a disability (see p. 1).
- Question #2: What are the areas in which access or effective progress (FAPE) requires support (e.g., specific skills identified by the team when considering the need for access/specialized instruction and related services)? The team should name the PRIMARY AREAS of ACADEMIC SKILLS and FUNCTIONAL SKILLS that are impacted. These labels should be based on the conversations and data used to determine whether the child is accessing/making effective progress in school (see p. 2).
- Question #3: Do the identified disability-related needs align with the areas requiring support? Based on this comparison, the team will determine if the child’s disability is affecting access or progress at school. If disability-related needs are impacting access or progress, the team should draft a statement to explain HOW the disability affects access or progress to both the general curriculum (academic needs) AND the life of the school (functional needs).

HINT: This can be done using post-it notes and newsprint or Jamboards to organize information under the categories listed in capital letters above. Having the team identify and organize information together strengthens trust and transparency in the eligibility determination process.