

This scenario focuses on an obvious and immediate need that impedes access to the general education curriculum. Immediate actions are required. .

- the child's performance is below standards or expectations, is unique compared to others, and not explained by more plausible factors (i.e., attendance or cultural factors). Summarize:

*When box 4 is marked, evidence must exist to support all considerations and conclusions (all four of the bullets must be addressed). **The use of box 4 is likely to be the most typical manner of suspicion of an educational disability.***

- the status the child's hearing and vision

The first consideration is to ensure that hearing and/or vision are not primary causes of the child's problem. Student records or the school nurse should have this information. If the information is not in the student or school nurse records, consult the AEA hearing and/or vision staff member serving the building. The hearing/vision information should be current within the last year.

- the information which suggests the child's educational performance falls persistently below state approved standards or typical developmental or behavioral expectations for age and grade levels

Information summarized here would need to support a continued existence or occurrence of performance below expectations over time. The focus should be on collecting existing data from district curriculum or early learning standards. Using data-based conversations, document current efforts made to address or remedy the concern and that the problem continues to persist. Note: We cannot stop the suspicion of a disability just because interventions have not been done in general education. It is important to distinguish this question from the next one below. The focus of this question is on a) the child's performance related to important standards, (i.e., is s/he using important skills at desired levels) and b) persistence of the concern over some amount of time. The next bullet pertains to peer comparisons.

- how the child's performance is unique when compared to others in the same setting

The purpose of this information is to assist in determining if the concerns relate to the child (i.e., are indicative of a suspected disability). The student's performance should be more characteristic of the performance of a very small subgroup of peers. If the concerns are shared by a significant number of others with similar backgrounds, then this may be indicative of a problem with the system of supports and instruction. Thus, the team must have and report information about the performance of all children/students in a setting/classroom to know if the target child/student is different from the group. Words that may be used to answer this question ideally will include numbers, (e.g., the target child/student is one of 20, or 3 of 25 who do not perform the desired skills at the desired level; or 80% of the class is meeting this expectation).

- other plausible explanations that may account for the child's lack of educational performance, (i.e., lack of appropriate instruction, language other than English, lack of prior knowledge, cultural expectations, attendance or mobility):

A disability cannot be suspected if there is compelling evidence of more plausible explanations.

It is important to note that the phrase "more plausible" explanations is a legal concept and that the term "exclusionary factors" in IDEA is found in the section pertaining to determination of eligibility. Therefore, unless we have conclusive data indicating that an exclusionary factor exists during the disability suspected process, we should not conclude that a disability is not suspected. In the absence of data, this question should be addressed with more rigor during the evaluation process. It is possible to have a potential exclusionary factor in play, and still conclude that a disability may exist (e.g, ELL student may truly have a disability). For something to be an exclusionary factor, it has to be "more plausible" meaning the primary reason that the child is not learning.

Statements written to answer this question should begin with words such as: “Based on” or “information reviewed indicates...”

Documentation of Decision:

Participants involved in decision:

Name	Position	Name	Position

Required participants include: 1) Representative from the AEA or 2) the AEA and LEA in conjunction (public agency). The LEA participant can be anyone who has knowledge of the student. Parents are encouraged to be involved in the decision. Determining suspicion of a disability is a team decision, but a meeting isn't required.

Is disability suspected? Yes No Date: _____

If one or more of the previous 4 boxes were checked, check YES.

If none of the previous 4 boxes were checked, check NO.

Note:

If YES is checked,

- Written parental consent for a full and individual initial evaluation must be sought when disability is suspected.

If NO is checked (only if initiated by parent request for evaluation),

- *Prior Written Notice* of a refusal to conduct an evaluation must be provided when parents have requested an evaluation and disability is not suspected.

In all circumstances,

- This form must be retained as a part of the student's record.