

## Three-Gate Eligibility Determination

### A Vermont Agency of Education Guidance Document

To be eligible for special education services, the criteria for all three of the three-gate process must be met and documented. The final report of the Evaluation and Planning Team (EPT) must indicate that the student:

- **Gate 1:** has a disability according to the established criteria; and
- **Gate 2:** has a condition that adversely affects educational performance; and
- **Gate 3:** needs specially designed instruction.

#### Gate 1 – Eligibility Determination

##### **Evaluation Planning Team Summary or Background Summary (for record reviews): Gate 1**

This section of the Evaluation Plan and Report, State Form 2, is where the information gathered from multiple sources is summarized to document the evidence to support the EPT's decision regarding a disability determination.

##### **Questions to be addressed:**

**Initial Evaluation:** Does the student meet the state/federal criteria for at least 1 of the 13 categories of disability?

The Agency of Education recommends EPTs to maintain their current lists of disability determination questions to best document the student's category of disability or disabilities.

Upon documentation of the evidence as prescribed in the Evaluation Plan, the final EPT Report must include a summary of the information gathered and assessments completed. It must indicate what information meets specific disability determination criteria. Standard scores may be included in the EPT summary. It is important that the summary provides an explanation that is both parent-friendly and coherent. It is also important to ensure that any information included in the summary is described previously in the results, as this is NOT the place to introduce new information. It is not necessary to include a reiteration or list of the specific criteria for the eligibility category being presented. The goal is to provide a general description that helps the reader understand the justification being provided by the EPT.

**Re-evaluation:** Has the student previously met the state/federal criteria (information that could be obtained from a record review) in one of the 13 categories of disability?

##### **Contact Information:**

If you have questions about this document or would like additional information please contact:  
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With re-evaluations, it is presumed that the initial eligibility process was valid, and that the disability remains unless there is data which indicates otherwise, including evidence of a change in the student's ability to benefit from the general education curriculum without the need for specially designed instruction. In such cases, the EPT, in their developing of an Evaluation Plan shall outline any new questions to be answered and procedures/evaluations to be used to make a disability determination. The focus of the triennial re-evaluation process and meeting is on existing student-centered data, such as ongoing assessments of progress and focused/diagnostic assessment that answers specific questions related to the child's learning. Important considerations and determinations include sufficiency of response to instruction/intervention provided; the degree to which the current special education services are meeting the individual student needs; and any indicated changes to instruction and services.

### **Adverse Effect of the Student's Disability on Educational Performance: Gate 2**

#### **Questions to be addressed:**

In what specific basic skill area(s) is the adverse effect of the disability evident?

Does the disability impede the student's progress such that the student's educational (more broadly defined than academics) performance is significantly and consistently below typical grade level peers preventing him or her from benefitting from general education? (How does the student perform in the general education curriculum and environment based on data collected from individualized and group cognitive and academic assessments, teacher made tests, grades, continuous progress monitoring, work samples, etc.)

Describe how the disability impacts social interactions and/or independent functioning and/or learning behaviors etc.? (How does the student perform in the general education curriculum and environment based on data collected from psychological reports, classroom observations, continuous behavioral monitoring, discipline records, attendance record, medical records, etc.)

#### **Reminder:**

If the student is currently performing well, a result of existing supports and services from special education, describe how the EPT has determined that the removal of those special education supports, and services, would adversely impact the student's performance. This can include a history of adverse impact when those services were not provided. Students should never be denied services to prove adverse impact.

### **Need for Specially Designed Instruction: Gate 3**

1. Does the student require special education supports and services beyond the scope of general education services that are available to all students to meet grade expectation standards?

2. How does the content, methodology, or delivery of instruction need to be adapted to meet the student's unique needs that result from the disability? In other words, what specialized instruction does the student need to address the areas identified in the adverse impact section?

**Consider the following needs:**

- Instructional Needs (i.e., direct/explicit instruction in reading, social skills, life skills, organization)
- Environmental Needs (i.e., reduced distractions, smaller group setting, preferential seating)
- Curricular Needs (i.e., modified content, functional curriculum, scribe, assistive technology, time extensions)
- Instructional Delivery Needs (i.e., slower pace, simplified vocabulary, additional repetitions, guided practice)
- Behavioral Needs (i.e., coping strategies, social skills, problem-solving skills)
- Medical/Physical Needs (i.e., orientation and mobility, school nurse services, medications)

**Reminders:**

- Special education is a service, not a placement.
- Individualized Education Program goals and objectives should be linked to needs as documented in the Evaluation Report.
- Evidence presented in the Evaluation Report should be used to assist the IEP Team in programming and, where appropriate, the development of postsecondary transition plans for students.
- Students found to have a disability, but not an adverse effect nor a need for special education services, must be referred, in a reasonable amount of time, to the building principal and a Section 504 Team meeting convened to discuss the possible need for a Section 504 Plan.