



Eligibility and Dismissal in Schools

Overview

Determination of eligibility for special education services is a multistage process that should answer three questions:

1. Is there a disability?
2. If so, is there an adverse effect on educational performance resulting from the disability?
3. If so, are specially designed instruction and/or related services and supports needed to help the student make progress in the general education curriculum?

Key Issues

Dismissal Versus Continued Eligibility

The goal of public school speech-language pathology services is to remediate or improve a student's communication disorder such that it does not interfere with or deter academic achievement and functional performance.

The dismissal of students from speech-language pathology services is sometimes a difficult, conflicted, and even contentious process. Some parents and/or teachers believe that once a student is determined to be eligible for speech-language pathology services, that student should be entitled to those services for the duration of his or her school career. It is often challenging for SLPs to determine if a communication problem continues to adversely affect academic achievement and functional performance and to communicate aspects of this determination to parents and teachers.

The first step in the dismissal process should occur when the student is first determined to be eligible for services through an IEP. The SLP should make the goals of speech-language pathology services clear to parents and teachers. The goals are as follows:

- to determine if the student's communication disorder is adversely affecting academic achievement and functional performance;
- to provide intervention for those communication disorders that are adversely affecting academic achievement and functional performance, specifying goals leading to specific criteria for dismissal;
- to dismiss the student from speech-language pathology services once the criteria for eligibility are no longer met.

Excerpt from: *"Implementing IDEA 2004 Part I: Conducting Educationally Relevant Evaluations, Technical Assistance for Speech-Language Pathologists"* (out of print).

"Adversely Affects Educational Performance"

This chronology includes letters from the U.S. Department of Education that serve to clarify and interpret the phrase "**adversely affects educational performance**" as it applies to students with speech-language disorders. It is emphasized in each letter that educational performance is not limited to academic performance. A student with a disability cannot be denied service even if there are no concomitant academic problems. The adverse effect of a speech-language disorder must be considered on a case by case basis in order to meet the individual needs of each student. Also, each state must ensure that a free and appropriate public education (FAPE) is available to any student with a disability even though they are advancing from grade to grade.

2007

March 8, 2007: Letter to Catherine Clarke [PDF] from U.S. Department of Education, Office of Special Education and Rehabilitative Services, clarifying "adverse affect on educational performance." The letter reiterates the position from the 1980 letter (below) that "educational performance" is not limited to academic performance.

2002

July 2002: "Adversely Affects Educational Performance" Policy 1980–2002; Nothing Has Changed, SIG 16 *Perspectives on School-Based Issues*, Vol. 3, 3–7.

1980

May 30, 1980: Letter to Stan Dublinske [PDF] from the Department of Health, Education, and Welfare (Office of Education, Washington, D.C). This letter interprets the term "adversely affects educational performance" as it relates to students with speech language disorders.

Cognitive Referencing

Cognitive Referencing is the practice of comparing IQ scores and language scores as a factor for determining eligibility for speech-language intervention. It is based on the assumption that language functioning cannot surpass cognitive levels. However, according to research, some language abilities may in fact surpass cognitive levels. Therefore, ASHA does not support the use of cognitive referencing.

Resources

- Access to Communication Services and Supports: Concerns Regarding the Application of Restrictive "Eligibility" Policies, Position Statement and Technical Report
- Admission and Discharge Criteria in Speech Language Pathology (Guidelines)
- IDEA Part B Issue Brief: Individualized Programs and Eligibility for Services
- Relation of Developmental Skills to Service Eligibility - National Joint Committee for the Communication Needs of Persons with Severe Disabilities (NJC)
- Decision Making in Termination of Services - National Joint Committee for the Communication Needs of Persons with Severe Disabilities (NJC)
- Special Education Eligibility: When is a Speech-Language Impairment Also a Disability? *The ASHA Leader*, April 2011, Vol. 16, 12–15

- The Educational Relevance of Communication Disorders, *The ASHA Leader*, August 2010, Vol. 15, 20–21

State Speech-Language Eligibility Guidelines

- Colorado [PDF]
- Connecticut [PDF]
- Kentucky [PDF]
- Minnesota
- North Carolina [PDF]
- Texas [PDF]
- Virginia [PDF]
- Wisconsin

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