

# *Tips from the Special Education Division: Medical Diagnoses and Special Education Eligibility*

**Question: Can a district require a student to have a medical diagnosis of a disability for the district to determine if the student is eligible for special education and related services?**

**Answer:**

No -- a district cannot require a student to have a medical diagnosis before determining the student's eligibility for special education services. In addition, the district cannot require that a parent obtain and provide their own medical documentation of the student's disability as a pre-condition before proceeding with a special education referral or evaluation. However, if medical information is necessary to complete a comprehensive evaluation of the student in all areas related to the suspected disability, the district may seek parent consent to obtain a medical evaluation at the district's expense.

## **Medical Diagnoses and Special Education Referrals**

When a district determines that a student will be evaluated for eligibility for special education services, [WAC 392-172A-03020\(3\)\(e\)](#) requires the district ensures the student is assessed in all areas related to the suspected disability. The district's evaluation should proceed when there is reason to *suspect* the student has a disability; this process cannot be restricted only to instances in which the district has already *confirmed* the student has a disability. The district may request – but cannot require – that a parent provide any medical information they may have to aid the district in considering a referral and/or completing the evaluation. The district is not permitted to require medical confirmation of a child's disability prior to beginning an evaluation and cannot require a parent to provide their own evidence of a disability as a pre-condition for referral (for example, requiring the parent to obtain and provide a specific assessment, report, and/or medical diagnosis for their child). Any such conditions would create inappropriate financial and/or medical barriers for families to access the referral and evaluation processes for special education. District staff must remember that the burden of determining if the student has a disability (as part of determining eligibility for special education services) falls on the district, and not the parent.



## Medical Diagnoses and Special Education Eligibility

It is important for district staff to be aware that the concepts of a *medical diagnosis of a disabling condition* and *eligibility for special education services* are not synonymous. A medical diagnosis is made by a qualified medical provider when an individual meets the clinical criteria necessary for the diagnosis. However, the regulatory criteria for special education eligibility include additional educational factors that would not typically be evaluated in a medical assessment.

Special education eligibility is determined by the following three-pronged criteria:

1. The student has a disability/disabilities;
2. The student's disability/disabilities adversely affect their educational performance; and
3. The student's unique needs cannot be addressed through education in general education classes alone – with or without individual accommodations – and requires specially designed instruction (SDI).

While a prior medical diagnosis can potentially serve as evidence of the first prong, it cannot be the sole evidence the district will accept to determine eligibility for special education services. The district is responsible for coordinating an evaluation that is comprehensive enough to address all three prongs and assess the student in all areas related to the suspected disability. This process includes ensuring the evaluation can sufficiently address the first prong of eligibility by determining if the student has a disability.

In addition, a medical diagnosis is not a guarantee that a student will be determined eligible for special education services. If a student has a disability which does not adversely affect their educational performance and/or require SDI, the district may appropriately find that the student is ineligible for special education services.

## Including Medical Information in a Comprehensive Evaluation

As part of a comprehensive evaluation and depending on a student's suspected area(s) of disability, the district may need to obtain a medical diagnosis or other medical information from an outside provider. A district may also need medical information to rule out other health impairments when determining whether a student is eligible for services in the category of specific learning disability. As stated above, the district must not require the parent to obtain medical testing or a diagnosis before proceeding with the evaluation. If medical or other information is needed to complete the evaluation, the district must pay for the outside evaluation as part of its evaluation process. When the information needed is part of the district's evaluation, the district selects the outside evaluator. The district may also need to obtain signed releases of information from the parent to obtain existing medical records from a student's medical providers.

## Example: Other Health Impairment Evaluation and Eligibility

The requirements for eligibility in the category of other health impairment, as outlined in [WAC 392-172A-01035\(2\)\(j\)](#), include the student's "chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome." Given this, questions often arise regarding whether a medical diagnosis is needed when considering eligibility under other health impairment. As part of a comprehensive evaluation that can appropriately establish the student's eligibility in this category, the district may:

- Review any medical information already provided by the parent;
- Review existing medical records from a student's medical provider (if the parent has signed a release of information allowing the district to obtain these records); and,
- Timely coordinate a medical evaluation related to the student's chronic or acute health problem from an outside provider at the district's expense.

The district, however, may not require the parent to provide their own medical information as a precondition for accepting an evaluation referral, completing the evaluation, and/or determining the student's eligibility. It is ultimately the district's responsibility to ensure it can provide a comprehensive evaluation in the area of other health impairment, including coordinating an outside medical evaluation, when needed, at the district's expense.

## Additional Resources

- [Technical Assistance Paper #5 Revised: Evaluation Procedures Under Part B of the Individuals with Disabilities Education Act \(IDEA\)](#)
- [Special Education Guidance for Families: Eligibility for Special Education Frequently Asked Questions \(FAQs\)](#)