

MNCIMP:SR Record Review Training

Evaluation and Eligibility

Highlights

- Evaluations Completed by Another District
- Evaluation Report (ER) Comprehensive Summary
- Reevaluations
- Exit Procedures
- Specific Learning Disability (SLD) Written Report requirements
- Eligibility Review

Highlights- Evaluations Completed by Another District

Points of Clarification

- If your district receives an ER from another district, it still must be reviewed for compliance.
- If it is not in compliance, identify areas of noncompliance in the record review checklist and indicate "other district" as the cause for the noncompliance.
- "Other district" noncompliance does not result in a finding for the reviewing district.
- If the ER does not contain adequate information to document present levels or educational needs sufficient for the development of an IEP, then conditions would warrant a reevaluation.
- The record may need to be cited for Frequency of Reevaluation (under Timelines) if the ER is not sufficient and the district did not conduct an evaluation to bring it into compliance.

Highlights- Evaluation Report

Federal IDEA Requirements

- An evaluation report copied to the parent.
- Documentation of determination of eligibility.
- Interpretation of evaluation for determining eligibility draws on information from a variety of sources.

 Ensure that information obtained from all sources is documented and carefully considered.

34 C.F.R. § 300.306

State Requirements

- · A summary of all evaluation results.
- Documentation of the disability.
- The present levels of performance.
- Whether the child needs special education services.
- Additions or modifications to the services to enable the child to meet goals and objectives and to participate in the general education curriculum.

Minn. R. 3525.2710

Points of Clarification

- The ER must include one comprehensive summary addressing all areas evaluated.
- This summary draws information from multiple measures for each area evaluated and informs present level and educational need statements.

Comprehensive Summary Section

- Ensures parents are informed.
- Synthesizes data from a variety of sources.
- Documents and facilitates careful consideration.
- Provides the present level of performance.
- Explains how eligibility and educational needs determinations are reached.
- Provides means to explain differences or contradictions in evaluation measures of the same domain.
- Provides means to explain difference between results of evaluation measures and classroom observations.
- Provides means to carefully consider results that no longer appear to apply to the student's present level of performance.

Highlights- Reevaluations

New Q&A clarifying what constitutes a reevaluation including:

- Evaluation for child identified under Developmental Delay and turning seven
- Evaluation to change disability category
- Evaluation to determine secondary transition needs

- Functional Behavioral Assessment (FBA)
- Evaluation to determine related service needs, including assistive technology

Points of Clarification

- An FBA is considered a reevaluation and must be conducted in accordance with federal and state evaluation procedures.
- All reevaluations, including FBAs, must be incorporated into a comprehensive evaluation report.
- All evaluation reports, including reports for reevaluations and FBAs, must meet the requirements of Minn. Rule 3525.2710, subp. 6.

Highlights- Exit Procedures

Points of Clarification

- Reminder that an evaluation is required when dismissing a student from ALL special education and related services UNLESS the student is:
 - Graduating,
 - Aging-out, or
 - The parent is withdrawing consent.
- If an evaluation is completed and the student determined eligible but the parent does not consent to special education and related services, the ER still must indicate an eligibility determination.

Highlights- SLD Written Report

Information in ER needs to support eligibility determination

- The ER must contain information that will support the eligibility criteria determinations.
- ERs often include declarations on exclusionary factors, a pattern of strengths and weaknesses, or identification of an information processing disorder in the form of a check box statement or canned statement in the report, yet the ER does not substantiate the claims.

Definition of SLD

• A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations.

Minn. R. 3525.1341, subp. 1

SLD Criteria-Criteria B

The child has a disorder in one or more of the basic psychological processes which includes an information processing condition that is manifested in a variety of settings.

Minn. R. 3525.1341, subp. 2 (B)

An information processing disorder is manifest in a variety of settings by behaviors such as inadequate:

- Acquisition of Information;
- Organization;
- Planning and Sequencing;
- Working Memory;
- Visual and Auditory Processing;
- · Speed of Processing;
- Verbal and Nonverbal Expression;
- · Transfer of Information; or
- Motor control for written tasks.

For a child suspected of having a Specific Learning Disability, the documentation of the determination of eligibility, ... must contain a statement of the basis for making the determination including that the child has a disorder, across multiple settings, that impacts one or more of the basic psychological processes...documented by information from a variety of sources.

Minn. R. 3525.1341, subp. 3(C)(1)

Clarification between Information Processing and Basic Psychological Processes

- The terms "information processing condition" and "basic psychological processes" are essentially equivalent.
- MN Rule uses both terms while research in the field focuses more on the basic psychological processes.
- Keep in mind that the laws do not keep pace with the field and therefore the terminology may be different, but the requirement is the same.
- The strengths and weaknesses in the basic psychological processes are essential characteristics of SLD.
- The aim is to identify the deficits that are causing the underachievement.
- The data can then be used to tailor instruction as well as accommodations and modifications to meet the specific needs of the student.

Data to demonstrate an information processing disorder could come from:

- Formal or informal questionnaires or rating scales,
- Analysis of formal or informal test results,
- Anecdotal information from parents or teachers,
- Or all of the above.

The disorder across multiple settings must be documented by information from a variety of sources including:

- aptitude and achievement tests,
- parent input,
- teacher recommendations, as well as
- information about the child's physical condition, social or cultural background, and adaptive behavior.
- The information processing disorder must be demonstrated in a variety of settings and the report should include information from a variety of sources supporting the disorder in multiple settings, including information from the parent.
- The record would be cited if the ER does not address or adequately demonstrate the presence of an information processing condition in a variety of settings.

Highlights- Eligibility Review

Review of Eligibility Determination needs to review content of ER and not just the eligibility checklists

When reviewing the record, the reviewer needs to look at what the ER identifies in the
eligibility portion of the report and how eligibility was determined, as well as the
documentation throughout the ER to see if the data truly supports the determination.

Review Quiz

- 1. If the student's most recent evaluation was completed by another district, does it need to be reviewed for compliance?
- 2. If a child is currently DD but turning 7 and in need of a new categorical disability, is the evaluation considered an initial or reevaluation?
- 3. If a student is SLD and also receives services for articulation but has meet all articulation goals and no longer demonstrates a need for continued services in that area, is an evaluation required before dismissing from the articulation services?

Evaluation

The Evaluation tab is comprised of the following citation areas:

- Evaluation Materials and Procedures
- Evaluation Report
- Graduation and Aging-Out
- SLD Written Report-Required Content
- Functional Behavioral Assessment
- Team Override Documentation
- Exit Procedures

Evaluation – General Requirements

- These citation areas pertain to all evaluations; regardless of disability category or whether it is an initial or reevaluation.
- When you have completed an evaluation and want to add testing for another area, such as Developmental Adapted Physical Education (DAPE), the information cannot be added in an addendum attached to the old report.
- There needs to be one comprehensive evaluation report incorporating all information.

Materials and Procedures - Existing Data

□ As part of an initial evaluation (if appropriate) and as part of any reevaluation, the IEP Team and other qualified professionals, as appropriate, must review existing evaluation data on the child.

34 C.F.R. § 300.305(a)(1)

Points of Clarification

- When determining areas to assess, the team should consider all existing evaluation data on the child and tailor the evaluation accordingly.
- Sources of existing evaluation data may include:
 - Pre-referral intervention data
 - Data from a system of Scientific, Research-Based Intervention (SRBI)
 - Outside evaluation data
 - Formal and informal assessment data

Verification Documentation may be located:

- In the Evaluation Report (ER) under areas such as
 - Reason for Referral,
 - Background Information, or

Review of Previous Assessments.

This would be a citation if there was no evidence of existing evaluation data being reviewed as part of the evaluation when there is evidence such data exists.

Materials and Procedures - Variety of Tools

□ A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child, including information provided by the parent.

34 C.F.R. § 300.304(b)(1)

Points of Clarification

- 34 C.F.R. § 300.306(c) requires the public agency, when determining eligibility, to draw from a variety of sources which may include:
 - aptitude and achievement tests,
 - parent input,
 - teacher recommendations, as well as
 - information regarding a child's physical condition, social or cultural background, and adaptive behavior.
- 34 C.F.R. § 300.304(b)(2) states "the public agency must not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child."
- Most eligibility criteria require a number of different data sources (intelligence test, achievement test, observations, etc.).
- State criteria and assessment requirements for eligibility must be considered when developing an evaluation plan.
- This would be a citation if the assessment did not include a variety of tools and strategies.

Materials and Procedures – Nondiscriminatory

☐ Assessments and other evaluation materials used to assess a child are selected and administered as not to be discriminatory on a racial or cultural basis.

34 C.F.R. § 300.304(c)(1)(i)

- Based on the referral information, background of the student, and parent and teacher input, if there is information to suggest racial or cultural factors may be evident for the student, there must be documentation in either the ER or the PWN that:
 - The factors were considered, resulting in changes or accommodations to the testing; or

 The factors were considered and it was decided no changes or accommodations to testing were needed.

Materials and Procedures - Native Language

Assessments and other evaluation materials used to assess a child are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to provide or administer.

34 C.F.R. § 300.304(c)(1)(ii)

Points of Clarification

- This citation is most often associated with Limited English Proficiency (LEP) students, but would also apply to students with other sensory, communication, or even motor impairments.
- When an assessment is administered in another language or mode of communication, that information may be documented under "other factors" on the evaluation plan/PWN.
- Based on the referral information, background of the student, and parent and teacher input, if there is information to suggest sensory, communication, or motor concerns for the student exist, there must be documentation in either the ER or the PWN that:
 - The factors were considered, resulting in changes or accommodations to the testing; or
 - The factors were considered and it was decided no changes or accommodations to testing were needed.
- The extent to which an assessment varied from standard conditions, including the language or other mode of communication that was used in assessing a child, must be included in the ER.
 - For example, when assessment materials are not available in the child's native language or other mode of communication, alterations may need to be made to the standardized procedures. Results must be interpreted cautiously and all modifications described thoroughly in the ER, along with their implications for the test results.

Materials and Procedures - Valid and Reliable

☐ Assessments and other evaluation materials used to assess a child are used for the purposes for which the assessments or measures are valid and reliable.

34 C.F.R. § 300.304(c)(1)(iii)

- Validity- Does the instrument measure what it is intended to measure?
- Reliability- Does the instrument measure consistently?

- There are no legal parameters to define what is acceptable in terms of validity or reliability measurements.
 - For example, there is no minimum requirement for a reliability coefficient.
- Most nationally-normed, nationally published measures have met professional standards of reliability and validity.
- When in question, check the test manual or with the publisher for information on the reliability and validity of a particular measure.
- In addition to requiring the measure be valid and reliable, this also refers to using the measure for the purpose for which it was intended.
- When in question regarding the intended purpose of a measure, check the test manual or with the publisher for information on the intended purpose for a particular measure.
- This would be a citation if there was evidence to show the measures used were not valid or reliable or not used for the purposes for which they are intended.
- For example, a screening instrument or a subtest score is used for eligibility determination.

Materials and Procedures – Knowledgeable Personnel

☐ Assessments and other evaluation materials used to assess a child are administered by trained and knowledgeable personnel.

34 C.F.R. § 300.304(c)(1)(iv)

Points of Clarification

- Most formal assessment measures have specific examiner qualification requirements.
- When in question, check with the test manual or publisher for details on the examiner qualifications for a particular measure.
- This would be cited if there is evidence in either the ER or evaluation plan to suggest the person that administered the assessment was not properly trained and knowledgeable.

Materials and Procedures – Sufficiently Comprehensive

☐ The evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

34 C.F.R. § 300.304(c)(6)

- An evaluation must be designed to determine initial or continued eligibility and to identify needs. Without both components, it is not sufficiently comprehensive.
- A sufficiently comprehensive evaluation must address all areas of concern.

- Sources for identifying areas of concern could include:
 - Parent and teacher report
 - Pre-referral interventions and referral paperwork
 - Individual Education Program (IEP) and progress reports
- Areas of concern may be summarized and documented in the PWN under the reasons why
 the district is proposing the action or included in background information in the ER.
- Disability categories require specific assessment data to determine eligibility as indicated in the specific eligibility criteria.
- When one of the required data elements is missing, the evaluation would not be sufficiently comprehensive.
 - Functional Behavioral Assessment (FBA) required for Emotional Behavioral Disorder (EBD) eligibility.
 - Adaptive behavior measure required for Developmental Cognitive Disability (DCD) eligibility.
- This would be a citation if not all identified areas of concern are addressed in the ER.
- This would also be a citation if the evaluation did not include all the data sources required by state criteria for eligibility.
- When the evaluation is not sufficiently comprehensive, one must also consider a possible eligibility citation.

Evaluation Report (ER)

ER - Parent Information

☐ As part of an initial evaluation (if appropriate) and as part of any reevaluation, the IEP Team and other qualified professionals, as appropriate, must review existing evaluation data on the child including-- Evaluations and information provided by the parents of the child.

34 C.F.R. § 300.305(a)(1)(i)

Verification Documentation may be located:

- In a separate section of the ER for parent input, or
- Parent information integrated into one or more sections of the ER, including:
 - background information,
 - reasons for referral.
 - health history,
 - within the results of a questionnaire or rating scale completed by the parents, or

a summary of results from an outside evaluation provided by the parents

Points of Clarification

- Generally, there is no requirement as to the amount of parent input required.
- However, please note that some disability categories, like DCD, require specific information from the home, which must be included for eligibility.

ER – Summary

At a minimum an evaluation report must include: a summary of all evaluation results.

Minn. R. 3525.2710, subp. 6(A)

Points of Clarification

- This citation relates to two items:
 - The results of all assessment measures listed on the Notice of Evaluation/PWN are included in the corresponding ER, and
 - The ER documents a comprehensive summary of all of the evaluation results.
- The record should be cited if either component is missing or insufficient.
- If a test or measure is listed on the Notice of Evaluation/PWN, but you cannot find evidence in the ER that it was completed, the record would be cited here.
- Conversely, if you find results from an evaluation measure documented in the ER that was NOT listed on the Notice of Evaluation/PWN, the record would be cited under the Notification Tab: Notice of Evaluation (proposed action sub-item) for not adequately describing the action proposed.
- The ER must be one comprehensive report, not individual reports stapled together.
- The ER must include one comprehensive summary addressing all areas evaluated.
- This summary draws information from multiple measures for each area evaluated and informs present level and educational need statements.

Samples of Noncompliance

- There are only summaries at the end of each section, no overall summary at the end of the report.
- The overall summary at the end of the ER references specific test scores only and does not include an analysis of the data.
- The overall summary at the end of the ER addresses all eligibility components, but does not address all areas evaluated.

Sample of Compliance

The summary at the end of the report addresses all areas evaluated (intellectual, academic, social/emotional/behavioral, communication, etc.) This comprehensive summary draws information from multiple measures for each area evaluated and informs present level and educational need statements.

ER – Present Levels and Needs

At a minimum an evaluation report must include: the pupil's Present Levels of Performance and educational needs that derive from the disability;

Minn. R. 3525.2710, subp. 6(C)

Points of Clarification

- This citation relates to two items:
 - The ER must document the pupil's Present Levels of Performance, and
 - The ER must document educational needs that derive from the disability.
- The record should be cited if either component is missing or insufficient.

Verification Documentation may be located:

- Within each evaluation area section in the evaluation report.
- Within the overall comprehensive summary in the evaluation report.
- In a separate section addressing all present levels of performance data.
- In a separate section addressing all educational needs of the student.

- The present levels of performance must incorporate current assessment results, information
 on current academic and functional performance in the classroom, and input from those
 working with the student to get a complete and current picture of that student.
 - The present levels of performance must include more than a list of assessment results and scores.
 - Additional sources of present levels of performance information include observations, work samples, curriculum-based measures, informal procedures, and progress on current goals and objectives.
- Educational need statements should address skills and/or behaviors that need improvement in order for the child to participate and progress in the general curriculum.
- Educational needs must be related to the disability and must indicate a need for specialized instruction or services.

ER - Has a Disability

□ An Evaluation Report must include: documentation of whether the pupil has a particular category of disability or, in the case of a reevaluation, whether the pupil continues to have such a disability.

Minn. R. 3525.2710, subp. 6(B)

Points of Clarification

- The initial ER must document that the student meets the criteria for a categorical disability.
 - This documentation may be found as a checked box on a pre-printed statement or in a criteria checklist as part of the ER.
- Reevaluation reports must document that all criteria components have been addressed and the student continues to have a disability.

ER - Need for Service

□ An Evaluation Report must include: whether the child needs special education and related services or, in the case of a reevaluation, whether the pupil continues to need special education and related services;

Minn. R. 3525.2710, subp. 6(D)

Points of Clarification

- In addition to determining that a student has a disability, the ER must include a statement that the child needs, or continues to need, special education and related services.
 - This may be documented by a pre-printed statement or check box on an ER form.
- This statement is often missing from initial evaluation reports.

ER - Additions and Modifications

An Evaluation Report must include: whether any additions or modifications to the special education and related services are needed to enable the pupil to meet the measurable annual goals set out in the pupil's IEP and to participate, as appropriate, in the general curriculum.

Minn. R. 3525.2710, subp. 6(E)

- The ER should address the following questions:
 - In addition to the special education services being recommended to address the student's identified needs, what else is needed for the student to meet annual goals and participate in general education?
 - What additions or modifications to special education will the IEP Team need to spell out/detail when developing or revising the IEP?

Sample of Noncompliance

Patrick will need some classroom accommodations and assignment modifications in addition to special education services.

Sample of Compliance

Patrick will need the use of a word processor to complete lengthy written assignments. The IEP team will also need to determine the best method by which to reinforce multiple-step instructions for Patrick due to his significant deficits in sequencing oral information.

Graduated or Aged Out

For a child whose eligibility terminates due to graduation from secondary school with a
regular diploma, a public agency must provide the child with a summary of the child's
academic achievement and functional performance, which shall include recommendations
on how to assist the child in meeting the child's postsecondary goals.

34 C.F.R. § 300.305(e)(3)

☐ For a child whose eligibility terminates due to exceeding the age eligibility for Free Appropriate Public Education (FAPE) under State law, a public agency must provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

34 C.F.R. § 300.305(e)(3)

Summary of Academic and Functional performance

Points of Clarification

- This is often referred to as a Summary of Performance (SOP).
- The intent of the SOP is for information to go with the student to post-secondary education
 or employment opportunities and to serve as a guide for future educators and employers on
 how to best work with the student.
- There is no required form or format for a SOP but all required content must be present.
- The summary of the academic achievement and functional performance would be similar to a Present Level of Academic Achievement and Functional Performance (PLAAFP) on an IEP. It must include more than a report of test scores, grades or transcript information.

Sample of Noncompliance

Jim has met all graduation requirements and will receive his diploma on 6/7/13. Recent testing shows he is reading at a 7th grade level.

Sample of Compliance

Jim has met all graduation requirements and will receive his diploma 6/7/13. He is currently reading at a 7th grade level according to the Woodcock-Johnson Test of Achievement. He

struggles with fluency and comprehension. He also has difficulty with spelling and grammar. He has strong math skills and strong problem solving skills. He enjoys hands-on activities.

Summary of Recommendations:

Points of Clarification

- SOP recommendations are designed to provide future educators or employers, who are unfamiliar with the student, with suggested tools and strategies that have been found to be successful in working with the student.
- SOP recommendations are NOT asking what the district is going to do to help the student reach their post-secondary goals.

Sample of Noncompliance

Jim wants to be a mechanic. He should enroll in a training program through the technical college.

Sample of Compliance

Jim would like to be a mechanic. He has completed an application to the technical college and has met with the disability coordinator at the school. To be successful in this program, Jim will continue to need support with tasks involving reading and writing. Having access to books on tape has helped Jim in the past with fluency and comprehension of reading assignments. Also having access to a computer with spelling and grammar check programs will help him with any written assignments. He has done well in the past with hands-on class activities and it is believed that he will continue to do well with these types of activities. He has strong self-advocacy skills and knows when to seek assistance. This should be reinforced to ensure continued success.

SLD Written Report

- Included in the Evaluation Tab.
- Details specific requirements related to the documentation needed in an SLD report.
- Discussed in Eligibility presentation including SLD criteria.

Functional Behavioral Assessment (FBA)

□ "Functional behavioral assessment" or "FBA" means a process for gathering information to maximize the efficiency of behavioral supports. An FBA includes a description of problem behaviors and the identification of events, times, and situations that predict the occurrence and nonoccurrence of the behavior. An FBA also identifies the antecedents, consequences, and reinforcers that maintain the behavior, the possible functions of the behavior, and possible positive alternative behaviors. An FBA includes a variety of data collection methods and sources that facilitate the development of hypotheses and summary statements regarding behavioral patterns.

Minn. Rule 3525.0210, subp. 22

Points of Clarification

- An FBA is required as part of any initial evaluation for EBD.
- An EBD reevaluation must include either a new FBA or revisions to a previous FBA to reflect current behavior and changes that might have occurred since the previous FBA was completed.
- An FBA could also be found in an evaluation for a student identified with any disability category who is experiencing behavior difficulties.
- An FBA is required prior to including any restrictive procedures in a student's IEP or Behavior Intervention Plan (BIP).
- A child with a disability who is removed from the child's current placement for 10 school
 days in the same school year must receive, as appropriate, an FBA and behavioral
 intervention services and modifications, that are designed to address the behavior violation
 so that it does not recur.
- If as part of a manifestation determination the IEP Team determines that behavior was a manifestation of the disability, the IEP Team must conduct an FBA, unless the district had conducted an FBA before the behavior that resulted in the change of placement occurred, and implement a behavioral intervention plan for the child.
- An FBA is considered a reevaluation and must be conducted in accordance with federal and state evaluation procedures.
- All reevaluations, including FBAs, must be incorporated into a comprehensive evaluation report.
- All evaluation reports, including reports for reevaluations and FBAs, must meet the requirements of Minn. R. 3525.2710, subp. 6.

FBA-Problem Behavior

☐ An FBA includes a description of problem behaviors.

Minn. R. 3525.0210, subp. 22

Points of Clarification

- The "problem behavior" or "target behavior" must be clearly defined.
- The behavior must be something observable and measureable.

Sample of Noncompliance

Ethan is disruptive in class and defiant towards teachers.

Sample of Compliance

Ethan disrupts classroom activities by talking out in class, both during lecture and work times. He speaks loudly and uses inappropriate language. When redirected by teachers he talks back

and argues, often saying "Make me" when teachers ask him to get out his materials or follow along with class activities.

FBA-Events, Times, and Situations

☐ A FBA includes the identification of events, times, and situations that predict the occurrence and nonoccurrence of the behavior.

Minn. R. 3525.0210, subp. 22

Points of Clarification

- This is asking when the behavior occurs and does not occur. For example:
 - During certain classes
 - At certain times of the day
 - At special events
 - When working in groups
 - When with certain people

Sample of Noncompliance

Ethan's disruptive behavior occurs throughout the school day.

Sample of Compliance

Ethan is most disruptive during academic class times, especially during read aloud and independent writing activities. These classes are in the morning. He does well in the afternoon and during group activities when he can work with a partner.

FBA-Antecedents, Consequences, and Reinforcers

☐ A FBA also identifies the antecedents, consequences, and reinforcers that maintain behavior.

Minn. Rule 3525.0210, subp. 22

- Antecedents, consequences and reinforcers of behavior address:
 - the context of the behavior (pre- and post-behavior)
 - triggers of the behavior
 - the positive and negative results of the behavior
- The aim is to identify what is leading up to the behavior and what is maintaining the behavior in order to prevent the negative behaviors from continuing.
- The antecedents can be similar to the events, times, and situations in which the behavior occurs.

- What is the student doing?
- What is being asked of the student?
- Where is the student?
- What is immediately preceding the behavior?
 - o What sets off the behavior?
 - O What makes the behavior happen?
 - O Who else is involved?
- Consequences and reinforcers are those things that follow the behavior.
- Consequences would be negative results that would hopefully discourage the behavior.
- Reinforcers would be those things that either deliberately or inadvertently encourage the behavior.

Sample of Noncompliance

Ethan is disruptive during class. He is often removed from class and will either go to the resource room or the principal's office.

Sample of Compliance

Ethan's disruptive behavior occurs mainly in the mornings during his language arts time. He refuses to do his work. He is temporarily reinforced by not having to complete his assignment individually. Consequences of his behavior include sending him to the principal's office or the resource room.

FBA-Function of Behavior

■ An FBA includes the possible functions of the behavior.

Minn. R. 3525.0210, subp. 22

- As with the consequences and reinforcers, we are looking for the reasons why the behavior is occurring.
- In the previous sample, being removed from class and sent to the principal's office could be rewarding for the student, thus only encouraging its continuance.
- This is why it is important that we understand the motivation of the student's behavior.
- Understanding the function of the behavior, or the motivation of the student, will help to
 establish more effective consequences and reinforcers to encourage possible alternative
 behaviors.

Sample of Noncompliance

Ethan's disruptive behavior causes problems in the classroom and prevents other students from getting their work done.

Sample of Compliance

Ethan refuses to do his independent language arts assignments and will argue with his teacher until he is removed from the class. Ethan avoids his assignments because he is reading below grade level and struggles with completing assignments independently.

FBA-Alternative Behaviors

☐ An FBA includes possible positive alternative behaviors.

Minn. R. 3525.0210, subp. 22

Points of clarification

- The FBA should not just look at the elimination of the negative behavior, but should include an alternate or replacement behavior. What is the desired behavior?
- The FBA should not only state the desired behavior of the student (not hitting peers, following directions, etc.), but also state how the student will develop the desired behavior.
- Positive alternative behaviors can be prompted or supported by:
 - antecedent and setting-event modifications,
 - teaching alternative skills,
 - consequence interventions.
- Questions to consider:
 - What are ways to change the context to make the problem behavior unnecessary?
 - What are ways to prevent the behavior?
 - What can be done to increase expected behaviors or to teach a replacement behavior?
 - What should happen when a problem behavior occurs?
 - What should happen when desired or replacement behavior occurs?

Sample of Noncompliance

Ethan will complete his assignments and refrain from arguing with his teachers.

Sample of Compliance

Ethan could be assigned a partner to work with during his language arts class. Since Ethan works well with peers, his partner could help him get started on his assignments. When struggling, Ethan can be allowed to request to go to the resource room to complete his assignments and get support from the special education teacher. Ethan could also be given modified assignments that are more at his level, to avoid frustration and build success.

FBA-Variety of Data

☐ An FBA includes a variety of data collection methods and sources that facilitate the development of hypotheses and summary statements regarding behavioral patterns.

Minn. R. 3525.0210, subp. 22.

Points of clarification

- Data must be gathered from a variety of sources using a variety of measures.
- Information from parents, teachers, and student would contribute to fully understand the behavior.
- Data from observations, interviews, and other formal or informal measures will enable clearer understanding of the behavior, its function, and what would be appropriate and successful alternate behaviors.
- There is no indication of a minimum number of methods or sources required.
- There is no indication of any specific required methods or sources, such as a particular questionnaire or parent interview.
- This would be cited if there is not evidence that data was gathered from more than one data source or through use of more than one method.

Team Override Documentation

☐ The team may determine that a pupil is eligible for special instruction and related services because the pupil has a disability and needs special instruction even though the pupil does not meet the specific requirement in... (MN Rule categories). The team must include the documentation in the pupil's special education record according to items A, B, C, and D.

Minn. R. 3525.1354 subp. 1

Points of Clarification

- Team override requirements apply to all disability categories.
- If one or more of the four components of team override documentation is found not in compliance, this may be considered an eligibility citation.

Verification Documentation may be located:

- As part of an ER which specifically addresses all of the required team override components.
- As a separate document within the student's special education file.
- ☐ The pupil's record must contain documents that explain why the standards and procedures used with the majority of pupils resulted in invalid findings for this pupil.

Minn. R. 3525.1354, subp. 1(A)

☐ The record must indicate what objective data were used to conclude that the pupil has a disability and is in need of special instruction and related services. These data include, for

example, test scores, work products, self-reports, teacher comments, medical data, previous testing, observational data, ecological assessments, and other developmental data.

Minn. R. 3525.1354, subp. 1(B)

☐ Because the eligibility decision is based on a synthesis of multiple data and not all data are equally valid, the team must indicate which data had the greatest relative importance for the eligibility decision.

Minn. R. 3525.1354, subp. 1(C)

Points of Clarification

- The team must document their justification as to why the assessments and procedures used on the majority of students produced invalid results and why the team *cannot get* valid results using typical standards and procedures.
- The team must document what specific data were used to make the eligibility determination.
- The team must indicate which data had the greatest relative importance for decision making.
- ☐ The team override decision must be signed by the team members agreeing to the override decision.

Minn. R. 3525.1354, subp. 1(D)

☐ For those team members who disagree with the override decision, a statement of why they disagree and their signature must be included.

Minn. R. 3525.1354, subp. 1(D)

Points of Clarification

- Signatures are required for an override regardless of disability area.
- All team member signatures must be present for the override to be in compliance.
- A statement of disagreement does not need to be lengthy, but should include substantive evidence rather than just opinion.
- If more than one team member disagrees, they can write separate statements or a joint statement.

Exit Procedures

A public agency must evaluate a child with a disability before determining that the child is no longer a child with a disability.

34 C.F.R. § 300.305(e)(1)

Points of Clarification

 An evaluation is required when dismissing a student from ALL special education and related services.

- These are cases in which you are determining that the child is no longer a student with a disability.
- However, there are a few cases in which an evaluation is not required prior to the termination of all special education services for that child. These are:
 - graduation from a secondary school with a diploma,
 - exceeding the age eligibility for FAPE under State law, or
 - when parents revoke consent for special education and related services.
- The evaluation does not need to involve new assessments; a review of records may be sufficient as long as there is enough current data to document:
 - the student's present levels of educational and functional performance,
 - the determination that the child is no longer a child with a disability, and
 - the student no longer needs special education and related services.
- An evaluation is not required when the child remains a child with a disability, yet the team decides to:
 - dismiss from a related service (such as occupational therapy).
 - dismiss from a secondary disability category (such as speech and language for a student also identified EBD).
- A reduction in service would require a PWN and would usually be determined through the IEP team meeting process.

Eligibility

- Autism Spectrum Disorders
- Emotional or Behavioral Disorders
- Blind or Visually Impaired
- Other Health Disabilities
- Deaf/Blind
- Physical Impairment
- Deaf/Hard of Hearing
- Severely Multiply Impaired
- Developmental Cognitive Disability
- Specific Learning Disability

- Developmental Delay
- Speech or Language Impairment
- Traumatic Brain Injury
- Developmental Adapted Physical Education

Legal Authority:

Minn. R. 3525.1325 – 3525.1352

- Each of the checklists in the web-based system references the criteria as provided in the eligibility checklists available on the Minnesota Department of Education (MDE) web site.
- http://education.state.mn.us/MDE/SchSup/SpecEdComp/ComplMonitor/Monitoring/Checklist s/index.html
- The initial Evaluation Report (ER) must document that the student meets all required eligibility criteria.
- Reevaluation reports must document that all eligibility criteria have been addressed, though the student may not meet the strict criteria required under initial evaluation.
- If looking at a new disability category, even if the child already qualifies under another disability, initial eligibility criteria must be met for the new disability area.
- If a district receives an out-of-state transfer student, the student would need to meet initial eligibility criteria in Minnesota.
- The purpose of the eligibility review is not only to determine if the student meets or does not meet the criteria, but also to determine if there is sufficient evidence in the ER to support the team's decision.
- When reviewing a record, do not simply transfer the criteria review in the ER onto the criteria checklist but *review the body of the ER* looking for data to support the criteria components and complete the checklist based on the data in the ER.
- There must be data in the ER to support the criteria components.
- For example, the Specific Learning Disability (SLD) criteria require the presence of an information processing disorder. The ER may say there is an information processing disorder, but there must be evidence in the ER that supports this claim.
- Especially in the case of a reevaluation, the ER may not adequately address all criteria components.
- This does not necessarily mean the student is not eligible, but it may mean there is not sufficient data in the ER to support the team's determination.

Each criteria checklist will conclude with the following statement and two options:

- To determine compliance with eligibility determination, one of the following MUST be checked:
 - The documentation supports the team decision.
 - The documentation does not support the team decision.

Points of Clarification

- Note that you are indicating whether or not the data in the ER supports the team's decision, not whether or not the team found the student eligible or whether you agree or disagree that the student is eligible.
- There may not be sufficient data to support the determination of eligibility and therefore you disagree with the team's decision to find eligible.
- Or you may agree with the determination of eligibility but find the ER is lacking the data to support the determination.
- In both cases you would check the statement: "The documentation does not support the team decision."
- Check the box of the most accurate determination statement and include any important comments regarding eligibility under the student's Comments tab in the MNCIMP system.
- When reviewing records, fully complete the appropriate eligibility checklist for the child's primary disability category first.
- Then complete the eligibility checklist(s) for any additional area(s) the student has been identified with or assessed for, if applicable.
- If the team considered eligibility for a disability category but did not qualify the student in that
 area, you would still review the eligibility determination and complete the criteria checklist in
 that area as part of your review.
- If documentation in the file indicates that the child receives Developmental Adapted Physical Education (DAPE) services, complete the DAPE eligibility checklist as well.

Specific Learning Disability (SLD) Criteria

- The major change to the SLD criteria was the addition of the option to qualify students as eligible for SLD using the response to Scientific, Research-Based Intervention (SRBI).
- The revised SLD criteria, under Minn. R. 3525.1341, went into effect in September 2008.
- All evaluations and reevaluations must address components of the new criteria, including requirements of the SLD Written Report.

- Under Minn. R. 3525.1341, subp. 2, districts have the option of qualifying students based on Criteria A, B, and C or A, B, and D.
- Criteria components A and B are required for all SLD evaluations.
- Criteria C is required when using a severe discrepancy model.
- Criteria D is required when using a model based on the response to SRBI.

Definition of SLD:

A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations.

Minn. R. 3525.1341, subp. 1

SLD Criteria Requirements:

- Must meet A, B, and C or A, B, and D
- Information about each criteria component (A, B, and C or D) must be sought from the parents.
- Data must confirm the effects of the disability occur in a variety of settings.
- The child must receive two interventions prior to referral (unless waived).

SLD Criteria-Criteria A

The child does not achieve adequately in one or more of the eight areas of SLD:

- Oral Expression
- Listening Comprehension
- Math Calculation
- Mathematical Problem Solving
- Written Expression
- Basic Reading Skills
- Reading Comprehension
- Reading Fluency

AND

Either:

 The child does not make adequate progress to meet age or state-approved grade-level standards in one or more of the areas listed above when using a process based on the child's response to SRBI. OR

• The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development.

Points of Clarification

- There is no legal definition of "inadequate achievement."
- There is no description of a pattern of strengths and weaknesses. There are no criteria regarding how many there must be or how discrepant they must be.
- There are specific criteria to demonstrate an inadequate rate of progress, which are detailed in Criteria D.
- When demonstrating inadequate achievement and either inadequate progress in response
 to SRBI or a pattern of strengths and weaknesses, the measures used to verify this must be
 representative of the child's curriculum or useful in developing instructional goals and
 objectives.
- Documentation is required to verify Criteria A.
- Documentation includes evidence of low achievement from the following sources, when available:
 - Cumulative record reviews
 - Class work samples
 - Anecdotal teacher records
 - Statewide and district-wide assessments
 - Formal, diagnostic, and informal tests
 - Curriculum-based evaluation results
 - Results from targeted support programs in general education

SLD Criteria-Criteria B

The child has a disorder in one or more of the basic psychological processes which includes an information processing condition that is manifested in a variety of settings.

- An information processing disorder could manifest itself in a variety of ways including:
 - Acquisition of Information,
 - Organization,
 - Planning and Sequencing,

- Working Memory,
- Visual and Auditory Processing,
- Speed of Processing,
- Verbal and Nonverbal Expression,
- Transfer of Information, or
- Motor control for written tasks.

SLD Criteria Criteria C

The child demonstrates a severe discrepancy between general intellectual ability and achievement in one or more areas.

Points of Clarification

- Standardized tests must be individually administered.
- For initial placement, discrepancy must be equal to or greater than -1.75 Standard Deviation (SD).
- This discrepancy shall not be based solely on standardized tests. There should be evidence from other sources to support the discrepancy.

SLD Criteria-Criteria D

The child demonstrates an inadequate rate of progress...measured over time through progress monitoring while using intensive SRBI. A minimum of 12 data points are required from a consistent intervention implemented over at least seven school weeks.

- Inadequate rate of progress in SRBI is defined by four points:
- rate of improvement is minimal and continued intervention will not likely result in reaching age or state-approved grade-level standards;
- progress will likely not be maintained when instructional supports are removed;
- level of performance in repeated assessments of achievement falls below the child's age or state-approved grade-level standards; and
- level of achievement is at or below the fifth percentile on one or more valid and reliable achievement tests using either state or national comparisons.
- Local norms can be used, but when local comparison data is used and differs from either state or national data, the group must provide a rationale to explain the difference.
- All four of these components of inadequate progress must be documented to support the determination that the child does not make adequate progress in response to SRBI.

- Qualifying a student under SLD using SRBI requires a great deal of data collection with specific requirements.
- The specifics of the intervention used can vary greatly from district to district.
- The district's process for SRBI should be spelled out in the district's Total Special Education System (TSES).
- The district's TSES should detail:
 - The specific SRBI approach, including timelines for progression through the model;
 - Any SRBI that is used, by content area;
 - The parent notification and consent policies for participation in SRBI;
 - Procedures for ensuring fidelity of implementation; and
 - A district staff training plan.

SLD Written Report (Required Content)

SLD Written Report- Observation

☐ For a child suspected of having a Specific Learning Disability, the documentation of the determination of eligibility, ... must include an observation of the child in the child's learning environment, including the regular classroom setting, that documents the child's academic performance and behavior in the areas of difficulty.

Minn. R. 3525.1341, subp. 3(A)

- An observation is a required component of an SLD evaluation.
- There is no requirement regarding the number of observations completed- although, there would be a minimum of one.
- However, if there are multiple areas of concern, such as reading and written language, then
 multiple observations may be necessary to document the child's academic performance and
 behavior in the areas of difficulty.
- The team can decide to use observational data from before the referral or after (as included in the evaluation plan/Prior Written Notice).
- There is no specification as to who must do the observation other than it be a qualified professional.
- The observation must be done in the child's regular learning environment.
- Whatever observational data is used must describe behavior that is relevant to the child's academic functioning.

- For example, when the concerns are in reading, the observation should describe behavior related to reading; a simple time-on-task observation may not provide relevant observational data.
- This would be a citation if the data from the observation does not relate to the student's academic functioning in the area(s) of concern.

SLD Written Report- Documentation of Disability

☐ For a child suspected of having a Specific Learning Disability, the documentation of the determination of eligibility, ... must contain a statement of whether the child has a specific learning disability.

34 C.F.R. § 300.311(a)(1)

Points of Clarification

- Identifying a student as having a specific learning disability means they have met the required eligibility components.
- This statement would most likely be found in the summary or eligibility determination section of an ER.
- This would be a citation if the ER does not clearly identify the student as SLD.

SLD Written Report- Basis/Psychological Processes

☐ For a child suspected of having a Specific Learning Disability, the documentation of the determination of eligibility, ... must contain a statement of the basis for making the determination including that the child has a disorder, across multiple settings, that impacts one or more of the basic psychological processes...documented by information from a variety of sources.

Minn. R. 3525.1341, subp. 3(C)(1)

- The basic psychological processes are involved in understanding or in using language, spoken or written, that may be manifest in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations.
- The disorder across multiple settings must be documented by information from a variety of sources including:
 - aptitude and achievement tests,
 - parent input,
 - teacher recommendations, as well as
 - information about the child's physical condition, social or cultural background, and adaptive behavior.
- SLD criteria require that the student have an information processing condition.

- This citation requires documentation that supports this condition.
- The documentation must be from a variety of sources.
- This would be a citation if there is not documentation in the ER from multiple sources to support the information processing condition.

SLD Written Report- Basis/Exclusionary Factors

☐ For a child suspected of having a Specific Learning Disability, the documentation of the determination of eligibility, ... must contain a statement of the basis for making the determination including that the child's underachievement is not primarily the result of visual, hearing, or motor impairment; developmental cognitive disabilities; emotional or behavioral disorders; environmental, cultural, or economic influences; limited English proficiency; or lack of appropriate instruction in reading or math.

Minn. R. 3525.1341, subp. 3(C)(2)

This must be verified by:

- Data that demonstrate that prior to, or as part of, the referral process, the child was provided appropriate instruction in regular education settings delivered by qualified personnel; and
- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the child's progress during instruction, which was provided to the child's parents.

Minn. R. 3525.1341, subp. 3(C)(2)

- Each of these factors must be considered and ruled out as the PRIMARY cause for underachievement.
- It is not sufficient to just include a statement in the ER indicating these factors were considered and ruled out. There must be data in the ER to support this determination.
- It is possible for some of these factors to be present, such as cultural or economic influences, yet determined not to contribute to the underachievement.
- It is possible for a student to have a secondary disability, such as an Emotional or Behavioral Disorder, and still meet the criteria for SLD.
- The SLD ER should document that the emotional or behavioral concerns are concurrent and one is not a result of the other.
- There are no clear legal guidelines on the data required to demonstrate that "prior to, or as part of, the referral process, the child was provided appropriate instruction in regular education settings delivered by qualified personnel."
- One would look for documentation that a student has participated in a regular education program.

- If there is no educational history, you would not be able to rule out the lack of appropriate instruction in reading or math.
- Likewise there are no clear legal guidelines on required "data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the child's progress during instruction, which was provided to the child's parents."
- This data could include such things as MCA testing, NWEA tests, or any other formal assessment administered over time to gauge achievement.
- This would be a citation if there is evidence of potential other factors that may be the primary
 cause for the underachievement yet those factors are not addressed or not adequately
 weighed in the basis for making the determination of the child's underachievement.

SLD Written Report- Medical Findings

☐ For a child suspected of having a Specific Learning Disability, the documentation of the determination of eligibility, ... must contain a statement of the educationally relevant medical findings, if any.

34 C.F.R. § 300.311(a)(4)

Points of Clarification

- There is no guidance on what are considered "relevant medical findings."
- There should be some mention in the ER that possible medical influences have been considered.
- When there is no mention of any educationally relevant medical findings, or lack thereof, this
 would not be a citation unless there is documentation elsewhere (referral information,
 Individualized Education Program) that there is in fact a medical condition that would be
 relevant.

SLD Written Report - Addressing Criteria

- For a child suspected of having a Specific Learning Disability, the documentation of the determination of eligibility, ... must include: whether the child meets criteria in subpart 2, either items A, B, and C or items A, B, and D.
- The specifics of the criteria components were addressed in slides 158-175.
- These components and the supporting data would need to be documented in the SLD written report.

SLD Written Report- Criteria A

- Criteria A is that the child does not achieve adequately in one or more of the eight areas of SLD, and either:
 - Does not make adequate progress (in response to SRBI)

OR

 Demonstrates a pattern of strengths and weaknesses Criteria A is broken down into three possible citations (A, A1, and A2). ☐ For a child suspected of having a Specific Learning Disability, the documentation of the determination of eligibility, . . . must contain a statement of whether the child does not achieve adequately for the child's age or to meet State-approved grade-level standards. (Criteria A) 34 C.F.R. § 300.311(a)(5)(i) Points of Clarification The inadequate achievement would need to be demonstrated in one or more of the eight areas of SLD. There is no legal definition of inadequate achievement. Documentation of inadequate achievement should come from the following sources when available: Cumulative record reviews Class work samples Anecdotal teacher records Statewide and district-wide assessments Formal, diagnostic, and informal tests Curriculum-based evaluation results Results from targeted support programs in general education The documentation should be from multiple sources. Information about the low achievement must be sought from the parents. This would be a citation if the ER does not have documentation of low achievement in one or more of the eight areas. ☐ For a child suspected of having a Specific Learning Disability, the documentation of the determination of eligibility, ... must contain a statement of whether the child does not make sufficient progress to meet age or State-approved grade-level standards. (Criteria A1) 34 C.F.R. § 300.311(a)(5)(ii)(A)

OR

☐ For a child suspected of having a Specific Learning Disability, the documentation of the determination of eligibility, ... must contain a statement of whether the child exhibits a

pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved grade level standards or intellectual development. (Criteria A2)

34 C.F.R. § 300.311(a)(5)(ii)(B)

Points of Clarification

- For A1, the requirement is for a statement that the child does not make sufficient progress.

 Criteria D defines the inadequate rate of progress and requires specific data to support this.
- For A2, there is no definition of a pattern of strengths and weaknesses, but the report must document evidence of such.
- Since the requirement is for either A1 or A2, you would only cite one of these two.
- These components of the criteria are often overlooked.
- The information is often implied in the ER but not explicitly stated.
- When using SRBI, the ER needs to state the child does not make sufficient progress to meet age or State-approved grade-level standards.
- If using a discrepancy model, the ER needs to detail a pattern of strengths and weaknesses.

SLD Written Report- Criteria B

☐ The child has a disorder in one or more of the basic psychological processes which includes an information processing condition that is manifested in a variety of settings. (Criteria B)

Minn. R. 3525.1341, subp. 2(B)

- An information processing disorder could manifest itself in a variety of ways including:
 - Acquisition of Information,
 - Organization,
 - Planning and Sequencing,
 - Working Memory,
 - Visual and Auditory Processing,
 - Speed of Processing,
 - Verbal and Nonverbal Expression,
 - Transfer of Information, or
 - Motor control for written tasks.
- Data to demonstrate an information processing disorder could come from:

- Formal or informal questionnaires or rating scales,
- Analysis of formal or informal test results,
- Anecdotal information from parents or teachers.
- The information processing disorder must be demonstrated in a variety of settings and the report should include information from a variety of sources supporting the disorder in multiple settings, including information from the parent.
- This would be a citation if the ER does not address or adequately demonstrate the presence of an information processing condition in a variety of settings.

SLD Written Report- Criteria C

☐ The child demonstrates a severe discrepancy between general intellectual ability and achievement in one or more areas. (Criteria C)

Minn. R. 3525.1341, subp. 2(C)

Points of Clarification

- For initial placement, discrepancy must be equal to or greater than -1.75 Standard Deviation (SD).
- For a reevaluation, the student does not need to demonstrate a discrepancy of the same severity but will still need to demonstrate inadequate achievement (Criteria A) and a discrepancy between ability and achievement.
- This discrepancy shall not be based solely on standardized tests. There should be evidence from other sources to support the discrepancy.
- Information about the severe discrepancy must be sought from the parents.
- For an initial evaluation, this may be cited if the student is found eligible but there is not documentation of a severe discrepancy.
- For a reevaluation, the student can still be found eligible without the severe discrepancy but this may still be cited if there is no discrepancy or the discrepancy is not addressed.

SLD Written Report-Criteria D

☐ The child demonstrate an inadequate rate of progress...measured over time through progress monitoring while using intensive SRBI. A minimum of 12 data points are required from a consistent intervention implemented over at least seven school weeks. (Criteria D)

Minn. R. 3525.1341, subp. 2(D)

- Inadequate rate of progress in SRBI is defined by four points:
- rate of improvement is minimal and continued intervention will not likely result in reaching age or state-approved grade-level standards;

- progress will likely not be maintained when instructional supports are removed;
- level of performance in repeated assessments of achievement falls below the child's age or state-approved grade-level standards; and
- level of achievement is at or below the fifth percentile on one or more valid and reliable achievement tests using either state or national comparisons.
- All four of these components of inadequate progress must be documented to support the determination that the child does not make adequate progress in response to SRBI.
- There should be data in the SLD ER to document each component and support the inadequate rate of progress.
- Information about the inadequate rate of progress must be sought from the parents.
- This would be a citation if any of the components are not addressed or if the data does not support the determination of inadequate progress.

SLD Written Report –SRBI Data Collection

☐ For a child suspected of having a Specific Learning Disability the documentation of the determination of eligibility, ... must contain a statement of if the child has participated in a process that assesses the child's response to scientific, research-based intervention (SRBI) and the instructional strategies used and the student-centered data collected.

34 C.F.R. § 300.311(a)(7)(i)

Points of Clarification

- The information in the SLD ER should detail the instructional strategies used and should correspond to what is specified in the district's TSES.
- The data collected needs to be specific to the student. The manner in which data is collected should also be specified in the district's TSES.
- This would be cited if this information were missing in the ER.
- □ When using SRBI, the documentation that the child's parents were notified about the State's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided, strategies for increasing the child's rate of learning, and the parent's right to request an evaluation.

34 C.F.R. § 300.311(a)(7)(ii)(A-C)

- The district's TSES needs to detail the parent notification and consent policies.
- When using SRBI, the SLD ER should include documentation of parent notification and should be consistent with the district's TSES.
- This would be cited if this information were missing in the ER.

SLD Written Report -Signatures

■ Each group member must certify in writing whether the report reflects the member's conclusion.

34 C.F.R. § 300.311(b)

Points of Clarification

- All team members need to sign the ER, whether in agreement or not.
- Signatures are required for both an initial and reevaluation SLD ER.
- Signatures are also required for any ER in which SLD was considered. If the team
 considered SLD and EBD but found the student eligible for only EBD, it is still an SLD
 evaluation and would require signatures.
- 34 C.F.R. § 300.308 identifies team members required for an SLD evaluation as basically the parent, general education teacher, and person qualified to conduct diagnostic examinations.
- However, anyone present at that meeting would be considered a team member and should sign the ER. If someone at the meeting did not sign, then this should be cited.

SLD Written Report -Statement

☐ If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions.

34 C.F.R. § 300.311(b)

Points of Clarification

- The statement does not need to be lengthy, but should include substantive evidence rather than just opinion.
- When more than one team member disagrees, they can write separate statements or a joint statement.
- When two or more team members disagree with the decision, is it really the right decision?

SLD Written Report -Conclusions

- When one or more of the SLD ER requirements are missing, you may need to consider if there is an eligibility concern.
- It could be there is not evidence to support the decision, or it could be the evidence is just not documented appropriately in the ER.
- For example, when the SLD ER does not contain documentation of an observation: Was an
 observation done? Given that is a required component of an SLD ER, how can one truly say
 the student is SLD if all the required components are not addressed?

• When the SLD ER is missing team member signatures, this is probably not an eligibility issue but rather a documentation concern.