



Pattern of Strengths and Weaknesses Guidelines



Kent ISD
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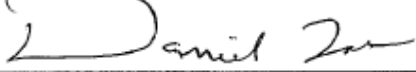
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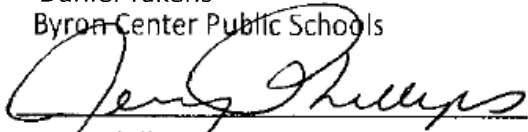
LOCAL DISTRICT SIGNATURES



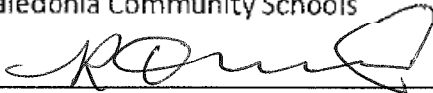
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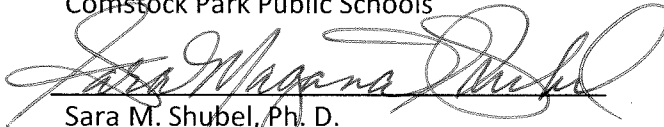
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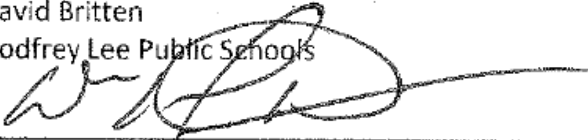
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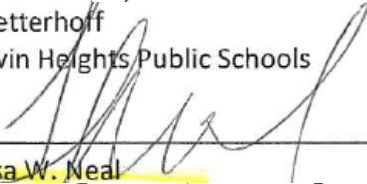
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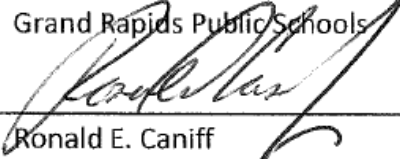
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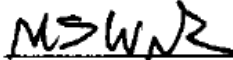
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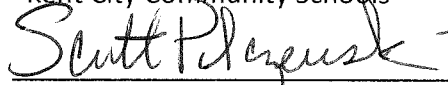
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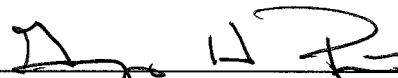
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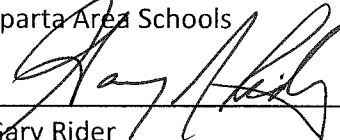
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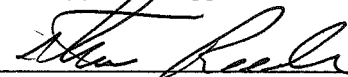
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INTRODUCTION

The 2006 re-authorization of the Individuals with Disabilities in Education Improvement Act (IDEIA) included new regulatory language for identifying students with specific learning disabilities (SLD). Subsections 300.307 & 300.309 of the federal register outline the following three methods States may consider when identifying SLD:

- 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 (“PSW”)
- The child does not make sufficient progress to meet age or State approved grade level standards in response to scientific, research based intervention (“RtI”)
- Other alternative research-based procedures

In May of 2010 the Michigan Department of Education (MDE) released Michigan criteria to help intermediate school districts (ISDs) and local education agencies (LEAs) comply with both IDEIA and the Michigan Administrative Rules for Special Education (MARSE). The MDE’s guiding document allows educational agencies the flexibility to choose from the first two methods noted above: pattern of strengths and weaknesses (PSW) or response to intervention (RtI). Continued use of the traditional discrepancy model is discouraged. The State has yet to identify “other” scientifically viable methods of eligibility.

In response to changing federal and state law, the current committee was assembled to develop local guidelines for Kent ISD LEAs using the PSW model. The committee was charged with exploring existing models of PSW eligibility (both within and outside the state of Michigan) and producing a document that would accomplish the following:

- Provide eligibility recommendations that are consistent with IDEIA and MARSE
- Provide eligibility recommendations that are consistent with best practices currently employed by other educational agencies
- Provide a measure of consistency within the Kent ISD in regards to SLD eligibility

There are a number of factors to consider when utilizing this document and reflecting on the committee’s charge:

First, the committee acknowledges the value and appeal of the RtI eligibility model. The RtI model is not only allowable under IDEIA and MARSE, but the practices championed by RtI proponents appear beneficial to a wide range of students. The purpose of this document is not to diminish the promise of RtI. Rather, it is to provide guidance on the PSW model.

Second, there are multiple models for conducting a PSW evaluation. Broadly speaking, the two most prevalent models could be described as “achievement only” and “cognitive processing”

models. As members of the committee discovered, both methods have supporters at the individual, district, state, and university level. Without going into great detail, the committee determined that the achievement only model is most appropriate for current Kent ISD purposes. This is not to say the cognitive processing model is not appealing, or that it may not someday prove the superior model. However, based on reviews of existing research and practice, it was determined that the relationships between specific cognitive processes and academic achievement have not been sufficiently described. Additionally, the federal government has made clear its position on the use of cognitive processing for SLD identification:

“There is no current evidence that such assessments (cognitive processing) are necessary or sufficient for identifying SLD. Further, in many cases, these assessments have not been used to make appropriate intervention decisions... § 300.309(a)(ii) permits but does not require consideration of a pattern of strengths and weakness or both relative to intellectual development.” (2006 IDEIA Regulations discussion).

Third, committee members recognize that use of a PSW model may necessitate a shift in perspective regarding SLD as a construct and who might be eligible. Whether intentional or not the design of PSW demands a level of specificity that may not be present in other eligibility methods (e.g., RtI, traditional IQ/ACH). The committee acknowledges that an evaluation team’s inability to identify a pattern of strengths to contrast a pattern of weaknesses may lead to ineligibility determinations. Additionally, the PSW model will likely make it difficult to determine students eligible in multiple academic areas (i.e., SLD in reading, math, and written expression). Although ineligible under SLD criteria, students with global delays may warrant evaluation for other disabling conditions (e.g., speech/language impairments, emotional impairments, cognitive impairments). Depending on your viewpoint, the emphasis PSW places on the “specific” portion of “specific learning disability” could be considered a positive advancement in SLD identification or an undue limitation.

Finally, it is the committee’s conviction that the PSW guidelines in this report provide a legal and logical method for determining SLD eligibility. Furthermore, districts that follow these guidelines will contribute to a measure of continuity throughout the Kent ISD. To these extents, the committee has fulfilled its charge. However, it is important to consider the many changes that have already taken place in the relatively short life of SLD in American schools. While the committee is encouraged by the increased scientific rigor applied to SLD, members are cognizant of the fact that research continues to progress at a rapid pace. There continues to be spirited debate in both the applied and academic settings regarding the nature of SLD itself, let alone determining its eligibility in schools. Therefore, while it is believed the present guidelines offer local educational agencies appropriate information, it is anticipated that as our knowledge of SLD grows so too will this document change.

OVERVIEW

In May 2010, Michigan established guidelines to address the requirement that states update criteria for determining whether a child has a Specific Learning Disability. Michigan's language mirrors federal language. Please refer to the appendix of federal and state definitions of a Specific Learning Disability.

In order to address these changes in federal and state rules and regulations governing the determination of a Specific Learning Disability, Kent ISD is adopting an evaluation model called Pattern of Strengths and Weaknesses or PSW. This model is part of a process of data collection that includes multiple methods of assessing student performance. As an overview, the identification of a Specific Learning Disability occurs when significant differences are observed between an individual's performances in two or more of the eight categories of Specific Learning Disability: basic reading, reading comprehension, reading fluency, written expression, math computation, math problem solving, oral expression, and listening comprehension.

INITIAL EVALUATIONS

Considerations Prior To An Evaluation:

A comprehensive evaluation is conducted to gather and review the necessary data to make an eligibility recommendation. Federal regulations indicate the need for planning to determine the scope of an evaluation which must include “ruling in” and “ruling out” several factors. (Please refer to the appendix for the federal definition of a full and complete evaluation.)

Rule-In Factors:

- Inadequate achievement and progress in age and/or grade level content
- Adverse impact to the point that the child requires special education and/or related services

Rule-Out Factors:

- Inadequate achievement due to other disabilities/factors
- Inadequate achievement due to lack of appropriate instruction

The following is a further description of the “rule in” and “rule out” factors:

- *Appropriate Instruction:* Federal law requires schools to ensure that students were provided with appropriate, evidence-based instruction, including the essential components of reading, and that it is delivered by a qualified teacher. Another consideration is the opportunity to receive instruction. This is evidenced by attendance rates approximately at or above 85% (including instruction missed through partial day absences or tardies) and no difficulties associated with inconsistent curriculum or instruction from gaps in learning due to frequent changes in schools.

Furthermore, appropriate instruction in reading and math must include:

- explicit and systematic instruction in essential components of reading and math, including:
 - phonemic awareness,
 - phonics,
 - vocabulary development,
 - reading fluency, including oral reading skills, and
 - reading comprehension strategies
 - concepts and reasoning
 - automatic recall-# facts
 - computation algorithms
 - functional math
 - verbal problem solving

- *Performance on State & District Standards:* Student progress in learning based on state and district standards, such as the MEAP and MAP tests, is a fundamental consideration for instructional planning and for understanding student educational performance levels.
- *Rate/Level of Progress:* Academic interventions, whether formalized in school procedures or through teacher efforts to provide supplementary instruction, must be documented with attention to the fidelity of the efforts and their impact on student achievement. Data representing repeated measures of student performance at regular intervals and provided to parents are required to determine the probability of a Specific Learning Disability. Repeated measures of student rate/level of progress may include progress monitoring data, benchmark assessments, classroom assessments, or other measures that occur at reasonable intervals, such as every 3-5 weeks. Also, there must be a process to provide parents this information. (Note: this process is sometimes referred to as Response to Intervention or RtI, but should not be confused with an evaluation using RtI criteria or procedures.)
- *Exclusionary Factors:* Other factors that may account for the student's learning patterns and the lack of student response to instruction such as visual, hearing or motor impairments, past experiences and opportunities, sensory, language, cultural, cognitive and emotional challenges must also be considered and ruled out as primarily causing the learning difficulties.

To the extent possible, these provisions or assurances should be adequately addressed prior to an evaluation. Once addressed, a comprehensive evaluation is conducted to gather and review the necessary data to make an eligibility recommendation. Based on PSW model, data is reviewed and/or gathered in regards to academic achievement with respect to grade and age level expectations and classroom performance with respect to grade and age level expectations. Information is obtained through a review of progress monitoring in regards to current interventions, current classroom assignment/quiz/test grades, state and district assessments (e.g., MEAP and MAP), individual testing (e.g., norm-referenced and/or curriculum-based measures), teacher feedback, and/or classroom observations.

The use of criterion-referenced or curriculum-based measures is encouraged to more accurately identify a Pattern of Strengths and Weaknesses and to link eligibility determination to instruction.

In order to help ensure consistency within the district, the following are Kent ISD's adopted guidelines for demonstrating eligibility under a Pattern of Strengths and Weaknesses model:

Area Of Strength Defined:

For initial evaluations, an area of strength is identified when there are at least three strengths identified within one or more of the eight categories of Specific Learning Disability eligibility.

Strengths are identified by the following criteria:

- Criterion-referenced assessments at or above grade level
- Norm-referenced test score at or greater than the 25th percentile
- Curriculum assessment scores at or greater than 80%

- If using unit or teacher made tests, an average score of at least the three most recent assessments is recommended versus only using the one score from the latest assessment
- Classroom observations indicating adequate understanding of content in comparison to other students in the classroom
- Grades of A's or B's or 'meets/exceeds' expectations

Furthermore:

- At least one data point identified *must* be from the category of academic achievement with respect to grade OR age level expectations.
- At least one data point identified *must* be from the category of classroom performance relative to grade level and/or age level expectations.

Area Of Weakness Defined:

For initial evaluations, an area of weakness is identified when there are at least four weaknesses identified within one or more of the eight categories of Specific Learning Disability eligibility.

Weaknesses are identified by the following criteria:

- Progress monitoring falling below aim line for least three consecutive data points
- Curriculum-based measures in the 'at-risk' range or below the 10th percentile if using local norms
- Criterion-referenced assessments
 - At least a year below grade level if in grades K-3
 - At least 1 ½ to 2 years below grade level if in grades 4+
- Norm-referenced test score at or below the 9th percentile
- Curriculum assessment scores at or less than 70%
 - If using unit or teacher made tests, an average score of three or more assessments is recommended versus only using the score from the most recent assessment
- Professional teacher report compared to other students in the classroom
- Classroom observation(s) indicating below grade level performance in comparison to other students in the classroom
- Grades of D's or E's or 'does not meet' expectations

Furthermore, regarding initial evaluations:

- At least two data points *must* be within the category of academic achievement with respect to grade level and/or with respect to age level expectations, one of which must be from an individually administered academic achievement measure
- At least one data point *must* be from classroom performance relative to grade level and/or age level experience
- A classroom observation is required in all areas identified as a weakness

REEVALUATIONS

Redetermination of Eligibility for PSW Model

A major consideration in the re-evaluation process should be the student's ability to successfully engage with grade level instructional demands *without* special education support. IEP teams should consider the appropriateness of special education services and consider the student's progress on IEP goals and objectives. Appropriate services with a lack of expected progress on grade level goals and objectives is to be considered a weakness in the category of curriculum data. Documenting progress on goals and objectives, grades, state and district assessments, teacher, parent, and student input will be necessary to determine if the student is able to be successful *without* special education support. If sufficient data exists to document that the student continues to demonstrate the need for special education programs and services in the areas for which eligibility has already been determined, then formal testing may not be required.

When formal reevaluation is deemed necessary for an existing area of eligibility, caution is recommended when interpreting classroom grades, teacher comments, and observational data as they pertain to identifying strengths and weaknesses because of the benefits of receiving special education support. IEP mandated accommodations or modifications, modified grading practices, alternate classroom placement, etc. have an impact upon how the student's progress is assessed and reported. For example, if a student initially qualified in the area of math problem solving and began receiving special education services to support the disability identified, we would expect that special education classroom performance (as evidenced by daily work and quiz or test grades) would no longer be as likely to indicate an area of weakness using the aforementioned criteria. Conversely, if the student is receiving high grades within the special education classroom for daily work, quiz or test grades, it is unreasonable to consider these as areas of "strength" because the grades likely do not have the same meaning as for peers, who are working independently at grade level. It is appropriate to place more emphasis on other assessment categories such as individually or group administered assessments. Given the aforementioned considerations, only three (3) data points of weakness are required for continued eligibility and:

- At least one (1) data point *must* be within the category of academic achievement with respect to grade level and/or with respect to age level expectations
- At least one (1) data point *must* be from classroom performance relative to grade level and/or age level expectations.

When the areas of suspected disability are the *same as previously identified eligibility areas*, meeting the "burden of proof" should focus on the suspected areas of eligibility in regards to the ongoing presentation of a weakness and need for special education. An area of learning disability may have spill-over effects on other areas of academic achievement, precipitating a decline in overall performance and penalizing for the very disability being addressed. Therefore, reestablishing an area of strength becomes unnecessary. In other words, if there is evidence that an area remains a weakness and that special education services are required, then continued eligibility is justified.

Sometimes during the course of the REED and reevaluation a *new* area of eligibility is suspected or identified. The IEP team should consider whether the new area(s) of suspected or identified eligibility are related to the initial area of eligibility, in which case it could be incorporated into an impact statement with related goals, or whether it is a unique area of eligibility, in which case it is necessary to meet the initial eligibility criteria for a SLD in that area (four data points for a weakness, three data points for a strength, classroom observation, etc.).

Redetermination of Eligibility for Discrepancy-Eligible Students

The change in eligibility criteria from a discrepancy model to a Pattern of Strengths and Weaknesses (PSW) model will result in situations where a student previously met the discrepancy criteria for a Specific Learning Disability (SLD) but does not meet the eligibility criteria for a PSW. In such cases, Federal commentary on the regulations suggest that an IEP team is allowed to consider “grandfathering” students who continue to demonstrate a need for special education services for which they met eligibility previously but may not meet eligibility under the new criteria.

“States that change their eligibility criteria for SLD may want to carefully consider the reevaluation of children found eligible for special education services using prior procedures. States should consider the effect of exiting a child from special education who has received special education and related services for many years and how the removal of such supports will affect the child’s educational progress. Obviously, the group should consider whether the child’s instructional and overall special education program have been appropriate as part of this process. If the special education instruction has been appropriate and the child has not been able to exit special education, this would be strong evidence that the child’s eligibility needs to be maintained.” – *Federal Register*, p. 46648

This guidance suggests that, in addition to the SLD diagnostic assurances required for any evaluation, the eligibility and IEP teams should seek to answer three questions when considering ongoing eligibility for a student who previously met the discrepancy criteria and has been receiving special education programs and services:

- 1) Has the special education instruction provided to the student been appropriate?
- 2) Has the student reached the point of being able to “exit” special education services and work independently in the general education curriculum?
- 3) Would the removal of special education programs and services be detrimental to the student’s educational progress?

IEP teams should consider these as part of the evaluation review and planning process and should plan appropriately to be able to collect data relevant to each of these factors. The IEP team should also review the initial eligibility determination and seek input from stakeholders about whether the factors leading to the student’s initial eligibility remain or have changed.

Compare/Contrast Data:

The finding of a Specific Learning Disability in an area of weakness is supported when there is at least one strength area to contrast with the area(s) of weakness.

Please refer to the attached graphs/charts for further visual explanation and support in understanding the process.

ASSESSMENT TYPE	DEFINITION	EXAMPLES	STRENGTH	WEAKNESS
Progress on Goals and Objective	Progress on IEP goals and objectives as monitored and reported by teacher	Progress notes	Has met grade level goals	Has not met grade level goals
Progress monitoring	Repeated, frequent use of CBM to determine response to instruction	DIBELS, CLOZE, MAZE, CBM math probes	n/a	Falling below aimline for at least 4 consecutive data points
Criterion-referenced assessment	Identifies individual's status based on established standard of performance - measures levels of mastery. Comparisons are made to a criterion, rather than to other individuals.	Brigance II DIBELS (Benchmark Score) SRI (Lexile Score) SMI (Quantile Score) MAP score	Skills \geq grade level Skills \geq 25 th percentile	K-3: \geq one year below grade level 4+: 1.5 – 2 years below grade level Skills at or below the 9 th percentile
Curriculum-Based Measurement (Benchmark)	Brief, timed exercises students complete using materials drawn directly from the child's academic program. Typically, benchmark scores or local data are used.	DIBELS, CBM math probes, EasyCBM, AIMSweb	At "benchmark" level Above grade-level median score if using local norms \geq 25 th percentile on national norms	At 'at-risk' level or below 10 th ile if using local norms \leq 9 th percentile on national norms
State / District Level Assessments	Assessments administered to all students in state / district	MEAP	Level 1 (Advanced) or Level 2 (Proficient)	Level 3 (Partially Proficient) or Level 4 (Not Proficient)
		MAP	Average or High Average	Low
Norm-referenced tests (Grade-Based)	Evaluates performance compared to same-grade peers on the same measure.	KTEA-II, WIAT-III, WJ-III, TOWL-4, TERA-3, TEMA-3, DAB-III, DTKR-II, Bracken, Y-CAT, SRI (Percentile), SMI (Percentile)	Percentile rank \geq 25	Percentile rank \leq 9
Norm-referenced tests (Age-Based)	Evaluates performance compared to same-aged peers on the same measure.			
Curriculum assessments	Performance on grade level curriculum tests, quizzes and other assessments.	Curriculum unit tests, timed math fact assessments, etc.	Scores \geq 80%	Scores \leq 70%
Grades	Overall performance on grade level content expectations and local district standards	Designation of meeting or not meeting expectations or letter grades	K-3: 'Consistently' demonstrates 4+: Letter grade of A or B	K-3: 'Needs Improvement' 4+: Letter grade of D or lower
Teacher report	Written input by a highly qualified teacher indicating strengths and concerns in SLD categories with documentation of interventions and current performance data, including duration and frequency.	Written input that includes teacher opinion on strength or weakness compared with same grade peers for given skill(s)	At or above grade level based upon professional judgment of teacher in comparing student to others in classroom	Well below grade level based upon professional judgment of teacher in comparing student to others in classroom
Observations – Academic	Direct observation of instruction that is completed by an evaluation team member in the suspected area(s) of weakness. Classroom observation may also be utilized for determining academic strengths.	Documentation that validates available data and includes observer opinion on strength or weakness compared with same grade peers in given skill area(s).	Student demonstrates average understanding of academic content and skill development in comparison to other students in classroom.	Student does not demonstrate understanding of academic content and skill development in comparison with other students.
Parent Input	Documented input by parent/guardian. Although parent input is required under IDEIA, anecdotal information from parent/guardian should not be used as a strength or weakness in PSW eligibility determination.			

Charting Pattern of Strengths and Weaknesses

	Academic Achievement with respect to Grade level expectations					Academic Achievement with respect to Age level expectations	Classroom performance with respect to Age and/or Grade level expectations			
	Progress Monitoring / Progress on Goals and Objectives	Criterion Referenced Assessment	CBM and/or Benchmark	State and/or District Assessment	Norm Referenced Assessment (using grade level norms)	Norm Referenced Assessment (using age level norms)	Curriculum Data/ Assessments	Grades	Teacher Reports/ Anecdotal Comments	Classroom Observation
Basic Reading										
Reading Fluency										
Reading Comprehension										
Written Expression										
Math Calculation										
Math Problem Solving										
Oral Expression										
Listening Comprehension										

ORAL EXPRESSION AND LISTENING COMPREHENSION

The Individuals with Disabilities in Education Improvement Act of 2006 (IDEIA 2006) identifies eight areas where a student might be eligible for special education under the specific learning disabilities (SLD) criteria. These areas as identified in § 300.309 of the Act are:

- (i) Oral expression.
- (ii) Listening comprehension.
- (iii) Written expression.
- (iv) Basic reading skill.
- (v) Reading fluency skills.
- (vi) Reading comprehension.
- (vii) Mathematics calculation.
- (viii) Mathematics problem solving.

§§ 300.307-311 of the Act lay out the responsibilities of the evaluation team when determining SLD eligibility. The major features of these sections are highlighted on the Kent ISD Eligibility Recommendation form. Evaluation team members are encouraged to familiarize themselves not only with the Eligibility Recommendation form, but also with the sections of the Act that drove the content of the form.

Evaluation teams are permitted to consider, on an individual basis, any and all eight areas when making SLD eligibility determinations. However, in most cases, federal regulations as well as best practices in assessment make utilization of oral expression (OE) and/or listening comprehension (LC) challenging. Accordingly, evaluation teams should exercise caution when considering OE or LC as areas of strength or weakness in a PSW model. The following points, while not considered exhaustive, represent obstacles that must be addressed when utilizing OE or LC as areas of strength or weakness within a PSW model:

- Oral expression and/or listening comprehension as constructs are not easily defined and share features with speech-language disorders, auditory processing disorders, and attention disorders.
- The state standards that speak to proper oral expression and/or listening comprehension instruction across grade levels are not formal components of most academic curricula.
- Assessment of state standards is minimal and based on observation and anecdote rather than formal assessment. State (and most district) assessments do not measure either area.
- The decision to use OE and/or LC as strengths is often based on narrative or anecdotal information. Quantifiable corroborating evidence such as criterion references, benchmark goals, or classroom averages is rarely available. The subjective nature of this information, including the absence of data that demonstrates class or grade level comparisons, makes it difficult for evaluation teams to substantiate either area as a legitimate strength.
- The classroom impacts of OE/LC are hard to differentiate from difficulty in one of the other six areas of eligibility and/or a speech-language impairment.
- As noted in the Kent ISD Speech and Language Guidelines (2008), assessment tools for measuring oral expression and/or listening comprehension vary considerably in validity and

reliability. Thus, even when using standard scores from traditional SLI assessment tools, the outcome is largely subject to the chosen test instrument.

- There are few, if any, assessment tools that allow for “repeated assessment of achievement at reasonable intervals” of OE and LC. The primary means of obtaining this information is likely to be progress on goals and objectives for a student already identified with a speech and language disability, in which case the potential weakness is already addressed with another eligible category.
- PLAAFP statements and subsequent goals and objectives can be difficult to connect to oral expression and/or listening comprehension deficits. As an example, how does the IEP explain that a deficit in LC negatively impacts reading, but has no impact on math?

In addition to the above points, two additional considerations related specifically to OE, LC, and SLI eligibility are worth noting. First, current Kent ISD Speech and Language Guidelines advise that: *“Identification as learning disability in listening comprehension should be approached cautiously and rarely used. Identification as learning disability in oral expression should be approached cautiously and rarely if ever used.”* (Kent ISD Speech and Language Evaluation, Eligibility, and Service Guidelines, 2008, page 20).” Further complicating this issue is the fact that current Kent ISD guidelines for language disorder cut scores vary by which language test is administered; for example, the most commonly used language test is the CELF-4, which requires for eligibility a standard score that falls at or below the 2nd percentile (i.e., standard score of 70). By contrast, current Kent ISD guidelines for SLD eligibility call for standard scores that fall at or below the 9th percentile (i.e., standard scores at or below 80). Given these variable “cut” scores, introducing traditional speech/language assessment tools into SLD eligibility (e.g., CELF-4) is problematic.

The second consideration relates to special education programs and services within Individual Education Programs (IEPs). Evaluation teams are expected to connect disabling condition(s) to a present level of academic and functional performance (PLAAFP) and in turn connect this PLAAFP to measureable goals and objectives. However, there is no language in the Michigan Administrative Rules for Special Education (MARSE) that limits special education programming to select eligibilities. As an example, there is nothing in MARSE to say that an SLI eligible student may not receive resource support. What is explicit in MARSE and IDEIA is the IEP team’s responsibility to use assessment data and PLAAFP statements to definitively document need for service. Historically, not all IEP teams have performed this task diligently, which has resulted in procedural and/or substantive IEP errors as well as failure to meet best practice expectations. Accordingly, it is difficult to overstate the IEP team’s responsibility to provide only those programs and/or services that can be substantiated by a student’s educational need.

The above paragraph relates to SLI, OE, and LC in this specific way: The expectation remains that most SLI eligible students will not require resource support to address an academic delay. However, there may be cases when an IEP team can document academic data in a bona fide PLAAFP statement that results in resource support for a student with a SLI. In such instances IEP teams should not feel compelled to seek SLD eligibility, or to supplant an existing SLI eligibility with SLD eligibility. Adding SLD eligibility or “transitioning” from a SLI certification to an SLD certification in OE or LC in order to provide special education outside of traditional speech/language service is neither required by MARSE nor

viewed as a productive use of evaluator time. In those cases where the SLI is having a demonstrable impact on academics, the IEP team should use collective judgment to determine if resource support is warranted.

In summary, IDEIA 2006 as well as MARSE permits evaluation teams to utilize all eight areas when making learning disability eligibility determinations. However, for reasons cited above, particular discretion should be exercised when considering oral expression (OE) or listening comprehension (LC). In most instances federal documentation requirements as well as best practices in assessment will make eligibility under either area within a PSW framework difficult to support. Furthermore, due to variation in test designs, the absence of quality assessment tools to monitor progress, lack of data to make meaningful within class or grade comparisons, utilization of OE or LC as an area of strength is also discouraged. Finally, the overlap between SLI, OE, and LC is significant, both in terms of assessment and the instructional remediation documented in an IEP. Although IEP teams should be careful to link special education and related services to identified eligibility areas, specific programs and/or services should not be limited by eligibility.

PARENTAL REQUESTS FOR TESTING

According to IDEIA 2006 Federal Regulations § 300.300, parents have the right to request an evaluation to determine special education eligibility, programming, and related services. The following represents instances that could occur in relation to a parental request for special education evaluation.

Initial Evaluations:

The parent has the right to request an initial evaluation for special education at any time. Should the public agency choose to deny this request as guided by IDEIA § 300.503, a written explanation must be submitted to parents within ten calendar days outlining why the district does not feel an evaluation is necessary. Best practice would indicate that a school representative meet with the parent to review existing data and thoroughly explain the rationale for denial of the request. Examples of reasons why a district would choose to delay evaluation may include but are not limited to the following: the district wishes to refer the child to the building child study team or the district wishes for the child to participate in a Response to Intervention (RtI) model and is requesting time to first implement tiered interventions.

If a district is participating in RtI as a primary mode of identifying a Specific Learning Disability (SLD), the parent may choose at any time in that process to refer for a special education evaluation, regardless of whether or not tiered interventions are documenting progress. The RtI process is not required to be completed prior to commencing a special education evaluation if the parent or school agency chooses to make such request. In such an instance, when RtI cannot be completed within provided state timelines (30 school days), the school agency should consider the use of a Pattern of Strengths and Weaknesses model for identifying a SLD.

Re-Evaluations:

A student's eligibility for special education services must be re-determined at least every three years. However, parents have the right to request a re-determination sooner than this timeline.

As is explained in the regulations for re-evaluations, review of existing data can be determined as sufficient to recommend eligibility for special education and necessary services. If a public agency makes this recommendation, parents continue to have the right to request further evaluation. Parents must be notified of this right.

ENGLISH LANGUAGE LEARNERS (ELL) AND PSW

The committee members recognize that a comprehensive ELL evaluation cannot be exhaustively conceptualized within the framework of the current PSW document. However, the following is a recommendation of items to consider with regards to best practice. Although a comprehensive and valid diagnostic approach can distinguish students with learning disabilities from ELL students, distinguishing between these two groups of students can be a daunting task. Misclassification of low-performing ELL students as students with learning disabilities does happen and may have very serious consequences for these students.

Important factors to consider:

- Basic Interpersonal Communication Skills (BICS) are skills used in day to day interactions with others. Examples of BICS may include: playground conversations between children and informal verbal interactions with a parent, a friend or a neighbor. Second language learners need an average of **one to three years** of exposure to the second language to reach appropriate levels of conversational proficiency with peers.
- Cognitive Academic Language Proficiency (CALP) is the ability to use and understand complex linguistic meaning in verbal or written communication. CALP illustrations may include engaging in sophisticated, intellectual conversations or writing school essays. CALP development varies, and it may take **five to seven years**, on average, to reach peer-appropriate grade norm levels in academic areas taught in a second language.
- Transitions will vary depending on the nature of the language in question (e.g. some languages have more structures in common with English thus requiring fewer changes to learn than other languages). Consider the pattern and transition to a new language/school. Acculturation may take 3 to 5 years, however, evaluators need not wait that long to initiate a special education evaluation.
- Gather background information and current functioning levels from parents or guardians. Consider sibling proficiency with academics and language.
- Gather background information from ELL and general education staff members. Look for evidence of academic proficiency in less language-loaded subjects. A useful rule of thumb is to look at how many ELLs are struggling. If the majority of ELLs are making little progress, the teacher should focus on improving instruction. If most ELLs are doing well and only a few are struggling, the teacher should look more closely at what is going on with those individual students and consider whether they may need additional support.
- It is important to compare students with similar backgrounds. Rule out exclusionary factors such as cultural, socio-economic and/or other ecological/environmental differences as the primary sources of a student's academic failure. Obtain school records from previous districts, including when possible the country of origin.

- Difficulties should be exhibited in both the first and second languages, occur across settings, and persist as evidenced by progress monitoring data. Look for anecdotal evidence of academic proficiency in the student's first language.
- Assessments must demonstrate that the disability is evident in the dominant language or rule out limited English proficiency as the cause of learning disabilities.
- The evaluation team should consider, on an individual student-by-student basis, whether assessment in the student's native language is warranted.

References

Artiles, A., & Ortiz, A. (2002). *English language learners with special education needs*. Washington, DC: Center for Applied Linguistics.

Oregon Department of Education Office of Student Learning & Partnerships (2007). *Special education assessment process for culturally and linguistically diverse (CLD) students: guidelines and resources for the Oregon department of education*. Retrieved February 22, 2011 from <http://www.wou.edu/tri/eec/CLD.pdf>

USE OF PSYCHOLOGICAL REPORTS FROM OUTSIDE AGENCIES

On the occasion when a parent provides a psychological report from an outside agency, the school should consider the report as a part of the full and individual comprehensive evaluation related to the suspected learning disability. Under the medical model often used by private psychologists, the DSM-IV is used to diagnose learning disorders (Reading Disorder 315.00, Mathematics Disorder 315.1, Disorder of Written Expression 315.2 and Learning Disorder Not Otherwise Specified 315.9). The criteria used in the DSM-IV is different from the criteria used in the educational setting.

According to the Federal regulations, a comprehensive evaluation requires:

§300.304(b)(1) “a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the child, including information provided by the parent...”

§300.304(c)(4) that the “child is assessed in all areas related to suspected disability including, if appropriate, health, vision, hearing, social/emotional status; general intelligence; academic performance; communicative status; motor abilities...”

§300.304(c)(6) “assessment 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.”

§300.306(c)(1) “information from a variety of sources, including aptitude and achievement tests, parent input and teacher recommendations, as well as information about the child’s physical condition, social or cultural background, and adaptive behavior...”

§300.305 Additional Requirements for Evaluations and Reevaluations.

(a) Review of existing evaluation data. As part of an initial evaluation (if appropriate) and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate, must-

(1) Review existing evaluation data on the child, including—(i) Evaluations and information provided by the parents of the child; (ii) Current classroom-based, local, or State assessments, and classroom-based observations; and (iii) Observations by teachers and related services providers; and

(2) On the basis of that review, and input from the child’s parents, identify what additional data, if any, are needed to determine—(i)(A) Whether the child is a child with a disability, as defined in §300.8 and the educational needs of the child.

The outside agency report, therefore, is only one part of the necessary criteria to determine eligibility and should not be used as the **only** source of the evaluation data on the student.

SAMPLE PSW REPORT #1

CONFIDENTIAL PSYCHOEDUCATIONAL EVALUATION

STUDENT: Student
SCHOOL: Elementary School
GRADE: 3rd
PARENT(S)/GUARDIAN(S): Parents
DATE(S) OF EVALUATION: 3/30 & 4/13/2011
DATE OF BIRTH: 11/23/2001
CHRONOLOGICAL AGE: 9 years, 4 months
EXAMINER: School Psychologist

REASON FOR REFERRAL

Student was referred for a psychoeducational evaluation by his third grade teacher to determine if he meets eligibility criteria for special education under the specific learning disabilities (SLD) certification. Student's teacher and mother have noted delays in both reading comprehension and math calculations.

ASSESSMENT PROCEDURES

- Review of available records, including district and state assessments
- Behavior observation(s)
- Teacher input forms (see attached)
- Kaufman Test of Educational Achievement – Second Edition (KTEA-II)
- Brigance Comprehensive Inventory of Basic Skills – Second Edition (BRIGANCE-II)
- Dynamic Indicators of Basic Early Literacy Skills – Sixth Edition (DIBELS)

To determine initial eligibility for specific learning disabilities (SLD) the District utilizes an evaluative model commonly referred to as “pattern of strengths and weaknesses” (PSW). The PSW model involves two main components. The first component is to review the student's response to targeted interventions in the general education setting. Prior to considering LD eligibility, it should be clear that intensive general education interventions were attempted but unsuccessful in correcting the academic delay(s). The second component is to review existing data and administer assessments in an effort to determine if a pattern of strengths and weaknesses can be identified. Consistent with commonly accepted practice, the eligibility determination team must identify at least four areas of weakness within a single SLD category and three areas of strength in a separate SLD category in order for eligibility to be considered. The specific categories of SLD eligibility as defined by the State of Michigan (Rule 340.1713) are: Basic Reading Skills, Reading Fluency, Reading Comprehension, Math Calculations, Math Problem Solving, Written Expression, Oral Expression, and Listening Comprehension.

For the purpose of this PSW evaluation, weaknesses are considered to be skill levels that are significantly lower compared with same age/grade peers. For standardized assessments it is performance at the 9th percentile or lower. To be considered a strength, performance must be within the average range (25th percentile or higher) or meeting a grade level criteria/expectation (e.g. 80% accuracy). Performance can also fall between a strength or a weakness and is noted in this report as “Neither”. These “neither” scores are not included in the overall determination of a pattern of strength and weakness.

BACKGROUND INFORMATION

Student is a nine-year, four-month-old male enrolled in the third grade at Elementary School. This is Student’s first year at Elementary School. He spent second grade in New Jersey and moved to Michigan in mid-September. Prior to second grade Student was enrolled with the Somewhere (MI) Public Schools. Student’s mother reported that Student’s educational experience in New Jersey was “horrible,” and that the teachers did not understand Student’s needs. A review of Student’s cumulative school file reveals academic and behavioral difficulties dating back to kindergarten, a grade he repeated due to lack of progress. Since coming to Elementary School, Student has struggled with both attention and academics. Initially, behavior problems were present and Student quickly accumulated five discipline referrals related to aggression and noncompliance. However, his teacher reports marked improvements in that area. While Student continues to exhibit “sneaky” behaviors, and he will be “naughty” in an attempt to impress others, his willingness to work in class is greatly improved. Student’s attendance has been adequate, with five full day absences to date. For current teacher input, please refer to the attached teacher input form.

INTERVENTION HISTORY

All students at Elementary School participate in a Response to Intervention (RtI) model of reading instruction. This model is comprised of at least 90-minutes of Tier I (whole group), another 30-minutes of Tier II (small group phonological or phonics instruction with six to 10 students), and Tier III (additional small group of five or less students, again targeting sounds and sound/symbol relationships). Placement in Tier II or III reading groups is based on phonological or phonics screeners administered every three weeks. School-based assessment using the *Phonics Screening Inventory* (PSI) suggests delays in Student’s understanding of phonics rules. He is currently on Skill 5 of 9, “silent-e rule” and participates in a Tier II intervention four days per week (approximately 25-minutes per day) to address this skill deficit. Additionally, Student works with a para-professional every other day in a small group of six (for 45-minutes) using *Soar to Success* to improve reading comprehension. He also works in a small group nearly every day with his teacher and often completes tests/assignments with her in small group as well. Finally, Student spends time with a teacher assistant each week working on applied math concepts (most recently money problems). Additional intervention details are available in the teacher input form.

BEHAVIOR OBSERVATIONS (TESTING)

Student was assessed over several days at Elementary School. He readily accompanied the examiner to the testing room for each session and was in good spirits each day. When asked about school, Student shared that he enjoys it, particularly the “fun stuff” such as going outside and soccer. His least favorite and most difficult subject is math, which he finds harder than reading or writing. Throughout the evaluation period Student put forth excellent effort and appeared to want to do well. Given his overall effort the results described below are believed to be valid and reliable estimates of Student’s current academic skill set.

READING ACHIEVEMENT

As reading delays were of concern to stakeholders Student was observed in small group Tier II instruction on April 20, 2011. He was observed in whole group reading instruction on April 25, 2011. The small group Tier II instruction consisted of Student working with his teacher in a group of eight students. The students were contrasting silent-e words that follow the silent-e pattern with those that do not. Additionally, review of CVC patterns was provided. The teacher used “I do, we do, you do” instruction, as well as card sorts and white boards. Student was active in his seat (e.g., fidgeting, slouching, in near constant movement) and frequently off task. Student was also very talkative, often blurting out comments unrelated to the tasks. Despite these behaviors, Student was generally able to read words in isolation and was as successful as any of the other students in the group at correctly identifying phonetic patterns.

On the April 25, 2011 observation Student was participating in a whole group reading lesson. The class was learning to read and understand fables, including identifying the “moral of the story.” Though he often raised his hand, Student frequently did not demonstrate understanding. During the independent reading part of the lesson Student and two classmates went to complete the lesson with the teacher in a small group. Much like in the whole group setting, Student struggled to answer comprehension questions with his teacher in small group.

In addition to the observations noted above, Student’s reading levels were evaluated using the following information sources: *Dynamic Indicators of Basic Early Literacy Skills* (DIBELS), *Phonics Screening Inventory* (PSI), *Kaufman Test of Educational Achievement* (KTEA-II), District standards, *Scholastic Reading Inventory* (SRI), *Brigance Comprehensive Inventory of Basic Skills II* (BRIGANCE-II), and teacher input. Results for basic reading skills, reading fluency, and reading comprehension are noted in the tables below. Teacher information is noted in the attached teacher input form.

Basic Reading Skills

Assessment	Student’s Score	Age/Grade Level Expectation	Strength/Weakness/Neither
BRIGANCE-II Word Recognition	9/10 third grade level words 8/10 fourth grade level words 5/10 fifth grade level words 1/10 sixth grade level words	5 of 10 to progress to next list 8 of 10 to suggest mastery	Strength
KTEA-II: Letter/Word Recognition	Standard score 92/30 th percentile	Standard score at/above 90	Strength
KTEA-II: Nonsense Word Decoding	Standard score 93/32 nd percentile	Standard score at/above 90	Strength
PSI	Skill 5 of 9 (silent-e)	95% or better through Skill 9	Weakness
District Standards: 4 th grade sight word list	100% on 4 th grade level words 86% on 5 th grade level sight words	80% or better on grade level	Strength
Teacher input	See attached	Data-driven and/or anecdotal information suggesting skill mastery	Strength

Student’s reading performance on measures of basic reading skills yielded fairly consistent results. All but one area (PSI) indicate grade-appropriate or age appropriate word identification skills. Both the BRIGANCE-II and District standards suggest Student can read words in isolation through at least a fourth grade level. His Average range KTEA-II scores fall at a late second to early third grade level. Of some interest is that Student’s Nonsense Word Decoding score of 93 along with his Spelling score of 94 (see below) were his two highest on the KTEA-II. This suggests that the intensive phonics instruction he’s been receiving in Tier II has proven beneficial. To date, however, his skills have not improved to the point of no longer requiring Tier II intervention. Additionally, as will be shown below, Student’s ability

to correctly identify words in isolation has not transferred to correctly identifying words in grade level connected text. That said, in terms of the PSW model of eligibility basic reading skills can be considered an area of strength for Student.

Reading Fluency

Assessment	Student's Score	Age/Grade Level Expectation	Strength/Weakness/Neither
DIBELS ORF	<u>Winter Benchmark:</u> 47 wcpm 92% accuracy <u>March Progress Monitoring:</u> 59 wcpm, 92% accuracy <u>April Progress Monitoring:</u> 50 wcpm, 89% accuracy	<u>Winter Benchmark:</u> 92 wcpm 97% accuracy <u>Winter Class Average:</u> 87 wcpm	Weakness
BRIGANCE ORF	94% at first grade level 97% at second grade level 88% at third grade level	97% accuracy at grade level	Weakness
KTEA-II: Word Recognition Fluency	Standard score 87/19 th percentile	Standard score at/above 90	Neither
KTEA-II: Decoding Fluency	Standard score 85/16 th percentile	Standard score at/above 90	Neither
Teacher input	See attached	Data-driven and/or anecdotal information suggesting skill mastery	Weakness

Student's reading fluency scores were somewhat variable and not as consistently strong as his basic reading skills. As noted in his DIBELS ORF progress, Student remains below his class average and benchmark expectation. The BRIGANCE ORF measures differ from DIBELS ORF in that they do not require a timed performance, but instead require 97% accuracy on grade level. Although Student was able to achieve 97% on second grade level passages, he could not replicate that performance on first grade or third grade level text. On the KTEA-II, Student's ability to read words in isolation (Word Reading Fluency) and nonsense words in isolation (Decoding Fluency) under timed pressure fell in the Low Average range. The standard score of 80 on Decoding Fluency meets the requirements to be considered a weakness. Rough grade equivalencies suggest below third grade level skills in each area measured by the KTEA-II. Viewed collectively, assessment of Student's reading fluency suggests difficulties both with speed and accuracy in connected text. Additionally, the phonics skills he could demonstrate in untimed situations (Nonsense Word Decoding) did not carry over to timed settings (Decoding Fluency). As will be shown below, these challenges with correctly and quickly reading connected text limit Student's ability to understand what he reads.

Reading Comprehension

Assessment	Student's Score	Age/Grade Level Expectation	Strength/Weakness/Neither
SRI	<u>Fall</u> = 0 (below basic, 1 st %) <u>Winter</u> = 87 (below basic, 3 rd %) <u>Spring 1</u> = 66 (below basic, 3 rd %)	3 rd grade lexile 500-800 January class avg. = 446	Weakness
KTEA-II: Reading Comprehension	Standard score 77/6 th percentile	Standard score at/above 90	Weakness
BRIGANCE-II: Reading Comprehension	60% accuracy at 1 st grade level 60% accuracy at 2 nd grade level 40% accuracy at 3 rd grade level	80% accuracy at grade level	Weakness
District Standards	Accelerated Reader 70% at book level 2.2	80% accuracy at grade level	Weakness
Teacher input	See attached	Data-driven and/or anecdotal information suggesting skill mastery	Weakness

Classroom Observation	See above	Observe skill mastery, attentiveness to task comparable to classmates	Weakness
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Student's reading comprehension scores suggest a clear pattern of weakness, as all six data sources fall below expectation. Student's SRI scores have consistently fallen well below benchmark expectation and District third grade averages. His KTEA-II Reading Comprehension score of 77 falls at a late first grade level. Student's Accelerated Reader reports indicate only limited (70%) understanding of early second grade level texts. BRIGANCE-II reading comprehension scores suggests lack of mastery at first, second and third grade level passages. Anecdotally, it is worth noting that this examiner consistently observed Student neglecting to implement good comprehension strategies. As examples, Student tended to read quickly, rarely if ever referred back to the text for confirmation, rarely if ever re-read difficult portions, and frequently guessed at answers. He typically chose to read aloud and his prosody was uneven and he rarely attended to punctuation.

MATH ACHIEVEMENT

As math delays were of concern to stakeholders, Student was observed in whole group math instruction on April 20, 2011. The class was working on fractions, in particular finding equivalent fractions. Student was consistently fidgety in his chair and often did not attend to instruction. He did raise his hand to answer questions on two occasions, though his answers were incorrect. His teacher came to his desk twice to assist him in the use of "fraction strips" to help determine if two fractions were equivalent. In each case, despite teacher assistance, Student could not correctly identify equivalent fractions.

Student's math skills levels were evaluated using the following information sources: *Scholastic Math Inventory* (SMI), *Kaufman Test of Educational Achievement* (KTEA-II), *Brigance Comprehensive Inventory of Basic Skills II* (BRIGANCE-II) District standards and teacher input. Results for math calculations and math reasoning are noted in the tables below. Teacher information is noted in the attached teacher input form.

Math Calculations

Assessment	Student's Score	Age/Grade Level Expectation	Strength/Weakness/Neither
SMI	November Quantile (Q) = 185, 5 th % January Quantile (Q) = EM, 1 st % March Quantile (Q) = EM, 1 st %	March class average = 380 Q 3 rd grade goal = 400-500 Q	Weakness
KTEA-II: Math Computation	Standard score 72/3 rd percentile	Standard score at/above 90	Weakness
BRIGANCE-II Addition/Subtraction	<u>Addition</u> : 2-3 digits w/o regrouping = 5/8 (62.5%) <u>Addition</u> : 2-3 digits with regrouping= 0/8 (0%) <u>Subtraction</u> : 2-3 digits w/o regrouping = 5/8 (62.5%) <u>Subtraction</u> : 2-3 digits with regrouping = 0/8 (0%)	80% accuracy at grade level	Weakness*
District computation standards	Student has passed only one of the 10 District third grade math standards assessed thus far	80% accuracy at grade level	Weakness
Teacher input	See attached	Data-driven and/or anecdotal information suggesting skill mastery	Weakness
Classroom Observation	See above	Observe skill mastery, attentiveness to task comparable to classmates	Weakness**

*Per curriculum standards, addition & subtraction without regrouping are first and second grade standards. Addition & subtraction with regrouping are second to third grade level standards.

**As noted in behavior observations, Student demonstrated difficulty not only with focusing, but with work completion and understanding of basic mathematical operations.

Student's math calculation results suggest delays. As noted above, Student's SMI over the past two administrations have not generated a score ("Emerging Mathematician") and have fallen at the first percentile. His KTEA-II Math Computation score of 72 suggests a late first grade level skill set. On SMI, KTEA-II, and BRIGANCE-II, Student struggled to add and subtract two to three-digit numbers, with or without regrouping. Furthermore, his scores on a primary third grade level standard (multiply up to 10 x 10) have been 4%, 6%, and 4% through the first three quarters. This is one of many (nine of 10) District third grade math standards Student has yet to pass. Viewed collectively, Student's math computation scores indicate a pattern of weakness.

Math Problem Solving

Assessment	Student's Score	Age/Grade Level Expectation	Strength/Weakness/Neither
SMI	January Quantile (Q) = EM, 1 st % March Quantile (Q) = EM, 1 st %	March class average = 380 Q 3 rd grade goal = 400-500 Q	Weakness
KTEA-II: Math Concepts & Applications	Standard score 81/10 th percentile	Standard score at/above 90	Neither
District Applied math standards	Student has passed only one of the 10 District third grade math standards assessed thus far	80% accuracy at grade level	Weakness
Teacher input	See attached	Data-driven and/or anecdotal information suggesting skill mastery	Weakness

In terms of applied math, on the KTEA-II Student was able to use a calendar, tell time on an analog clock, and correctly sequence two-digit numbers in order from least to greatest. He was unable to skip count by fives, solve money problems, identify monetary values, consistently complete measurement problems (e.g., time), or consistently solve applied problems with any operation other than addition. In this examiner's view, Student's challenges with applied math can be attributed to his difficulties with reading comprehension and computation. Were Student better able to read and understand problems (including common math vocabulary words) and were he better able to perform the basic operations, his applied math scores would likely improve. Accordingly, Math Problem Solving as a specific deficit does not appear to be the best descriptor of Student's delays. Rather, these applied math problems are better thought of as by-products of existing reading and computation deficits.

WRITING ACHIEVEMENT

Finally, Student's written expression was evaluated using the following information sources: *Kaufman Test of Educational Achievement* (KTEA-II), District standards and teacher input. Results are noted in the table below. Teacher information is noted in the attached teacher input form.

Written Expression

Assessment	Student's Score	Age/Grade Level Expectation	Strength/Weakness/Neither
KTEA-II: Written Expression	Standard score 77/6 th percentile	Standard score at/above 90	Weakness
KTEA-II: Spelling	Standard score 94/34 th percentile	Standards score at/above 90	Strength
District writing standards	Passed one of eight 3 rd grade writing standards to date: Spelling second quarter	80% accuracy at grade level	Weakness
Teacher input	See attached	Data-driven and/or anecdotal information suggesting skill mastery	Weakness

Student's writing scores were somewhat comparable to his reading performance. In reading, Student was able to identify words in isolation but could not consistently carry this skill to connected text. Similarly, on the KTEA-II, he was able to spell words at approximately grade level (Spelling standard score 94, 34th percentile), but his overall written work contained numerous mechanical and grammatical errors. Student struggled with punctuation, capitalization, and word choice while composing sentences. Though his writing was legible, these errors rendered much of his content difficult to decipher. KTEA-II grade equivalency suggests a late first grade level skill set in written expression. Therefore, while not an area of specific weakness in terms of PSW eligibility it is apparent that Student's writing skills are delayed.

SUMMARY AND RECOMMENDATIONS

Student is a nine-year, four-month-old male enrolled in the third grade at Elementary School. He was referred for evaluation by his teacher due to concerns related to pervasive academic concerns as well difficulty focusing in the classroom. Student is new to Elementary School this year, having moved from New Jersey in the fall. A review of his cumulative school file reveals both academic and behavioral concerns dating back to kindergarten.

Current results suggest Student meets SLD eligibility criteria in the areas of Reading Comprehension and Math Calculations. These areas of weakness are contrasted by an area of strength for Student in Basic Reading Skills. The specific pattern of at least three strengths and at least four weaknesses necessary for SLD eligibility under the PSW model is noted below. Diagnostic assurance statements are also provided. Based his pattern of strengths and weaknesses, this examiner recommends that the Individual Education Program (IEP) team consider Student eligible for special education under the SLD certification. However, all special education programming decisions must be made by the IEP team. Additional recommendations will be provided at Student's IEP team meeting.

Pattern of Strength in Basic Reading Skills (at least three needed):

- ❑ BRIGANCE-II suggests mastery of at least fourth grade level sight words
- ❑ KTEA-II Letter & Word Identification score of 92 falls in the Average range
- ❑ KTEA-II Nonsense Word Decoding score of 93 falls in the Average range
- ❑ District standards suggest 86% accuracy through fifth grade level sight words
- ❑ Teacher input suggests individual word reading is a relative strength for Student

Pattern of Weaknesses in Reading Comprehension (at least four needed):

- ❑ SRI scores consistently fall below the 5th percentile nationally and below Elementary School averages
- ❑ KTEA-II Reading Comprehension score of 77 falls at sixth percentile and below the Average range
- ❑ BRIGANCE-II suggests lack of comprehension on first through third grade level text
- ❑ Elementary expectations, using the Accelerated Reading program data, indicate lack of understanding (70%) with early second grade level text
- ❑ Teacher report (see attached) indicates deficits in reading comprehension

Pattern of Weakness in Math Calculations (at least four needed)

- ❑ Consecutive SMI scores of "EM" fall at first percentile, which is below class average of 380 Q and third grade goal of 400-500 Q
- ❑ KTEA-II Math Computation score of 72 falls at the third percentile and below the Average range
- ❑ BRIGANCE-II Computation scores suggest limited understanding of addition or subtraction with regrouping
- ❑ To date, Student has passed only one of nine District third grade math standards
- ❑ Teacher report (see attached) indicates a weakness in math calculations

- ❑ Examiner observation in both classroom and testing setting reveals limited understanding of math concepts, and that attempting to solve math operations is tedious and laborious for Student.

DIAGNOSTIC ASSURANCE STATEMENTS (SLD)

- Based on his experiences to date at Elementary School, Student has been provided with age and ability appropriate learning experiences by highly qualified teachers in general education.
- Student exhibits a pattern of significant deficits in reading comprehension and math calculations that is contrasted by a pattern of strength in basic reading skills. Given instruction and intervention already provided in general education, these deficit areas are not believed to be correctable without special education programs/services.
- The pattern of weaknesses is not believed to be primarily the result of autism or a cognitive, emotional, visual, hearing, or motor impairment; nor of an economic, cultural, or environmental disadvantage.
- The suspected disability is not due to lack of instruction in reading, math or limited English proficiency.
- Student requires special education program/services.

SAMPLE PSW REPORT #2

Public School System

Psychoeducational Evaluation

- CONFIDENTIAL -

Student's Name:	Student	Parent/Guardian:	Parents
Birth Date:	February 5, 2003	Phone:	
Chronological Age:	8 years, 9 months	Address:	
School:	Elementary		
Grade:	3 rd	Dates of Evaluation:	11/4/11, 11/7/11, 11/11/11
Teacher:	Teacher	Date of Report:	November 11, 2011

Reason for Referral

Student was referred to the Student Support Team by her teacher because of ongoing academic difficulty that persists despite interventions over the past several years. The Student Support Team reviewed the information available and recommended a referral for a special education evaluation to establish Student's present level of performance and determine whether she meets the special education eligibility criteria for a Specific Learning Disability.

Suspected Disability

A specific learning disability is conceptualized as having one or more weaknesses in "a sea of strengths" – difficulty in one or more areas of learning that are inconsistent with other, normally-developing or advanced areas of achievement. Eligibility for certification with a specific learning disability is determined by examining multiple sources of data, including existing data and new information collected in the course of the evaluation. This report reviews the multiple sources of information and examines the data to determine whether or not a pattern of strengths and weaknesses is present. A specific learning disability is identified when, using multiple sources of data, a student is found to have one or more areas of academic achievement that are low and one or more areas of academic achievement that are at or above average. Based on the referral information, Student is suspected to have a specific learning disability in one or more areas of reading or written expression with suspected strengths in the areas of math.

Information Sources

- Record Review
- Parent Input
- Teacher Input
- Classroom Observation
- MAP
- STAR Reading Test
- Kaufman Test of Educational Achievement – Second Edition
- Diagnostic Achievement Battery – Third Edition
- Wechsler Individual Achievement Test – Second Edition
- Gray Oral Reading Test – Fourth Edition
- Brigance Comprehensive Inventory of Basic Skills – Second Edition
- Dynamic Indicators of Basic Early Literacy Skills (DIBELS) Benchmarking
- Dynamic Indicators of Basic Early Literacy Skills (DIBELS) Progress Monitoring
- Read Naturally
- Writing Curriculum Based Measurement

Parent Input

Parent reports that she is concerned about Student's reading progress but also has some concern that Student seems to be slower to compute math tasks. Student is exhausted when she gets home from school and fights doing homework, becoming emotional. She describes Student as good natured, friendly and outgoing and reports that she gets along well with others. Student can also be temperamental and easily frustrated.

Parent reports that Student reached her developmental milestones on time and that Student's health is good. Student's history is negative for serious health problems or traumatic experiences. Student has a diagnosis of Attention-Deficit/Hyperactivity Disorder and is taking medication to manage the symptoms.

Record Review

Student has attended School Y Elementary since kindergarten (School X for kindergarten but merged with School Y for first grade). Her kindergarten teacher reported that Student was slow for counting to 100 and recognizing numbers to 30 but did well in other areas of early math achievement. She was slow

to recognize high-frequency words and to write common words but made progress across the school year in other areas of early literacy. By the end of the year she was rated as “Progressing” or “Consistently” in all areas. Student’s participation and use of time were poor at the beginning of the school year but improved during the course of the year. Student was screened for attention and work habits in December of her kindergarten year. She was rated by her parents and her teacher to be demonstrating clinically significant behaviors commonly associated with AD/HD.

Student’s first grade teacher reported that she tried hard and was cooperative. She made good progress despite having difficulty with the academic material. She scored well for math assessments. She made progress recognizing high frequency words (57% first trimester to 98% third trimester; flash card work was effective with her). Student did well on reading selection tests and decoding skills but had difficulty with reading fluency and her guided reading level was below the grade expectations at the end of the year.

Student struggled at the beginning of second grade but after a medication change (to Adderal) near the end of the first trimester her teacher reported that Student was focusing better and completing more work. Teacher referred Student to the Student Support Team in the spring. She described Student as a hard worker. She said that Student’s comprehension was adequate but that she read very slowly and carefully and her reading fluency was poor. She reported that Student’s writing content was adequate but that she struggled with spelling and mechanics.

This year the Student Support Team met to review Student’s progress last spring and during summer school. Her current teacher reports that Student is quiet and hard-working in class. She is doing well in math. Reading and writing are both areas of weakness for Student; she is not recognizing basic words when reading and when writing her stories sometimes do not make sense. Teacher reports that Student appears to be shy and nervous in class and is fearful of being called upon. The Student Support Team recommended a referral for a special education evaluation.

Intervention History

<u>Intervention</u>	<u>Focus</u>	<u>Frequency</u>	<u>Duration</u>	<u>Time Frame</u>
Title I Small Group	STEP Phonics, Storytown Intervention	4x/week	30 mins.	October 2010-November 2010
Small Group Intervention	Phonics	4x/week	30 mins.	November 2010 – January 2011
Small Group Intervention	Phonemic Awareness	5x/week	30 mins	January 2011 – February 2011
Title I Small Group	Sight words	5x/week	30 mins.	February 2011 – March 2011
Read Naturally	Fluency	5x/week	30 mins.	May 2011
Summer School (Read Naturally)	Fluency	3x/week	60 mins.	July 2011 – August 2011 (six weeks)

State and District Testing Results

Measures of Academic Progress (MAP)

The MAP assessment is given to all students in the spring of each school year, starting in 2nd grade. Scores reported below are percentile ranks compared to peers. A score at the 50th percentile indicates that the student scored above 50% of others his age. The average range spans the middle 50 percent of scores, from the 25th to 75th percentiles. Student's scores are reported below:

Term	Grade	Math RIT Score	Math %ile Score	Reading RIT Score	Reading %ile Score
Fall 2011	3	170	4 th	165	5 th
Spring 2011	2	174	8 th	174	15 th
Winter 2011	2	175	20 th		

Fall 2011 MAP Math Scores by Sub-Category					
MATH	Number and Operations	Algebra	Measurement	Geometry	Data and Probability
	Low	Low	Low	Low	Low Average

Fall 2011 MAP Reading Scores by Sub-Category				
READING	Word Recog/ Word Study	Narrative Text	Informational Text	Comp/ Metacog
	Low	Low	Low	Low

Academic Achievement Assessment

Reading Achievement

Classroom Observation of Reading

Student was observed for thirty minutes during a language arts lesson. She was selected as a character for “Reader’s Theater” – reading a play aloud for the class. While the teacher introduced some of the concepts and previewed vocabulary, Student appeared to be pre-reading the lines she was supposed to read – holding the book up and moving her lips. Student read her lines well on the first page, with few errors and relatively good fluency but she had more difficulty on subsequent pages, perhaps because she had not had the opportunity to preview the reading. She again had a chance to preview lines later in the play while other discussion occurred and she again read more smoothly (pre-reading and re-reading multiple times may potentially be good strategies for Student). Student read in phrase chunks and while she tried to read with expression it was difficult to do with the chopiness of breaking a sentence into two or three pieces instead of a single thought.

A brief fluency measure was conducted while she read a longer part and was pro-rated to estimate 66 words correct per minute. Overall she read with more hesitation and less polish than the other readers but still participated successfully in the activity.

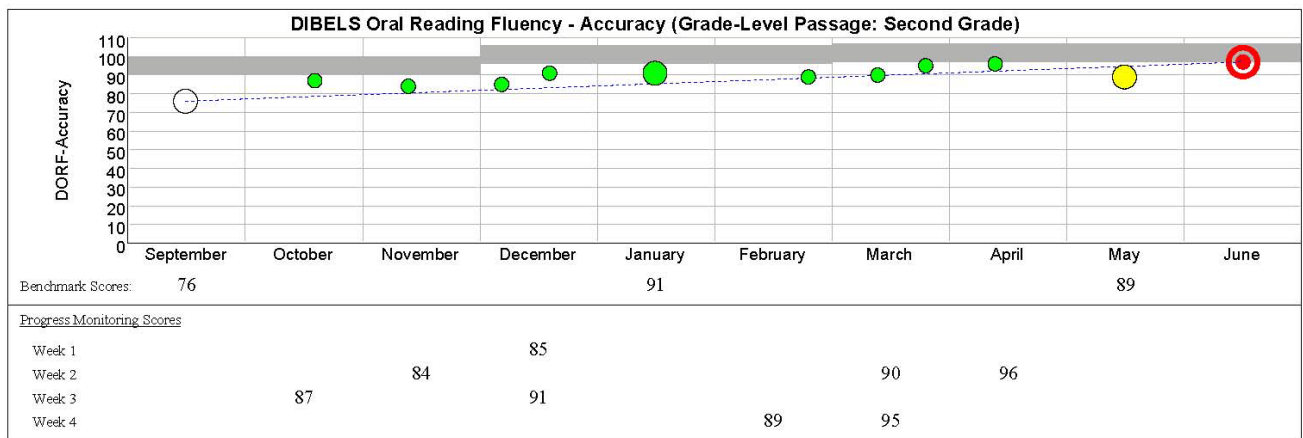
Basic Reading

Student was asked to manipulate phonemes in words for the KTEA-II Phonological Awareness subtest. She inconsistently identified which of four words did *not* rhyme with the others. She segmented compound words and syllables but inconsistently segmented words into separate phonemes; her errors were either a result of saying the sounds for how it should be *spelled*, such as /r/ /a/ /i/ /n/ instead of /r/ /ai/ /n/ or due to incompletely segmenting blends, such as /l/ /am/ /p/ instead of /l/ /a/ /m/ /p/. She correctly deleted initial and final phonemes but was did not correctly to delete phonemes from a blend, such as removing /l/ from *floor* (to arrive at “for”). Her overall score was at the 21st percentile, which is low average relative to same-age peers.

To test her ability to recognize and decode words she was asked to read words from an increasingly difficult words list. Her score on the KTEA-II Letter-Word Identification subtest was at the 34th percentile, which is Average compared to peers. She was then asked to read from a list of increasingly difficult nonsense words to get a sense of her ability to decode unknown words that follow phonetic rules. She scored at the 42nd percentile on the Nonsense Word Decoding subtest, which is in the Average range relative to same-aged peers.

As another measure of her ability to recognize and decode words, Student was administered the Word Recognition Grade Placement test from the Brigance Comprehensive Inventory of Basic Skills – Second Edition. A passing score for the Word Recognition Grade Placement test is at least five of the ten grade-level words read correctly. Student passed word lists up through a second grade level, which is neither a strength nor a weakness.

Student was tested this fall during district-wide DIBELS benchmark assessment. Her accuracy rate for the Oral Reading Fluency subtest was 89%, which is well below benchmark; beginning of third grade students are expected to read with a minimum accuracy of 95% to be considered “at benchmark.” Progress monitoring data from last year reveal that her accuracy improved across the school year, from 76% accuracy in September to a high of 96% accuracy in April (her May benchmark score was 89%). She did not, however reach and maintain benchmark for accuracy.



As shown in the MAP score grid above, Student’s Word Study/Word Recognition MAP score is “Low.” Her STAR Reading score improved significantly from September (0.9 Grade Equivalent) to October (2.5 Grade Equivalent) but is still about one half year below grade level; however, her score also equates to the 29th percentile, which is in the average range when using national normative data and is therefore considered to be a strength.

Teacher reports that Student’s basic reading skills are well below grade level and marked Student as “Needs Improvement” for the report card area *Uses a variety of decoding (word study) skills effectively*. Student’s first trimester average for reading vocabulary assessments was 60%.

Overall, Student’s basic reading scores are mixed. Her district testing scores (MAP and DIBELS) mirror the weaknesses reported by Student’s teachers last year and this but her formal standardized testing results (KTEA-II) reflect higher scores. While Student demonstrates ongoing difficulty with basic reading, there does not appear to be evidence to establish basic reading as a strength or as a weakness. A summary of her basic reading scores is below:

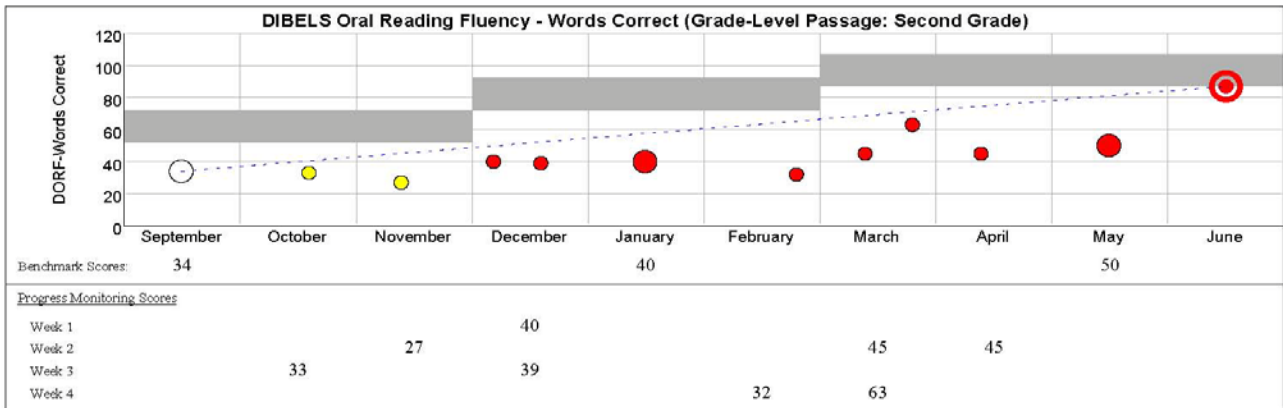
	Assessment	Student’s Score	Age/Grade Level Expectation	Strength, Neither, or Weakness	Overall Category
Basic Reading	<i>MAP Word Recog/Word Study</i>	<i>Low</i>	<i>Average or higher</i>	<i>Weakness</i>	<i>Neither</i>
	<i>Brigance Word Recognition Grade Placement</i>	<i>2nd Grade</i>	<i>At or above grade level</i>	<i>Neither</i>	
	<i>KTEA-II Phonological Awareness</i>	<i>2nd</i>	<i>25th percentile or higher</i>	<i>Neither</i>	
	<i>KTEA-II: Letter/Word Recognition</i>	<i>34th</i>	<i>25th percentile or higher</i>	<i>Strength</i>	
	<i>KTEA-II: Nonsense Word Decoding</i>	<i>42nd</i>	<i>25th percentile or higher</i>	<i>Strength</i>	
	<i>DIBELS ORF Accuracy</i>	<i>89%</i>	<i>95% or higher</i>	<i>Weakness</i>	
	<i>STAR Reading</i>	<i>2.5 Grade Equivalent</i>	<i>At or above grade level</i>	<i>Strength</i>	
	<i>Curriculum Data</i>	<i>Reading Vocabulary: 60%</i>	<i>80% or higher</i>	<i>Weakness</i>	
	<i>Teacher Anecdotal</i>	<i>“Needs</i>	<i>“Consistently</i>	<i>Weakness</i>	

	<i>Information and Grades</i>	<i>Improvement” – Well Below Grade Level</i>	<i>” – At or Above Grade Level</i>		
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Reading Fluency

On the Gray Oral Reading Test, Fourth Edition (GORT-4), Student earned a Fluency score at the 5th percentile, which is well below average relative to same-age peers. Student’s errors were frequently substitutions of other real words with a similar appearance (e.g., tail/tall and I’ll/I’ve) or words that contextually fit but were misidentifications, such as *He made a pretty box...instead of He had a pretty box...and Have to wear your brown [shoes]... instead of Have to wear the brown [shoes]...*

Student’s fall benchmark score for DIBELS Oral Reading Fluency reading fluency was 33 words correct per minute, which is well below the benchmark expectation of 70 or more words correct per minute at the beginning of third grade. Student participated in reading intervention groups all of last year and was progress monitored using DIBELS Next Oral Reading Fluency. She increased her fluency from 34 wpm at the September benchmark to 50 wpm at the May benchmark but remained well below benchmark (see graph below).



Teacher reports that Student’s reading fluency is well below grade level and marked her as “Needs Improvement” for the report card area of “Reads Fluently with Expression.” Overall, Student’s assessment scores, classroom data, and standardized testing results indicate that she has a weakness in the area of reading fluency.

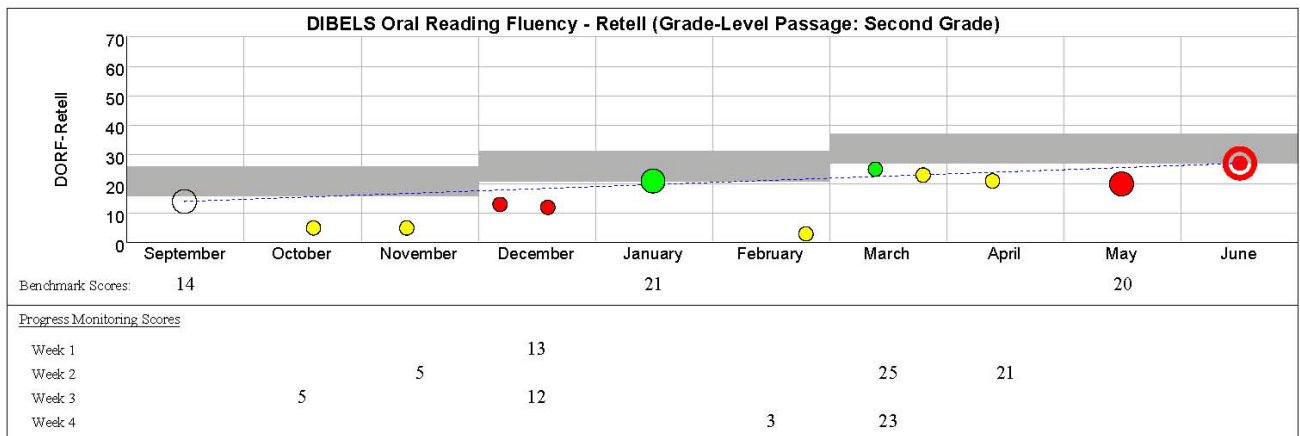
	Assessment	Student’s Score	Age/Grade Level Expectation	Strength, Neither, or Weakness	Overall Category
Reading Fluency	<i>GORT-4 Reading Fluency</i>	<i>5th percentile</i>	<i>25th percentile or higher</i>	<i>Weakness</i>	Weakness
	<i>DIBELS ORF Fall 2011 Benchmark</i>	<i>33 wpm</i>	<i>70 wpm or higher</i>	<i>Weakness</i>	
	<i>DIBELS ORF Spring 2011 Progress Monitoring</i>	<i>~ 10 data points below aimline</i>	<i>Achieved/ Maintained Benchmark</i>	<i>Weakness</i>	
	<i>Teacher Anecdotal Information and Grades</i>	<i>“Needs Improvement” – Well Below Grade Level</i>	<i>“Consistently” – At or Above Grade Level</i>	<i>Weakness</i>	

Reading Comprehension

Student obtained a score at the 23rd percentile on the KTEA-II Reading Comprehension subtest. This score is low average relative to same-age peers. She was administered the Brigance Reading Comprehension, Long Passages subtest as well. She read and correctly answered questions after reading passages through a second grade, which is neither a strength nor a weakness at this time.

Student’s reading comprehension was briefly assessed as part of the DIBELS Next district benchmark assessments this fall. She obtained a Retell Fluency score of 26, which is at benchmark but her DIBELS DAZE adjusted score of 0 is well below benchmark. It is the recommendation of the test publisher that DIBELS Next Oral Reading Fluency, Retell, and DAZE all be considered together when looking at the measurement of reading comprehension. While Student scored at benchmark for retell, the other two areas that contribute to the measurement of reading comprehension are well below benchmark.

Student was progress monitored last year using DIBELS Next ORF Retell. She progressed from 14 words retold for the September benchmark to 20 words retold at the May benchmark (and 26 at this most recent fall benchmark). Her scores, however, follow a trend that remains below the aimline and below benchmark so is considered a weakness.



Student obtained a “Low” score on the district MAP assessment in the area of Comprehension/Metacognition. Teacher reports that Student’s reading comprehension is well below grade level and marked her as “Needs Improvement” in the area of *Comprehends and is able to retell what is read*. Student’s reading comprehension assessment average for the first trimester is 69%.

Student’s reading comprehension is overall an area of weakness for her but the examiner believes that her reading comprehension difficulty is primarily the result of word reading and reading fluency errors; that is, when Student is able to correctly read all of the words in sentences or passages then she is able to comprehend what she reads.

	Assessment	Student’s Score	Age/Grade Level Expectation	Strength, Neither, or Weakness	
Reading Comprehension	MAP Comp/Metacog.	Low	Average or higher	Weakness	
	KTEA-II: Reading Comprehension	23 rd percentile	25 th percentile or higher	Neither	
	BRIGANCE-II: Reading Comp: Long Passages	2 nd Grade	At or above grade level	Neither	
	DIBELS Next ORF	33 (Well	70+ 8+	Weakn	Weakness

<i>DAZE Retell</i>	<i>below bmk) 0 (Well below bmk) 26 (Bmk)</i>	<i>20+</i>	<i>ess Weakness Strength</i>	
<i>DIBELS Retell Progress Monitoring</i>	<i>Near aimline, but consistently below benchmark</i>	<i>Achieved/ Maintained Benchmark</i>	<i>Weakness</i>	
<i>Curriculum Data</i>	<i>Comprehension : 69% average</i>	<i>80% or higher at Grade level</i>	<i>Weakness</i>	
<i>Teacher Anecdotal Information and Grades</i>	<i>"Needs Improvement" (Well Below Grade Level)</i>	<i>"Consistently" (At or Above Grade Level)</i>	<i>Weakness</i>	

Mathematics Achievement

Mathematics Reasoning

Math reasoning has historically been reported as an area of strength for Student. She obtained standardized test scores in the low average to average range and is doing well in the classroom. This is overall an area of strength for her.

	Assessment	Student's Score	Age/Grade Level Expectation	Strength, Neither, or Weakness	Overall Category
Mathematics Reasoning	<i>MAP Data and Problem-Solving</i>	<i>Low Average</i>	<i>Average or higher</i>	<i>Neither</i>	<i>Strength</i>
	<i>KTEA-II: Math Concepts and Applications</i>	<i>19th percentile</i>	<i>25th percentile or higher</i>	<i>Neither</i>	
	<i>WIAT-II Math Reasoning</i>	<i>32nd percentile</i>	<i>25th percentile or higher</i>	<i>Strength</i>	
	<i>DAB-3 Math Reasoning</i>	<i>50th percentile</i>	<i>25th percentile or higher</i>	<i>Strength</i>	
	<i>Curriculum Data</i>	<i>89% Written Assessment Average</i>	<i>80% or higher</i>	<i>Strength</i>	
	<i>Teacher Anecdotal Information and Grades</i>	<i>"Consistently" (At or Above Grade Level)</i>	<i>"Consistently" (At or Above Grade Level)</i>	<i>Strength</i>	

Mathematics Calculation

Math is historically reported to be an area of strength for Student and she is doing well within the classroom. Formal standardized testing found her scores to be below average to low average, neither strengths nor weaknesses.

	Assessment	Student's Score	Age/Grade Level Expectation	Strength, Neither, or Weakness	Overall Category
Mathematics Calculation	<i>MAP Numbers & Operations</i>	<i>Low</i>	<i>AVG or higher</i>	<i>Weakness</i>	<i>Neither</i>
	<i>KTEA-II: Math Computation</i>	<i>12th percentile</i>	<i>25th percentile or higher</i>	<i>Neither</i>	
	<i>WIAT-II Numerical Operations</i>	<i>16th percentile</i>	<i>25th percentile or higher</i>	<i>Neither</i>	
	<i>Curriculum Data</i>	<i>90% Math Facts Average</i>	<i>80% or higher</i>	<i>Strength</i>	
	<i>Teacher Anecdotal Information and Grades</i>	<i>"Consistently" (At or Above Grade Level)</i>	<i>"Consistently" (At or Above Grade Level)</i>	<i>Strength</i>	

Writing Achievement

Written Expression

Student scored in the average range for the standardized testing administered for this evaluation but scored as neither a strength nor a weakness for a writing curriculum based measurement probe. Teacher describes writing as an area of relative weakness for Student but marked her as "Progressing as Expected" in all report card areas (with the exception of spelling). The information available for Student's writing progress indicates that writing is neither a clear area of strength nor a clear area of weakness, with mixed information from classroom and standardized testing data. Student struggles with reading achievement and written expression is a more advanced skill on the literacy continuum, so this area should be monitored for future difficulty as the expectations increase.

Student seemed to have difficulty attending to more than one kind of writing mechanic at a time. When asked to correct sentences for punctuation and capitalization she read each sentence very carefully all the way through before making corrects. On one subtest she seemed to forget to add punctuation if she needed to make capitalization corrections and vice-versa. She did not notice missing apostrophes nor did she realize that longer titles or names needed to have all of the initial letters capitalized rather than just the primary word in the sentence.

	Assessment	Student's Score	Age/Grade Level Expectation	Strength, Neither, or Weakness	Overall Category
Written Expression	<i>DAB-3 Capitalization</i>	<i>63rd percentile</i>	<i>25th percentile or higher</i>	<i>Strength</i>	<i>Neither</i>
	<i>DAB-3 Punctuation`</i>	<i>25th percentile</i>	<i>25th percentile or higher</i>		
	<i>DAB-3 Contextual Language</i>	<i>75th percentile</i>	<i>25th percentile or higher</i>		
	<i>DAB-3 Capitalization</i>	<i>75th percentile</i>	<i>25th percentile or higher</i>		
	<i>Writing CBM: Correct Writing Sequences</i>	<i>Between 10th and 25th</i>	<i>25th percentile or higher</i>	<i>Neither</i>	

		<i>percentiles</i>			
	<i>Grades</i>	<i>“Progressing” in most areas (except for a weakness in spelling)</i>	<i>“Consistently”</i>	<i>Neither</i>	

Specific Learning Disability Eligibility Recommendation

A pattern of strengths and weaknesses model of eligibility for a Specific Learning Disability requires that a student demonstrates academic weaknesses for at least four different data points within a specific eligibility category and also exhibit at least three academic strengths within another specific eligibility category. A summary of the data collected for Student’s evaluation may be found on the attached “Charting Pattern of Strengths and Weaknesses” page. Based on the information gathered for this evaluation, Student appears to meet the eligibility criteria for a Specific Learning Disability in the areas of Reading Fluency and Reading Comprehension.

Information Pertaining to the Specific Learning Disability Diagnostic Assurance Statements

Student’s teachers thus far are all highly qualified teachers who taught from the board-approved curriculum. Supplemental reading intervention has focused on phonemic awareness, phonics, fluency, vocabulary and comprehension. Student attendance is good, so her underachievement is not due to absenteeism. Student’s native language is English. Student passed hearing and vision tests in April 2008 and there is no evidence to suggest that either hearing or vision is an area of concern. Student has a diagnosis of Attention-Deficit/Hyperactivity Disorder and is taking medication to manage the symptoms. Her teachers report that her attention is adequate in class and is unlikely to be a primary cause of her academic difficulty. She does not have any other known health, emotional, or motor impairments that could be primary causes of her academic difficulty. She does not have any known economic, cultural, and environmental disadvantages that could be primary causes of her academic difficulty.

Summary

Student is an eight-year-old third grade girl who was referred by her teacher because of ongoing difficulty with reading despite interventions. Based on the results of this evaluation, Student demonstrates academic strength in the area of Mathematics Calculation and mixed results (neither a strength nor a weakness) in the areas of Mathematics Problem Solving, Basic Reading, and Written Expression.

Student demonstrates a weakness in the area of Reading Fluency. She obtained scores well below average (GORT-4 5th percentile) and based on DIBELS Next benchmark assessment data, Student’s reading fluency is approximately 33 words correct per minute, which is well below the benchmark expectation of 70 or more words correct per minute at the beginning of third grade. While Basic Reading assessment resulted in a “Neither” designation overall, she does demonstrate basic reading errors that have an impact on her reading fluency because she misidentifies or substitutes words with similar appearances and takes a long time to decode words while reading connected text, increasing her error rate and slowing her reading.

Student's basic reading errors and slow fluency have a negative impact on her reading comprehension. She obtained a score at the 23rd percentile on the KTEA-II Reading Comprehension subtest and a score at the second grade level for the Brigance Reading Comprehension, Long Passages subtest. Both of these assessments are considered neither strengths nor weaknesses but classroom data and district assessment data identify reading comprehension as an area of weakness relative to same-age peers and classroom expectations. This examiner believes that instead of writing specific reading comprehension goals and objectives for Student, the IEP team should consider if her reading comprehension difficulties may not be primarily the result of basic reading and reading fluency deficits; as such, Student's reading comprehension will likely benefit from remediation and instruction of basic reading and reading fluency skills and from accommodations and modifications related to these deficits.

School Psychologist

GUIDELINES FOR DETERMINING STRENGTHS & WEAKNESSES

Below is a description of the various assessment types that may be considered as part of a Pattern on Strengths and Weaknesses, along with the criteria for determining what is considered to be evidence of an area of strength or an area of weakness for each kind of assessment.

ASSESSMENT TYPE	DEFINITION	EXAMPLES	STRENGTH	WEAKNESS
Progress on Goals and Objective	Progress on IEP goals and objectives as monitored and reported by teacher	Progress notes	Has met grade level goals	Has not met grade level goals
Progress monitoring	Repeated, frequent use of CBM to determine response to instruction	DIBELS, CLOZE, MAZE, CBM math probes	n/a	Falling below aimline for at least 4 consecutive data points
Criterion-referenced assessment	Identifies individual's status based on established standard of performance - measures levels of mastery. Comparisons are made to a criterion, rather than to other individuals.	Brigance II DIBELS (Benchmark Score) SRI (Lexile Score) SMI (Quantile Score) MAP score	Skills \geq grade level Skills \geq 25 th percentile	K-3: \geq one year below grade level 4+: 1.5 – 2 years below grade level Skills at or below the 9 th percentile
Curriculum-Based Measurement (Benchmark)	Brief, timed exercises students complete using materials drawn directly from the child's academic program. Typically, benchmark scores or local data are used.	DIBELS, CBM math probes, EasyCBM, AIMSweb	At "benchmark" level Above grade-level median score if using local norms \geq 25 th percentile on national norms	At 'at-risk' level or below 10%ile if using local norms \leq 9 th percentile on national norms
State / District Level Assessments	Assessments administered to all students in state / district	MEAP MAP	Level 1 (Advanced) or Level 2 (Proficient) Average or High Average	Level 3 (Partially Proficient) or Level 4 (Not Proficient) Low
Norm-referenced tests (Grade-Based)	Evaluates performance compared to same-grade peers on the same measure.	KTEA-II, WIAT-III, WJ-III, TOWL-4, TERA-3, TEMA-3, DAB-III, DTKR-II, Bracken, Y-CAT, SRI (Percentile), SMI (Percentile)	Percentile rank \geq 25	Percentile rank \leq 9
Norm-referenced tests (Age-Based)	Evaluates performance compared to same-aged peers on the same measure.			
Curriculum assessments	Performance on grade level curriculum tests, quizzes and other assessments.	Curriculum unit tests, timed math fact assessments, etc.	Scores \geq 80%	Scores \leq 70%
Grades	Overall performance on grade level content expectations and local district standards	Designation of meeting or not meeting expectations or letter grades	K-3: 'Consistently' demonstrates 4+: Letter grade of A or B	K-3: 'Needs Improvement' 4+: Letter grade of D or lower
Teacher report	Written input by a highly qualified teacher indicating strengths and concerns in SLD categories with documentation of interventions and current performance data, including duration and frequency.	Written input that includes teacher opinion on strength or weakness compared with same grade peers for given skill(s)	At or above grade level based upon professional judgment of teacher in comparing student to other in classroom	Well below grade level based upon professional judgment of teacher in comparing student to others in classroom
Observations – Academic	Direct observation of instruction that is completed by an evaluation team member in the suspected area(s) of weakness. Classroom observation may also be utilized for determining academic strengths.	Documentation that validates available data and includes observer opinion on strength or weakness compared with same grade peers in given skill area(s).	Student demonstrates average understanding of academic content and skill development in comparison to other students in classroom.	Student does not demonstrate understanding of academic content and skill development in comparison with other students.
Parent Input	Documented input by parent/guardian. Although parent input is required under IDEA, anecdotal information from parent/guardian should not be used as a strength or weakness in PSW eligibility determination.			

Strength:

- At least **one** data point must be from the category of academic achievement with respect to grade OR age level expectations.
- At least **one** data point must be from the category of classroom performance relative to grade level and/ or age level expectations.

Weakness (Initial Evaluations):

- At least **two** data points must be within the category of academic achievement with respect to grade level and/or to age level expectations, one of which *must* be an individually administered academic achievement measure.
- At least **one** data point must be from classroom performance relative to grade level and/or age level expectations.
- A classroom observation is required in each area identified as a concern.

Weakness (Re-evaluations):

- At least **one** data point must be within the category of academic achievement with respect to grade level and/or to age level expectations
- At least **one** data point must be from classroom performance relative to grade level and/or age level expectations.
- A classroom observation is required in each area identified as a concern.

The chart below categorizes and summarizes the information obtained for Xxx's evaluation:

Charting Pattern of Strengths and Weaknesses

	Academic Achievement with respect to Grade level expectations					Academic Achievement with respect to Age level expectations	Classroom performance with respect to Age and/or Grade level expectations			
	Progress Monitoring / Progress on Goals and Objectives	Criterion Referenced Assessment	CBM and/or Benchmark	State and/or District Assessment	Norm Referenced Assessment (using grade level norms)	Norm Referenced Assessment (using age level norms)	Curriculum Data/ Assessments	Grades	Teacher Reports/ Anecdotal Comments	Classroom Observation
Basic Reading		Strength STAR Reading Test: 2.5 GE / 29 th percentile	Weakness DIBELS ORF Accuracy: 89%	Weakness MAP WS: Low		Neither KTEA-II PA: 21 st Neither KTEA-II LWID: 34 th Neither KTEA-II NWD: 42 nd	Weakness Reading Vocab: 60% average	Weakness "Needs Improvement"	Weakness Well below grade level	
Reading Fluency	Weakness DIBELS ORF PM ~ 10 data points below aimline / benchmark		Weakness DIBELS ORF: 33 wpm			Weakness GORT-4: 5 th percentile		Weakness "Needs Improvement"	Weakness Well below grade level	
Reading Comprehension	Weakness DIBELS Retell PM near aimline but consistently below benchmark	Neither Brigance RC-LP: 2 nd grade	Weakness DIBELS ORF: 33 Retell: 26 DAZE: 0	Weakness MAP Comp/Meta: Low		Neither KTEA-II RC: 23 rd percentile	Weakness Comprehension: 69% average	Neither "Needs Improvement"	Weakness Well below grade level	
Written Expression			Neither Writing CBM >10 th x <25 th			Strength DAB-3 Punctuation: 25 th Capitalization: 63 rd Context. Lang: 75 th Story Const: 75 th		Neither "Progressing"		
Math Calculation				Weakness MAP No&Ops: Low		Neither KTEA-II MC: 12 th Neither WIAT-II NO: 16 th	Strength Math Facts: 90% average	Strength "Consistently"	Strength At grade level	
Math Problem Solving				Neither MAP Data&Prob: Low Average		Neither KTEA-II MC&A: 19 th Strength DAB-3 MR: 50 th Strength WIAT-II MR: 32 nd	Strength Written Assessment: 89% average	Strength "Consistently"	Strength At grade level	

initial evaluation to determine whether the child is a child with a disability if—

(i) Despite reasonable efforts to do so, the public agency cannot discover the whereabouts of the parent of the child;

(ii) The rights of the parents of the child have been terminated in accordance with State law; or

(iii) The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

(3)(i) If the parent of a child enrolled in public school or seeking to be enrolled in public school does not provide consent for initial evaluation under paragraph (a)(1) of this section, or the parent fails to respond to a request to provide consent, the public agency may, but is not required to, pursue the initial evaluation of the child by utilizing the procedural safeguards in subpart E of this part (including the mediation procedures under § 300.506 or the due process procedures under §§ 300.507 through 300.516), if appropriate, except to the extent inconsistent with State law relating to such parental consent.

(ii) The public agency does not violate its obligation under § 300.111 and §§ 300.301 through 300.311 if it declines to pursue the evaluation.

(b) *Parental consent for services.* (1) A public agency that is responsible for making FAPE available to a child with a disability must obtain informed consent from the parent of the child before the initial provision of special education and related services to the child.

(2) The public agency must make reasonable efforts to obtain informed consent from the parent for the initial provision of special education and related services to the child.

(3) If the parent of a child fails to respond or refuses to consent to services under paragraph (b)(1) of this section, the public agency may not use the procedures in subpart E of this part (including the mediation procedures under § 300.506 or the due process procedures under §§ 300.507 through 300.516) in order to obtain agreement or a ruling that the services may be provided to the child.

(4) If the parent of the child refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the public agency—

(i) Will not be considered to be in violation of the requirement to make

available FAPE to the child for the failure to provide the child with the special education and related services for which the public agency requests consent; and

(ii) Is not required to convene an IEP Team meeting or develop an IEP under §§ 300.320 and 300.324 for the child for the special education and related services for which the public agency requests such consent.

(c) *Parental consent for reevaluations.* (1) Subject to paragraph (c)(2) of this section, each public agency—

(i) Must obtain informed parental consent, in accordance with § 300.300(a)(1), prior to conducting any reevaluation of a child with a disability.

(ii) If the parent refuses to consent to the reevaluation, the public agency may, but is not required to, pursue the reevaluation by using the consent override procedures described in paragraph (a)(3) of this section.

(iii) The public agency does not violate its obligation under § 300.111 and §§ 300.301 through 300.311 if it declines to pursue the evaluation or reevaluation.

(2) The informed parental consent described in paragraph (c)(1) of this section need not be obtained if the public agency can demonstrate that—

(i) It made reasonable efforts to obtain such consent; and

(ii) The child's parent has failed to respond.

(d) Other consent requirements.

(1) Parental consent is not required before—

(i) Reviewing existing data as part of an evaluation or a reevaluation; or

(ii) Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

(2) In addition to the parental consent requirements described in paragraph (a) of this section, a State may require parental consent for other services and activities under this part if it ensures that each public agency in the State establishes and implements effective procedures to ensure that a parent's refusal to consent does not result in a failure to provide the child with FAPE.

(3) A public agency may not use a parent's refusal to consent to one service or activity under paragraphs (a) or (d)(2) of this section to deny the parent or child any other service, benefit, or activity of the public agency, except as required by this part.

(4)(i) If a parent of a child who is home schooled or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or the

reevaluation, or the parent fails to respond to a request to provide consent, the public agency may not use the consent override procedures (described in paragraphs (a)(3) and (c)(1) of this section); and

(ii) The public agency is not required to consider the child as eligible for services under §§ 300.132 through 300.144.

(5) To meet the reasonable efforts requirement in paragraphs (a)(1)(iii), (a)(2)(i), (b)(2), and (c)(2)(i) of this section, the public agency must document its attempts to obtain parental consent using the procedures in § 300.322(d).

(Authority: 20 U.S.C. 1414(a)(1)(D) and 1414(c))

Evaluations and Reevaluations

§ 300.301 Initial evaluations.

(a) *General.* Each public agency must conduct a full and individual initial evaluation, in accordance with §§ 300.305 and 300.306, before the initial provision of special education and related services to a child with a disability under this part.

(b) *Request for initial evaluation.* Consistent with the consent requirements in § 300.300, either a parent of a child or a public agency may initiate a request for an initial evaluation to determine if the child is a child with a disability.

(c) *Procedures for initial evaluation.* The initial evaluation—

(1)(i) Must be conducted within 60 days of receiving parental consent for the evaluation; or

(ii) If the State establishes a timeframe within which the evaluation must be conducted, within that timeframe; and

(2) Must consist of procedures—

(i) To determine if the child is a child with a disability under § 300.8; and

(ii) To determine the educational needs of the child.

(d) *Exception.* The timeframe described in paragraph (c)(1) of this section does not apply to a public agency if—

(1) The parent of a child repeatedly fails or refuses to produce the child for the evaluation; or

(2) A child enrolls in a school of another public agency after the relevant timeframe in paragraph (c)(1) of this section has begun, and prior to a determination by the child's previous public agency as to whether the child is a child with a disability under § 300.8.

(e) The exception in paragraph (d)(2) of this section applies only if the subsequent public agency is making sufficient progress to ensure a prompt completion of the evaluation, and the

parent and subsequent public agency agree to a specific time when the evaluation will be completed.

(Authority: 20 U.S.C. 1414(a))

§ 300.302 Screening for instructional purposes is not evaluation.

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services.

(Authority: 20 U.S.C. 1414(a)(1)(E))

§ 300.303 Reevaluations.

(a) *General.* A public agency must ensure that a reevaluation of each child with a disability is conducted in accordance with §§ 300.304 through 300.311—

(1) If the public agency determines that the educational or related services needs, including improved academic achievement and functional performance, of the child warrant a reevaluation; or

(2) If the child's parent or teacher requests a reevaluation.

(b) *Limitation.* A reevaluation conducted under paragraph (a) of this section—

(1) May occur not more than once a year, unless the parent and the public agency agree otherwise; and

(2) Must occur at least once every 3 years, unless the parent and the public agency agree that a reevaluation is unnecessary.

(Authority: 20 U.S.C. 1414(a)(2))

§ 300.304 Evaluation procedures.

(a) *Notice.* The public agency must provide notice to the parents of a child with a disability, in accordance with § 300.503, that describes any evaluation procedures the agency proposes to conduct.

(b) *Conduct of evaluation.* In conducting the evaluation, the public agency must—

(1) Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent, that may assist in determining—

(i) Whether the child is a child with a disability under § 300.8; and

(ii) The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities);

(2) 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; and

(3) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

(c) *Other evaluation procedures.* Each public agency must ensure that—

(1) Assessments and other evaluation materials used to assess a child under this part—

(i) Are selected and administered so as not to be discriminatory on a racial or cultural basis;

(ii) 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 so provide or administer;

(iii) Are used for the purposes for which the assessments or measures are valid and reliable;

(iv) Are administered by trained and knowledgeable personnel; and

(v) Are administered in accordance with any instructions provided by the producer of the assessments.

(2) Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

(3) Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

(4) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;

(5) Assessments of children with disabilities who transfer from one public agency to another public agency in the same school year are coordinated with those children's prior and subsequent schools, as necessary and as expeditiously as possible, consistent with § 300.301(d)(2) and (e), to ensure prompt completion of full evaluations.

(6) In evaluating each child with a disability under §§ 300.304 through 300.306, 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.

(7) Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.

(Authority: 20 U.S.C. 1414(b)(1)-(3), 1412(a)(6)(B))

§ 300.305 Additional requirements for evaluations and reevaluations.

(a) *Review of existing evaluation data.* As part of an initial evaluation (if appropriate) and as part of any reevaluation under this part, the IEP Team and other qualified professionals, as appropriate, must—

(1) Review existing evaluation data on the child, including—

(i) Evaluations and information provided by the parents of the child;

(ii) Current classroom-based, local, or State assessments, and classroom-based observations; and

(iii) Observations by teachers and related services providers; and

(2) On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine—

(i)(A) Whether the child is a child with a disability, as defined in § 300.8, and the educational needs of the child; or

(B) In case of a reevaluation of a child, whether the child continues to have such a disability, and the educational needs of the child;

(ii) The present levels of academic achievement and related developmental needs of the child;

(iii)(A) Whether the child needs special education and related services; or

(B) In the case of a reevaluation of a child, whether the child continues to need special education and related services; and

(iv) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum.

(b) *Conduct of review.* The group described in paragraph (a) of this section may conduct its review without a meeting.

(c) *Source of data.* The public agency must administer such assessments and

other evaluation measures as may be needed to produce the data identified under paragraph (a) of this section.

(d) *Requirements if additional data are not needed.* (1) If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability, and to determine the child's educational needs, the public agency must notify the child's parents of—

(i) That determination and the reasons for the determination; and

(ii) The right of the parents to request an assessment to determine whether the child continues to be a child with a disability, and to determine the child's educational needs.

(2) The public agency is not required to conduct the assessment described in paragraph (d)(1)(ii) of this section unless requested to do so by the child's parents.

(e) *Evaluations before change in eligibility.* (1) Except as provided in paragraph (e)(2) of this section, a public agency must evaluate a child with a disability in accordance with §§ 300.304 through 300.311 before determining that the child is no longer a child with a disability.

(2) The evaluation described in paragraph (e)(1) of this section is not required before the termination of a child's eligibility under this part due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE under State law.

(3) For a child whose eligibility terminates under circumstances described in paragraph (e)(2) of this section, 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.

(Authority: 20 U.S.C. 1414(c))

§ 300.306 Determination of eligibility.

(a) *General.* Upon completion of the administration of assessments and other evaluation measures—

(1) A group of qualified professionals and the parent of the child determines whether the child is a child with a disability, as defined in § 300.8, in accordance with paragraph (b) of this section and the educational needs of the child; and

(2) The public agency provides a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

(b) *Special rule for eligibility determination.* A child must not be determined to be a child with a disability under this part—

(1) If the determinant factor for that determination is—

(i) Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the ESEA);

(ii) Lack of appropriate instruction in math; or

(iii) Limited English proficiency; and

(2) If the child does not otherwise meet the eligibility criteria under § 300.8(a).

(c) *Procedures for determining eligibility and educational need.* (1) In interpreting evaluation data for the purpose of determining if a child is a child with a disability under § 300.8, and the educational needs of the child, each public agency must—

(i) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior; and

(ii) Ensure that information obtained from all of these sources is documented and carefully considered.

(2) If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child in accordance with §§ 300.320 through 300.324.

(Authority: 20 U.S.C. 1414(b)(4) and (5))

Additional Procedures for Identifying Children With Specific Learning Disabilities

§ 300.307 Specific learning disabilities.

(a) *General.* A State must adopt, consistent with § 300.309, criteria for determining whether a child has a specific learning disability as defined in § 300.8(c)(10). In addition, the criteria adopted by the State—

(1) Must not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability, as defined in § 300.8(c)(10);

(2) Must permit the use of a process based on the child's response to scientific, research-based intervention; and

(3) May permit the use of other alternative research-based procedures for determining whether a child has a specific learning disability, as defined in § 300.8(c)(10).

(b) *Consistency with State criteria.* A public agency must use the State criteria adopted pursuant to paragraph (a) of

this section in determining whether a child has a specific learning disability.

(Authority: 20 U.S.C. 1221e-3; 1401(30); 1414(b)(6))

§ 300.308 Additional group members.

The determination of whether a child suspected of having a specific learning disability is a child with a disability as defined in § 300.8, must be made by the child's parents and a team of qualified professionals, which must include—

(a)(1) The child's regular teacher; or

(2) If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or

(3) For a child of less than school age, an individual qualified by the SEA to teach a child of his or her age; and

(b) At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.

(Authority: 20 U.S.C. 1221e-3; 1401(30); 1414(b)(6))

§ 300.309 Determining the existence of a specific learning disability.

(a) The group described in § 300.306 may determine that a child has a specific learning disability, as defined in § 300.8(c)(10), if—

(1) The child does not achieve adequately for the child's age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the child's age or State-approved grade-level standards:

- (i) Oral expression.
- (ii) Listening comprehension.
- (iii) Written expression.
- (iv) Basic reading skill.
- (v) Reading fluency skills.
- (vi) Reading comprehension.
- (vii) Mathematics calculation.
- (viii) Mathematics problem solving.

(2)(i) The child does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified in paragraph (a)(1) of this section when using a process based on the child's response to scientific, research-based intervention; or

(ii) 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, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with §§ 300.304 and 300.305; and

(3) The group determines that its findings under paragraphs (a)(1) and (2)

of this section are not primarily the result of—

- (i) A visual, hearing, or motor disability;
- (ii) Mental retardation;
- (iii) Emotional disturbance;
- (iv) Cultural factors;
- (v) Environmental or economic disadvantage; or
- (vi) Limited English proficiency.

(b) To ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation described in §§ 300.304 through 300.306—

(1) Data that demonstrate that prior to, or as a part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and

(2) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents.

(c) The public agency must promptly request parental consent to evaluate the child to determine if the child needs special education and related services, and must adhere to the timeframes described in §§ 300.301 and 300.303, unless extended by mutual written agreement of the child's parents and a group of qualified professionals, as described in § 300.306(a)(1)—

(1) If, prior to a referral, a child has not made adequate progress after an appropriate period of time when provided instruction, as described in paragraphs (b)(1) and (b)(2) of this section; and

(2) Whenever a child is referred for an evaluation.

(Authority: 20 U.S.C. 1221e-3; 1401(30); 1414(b)(6))

§ 300.310 Observation.

(a) The public agency must ensure that the child is observed in the child's learning environment (including the regular classroom setting) to document the child's academic performance and behavior in the areas of difficulty.

(b) The group described in § 300.306(a)(1), in determining whether a child has a specific learning disability, must decide to—

(1) Use information from an observation in routine classroom instruction and monitoring of the child's performance that was done before the child was referred for an evaluation; or

(2) Have at least one member of the group described in § 300.306(a)(1) conduct an observation of the child's

academic performance in the regular classroom after the child has been referred for an evaluation and parental consent, consistent with § 300.300(a), is obtained.

(c) In the case of a child of less than school age or out of school, a group member must observe the child in an environment appropriate for a child of that age.

(Authority: 20 U.S.C. 1221e-3; 1401(30); 1414(b)(6))

§ 300.311 Specific documentation for the eligibility determination.

(a) For a child suspected of having a specific learning disability, the documentation of the determination of eligibility, as required in § 300.306(a)(2), must contain a statement of—

(1) Whether the child has a specific learning disability;

(2) The basis for making the determination, including an assurance that the determination has been made in accordance with § 300.306(c)(1);

(3) The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning;

(4) The educationally relevant medical findings, if any;

(5) Whether—

(i) The child does not achieve adequately for the child's age or to meet State-approved grade-level standards consistent with § 300.309(a)(1); and

(ii)(A) The child does not make sufficient progress to meet age or State-approved grade-level standards consistent with § 300.309(a)(2)(i); or

(B) 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 consistent with § 300.309(a)(2)(ii);

(6) The determination of the group concerning the effects of a visual, hearing, or motor disability; mental retardation; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the child's achievement level; and

(7) If the child has participated in a process that assesses the child's response to scientific, research-based intervention—

(i) The instructional strategies used and the student-centered data collected; and

(ii) The documentation that the child's parents were notified about—

(A) 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;

(B) Strategies for increasing the child's rate of learning; and

(C) The parents' right to request an evaluation.

(b) Each group member must certify in writing whether the report reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions.

(Authority: 20 U.S.C. 1221e-3; 1401(30); 1414(b)(6))

Individualized Education Programs

§ 300.320 Definition of individualized education program.

(a) *General.* As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§ 300.320 through 300.324, and that must include—

(1) A statement of the child's present levels of academic achievement and functional performance, including—

(i) How the child's disability affects the child's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled children); or

(ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

(2)(i) A statement of measurable annual goals, including academic and functional goals designed to—

(A) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum; and

(B) Meet each of the child's other educational needs that result from the child's disability;

(ii) For children with disabilities who take alternate assessments aligned to alternate achievement standards, a description of benchmarks or short-term objectives;

(3) A description of—

(i) How the child's progress toward meeting the annual goals described in paragraph (2) of this section will be measured; and

(ii) When periodic reports on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) will be provided;

(4) A statement of the special education and related services and