

Wisconsin's Specific Learning Disabilities (SLD) Rule: A Technical Guide for Determining the Eligibility of Students with Specific Learning Disabilities

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Foreword

"Every child must graduate ready for further education and the workforce. We must align our efforts so all our students are prepared to succeed in college or a career."

Wisconsin's Specific Learning Disability (SLD) rule is intended to fit within the multilevel system of supports schools throughout the state are establishing. Schools are working to develop systematic methods for identifying struggling students, matching students with interventions, and building the capacity for data analysis inherent in progress monitoring and improving outcomes for students. The SLD rule is a natural extension of the use of data in determining the root cause of a student's lack of progress.

This guide is intended to assist schools in the implementation of the SLD rule. It includes the requirements and criteria for initial SLD evaluations and reevaluations; definitions associated with the new rule; and how to apply the SLD rule, including ideas for Individualized Education Program (IEP) team discussions. The department's website (<http://sped.dpi.wi.gov/>) houses additional resources educators and parents may find helpful in understanding and applying the SLD rule.

The rule requires IEP teams to critically analyze relevant data about a student to determine whether there is a disability or whether another factor is the primary reason for the student's lack of progress. When IEP team members have comprehensive data about a student, they are able to make high-stakes decisions with accuracy and avoid over-identification and disproportionate representation of various groups in special education programs. This rule also ensures a more responsive and targeted effort to improve student learning and ensure every student is on track for graduation and acquisition of the knowledge and skills necessary to succeed in further education and the workforce.

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Website Resources

A copy of this guide and supporting resources suitable for downloading are available on the DPI website at the following addresses.

Special Education Team Homepage: <http://sped.dpi.wi.gov/>

Special Education Criteria Page: http://sped.dpi.wi.gov/sped_eligibility

Specific Learning Disability Program Page: http://sped.dpi.wi.gov/sped_ld

Any updates to this guide will be posted on the DPI website.

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Overview of Wisconsin's Specific Learning Disabilities Rule

1

Setting the Stage for the SLD Rule

Chapter 1 provides an introduction to Wisconsin's Specific Learning Disability (SLD) rule including background, history, and context. It outlines the required components of the rule: the three criteria, evaluation activities and required data sources, documentation requirements, and other considerations related to the rule. The chapter concludes with a resource to assist Individualized Education Program (IEP) teams when conducting SLD evaluations.

Section Contents

- Setting the Stage for the SLD Rule
- Definition of Specific Learning Disability
- SLD Rule Overview
- Outline of the SLD Criteria
- Applying the Rule: Ideas for IEP Team Discussion

A brief review of the evolution of specific learning disability since its emergence as a disability category in the 1960s provides the context for Wisconsin's revised SLD rule. Historically, the concept of SLD has been associated with disorders in cognition and learning existing within an individual resulting in delays in academic and school performance skills such as reading, math, and language. These delays occur despite adequate instruction and have been referred to as "unexpected underachievement."

Until relatively recently, one of the most commonly used indicators of achievement delays reflecting SLD has been discrepancy between ability (IQ) and achievement. Over time, research findings questioned the usefulness of discrepancy analysis to differentiate students with SLD from students with or without other disabilities. As a result, the focus of research in SLD identification shifted from the use of discrepancy to the collection and analysis of direct evidence from instruction and intensive intervention. Researchers suggested that without a review of the student's response to instruction and intensive intervention there was no basis for distinguishing a student whose underachievement was due to SLD from a student whose achievement was affected by other factors, including inadequate instruction (Fletcher, 2008).

Definition of SLD

“Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, motor disabilities, cognitive disabilities, emotional disturbance, cultural factors, environmental or economic disadvantage.”

PI 11.36(6) (a)

In 2001, the US Department of Education Office of Special Education Programs convened an SLD Summit to bring together key researchers and representatives from professional groups to find common ground around SLD identification. The Summit resulted in a series of white papers. The majority of Summit participants reached consensus that IQ/achievement discrepancy was neither necessary nor sufficient for identifying individuals with SLD. Recommendations for an alternative model of SLD identification included provisions for considering: 1) low achievement; 2) insufficient response to effective, research-based interventions; and 3) exclusionary factors such as other impairments, limited English proficiency, and lack of opportunity to learn (National Research Center on Learning Disabilities, 2007).

Several changes in the evaluation requirements for SLD found in 2004 Individuals with Disabilities Education Act (IDEA) and 2006 federal regulations (34 CFR 300) for implementing IDEA 2004, reflected the evolution of the research on how to best document achievement delays indicative of SLD. One significant change was that states could no longer **require** the use of significant discrepancy between intellectual ability and achievement as part of SLD determinations. Another change was that states **must permit** the use of a process based on the student’s response to scientific, research-based intervention.

These changes in federal law and regulations required Wisconsin to revise its SLD rule. The Wisconsin Department of Public Instruction appointed a task force in 2005 to discuss the relationship of Response to Intervention (RtI), Coordinated Early Intervening Services (CEIS), and SLD in light of the changes in IDEA 2004 and the 2006 Regulations. In addition, the department conducted two sets of public hearings to gather broad stakeholder input before finalizing the revised rule.

Wisconsin’s revised SLD rule was finalized in September 2010 and took effect on December 1, 2010. The revised rule includes a three year transition period for ending the use of “significant discrepancy,” which will sunset on December 1, 2013.

Definition of Specific Learning Disability

The definition of specific learning disability in Wisconsin’s rule is substantially similar to the federal definition.

This general definition of SLD has been part of federal special education regulation since 1977 and is mirrored in Wisconsin administrative rule. The definition is not used to make eligibility decisions. The criteria and other evaluation requirements described in the rule operationalize the definition. Local educational agencies (LEAs) use the criteria in the rule to determine if the student has the impairment of SLD.

The diagnostic labels listed in the general definition include those historically used to describe conditions similar to the educational definition of SLD. Many of these terms are no longer used. Students with non-educational diagnoses, such as those listed in the definition, may be considered for eligibility under IDEA but must meet Wisconsin eligibility criteria for the “impairment” of SLD (or another

impairment) **and** demonstrate a “need for special education” as a result of that impairment prior to being identified as a student with a disability.

SLD Rule Overview

The term “initial evaluation” refers to the first time an IEP team considers SLD, even if this consideration is part of a special education reevaluation for a student previously identified with another impairment, or if the student was evaluated previously for SLD and was not found eligible.

Wisconsin’s SLD rule states that the impairment of SLD means, when first identified, the student demonstrates inadequate classroom achievement **and** insufficient progress. These two criteria - inadequate classroom achievement and insufficient progress- are considered through the lens of exclusionary factors. To put it another way, the team must determine whether any of the exclusionary factors are the **primary** reason for the student’s inadequate classroom achievement or insufficient progress. If the IEP team determines the exclusionary factors to be the primary cause, the IEP team must not find the student as having a specific learning disability.

The rule specifies for all SLD evaluations - initial and reevaluations - the IEP team must consider multiple sources of data, including data from systematic observation and formal and informal evaluation data. The rule also includes documentation requirements, which are more numerous for initial evaluations than for reevaluations. **Figure 1** depicts the [SLD Evaluation Requirements Checklist](#) that has been developed as a resource to IEP teams to assist them in completing SLD initial evaluations and reevaluations.

Figure 1

Wisconsin Department of Public Instruction
ELIGIBILITY CHECKLIST
SPECIFIC LEARNING DISABILITY—INITIAL
EVALUATION
 ELG-SLD-001 (Rev. 09-11)
This form is provided for local use only.

INSTRUCTIONS: This form is provided to assist school district individualized education program (IEP) teams in determining if a student appropriately can be determined to have an impairment under Chapter 115, Wis. Stats., and the eligibility criteria established in PI 11.36, Wis. Admin. Code. The IEP team should complete this form to document determination of eligibility for special education services and keep on file with the student record.

Student Name _____ Date of Eligibility Determination _____

If #1, #2A or #2B, and #3 are marked "YES", the student meets the eligibility criteria for the impairment of Specific Learning Disability. If any item is marked "No", the child **does not** meet the eligibility criteria for an impairment of specific learning disabilities.

DOCUMENTATION OF ELIGIBILITY

Yes No **1. Inadequate Classroom Achievement.** The student does not achieve adequately for his/her age/grade after intensive intervention.
 If yes, achievement is inadequate in the following area(s): *Check all that apply.*

Oral Expression Basic Reading Skill Mathematics Calculation
 Listening Comprehension Reading Comprehension Mathematics Problem Solving
 Written Expression Reading Fluency Skills

Data Used to Support Determination: _____

If the 1.25 standard deviation (SD) requirement was not used to make this determination, provide the reason why valid and reliable standard scores could not be maintained and documentation of inadequate achievement using other empirical evidence: _____

Yes No **2. Insufficient Progress.** The student has made insufficient progress based on one of the following options: *Check whether using option A, or option B, and complete the items under that option.*

A. Insufficient response to intensive scientific, research-based or evidence based intervention. The student does not make sufficient progress to meet age or grade-level standards following at least two intensive scientific, research or evidence based interventions implemented with adequate fidelity and closely aligned to individual student needs. *Note: All schools must use this criterion beginning December 1, 2013.*

If yes to Insufficient Progress, the response is insufficient in the following area(s): *Check all that apply.*

Oral Expression Basic Reading Skill Mathematics Calculation
 Listening Comprehension Reading Comprehension Mathematics Problem Solving
 Written Expression Reading Fluency Skills

Data Used to Support Determination: *Include data from systematic observation and data documenting if the rate of progress was (1) the same or less than same age peers; (2) greater than same age peers, but will not result in the student reaching the average range of same age peer's achievement for that area of potential disability in a reasonable period of time, or (3) greater than same age peers but the intensity of resources necessary to obtain this rate of progress cannot be maintained in general education.*

B. Significant Discrepancy. The student has a significant discrepancy between ability and achievement. *Note: This criterion may no longer be used beginning December 1, 2013.*

If yes to Insufficient Progress, there is a significant discrepancy in the following area(s): *Check all that apply.*

Oral Expression Basic Reading Skill Mathematics Calculation
 Listening Comprehension Reading Comprehension Mathematics Problem Solving
 Written Expression Reading Fluency Skills

Outline of the SLD Criteria

Every IEP team must answer two general questions when conducting any special education evaluation:

- Does the student have an impairment?
- Does the student require special education to address the needs resulting from the impairment?

Wisconsin's SLD rule specifies the following criteria:

Inadequate Classroom Achievement

After intensive intervention, the student does not achieve adequately for his or her age, or meet state-approved grade level standards in one or more of the eight achievement areas of SLD when provided with age-appropriate learning experiences and instruction.

Insufficient Progress

The student has made insufficient progress as documented by insufficient response to intensive, scientific research-based, or evidence-based intervention, or significant discrepancy between intellectual ability and achievement (sunsets December 1, 2013).

Schools may use significant discrepancy between achievement and intellectual ability to document insufficient progress until December 1, 2013. Once a school begins using insufficient response to intensive intervention, it must consistently use this method for all students in the school.

Exclusionary Factors

The findings of inadequate classroom achievement and insufficient progress cannot be primarily due to certain exclusionary factors specified in the rule:

- Other impairments,
- Environmental, cultural or economic factors,
- Limited English proficiency, or
- Lack of appropriate instruction in any of the eight areas of achievement being considered.

Figure 2

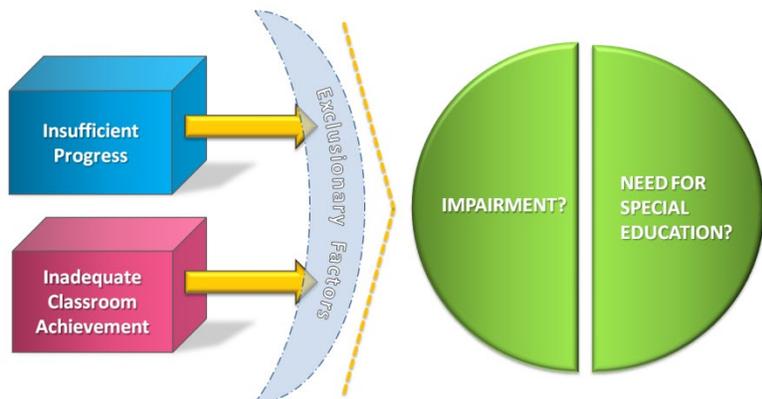


Figure 2 illustrates how the Wisconsin SLD criteria interact with one another. When an **initial** special education evaluation for SLD is conducted, the eligibility decision regarding impairment is contingent upon all three criteria being met. If the criteria are met, the IEP team considers the second eligibility question to determine whether the student requires special education to address the needs resulting from the impairment.

The graphic emphasizes:

- Exclusionary factors are the lens through which the other criteria, inadequate achievement and insufficient progress, are considered.
- The equal weighting of each of the components.
- The central importance of the “need for special education” in making an eligibility determination.

The eight achievement areas of SLD referenced throughout the rule are:

- Oral expression,
- Listening comprehension,
- Written expression,
- Basic reading skill,
- Reading fluency,
- Reading comprehension,
- Mathematics calculation, and
- Mathematics problem solving.

A description of each of the eight achievement areas of SLD can be found in Chapter 3 of this guide as part of the discussion of Inadequate Classroom Achievement.

If the IEP team finds the student meets the eligibility criteria for the impairment of SLD, it still must consider whether the student has a need for special education before determining the student is a “child with a disability.”

SLD Evaluation Activities and Data Sources

The SLD rule requires IEP teams to complete certain activities when conducting evaluations for SLD eligibility, including a review of formal and informal assessment data, and systematic observations. For all initial evaluations and reevaluations, IEP teams must base eligibility decisions on information gained through a full and individual evaluation that incorporates a review of existing formal and informal data. Sources of formal data include standardized achievement tests; individually administered norm-referenced tests; data from intensive intervention; and classroom assessment data linked to standards. Sources of informal data are the student's performance during classroom instruction and student work products.

Two observations are required for initial SLD evaluations. A systematic observation during routine classroom instruction in the area of concern being evaluated **is always required** for an initial or reevaluation for SLD. The IEP team may rely on an observation done before a referral was made if it meets the standards in the rule. A second observation, conducted during intensive intervention, is required for initial SLD evaluations when a school begins using data from intensive intervention to determine insufficient progress.

In an initial evaluation for SLD, the rule also requires that the student must have received intensive intervention **before** the IEP team can complete the SLD eligibility determination. The intervention must be implemented within general education by appropriately licensed general education staff and can occur before or after a special education referral is made, but must be implemented prior to administering achievement test(s). This intervention is required irrespective of the method used to determine insufficient progress.

There are additional requirements for an initial SLD evaluation when the IEP team uses data from response to intensive, scientific, research-based or evidence-based intervention to determine insufficient progress. These are discussed in the insufficient progress section of Chapter 3. **All initial evaluations of public school students must meet these requirements beginning December 1, 2013.**

SLD Documentation Requirements

After the IEP team compiles all assessment and other evaluation data, it meets to review the data and make an eligibility determination. The rule includes specific documentation requirements for initial evaluations. During an initial SLD evaluation, the IEP team is required to consider and document:

- Whether the student meets the impairment criteria for specific learning disability, and the basis for the decision.
 - **If during the initial SLD evaluation:**
 - Exclusionary factors are **not** the primary reason for inadequate achievement or insufficient progress.
 - The student has inadequate achievement **after** intensive intervention that was applied in a manner highly consistent with its design, closely aligned to student need, and culturally appropriate.

- The student makes insufficient progress documented by:
 - Response to intensive, scientific research-based or evidence-based intervention, or
 - Significant discrepancy between ability and achievement (sunsets December 1, 2013).
- **If the IEP team used response to intensive scientific research-based or evidence-based intervention to determine insufficient progress,** the student's parent(s) were notified of all of the following:
 - Strategies for increasing the student's rate of learning, including the intensive interventions used;
 - The progress monitoring data collected; and
 - The parent's right to request an evaluation.
- The relevant behavior, if any, noted during the required systematic observation and the relationship of the observed behavior to academic functioning.
- Educationally relevant medical findings, if any.
- The signature of each IEP team member indicating agreement with the determination of disability **or** submission of a separate statement.
- If found to have the impairment of SLD, documentation of the need for special education.

If the student **is being reevaluated for SLD**, document:

- Continuing need for special education, and
- Consideration that exclusionary factors are **not** the primary reason for the continuing need for special education.

Other Considerations

The new rule establishes a sunset on the use of significant discrepancy to determine insufficient progress. Beginning December 1, 2013, IEP teams will evaluate **all public school students referred for an SLD determination** using data from response to intensive, scientific research-based or evidence-based intervention. The transition to using this criterion is made at the school building level.

When a school begins using data from intensive, scientific research-based or evidence-based interventions to conduct initial SLD eligibility determinations, it must do so for all students enrolled in the school who are referred for an SLD evaluation. **The LEA must notify parents of all students enrolled in the school of its decision at least 10 days before IEP teams begin implementing the criterion.** The department has developed sample notification language which can be found on the SLD webpage at: http://sped.dpi.wi.gov/sped_ld. The document is titled *Sample SLD Notification for Schools as Required by PI 11.36(6)(c)2*.

There are a number of other requirements that apply to SLD evaluations under certain circumstances. These include: evaluation timeline extension, consideration of eligibility upon student transfer, evaluations of parentally placed private school students and students receiving home-based private education, and Independent Educational Evaluations. These topics are addressed in other sections of the guide.

Applying the Rule: Ideas for IEP Team Discussion

Throughout this guide, questions are provided for IEP teams to consider when applying specific requirements of the SLD rule to the determination of eligibility for SLD. The questions can assist IEP teams in focusing discussion and analysis of data on essential features of the rule. The following are general questions related to applying the rule for initial SLD evaluations.

- Has the IEP team considered all three criteria to meet eligibility requirements for Specific Learning Disability, and given each criterion equal weighting?
- Has the IEP team collected and analyzed all data relevant to the eligibility determination from observations, and formal and informal data sources?
- Has the IEP team addressed all the documentation requirements specified in the rule?

References

Bradley, R., Danielson, L., & Hallahan, D. (2002). *Identification of Learning Disabilities: Research to Practice*. Mahwah, New Jersey: Lawrence Erlbaum.

Fletcher, J.M. (2008). *Identifying Learning Disabilities in the Context of Response-to-intervention: A Hybrid Model*. RTI Action Network: <http://www.RtInetwork.org/learn/ld/identifyingld>

National Research Center on Learning Disabilities. (Winter 2007). *SLD Identification Overview*. Retrieved from http://www.nrcl.org/resource_kit/tools/SLDOverview2007.pdf

Resources

The *SLD Evaluation Requirements Checklist* is located on page six of the Overview: Implementing Wisconsin Criteria for SLD at: <http://sped.dpi.wi.gov/files/sped/pdf/sld-criteria-implementation-overview-2011.pdf>

The Special Education Evaluation Process

2

Setting the Stage for Conducting an Evaluation

Chapter 2 outlines the process used for all special education evaluations. The purpose of this section is to summarize the activities that all IEP teams undertake when completing an initial evaluation or reevaluation to determine whether there is an impairment of Specific Learning Disabilities (SLD) and a need for special education. All IEP teams conducting an initial evaluation or reevaluation for SLD follow these steps. The chapter includes discussion of the timeline extension and additional IEP team member roles specified in Wisconsin’s SLD rule.

Section Contents

- IEP Team Evaluation
- Determination of Eligibility
- Activities Following the Eligibility Decision
- Reevaluation
- Applying the Rule: IEP Team Discussion

IEP Team Evaluation

When a student is referred for an initial evaluation or when a student who has been receiving special education is reevaluated, specific steps must be followed regardless of the suspected impairment. The term “**initial SLD evaluation**” refers to the first time an IEP team considers SLD, even if this consideration is part of a special education reevaluation for a student previously identified with another impairment, or if the student was evaluated previously for SLD and was not found eligible. The term “**reevaluation**” assumes the student was previously identified by an IEP team as a student with the impairment of SLD and a need for special education. Consideration of the SLD criteria begins when an initial referral is made and continues as the IEP team answers the evaluation questions.

An IEP team evaluation includes the following steps:

Referral and Notice

When an initial written referral is received or the decision is made to conduct a reevaluation, the parent is notified in writing of the referral and start of the initial evaluation or the start of the reevaluation. Within 15 business days after receiving a referral or initiating a reevaluation, the IEP team must complete a review of existing evaluation data to determine if additional data is needed, and

the parents must be notified of the results of the review. The evaluation must be completed and an eligibility decision made within 60 calendar days of receiving parental consent for evaluation, or sending the notice that no additional assessment is needed. A special education referral cannot be denied or delayed to allow a school to implement, or finish implementing, an intervention. Upon mutual agreement, however, the parent and school may agree in writing to extend an initial SLD evaluation timeline in order to continue interventions and collect related progress monitoring data. The LEA must process all special education referrals and cannot alter the timeline without mutual agreement between the school and the parent.

There is no requirement to specify in the referral a suspected category of impairment or any of the eight areas of academic achievement listed in the SLD rule. The referral must include the reasons why the person making the referral believes the student is a child with a disability. DPI has developed the following forms for LEAs to document referrals and related notifications: DPI sample forms R-1, [Referral Form - Special Education and Related Services](#); IE-1, [Notice of Receipt of Referral and Start of Initial Evaluation](#); RE-1, [Notice of Reevaluation](#); and RE-2, [Notice of Agreement to Conduct a Reevaluation More Than Once a Year](#).

Assignment of the IEP Team

Upon receipt of a written referral or notice of reevaluation, the LEA appoints an IEP team. Each team member's name and role is listed on the written notice (IE-1, [Notice of Receipt of Referral and Start of Initial Evaluation](#); or RE-1, [Notice of Reevaluation](#)). The members of the IEP team include:

- The parents/guardians of the child.
- At least one general education teacher of the child if the child is, or may be, participating in a general education environment.
- At least one special education teacher who has recent training or experience related to the child's known or suspected area of special education needs, or, when appropriate, at least one special education teacher of the child.
- A representative of the LEA who is qualified to provide or supervise the provision of special education; is knowledgeable about the general curriculum; and is knowledgeable about and authorized to commit the available resources of the local educational agency.
- An individual who can interpret the instructional implications of evaluation results.
- At the discretion of the parent or the LEA, other individuals who have knowledge or special expertise about the child, including related services personnel as appropriate.

- Whenever appropriate, the child.
- If a child is attending school through open enrollment or a tuition waiver, at least one person designated by the resident district that has knowledge or special expertise about the child. PI 115.78(1m)
- When the student is suspected or known to need occupational therapy, physical therapy, or speech and language therapy, a therapist in each respective area of service. PI 11.24(2), PI 11.36(5)(e)

Additional IEP Team Member Roles in Initial SLD Evaluation

Whenever data from response to intensive, scientific research-based or evidence-based interventions are used to determine rate of progress, additional IEP team member roles are required for SLD evaluations including:

- A licensed person who can analyze data on individual rate of progress using valid and reliable data.
- A licensed person who has implemented intensive interventions with the student.
- A licensed person qualified to conduct individual diagnostic evaluations.
- The student's licensed general education teacher. If the student does not have a licensed general education teacher, a person licensed to teach a student of the same age. This is a role stated in the rule that is also a part of every IEP team. PI 11.36 (d) 3.a-d

A member of an IEP team can serve more than one role. In assigning roles to IEP team members, LEAs may wish to consider how many different roles any single person can adequately represent during IEP team deliberations. LEAs are encouraged to establish reasonable guidelines for IEP team composition so that meaningful discussions can take place when making eligibility determinations. The additional IEP team member requirements apply only to the initial SLD evaluations.

The additional roles for SLD evaluation will be required for **all** IEP teams for initial SLD evaluations of any public school students beginning December 1, 2013. IEP teams are strongly encouraged to include staff who know the student well and have worked closely with him/her. As the SLD evaluation process is heavily rooted in data analysis and problem solving, this will enhance the ability of the IEP team to interpret the data since someone who knows the student will be able to help contextualize the data and understand the story behind the data.

Duties of the IEP Team

The IEP team is required by law, to do all of the following:

- Conduct an evaluation to determine the student’s eligibility or continued eligibility for special education and related services.
- Develop, review, and revise the IEP for each student the team determines has a disability **and** a need for special education.
- Determine the special education placement for each student with a disability. Wis. Stats. §115.78(2)

Parental Involvement in the IEP Team Process

The parents of the referred student are members and equal partners on the IEP team. Parents provide information about the student to the IEP team and participate in identifying any additional evaluation data the IEP team needs to collect to determine impairment and need for special education. Parents have certain rights under the procedural safeguards of state and federal special education law and must receive a complete procedural safeguards notice upon initial evaluation, or annual reevaluation.

LEAs can assist parents in preparing for IEP team evaluation meetings by:

- Sharing an outline of the topics to be discussed at the meeting,
- Answering questions parents may have prior to the meeting, and
- Encouraging parents to come prepared to share information about their child, including strengths, interests, and concerns.

To increase parent participation in IEP team meetings, LEAs can encourage parents to:

- Attend the IEP team meeting in person,
- Ask clarifying questions and share their insights about their child,
- Express their concerns and ideas,
- Be an active member of the IEP team, and
- Communicate often with school personnel to share information and questions.

Review of Existing Data

After a parent is notified in writing of the start of an initial evaluation or reevaluation, members of the IEP team (including the student’s parents) review existing data and determine what additional data is needed, if any. An IEP meeting is not required at this step. The IEP team has 15 business days from the receipt of a referral or notice of reevaluation to review additional data and send the parent a request for consent for additional testing or notify parents that no

additional data is needed. DPI sample form EW-1, [Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed](#) can be used to document the review of existing data.

Existing data reviewed by the IEP team includes evaluations and information provided by the student's parents; previous interventions and their effects; current classroom-based, local, or state assessments; classroom observations; and observations by teachers and related services providers.

Notice and Consent

Following the review of existing data, a notice is sent to the student's parent(s) conveying the results of the review of existing data, and written parental consent is requested if additional data and assessments are needed. If, upon the review of existing data, the IEP team determines the student demonstrates adequate classroom achievement or sufficient progress to meet age-level or state-approved grade-level standards, the IEP team may make an eligibility decision based on existing data. Notice and consent may be documented using DPI sample forms, IE-2, [Initial Evaluation: Notice that No Additional Assessments Needed](#); IE-3, [Initial Evaluation: Notice and Consent Regarding Need to Conduct Additional Assessments](#); RE-4, [Reevaluation: Notice That No Additional Assessments Needed](#); RE-5, [Reevaluation: Notice and Consent Regarding Need to Conduct Additional Assessments](#).

Evaluation Timeline

Once consent is received, or the parent is notified that no additional testing is needed, the IEP team has 60 calendar days to complete the evaluation and make the eligibility determination.

SLD Rule Timeline Extension

If at any time after the start of an initial SLD evaluation, the IEP team finds additional information is needed, the IEP team and the parent may agree to extend the 60 day timeline to allow for the collection of necessary data. For example, the IEP team and the parent may agree to allow additional time to complete an intensive intervention and collect progress monitoring data that meets the standards in the rule. This agreement to extend the timeline must be made in writing and may be documented using DPI sample form M-3, [Agreement to Extend the Time Limit to Complete the Evaluation of a Child Suspected of Having a Specific Learning Disability](#). This must be completed and signed before the 60 day timeline expires. If the parent does not agree to the extension, the IEP team proceeds to meet to consider eligibility and may decide it does not have sufficient data to make a SLD eligibility decision.

Neither federal nor state law limits the amount of time for which an evaluation can be extended. Timeline extensions may not, however, be used to unnecessarily delay special education evaluations.

If the student is being considered for other impairments in addition to SLD and the parent and the LEA agree to extend the timeline in order to collect needed data for SLD determination, the timeline extension applies to the entire

evaluation. The timeline extension **does not** apply for a student previously found eligible for SLD.

Evaluation Meeting

When all the evaluation data has been collected, an IEP team meeting is scheduled, the parent receives written notice (DPI sample form I-1, [Invitation to a Meeting of the Individualized Education Program \(IEP\) Team](#)) of the meeting, and the meeting is held to determine eligibility. At the meeting, the IEP team addresses two questions:

- Does the student have the impairment of specific learning disability?
- Does the student need special education to address the needs resulting from the impairment?

Once an eligibility decision is made, an evaluation report is prepared documenting the IEP team decision. The evaluation report may be documented using DPI sample forms ER-1, [Evaluation Report, including Determination of Eligibility and Need for Special Education](#), and ER-2, [Additional Documentation Required When Child is Evaluated for Specific Learning Disabilities](#).

Full and Individual Evaluation

State and federal law require all IEP teams to conduct full individual evaluations to determine whether the student has a disability and is eligible for special education. The IEP team must assess all areas of suspected disability to gather relevant information that will help determine educational needs.

Technical Characteristics

The IEP team evaluation must conform to the standards specified in federal and state statutes when administering tests and using other evaluation materials and processes to determine whether a child is a child with a disability. The standards include the use of a variety of technically sound assessment tools and strategies to gather relevant evaluation data. The assessment tools must be used for the purposes for which they are valid and reliable, and must be administered by trained, knowledgeable staff.

School personnel should follow professional standards of practice when selecting, administering, and interpreting assessment instruments. Assessments must be given following standardized conditions as specified in test administration manuals. Deviations from recommended procedures may result in invalid results and could subsequently lead to inappropriate IEP team decisions about eligibility and student needs.

Non-discriminatory Process

Assessment tools and strategies used in special education evaluation should be culturally sensitive. Assessment procedures should be provided in the form and language that is most likely to provide accurate information about the student. If a referred student is a member of a demographic subgroup, the IEP team may need to review data about whether the subgroup's performance is alike or

different from the aggregate student group. The IEP team may also need to consider whether the performance of a referred child from a demographic subgroup is due to the presence of a disability or whether it is linked to other factors.

Formal and Informal Data Including Systematic Observations

The use of formal and informal data as part of the special education evaluation process begins with the review of existing data. The IEP team focuses on available formal and informal data in area(s) of concern specified in the referral. It is important to triangulate the data, or compare and look for consistency or inconsistency among different data sources. A careful analysis of a variety of data is necessary to verify that the student's inadequate classroom achievement and insufficient progress indicate the impairment of SLD.

Observations of how the student approaches learning are an important source of informal data. They can help identify effective learning strategies and interventions for the student, and pinpoint specific areas of strength and weakness related to achievement. Every SLD evaluation requires a systematic observation of the referred student during routine classroom instruction in the area(s) of suspected disability. In addition, when data from intensive, scientific, research-based or evidence-based intervention is used to determine insufficient progress, a second observation during intervention is required.

Determination of Eligibility

When the administration of assessments and other evaluation activities are complete, the IEP team determines whether the referred child is a child with a disability, and the educational needs of the child. When determining eligibility for a specific learning disability, the IEP team may not find that the child is a child with SLD if any of the exclusionary factors are the primary reason for inadequate achievement or insufficient progress. A detailed discussion of exclusionary factors and considerations for determining whether they apply is found in Chapter 3.

Activities Following the Eligibility Decision

If the IEP team determines the student is a student with a disability, the IEP team meeting may continue to develop the IEP. Alternatively, the IEP team may convene another meeting to develop the IEP. The IEP team must develop an IEP within 30 calendar days after the eligibility determination is made. Unless provided earlier at an IEP team member's request, a copy of the evaluation report is provided to parents with the notice of placement and a copy of the IEP.

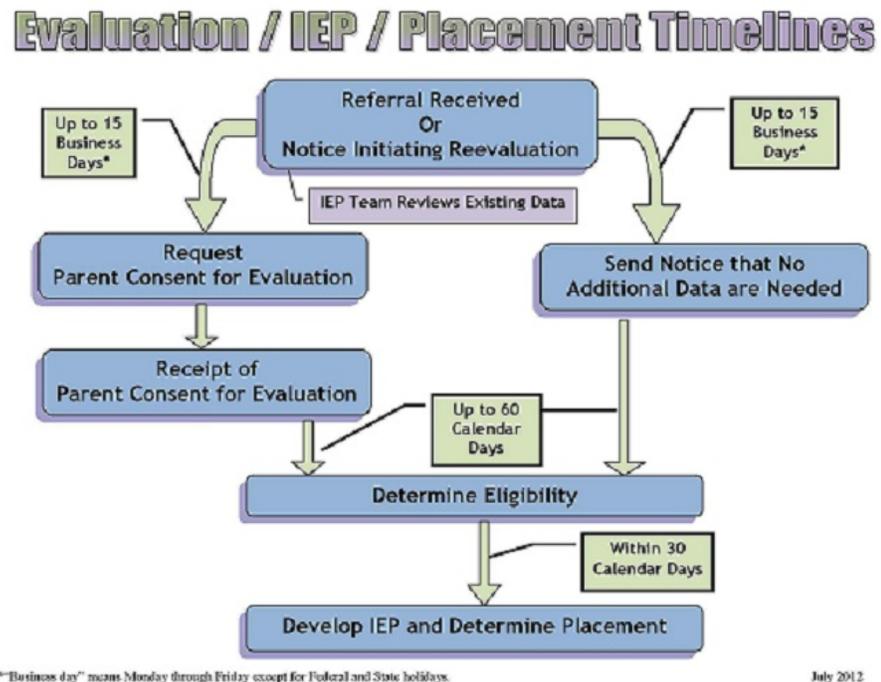
Additional information about the IEP team process, including all DPI sample forms, are available at http://sped.dpi.wi.gov/sped_forms06.

When the IEP team determines the child is not a child with a disability, the LEA must provide written notice of the determination to the parents. Unless provided

earlier, a copy of the evaluation report is provided with a notice of IEP team findings that the child does not have a disability. This can be documented using DPI form ER-4, [Notice of IEP Team Findings That Child Is Not a Child With a Disability](#).

Figure 3 summarizes the special education evaluation process, including the required timelines for completion of each part of the process.

Figure 3



Reevaluation

Once the student is found eligible for special education, a reevaluation must be conducted at least once every three years, unless the LEA and the parent agree that one is not needed. At reevaluation, a student with SLD remains eligible for special education services if:

- There is a continuing demonstrated need for special education, **and**
- No exclusionary factors are the primary cause of the student's continuing need for special education.

While it is good practice to review formal and informal achievement and progress data when conducting a reevaluation for SLD, the criteria standards for inadequate classroom achievement and insufficient progress **do not** apply.

Figure 4 summarizes the requirements for reevaluations. Please note that an expanded version of this chart appears in the appendix of this guide.

Figure 4

FORMS	TASKS
Form RE-1: Notice of Reevaluation Or, if appropriate Form RE-2 or RE- 3	Notify parents of intent to reevaluate and appointment of IEP team. Procedural safeguards given.
Form EW-1: Consideration of Existing Data Worksheet Form RE-4: Reevaluation: Notice that No Additional Assessments Needed OR Form RE-5: Reevaluation: Notice and Consent Regarding Need to Conduct Additional Assessments	Review existing data including information from the parent, current assessments, and observations; determine if additional data are needed. Parents notified of decision. Parental consent requested if additional assessment needed within 15 days of receiving referral.
Form I-1 Form I -1A if needed	IEP team reevaluation meeting scheduled at mutually agreed on time and place. Parents notified of meeting.
Form I-3 Form ER-1 Form ER-2 Form ER-4: If student found to be no longer eligible	IEP team meets and determines continuing eligibility for special education and student’s educational needs within 60 days of receiving consent for evaluation or notice that no additional assessment needed. Prepares evaluation report. Parents provided a copy of evaluation report.
IEP Forms I-1 through P-2 as appropriate	IEP team meeting scheduled at mutually agreed on time and place. Parents notified of meeting. Within 30 days of deciding if a student is or continues to be eligible for special education, an IEP team meeting must be held to develop or review and revise (as appropriate) the student’s IEP and determine placement.

All DPI forms related to reevaluation are available at http://sped.dpi.wi.gov/sped_forms06.

Applying the Rule: IEP Team Discussion

The following questions may assist teams in focusing discussion and analysis of data on essential features of the rule.

- Has the IEP team made the determination of SLD upon its initial evaluation using the criteria and evaluation procedures specified in the SLD rule?

- Has the IEP team made the determination of continuing eligibility using the reevaluation criteria specified in the SLD rule?
- Based on a review of existing data, has the IEP team requested an extension of the evaluation timeline if needed to gather additional evaluation data for the initial evaluation to determine SLD eligibility?
- Does the IEP team assignment include additional team member roles when considering data from intensive interventions to determine insufficient progress during the initial SLD eligibility evaluation?

Criteria for Determining SLD Impairment During Initial Evaluation

3

Setting the Stage for Applying SLD Criteria

Chapter 3 describes each of the three criteria for determining SLD during the initial evaluation and the sources of data necessary to carry out evaluation activities to make the determination of the impairment of Specific Learning Disability. This section explains the activities of the IEP team when considering each of the elements of Wisconsin’s SLD rule, focusing on the interdependence of each of the three criteria and the analysis of data to document the IEP team’s decision about whether or not a student meets each criterion **and** has the impairment of SLD.

The three criteria IEP teams must consider, and a student must meet in order to meet SLD eligibility requirements are: exclusionary factors, inadequate classroom achievement, and insufficient progress. Each of these criteria are discussed in detail in this chapter.

Criterion: Exclusionary Factors

Exclusionary factors are the lens through which the other criteria (inadequate classroom achievement and insufficient response to intensive, scientific research-based or evidence-based interventions) are examined. The IEP team analyzes inadequate classroom achievement and insufficient progress in light of data about exclusionary factors to determine the degree to which each factor effects the student’s performance.

Section Contents

- Definition and Requirements
- Exclusionary Factors: Environmental or Economic Disadvantage; Limited English Proficiency; Cultural Factors; Reviewing Achievement Data for Economic, Limited English Proficient, Culturally Diverse Groups; Other Impairments; Lack of Appropriate Instruction
- Applying the Rule: IEP Team Discussion of Exclusionary Factors

Definition and Requirements

In accordance with the SLD rule, a student may not be found to have a Specific Learning Disability if the IEP team determines that any one of the exclusionary factors listed in the rule is the primary reason for the student’s inadequate

classroom achievement and insufficient progress. The exclusionary factors are: environmental or economic disadvantage; limited English proficiency; cultural factors; other impairments; lack of appropriate instruction in reading, math or any of the eight achievement areas being considered within SLD. PI 11.36 (6) (d) (1-2)

Exclusionary Factors

Environmental or Economic Disadvantage

When considering whether environmental or economic factors are exclusions, the IEP team may need to review data related to family mobility, school attendance, family change, and/or any recent trauma which can substantially impact school performance. When a referred student has attended many schools or has frequent absences, analysis of data from intensive, culturally responsive interventions can assist the IEP team in determining the impact of instruction on the student's learning and progress.

The IEP team may need to seek information about a student's personal history, including living conditions, access to home or community-based learning activities, or expectations for school performance. In other words, the IEP team should determine whether there are major factors outside school that are significantly impacting the student's learning and are the primary causes of the student's inadequate classroom achievement and insufficient progress. The educational environment may also have an impact on student performance. Considerations include whether classroom culture is supportive of the student, and whether the student functions differently from classroom to classroom, year to year, or from intervention setting to general education classroom. Data from observation of routine classroom instruction is one source of information on student response to the educational environment.

Limited English Proficiency; Cultural Factors

The IEP team should take special care when evaluating students who are English Language Learners. At least one person who is knowledgeable about the development of English and related achievement skills for the student's age and language/cultural background should be a member of the IEP team. Research indicates that language and culture may mediate academic performance up to the fourth generation (Ortiz, 2008). Although a student may develop adequate English to interact socially within 1-3 years, it is not unusual to take up to 5-7 years for some students to develop academic language proficiency that allows them to function effectively in an educational setting (Cummins, Harley, & Swain, 1990).

To assist the IEP team in identifying and determining the impact of any cultural factors, interviews may be conducted with parents, the referred student or members of the student's cultural community. Cultural elements that may affect school performance include communication patterns, behavioral expectations, gender-based family roles, and prescribed cultural practices. A related consideration is whether data indicate that the student's general education instruction and interventions are culturally appropriate.

The IEP team must give careful consideration to whether the student's inadequate classroom achievement and insufficient progress are primarily the result of lack of English proficiency or cultural factors. In determining whether this exclusionary factor applies, the IEP team considers the student's current and previous educational experiences.

Questions the IEP team might consider:

- What is the student's native language and culture?
- Is the student proficient in his/her native language?
- Has the student failed to develop age appropriate native language skills despite appropriate instruction?
- What is the gap between the student's proficiency in English and his/her native language; and what is the impact on learning?
- Has the student failed to gain English language skills despite instruction?
- Is there a difference in the student's performance by subject area?
- Are the student's learning difficulties pervasive in both his/her native language and English?
- Are the expectations of the student's home culture consistent with school expectations?
- Can any social or psychological factors (e.g., refugee or immigrant status; mental health concerns; racial or ethnic bias) be identified?
- Did someone with expertise in the student's dominant culture and language participate in the IEP team?
- Was someone with expertise in the student's dominant culture and language involved in conducting and interpreting the evaluation data?

Reviewing Achievement Data for Economic, Limited English Proficient, Culturally Diverse Groups

If the student is a member of an economic, limited English proficient or cultural subgroup, the IEP team can review disaggregated achievement data for the student's group and data for the aggregate grade or age group. Suggested questions for the IEP team when analyzing the data include:

- Are the majority of students in the aggregate grade or age group achieving grade level standards in the area(s) of concern for the referred student?
- How does the referred student's performance compare to the performance of the aggregate group?

- If the student is a member of an economic, limited English proficient, or cultural subgroup, how does the performance of the subgroup compare to the performance of the aggregate grade or age group?
- How does the referred student's performance compare to that of other members of the subgroup? Is the referred student's performance significantly different?

It is possible that even if his/her performance is similar to students in the subgroup, the student may still have the impairment of SLD. The IEP team may need to review additional student-specific information about the student's instructional history and performance. Areas of focus may include:

- Whether, given high quality culturally responsive instruction in all areas, the referred student is making progress toward grade level standards in some academic areas but not others;
- The referred student's progress when culturally responsive interventions aligned to grade level standards and student need are implemented and monitored; and
- The impact of extended absences on retention of new information as compared to grade or age peers.

Other Impairments

A student who has been identified with a Cognitive Disability (CD) cannot also be identified with a Specific Learning Disability. Students with cognitive disabilities exhibit significant delays in measured intelligence, adaptive functioning, and academic functioning. A student's level of adaptive functioning is a central consideration when determining the impairment of cognitive disability.

SLD may co-exist with sensory and motor impairments (hearing, vision, orthopedic), Other Health Impairment (OHI) and Emotional Behavioral Disability (EBD). However, for a student to be found eligible as having SLD, other impairments such as these may not be the **primary** reason for the finding of inadequate classroom achievement or insufficient progress.

When social/emotional behavior is a concern for the referred student, the IEP team may consider data regarding:

- Student performance in academic area(s) of concern when individual positive support or instruction in social/emotional behavior is implemented,
- Behavior when teaching is at the student's instructional level,
- Level of sustained attention during instruction, and

- Differences in student performance across school subjects, settings, or teachers.

Speech/Language Impairment and SLD often co-exist. The IEP team may wish to consider whether the student has speech/language impairment if the main concerns at referral are related to the acquisition and development of oral expression and listening comprehension. In this case, a speech/language pathologist must be a member of the IEP team.

Lack of Appropriate Instruction

If the IEP team finds a student's inadequate classroom achievement and insufficient progress in one or more of the eight achievement areas for SLD are due to a lack of appropriate instruction, it may not identify the student as having the impairment of SLD. The IEP team needs to verify that appropriate instruction has occurred in the achievement area(s) of concern being considered in the evaluation. Not all eight achievement areas for potential Specific Learning Disability must be addressed in every SLD evaluation. When considering the area of reading, federal regulations reference the essential components of reading identified in the Elementary and Secondary Education Act (ESEA) which include:

- Phonemic awareness,
- Phonics,
- Reading fluency, including oral reading skills,
- Vocabulary development, and
- Reading comprehension strategies. 71 Fed. Reg. 46646 (August 14, 2006)

To determine whether the referred student received appropriate instruction in the area(s) of concern identified at referral, the IEP team reviews both student-specific and grade level information for all students in the same grade as the student being evaluated. Examples of specific data the IEP team may review include:

- Evidence that explicit, systematic universal (core) instruction with differentiation was provided regularly in general education in the area(s) of concern for the referred student,
- Evidence that universal (core) instruction was delivered according to its design and methodology,
- Evidence that instruction was provided by qualified personnel,
- Data indicating that universal (core) instruction was sufficiently rigorous to assist the majority of students, including a comparable peer group for

culturally and linguistically diverse students, in achieving grade level standards, and

- Data that the student attended school regularly for instruction. If the student was frequently absent, the team may consider how the student learns when he/she is present and if the learning difficulties persist when the student is present.

Grade level information may also be used to verify appropriate instruction in the area(s) of student concern. Performance data for all students in the same grade level as the referred student may help establish that the core instruction in the area(s) of student concern, for example – reading comprehension, is effective for most students. Such data may include:

- State assessment results,
- District-wide assessments aligned with state common core and local standards, and
- Grade level common assessments.

If the referred student is part of a disaggregated subgroup for statewide assessments, the IEP team may analyze data for the grade level disaggregated group as well as the student’s individual performance and instructional history. A question the IEP team might consider is whether the referred student performs like or unlike his/her peers in the disaggregated group.

Information demonstrating that the referred student was provided appropriate instruction in general education is documented on DPI sample form ER-2, [Additional Documentation Required When Child is Evaluated for Specific Learning Disabilities](#). The form, along with guidance on completing it (Notes to Accompany DPI Sample Special Education Form ER 2) is available at: <http://sped.dpi.wi.gov/files/sped/pdf/ld-er2guidance.pdf>.

Applying the Rule: IEP Team Discussion of Exclusionary Factors

The discussion of exclusionary factors and their potential impact on SLD eligibility determination is an important IEP team role. The IEP team decision of whether exclusionary factors apply is made on a student by student basis.

The consideration of exclusionary factors requires extensive discussion. Beginning with the review of existing data, the IEP team collects and examines all available data including the referred student’s school history and instructional performance and decides what, if any, additional data is needed to determine eligibility. If additional data on any of the exclusionary factors is needed, the IEP team determines which data must be collected prior to the eligibility determination meeting. If there is evidence that any one of the exclusionary factors is the **primary reason** for a student’s inadequate achievement or

insufficient progress, the IEP team should not find the student to have the impairment of SLD.

To make the determination of whether or not exclusionary factors apply, the IEP team must have considered evidence to determine whether any of the following exclusionary factors are the primary cause of the student's inadequate classroom achievement or insufficient progress:

- Lack of appropriate instruction in the area(s) of concern,
- Limited English proficiency,
- Cultural factors,
- Environmental or economic disadvantage, or
- Other impairments.

The evidence considered may include performance data for the student's subgroup and an analysis of how the student's performance compares to his/her group norms as well as to norms for grade or age level peers.

The DPI sample form for recording the results of the IEP team analysis of Exclusionary Factors is ER-2, [Additional Documentation Required When Child is Evaluated for Specific Learning Disabilities](#).

IEP teams may also wish to use the DPI Specific Learning Disability Eligibility Checklists for Initial and Reevaluation available in English and Spanish at: http://sped.dpi.wi.gov/sped_eligibility.

References

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Criterion: Inadequate Classroom Achievement

Inadequate classroom achievement is one of three criteria used to determine Specific Learning Disability in Wisconsin.

Section Contents

- Definition and Requirements
- Eight Achievement Areas of Specific Learning Disability
- Determining Inadequate Classroom Achievement: Tools; Analyzing Data to Determine Classroom Achievement; Exceptions to Using the Standard Score; Determining Scores from Standardized Measures of Achievement; Choosing the Achievement Test Norm Group for Comparison; Applying Exclusionary Factors to Inadequate Classroom Achievement; Using Additional Sources of Data When Considering Inadequate Classroom Achievement
- Applying the Rule: IEP Team Discussion of Inadequate Classroom Achievement

Definition and Requirements

In accordance with the Wisconsin SLD rule, a student demonstrates inadequate classroom achievement when, upon initial evaluation for specific learning disability, the student (1) does not achieve adequately for his or her age, or (2) does not meet state-approved grade level standards in one or more of the eight potential areas of specific learning disability when provided with learning experiences and instruction appropriate for the student's age. The eight achievement areas are basic reading, reading comprehension, reading fluency, math calculation, math problem solving, written expression, oral expression, and listening comprehension.

Intensive intervention must occur before inadequate classroom achievement can be assessed. If the IEP team, upon review of existing data, finds that an intensive intervention was not implemented prior to referral, the IEP team may need to request consent and additional time to carry out an intensive intervention and collect further data. The IEP team and the parent must agree in writing that additional time is needed to implement the intervention and collect data, and extend the 60 day timeline for evaluation and determination of eligibility.

“A child's achievement is inadequate when the child's score, **after** intensive intervention, on one or more assessments of achievement is equal to or more than 1.25 standard deviations below the mean in one or more of the eight areas of potential specific learning disabilities.” PI 11.36 (6)(c)(1) ; *emphasis added*. **The score from a standardized achievement test administered prior to receiving intensive intervention may not be used to determine inadequate classroom achievement.**

Note: It is possible that a special education teacher could support the implementation of intensive interventions if the student is already identified as a student with a disability and is undergoing an initial evaluation for SLD as part of a reevaluation.

The rule defines **intervention** as “the systematic use of a technique, program or practice designed to improve learning or performance in specific areas of pupil need.” PI 11.02(6t) **Intensive intervention** is further defined to mean an intervention that:

- Is used with individual or small groups of students,
- Is focused on single or small numbers of discrete skills,
- Provides substantial numbers of instructional minutes **in addition to** those provided to all pupils,
- Is culturally appropriate, and
- Is implemented consistent with its design, and closely aligned to student need. PI 11.02 (6m) and PI 11.36(6)(f)4

The IEP team determines if the standards for an intensive intervention are met. For example, the IEP team determines on a student by student basis if a “substantial number of additional instructional minutes” have been provided. The intensive intervention required before administering assessments to determine inadequate classroom achievement is part of general education programming that is delivered by appropriately licensed general education staff.

A general education paraprofessional may support, reinforce, or follow up on instruction provided by and under the supervision of an appropriately licensed general education teacher. This may include supporting the implementation of intensive intervention. Supervision means regular, continuing interaction between an appropriately licensed general education teacher and the paraprofessional; and between the general education teacher and student to monitor the intervention. While paraprofessionals may work under the direct supervision of licensed teachers, they are not licensed to provide instruction, including intensive intervention.

It is important to note that the term “intensive intervention” has two applications in the rule: (1) intensive intervention required **before** measuring classroom achievement; and (2) intensive intervention to determine insufficient progress, another criterion for identifying specific learning disability. The term intensive intervention, as applied in the insufficient progress criterion, includes all the characteristics previously identified and several additional features. The application of data from intensive intervention to the analysis of the insufficient progress criterion is discussed later in this chapter of the guide.

Eight Achievement Areas of Specific Learning Disability

A student may have a specific learning disability because of inadequate achievement and insufficient progress in one or more of eight areas of achievement, which are listed in federal and state statute. The following is a brief description of the eight areas of achievement:

Intensive intervention before assessing inadequate achievement is a new requirement for initial SLD evaluations. IEP teams are still required to document previous interventions and their effects for ALL initial evaluations and reevaluations as part of the evaluation report (DPI Form ER-1).

Oral expression is the ability to convey wants, needs, thoughts, and ideas in a meaningful way using appropriate syntactic, pragmatic, semantic, and phonological language structures. It relates to a student's ability to express ideas, explain thinking, retell stories, categorize, and compare and contrast concepts or ideas, make references and problem solve verbally.

Listening comprehension refers to the understanding of the implications and explicit meanings of words and sentences of spoken language. This includes following directions, comprehending questions, and listening and comprehending in order to learn (auditory attention, auditory memory, and auditory perception). Listening comprehension also includes the ability to make connections to previous learning.

Written expression is the communication of ideas, thoughts, and feelings. Required skills include using oral language, thought, grammar, text fluency, sentence construction and planning to produce a written product. **Spelling difficulties alone cannot** be considered to represent a specific learning disability in written expression.

Basic reading skills include phonemic awareness, sight word recognition, phonics, and word analysis. Essential skills include identification of individual sounds and the ability to manipulate them; identification of printed letters and sounds associated with letters; and decoding of written language.

Reading fluency skills refer to the ability to read words accurately, using age appropriate chunking strategies and a repertoire of "sight" words, and with appropriate phrasing and expression (prosody). Reading fluency facilitates reading comprehension.

Reading comprehension refers to the ability to understand and make meaning of written text and includes a multifaceted set of skills. Reading comprehension is influenced by oral language development including new vocabulary acquisition, listening comprehension, working memory, application of comprehension monitoring strategies and understanding of text structure including titles, paragraphing, illustrations and other details. Reading comprehension is significantly affected by basic reading skills.

Mathematics calculation is the knowledge and retrieval of mathematical facts and the application of procedural knowledge in computation.

Mathematics problem solving is the ability to use decision-making skills to apply mathematical concepts and understandings to real world situations. It is the functional combination of computation knowledge and application knowledge, and involves the use of mathematical computation skills and fluency, language, reasoning, reading, and visual-spatial skills in solving problems. Essentially, it is applying mathematical knowledge at the conceptual level.

Sources:

Colorado Department of Education. 10/7/08. *Guidelines for Identifying Students with Specific Learning Disabilities*. Pgs. 67 – 104.

Minnesota Department of Education. *Determining the Eligibility of Students with Specific Learning Disabilities: A Technical Manual*. Pgs. 7-4 and 7-5.

Determining Inadequate Classroom Achievement

Tools

The Wisconsin SLD rule states that the assessment(s) used to measure classroom achievement must be individually administered, norm-referenced, valid, reliable, and diagnostic of impairment in one or more of the eight potential areas of SLD. PI 11.36 (c)(1) These characteristics are defined as follows:

- **Norm-referenced:** an assessment that judges and ranks student performance against the performance of peers.
- **Valid:** an assessment that measures what it is intended to measure. Validity is represented by a quantitative analysis of the relationship between the chosen measure and other accepted indicators of the skill being measured.
- **Reliable:** an assessment that is reliable consistently achieves the same results with the same or a similar cohort of children. Reliability is represented by a quantitative analysis of the consistency of results across assessors, administration events, and the internal consistency of the items on a chosen measure. **Standardized achievement tests should have reliabilities around .90.**
- **Diagnostic of impairment:** a diagnostic assessment is one which has a sufficient number of items to identify strengths and weaknesses in a student's current knowledge and skills for the purpose of identifying a suitable program of learning.

Information about a test's technical adequacy is typically available in the test administration or technical manual. Only scores from tests that meet the requirements specified in the SLD rule may be used when considering the inadequate classroom achievement criterion. Only those assessments which include composite or subtest scores with sufficient reliability and validity should be used diagnostically. The IEP team ensures that assessment(s) used to determine inadequate classroom achievement are technically adequate and reflective of the area(s) of concern identified at referral.

Evaluation tools must be racially and culturally non-biased, and provided in a form and language that allows accurate data to be collected. The most current version of an achievement test should be used. Tests used to assess inadequate

Note: the WKCE does not qualify as an individually administered or norm referenced test of achievement with the reliability and validity to diagnose inadequate classroom achievement or whether the student meets state approved grade level standards as referenced in the SLD rule.

classroom achievement may be the same as those used when determining the achievement component of significant discrepancy in the insufficient progress criterion.

Currently, there are assessment tools to measure whether the student achieves adequately for his or her age. At this time, there are no assessment tools available to measure whether a student meets state-approved grade level standards.

Analyzing Data to Determine Classroom Achievement

Composite scores should be used to determine inadequate classroom achievement unless the assessment used produces a single, highly reliable score. If the standard score is found using a technically adequate instrument, the IEP team determines whether the score is 1.25 standard deviations below the mean. Most achievement tests have a standard deviation (SD) of 15 and a mean (M) of 100. It is important to check the test manual for this information, as some tests have a SD of 3, and a M of 10.

The following examples illustrate how to calculate 1.25 standard deviations below the mean.

Example A: Mean (M) = 100 and Standard Deviation (SD) = 15

Method: Multiply the standard deviation (SD) times 1.25; subtract that number from the mean (M) of the test.

Calculation:

- $15 \text{ (SD)} \times 1.25 = 18.75$; 18.75 is 1.25 SD below the mean of 100
- $100 - 18.75 = 81.25$, the cut score for 1.25 SD below a mean of 100

Analysis: For a standard score to be 1.25 SD below the mean of 100, the score must be 81.25 or lower.

Example B: Mean (M) = 10 and Standard Deviation (SD) = 3

Method: Multiply the standard deviation (SD) times 1.25; subtract that number from the mean (M) of the test.

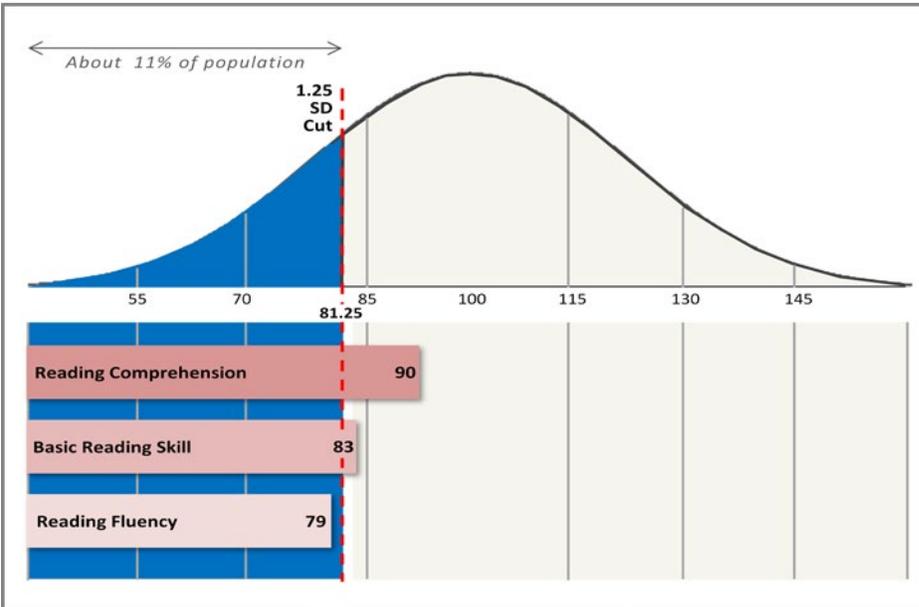
Calculation:

- $3 \text{ (SD)} \times 1.25 = 3.75$; 3.75 is 1.25 SD below the mean of 10
- $10 - 3.75 = 6.25$, the cut score for a 1.25 SD below a mean of 10

Analysis: For a standard score to be 1.25 SD below the mean of 10, the score must be 6.25 or lower.

The following illustration shows the typical normal curve with several achievement test cluster score results plotted. The cluster scores have a mean (M) of 100 and a standard deviation (SD) of 15. The dotted red line is the 1.25 SD cut score of 81.25, which is the same for all tests with a mean of 100 and a standard deviation of 15.

Figure 5



Interpreting the scores in the illustration:

- The reading comprehension score is 90, which is **above** the cut score of 81.25 and in the average range.
- The reading fluency score is 79, which is **below** the cut score of 81.25.
- The basic reading score of 83 is **close but above** the cut score of 81.25.
- Analysis: the reading fluency score meets the level of 1.25 SD or more below the mean.

Exceptions to Using the Standard Score

The rule contains two exceptions to using the student's standard score as assessed by an individualized achievement test to determine inadequate classroom achievement after intensive intervention. The first exception states that **if** the student **meets all other criteria** for the impairment of SLD, the IEP team **may consider** scores within 1 standard error of the measurement (SEM) of the 1.25 standard deviation to meet the criterion for inadequate classroom achievement.

To apply the **first** exception the IEP team must:

- Determine that no exclusionary factor applies, that progress is insufficient and that the achievement scores obtained are valid.

- Look up the SEM for the cluster/subtest and student's age using charts of SEMs found in the test's technical manual.
- Subtract the SEM from the student's standard score.
- Determine whether the resulting score is below the cut score of 81.25 for an assessment with a mean of 100 and a standard deviation of 15; or below the cut score of 6.25 for an assessment with a mean of 10 and a standard deviation of 3. If an assessment has a different mean and standard deviation, the cut scores will be different.

Example:

Data:

- 1.25 SD cut score for the assessment: 81.25
- Student standard score (SS) for basic reading skill: 83
- SEM for basic reading skill at student's age with SS of 83 (from technical manual): 2.1

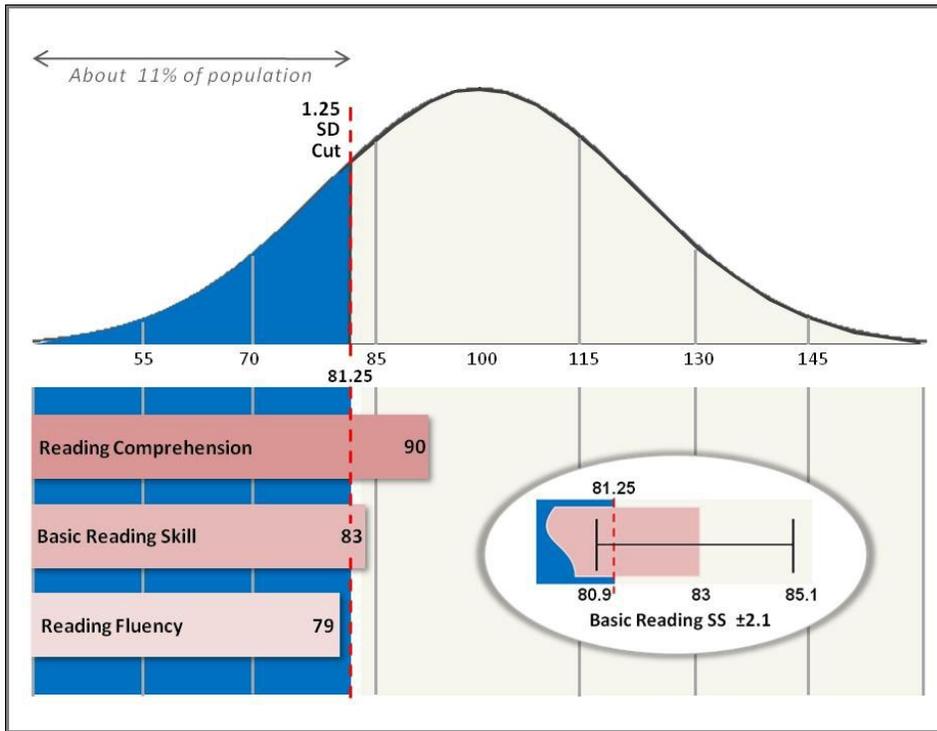
Method: Subtract the SEM from the student's standard score.

Calculation: $83(SS) - 2.1(SEM) = 80.9$

Analysis: 80.9 is below the cut score of 81.25. Therefore, the student's score of 83 is at or below 1 SEM of the cut score of 81.25 and can be used to determine inadequate classroom achievement.

Figure 6 illustrates the example when using SEM.

Figure 6



The second exception to using a standard score to determine inadequate classroom achievement occurs when a valid, reliable standard score cannot be obtained due to the student's test behavior, language proficiency, another interfering impairment, or the absence of a valid, reliable test for the student's age. In such cases the IEP team may not use the 1.25 SD cut score to determine inadequate classroom achievement.

Instead, the IEP team must document why a technically adequate achievement test could not be used, and whether the student demonstrates inadequate classroom achievement using other empirical evidence. Some sources of other empirical data about the student's achievement might include curriculum based measures (CBMs), portfolios, grading rubrics, district developed formative grade level assessments, criterion-based assessments, classroom assessments, statewide or district assessments, student work products, and other formal and informal indicators of achievement. Data sources based on state or national norms rather than local performance measures are recommended whenever possible.

Determining Scores from Standardized Measures of Achievement

When analyzing achievement scores, composite or summary scores that include a sufficient number of items from more than one subtest should be used whenever possible. The score used to establish inadequate achievement must correspond directly to one of the eight areas of achievement specified in the rule. For example, Wisconsin's SLD rule provides that a student may demonstrate

inadequate classroom achievement in reading comprehension, reading fluency or basic reading skill. An achievement test may include one or more reading decoding subtests and a reading comprehension subtest within a general reading composite. The general reading composite in the example is not sufficient to identify impairment in basic reading skill because it does not offer a composite or summary score in decoding, which would most appropriately represent the basic skill area.

Many current standardized assessments of achievement include spelling in the calculation of a composite or summary score in written expression. Spelling is not one of the eight achievement areas of SLD and should not be used in isolation when determining the impairment of Specific Learning Disability. If spelling is included as a subtest on a test of written expression, the IEP team should consider the written language composite score and not spelling as an individual score.

Choosing the Achievement Test Norm Group for Comparison

Age norms should be used for calculating achievement test scores unless there is compelling evidence that using age norms will result in an invalid analysis (e.g., when a student's age is **well outside the range** for students in the same grade such as when a student has been retained multiple times). The evaluator must determine which reference group to use for scoring prior to administering the test. In cases where the evaluator believes scores derived from age norms are invalid, additional conversation regarding the reasons for achievement delays and learning difficulties is critical among IEP team members during the evaluation meeting. This should be a very rare occurrence as grade norms have significantly lower technical adequacy than age norms and their use can lead to decision errors.

The evaluator should always determine which reference group to use for scoring **prior to** administering a test. Selecting a norm group following test score analysis for the purpose of getting a desired result is both inappropriate and unethical.

Applying Exclusionary Factors to Inadequate Classroom Achievement

When reviewing the evidence used to determine inadequate classroom achievement, the IEP team considers whether any of the exclusionary factors is the **primary reason** for the student's scores. If any of the exclusionary factors including other impairments, limited English proficiency, cultural, socioeconomic or environmental factors, or lack of appropriate instruction in any of the eight achievement areas for SLD are found to be the main cause of inadequate classroom achievement, the student cannot be determined to have the impairment of Specific Learning Disability. As part of the analysis of exclusionary factors, the IEP team must consider whether there is evidence of adequate instruction in the achievement area(s) of concern being considered as part of the evaluation.

A student's intellectual ability does not affect how the IEP team applies the inadequate classroom achievement criterion. If a student meets criteria for having

a cognitive disability the student would not be identified as having SLD because of an exclusionary factor: the other impairment is primary.

If a referred student belongs to a specific ethnic, cultural, or non-English speaking group, the IEP team may need to review achievement data for that population. The data is compared to achievement data for the total student group at the same age or grade level to determine whether the performance of the subgroup is **alike** or **different** from students in the total group. If the performance of the referred student's subgroup is significantly lower than that of the total group, an exclusionary factor **may** apply; **or** the referred student **may** have the impairment of SLD. The IEP team must make the decision based on all available data about the student.

Using Additional Sources of Data When Considering Inadequate Classroom Achievement

Systematic observation of routine classroom instruction, which is required by the rule, provides data about how the student performs in the classroom in the area(s) of concern identified in the referral. The data gathered during systematic observation about the student's academic achievement can be compared to other formal and informal achievement data to establish consistency among various sources of data. It is important to triangulate data, comparing different types of data to look for consistency or inconsistency among the results.

Other formal and informal data should also be considered as the IEP team analyzes data to determine whether the referred student demonstrates inadequate classroom achievement. Comparisons of formal and informal data, standardized achievement test results, and data from observation help to verify that a student's inadequate classroom achievement is indicative of the impairment of SLD. Formative and summative assessments linked to grade level standards and student work samples can be useful for this purpose.

Applying the Rule: IEP Team Discussion of Inadequate Classroom Achievement

Determining whether the referred student exhibits inadequate classroom achievement after intensive intervention is an important IEP team role. When making the decision, the IEP team may wish to utilize the following questions:

- Has evidence been considered to determine whether lack of appropriate instruction is primary in causing inadequate classroom achievement in one or more areas of concern?
- Has evidence been considered to determine whether limited English proficiency, other impairments, or economic, environmental or cultural factors are primary in causing the inadequate classroom achievement? For example, if there are norms for the student's subgroup (e.g., primary language, ethnicity, socioeconomic status), has the IEP team considered

how the student's performance compares to the subgroup norms and to norms for grade or age level peers?

- Is there evidence that a valid individual assessment of achievement was administered **after** intensive intervention as defined in the rule had occurred?

The DPI sample form for recording the results of the IEP team analysis of inadequate classroom achievement is ER-2, [Additional Documentation Required When Child is Evaluated for Specific Learning Disabilities](#).

IEP teams may also wish to use the DPI Specific Learning Disability Eligibility Checklists for Initial and Reevaluation available in English and Spanish at: http://sped.dpi.wi.gov/sped_eligibility.

Criterion: Insufficient Progress

Insufficient progress is one of three criteria used to determine Specific Learning Disability in Wisconsin. Wisconsin's rule identifies two methods for determining insufficient progress: analysis of data from intensive, scientific research-based or evidenced-based interventions **or** significant discrepancy. Beginning on December 1, 2013, **all** SLD evaluations for students enrolled in Wisconsin public schools must use data from intensive, scientific research-based or evidence-based interventions to determine insufficient progress.

Section Contents

- Definition and Requirements: Required Interventions; Intervention Fidelity; Probes and Progress Monitoring
- Method for Determining Insufficient Progress Using Data from Intensive Intervention: Establishing Baseline; Collecting Data; Plotting Data; Analyzing Progress Monitoring Data; Applying Decision Rules to Evaluate Rate of Improvement
- Applying the Rule: IEP Team Discussion When Using Data from Intensive Intervention to Determine Insufficient Progress

Definition and Requirements

Wisconsin's SLD rule defines insufficient response to intensive, scientific research-based or evidence-based intervention as follows: "The child does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the eight areas of potential specific learning disabilities under subd.1. when using a process based on the child's response to intensive, scientific research-based or evidence-based interventions. Intensive interventions may be implemented prior to referral, or as part of an evaluation, for specific learning disability." PI 11.36(6) (c) 2.b

IEP Team Discussion Point:

IEP teams must remember that the insufficient progress criterion is just one of three that have to be met for SLD eligibility determination. If the data collected as part of the insufficient progress criterion is contrary to the data collected as part of the rest of the SLD evaluation, the IEP team should consider whether it needs to collect additional data and also look deeper into the data to determine why it is not triangulating.

Wisconsin's SLD rule uses the term *intensive intervention* in two distinct ways. First, intensive intervention refers to the intervention required prior to administering achievement testing to determine inadequate classroom achievement. Though good practice, this intervention is not required to meet the standard as being scientific research-based or evidence-based.

The second reference to intensive intervention refers to the insufficient progress criteria. Two interventions meeting the standard as being scientific research-based or evidence-based must be implemented for each area of concern. These two interventions must be scientific research-based or evidence-based and implemented with the student with adequate fidelity (at least 80 percent of the recommended sessions, weeks, and minutes per session, according to the administration guide for the intervention). The IEP team analyzes progress monitoring data (which was collected weekly using probes) to determine whether or not the student's response to intensive intervention was sufficient. The requirement for two interventions is in addition to the intensive intervention required prior to assessing inadequate classroom achievement. It is possible for one intervention to address more than one area of concern; however, progress monitoring data must be collected for each area of concern. IEP teams may use the intervention implemented prior to assessing inadequate classroom achievement as one of the two intensive, scientific research-based or evidence-based interventions if it meets the criteria as such.

Beginning December 1, 2013, all public schools in Wisconsin must implement the use of progress monitoring data from two intensive, scientific research-based or evidence-based interventions when making SLD eligibility determinations for public school students.

Required Interventions

Intensive, scientific research-based or evidence-based interventions (SRBIs) are required to collect the data used to determine insufficient progress. The referred student must demonstrate insufficient response to scientific research-based or evidence-based interventions in one or more of the eight areas of SLD concern: oral expression, listening comprehension, written expression, basic reading skill, reading fluency, reading comprehension, mathematical calculation, and mathematical reasoning.

Intervention is defined as "the systematic use of a technique, program, or practice designed to improve learning or performance in specific areas of pupil need." PI 11.02(1) (6t)

- a) **Intensive intervention** is further defined to mean an intervention that:
- Is used with individuals or small groups of students,
 - Is focused on single or small numbers of discrete skills,
 - Provides substantial numbers of instructional minutes **in addition to** those provided to all pupils, and

- Is culturally appropriate, and is implemented consistent with its design, and closely aligned to student need (area of concern). PI 11.02 (6m) and PI 11.36(6) (f) 4
- b) **Intensive interventions used to determine student progress** (for the insufficient progress criteria) must have the following additional features:
- Scientific research-based or evidence-based,
 - Implemented with adequate fidelity and closely aligned to individual student learning needs, and
 - At least two interventions required. PI 11.36(6) (c) 2.a

All intensive interventions from which data will be used by IEP teams to determine whether the student meets the insufficient progress criterion must have all the features listed in a and b above.

Scientific research-based intervention, as defined in 20 U.S.C. 7801 (37), means:

- (i) Employs systematic, empirical methods that draw on observation or experiment;
- (ii) Involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;
- (iii) Relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;
- (iv) Is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;
- (v) Ensures that experimental studies are presented in sufficient detail and clarity to allow for replication, or at a minimum, offer the opportunity to build systematically on their findings; and
- (vi) Has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

Evidence-based interventions, as defined in the Wisconsin rule, means scientific research-based interventions with substantial evidence of their effectiveness through multiple outcome evaluations. PI 11.02 (1) (4e)

Intervention Fidelity

Wisconsin's SLD rule requires that intensive, scientific research-based or evidence-based interventions be implemented with adequate fidelity. This means intensive interventions are provided in a manner highly consistent with their

design and for at least 80 percent of the recommended number of weeks, sessions, and minutes per session (PI 11.02(1)). Professionally published intensive interventions frequently provide information about the number of recommended sessions and minutes for an intervention in the intervention manual or guide.

The highest quality intervention with the strongest evidence base will not likely produce a positive effect without adhering closely to the details of its implementation guidelines. “The most common reason for a lack of response to an evidence-based intervention well matched to student and skill area is the failure to implement the intervention as designed.” VanDerHeyden & Tilly (2010).

There is a relationship between the fidelity of intensive interventions and the quality of decision making that is possible for the IEP team. SLD eligibility determination is a “high stakes” decision requiring solid data from high quality interventions implemented with adequate fidelity. The IEP team must determine whether interventions have been conducted with adequate fidelity based on the documentation provided. The IEP team makes this determination for each intensive intervention on a student by student basis.

Monitoring intervention fidelity is a school-wide process. Local educational agencies (LEAs) determine specifically how intervention implementation fidelity is documented and by whom. School leadership may wish to implement any of the following practices to ensure fidelity of implementation. To attain a high level of intervention fidelity, a school can:

- Build consideration of fidelity data into each intervention plan while developing it,
- Use a “critical components checklist” to verify that a high quality intervention plan matched to student needs is created,
- Be sure that the person implementing the intervention fully understands it,
- Explicitly measure and record fidelity data as the intervention plan is implemented on an ongoing basis, and
- Set up supports for personnel implementing interventions such as professional development opportunities, training, mentoring, and coaching.

Table 7 offers different sources for documenting fidelity and includes discussion of the advantages and disadvantages of each method. When verifying intervention fidelity, it is best practice to use a combination of different data sources including products generated during interventions, teacher self ratings, and direct observations.

Table 7

SOURCE	DOCUMENTATION	ADVANTAGES	DISADVANTAGES
Work samples or permanent products	Student work samples can be collected and stored by date with start and end time of the intervention session recorded.	Easy to collect, natural part of intervention process, reliable	Limited information on intervention process
Intervention Log	Documents basic information for each intervention session including names, dates, start and end times.	Easy to document	Limited information (attendance, frequency and duration of sessions)
Direct Observation	Intervention broken down into observable components identified on an observation checklist; observer counts the occurrence of each component to determine the percentage correctly implemented.	Provides objective, first hand information	Requires staff time to do observations; generally equal weight given to each component when some may be more crucial than others.

Probes and Progress Monitoring

Data is collected using probes through a scientific process called progress monitoring. Within the Wisconsin SLD rule, progress monitoring is defined as “a scientifically based practice to assess pupil response to interventions.” PI 11.02 (10). Progress monitoring requires the use of scientifically based tools, such as probes, to measure progress. Probes are “brief, direct measures of specific academic skills, with multiple equal or nearly equal forms, that are sensitive to small changes in student performance and that provide reliable and valid measures of pupil performance during intervention.” PI 11.02 (9)

Probes used must provide reliable and valid data about the area(s) of concern that are the target of the intervention. Based on this definition of *probe*, locally developed progress monitoring tools are not likely to meet the required standard. In general, measures that are sufficient to monitor progress should meet the following criteria:

- Reliable and valid,
- Quick and easy to use,
- Sensitive to small increments of student improvement,
- Available with multiple alternate forms, and

- Evidence-based.

The IEP team determines if the progress monitoring data being considered meets the requirements of the rule.

One type of probe that is commonly referenced in research literature and used in the field is called a curriculum based measurement (CBM). Some CBMs have well documented reliability, validity, sensitivity, and utility for making instructional decisions. When CBMs are referenced in this guide, they have these characteristics:

- The measured behaviors and corresponding procedures of CBM are prescribed since CBMs are standardized and have been shown to be reliable and valid. CBMs may be linked to the curriculum and must be predictive of future performance and sensitive to small changes over time.
- Each weekly test is of equivalent difficulty and indicates that the test is sensitive to small changes in student performance.

Though not required by the rule, districts are encouraged to use the same benchmarks and progress monitoring measures throughout special education service delivery. Maintaining consistency in measures provides a continuous base of student progress, which increases the likelihood that educators and parents understand how a student is progressing after having been identified as having a specific learning disability.

Method for Determining Insufficient Progress Using Data from Intensive Intervention

There are basic steps that are part of establishing a data collection process for an intensive intervention.

- Establish baseline,
- Begin the intervention and collect weekly or more frequent progress monitoring data, and
- Use the baseline and progress monitoring data collected at least weekly to analyze progress.

Each step is described in detail below.

Establishing Baseline

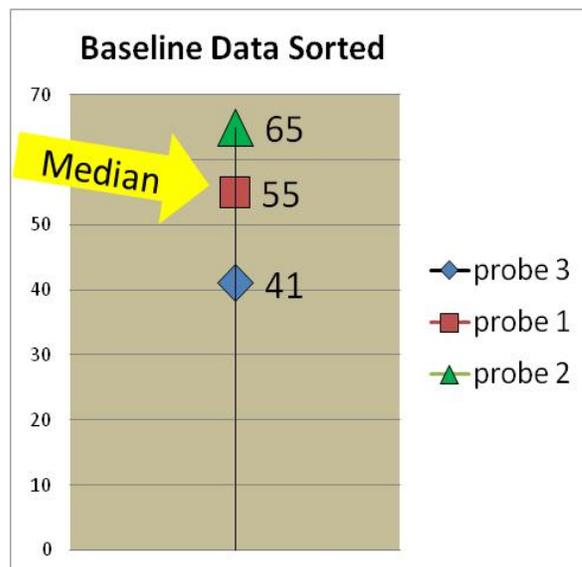
The baseline serves as the starting point for measuring progress and analyzing how the student's rate of progress compares to the expected rate of progress toward meeting grade level standards. **For each intervention**, "the median score of 3 probes is required to establish a stable baseline data point." PI 11.36 (c) 2.a. The median score is determined by ordering the three data points from low to

high and using the middle score. Prior to beginning an intervention, data must be collected to identify the initial skill level demonstrated by the student. The data collected for baseline reflects the student’s skill level before intervention is initiated, and will be used to evaluate changes resulting from implementation of the intervention.

The following example illustrated in **Table 8** demonstrates how to determine the median score used for the baseline. The scores from three probes are arranged in order from low to high. The median (middle) score, in this case 55, becomes the baseline from which the expected aim line or goal line will be drawn.

Table 8

Baseline Data as Collected		Baseline data sorted low to high	
Probe 1	55		41
Probe 2	65		55
Probe 3	41		65



Collecting Data

When using data from progress monitoring of intensive intervention to determine student progress for an eligibility determination, data must be gathered at least weekly. Data is collected to identify any changes in the level of skill

demonstrated by the student. These data are referred to as “progress monitoring” data and will be used to represent progress toward a grade level target during the intervention implementation period. These data, reflecting progress made during intervention, will be used by the IEP team in determining whether the rate of progress is sufficient to meet age or grade level norms in the area(s) of concern.

Schools may need to consider other data sources if it is the case that reliable and valid progress data cannot be collected because of the absence of intensive, scientific research-based or evidence-based intervention or scientifically-based progress monitoring tools for an area of concern appropriate for the student’s grade. In such cases the IEP team should consider and document its decision about student progress in the area of concern using other empirical evidence.

Examples of other empirical data include:

- Formal and informal testing,
- Portfolios,
- Grading rubrics,
- District developed formative grade level assessments,
- Unit assessments, and
- Criterion-based assessments and statewide or district assessments.

Sources of data based on state or national norms rather than local performance measures should be utilized whenever possible. Extensive information and links to progress monitoring tools are available on the Wisconsin RtI Center website at: <http://www.wisconsinRtIcenter.org/educators/RtI-for-my-school/tools.html>.

Plotting Data

DPI has developed a software tool to assist IEP teams in plotting and graphing progress monitoring data. The Simple Tool for Graphing Educational Progress can be found on the SLD webpage at http://sped.dpi.wi.gov/sped_ld. Directions for use of the tool appear below and may also be found within the tool itself. While the use of the DPI tool is not required by the SLD rule, IEP teams may use the tool to plot progress monitoring data and create a graph that depicts two sets of data:

- **A normative data line** is the rate of progress of the targeted student’s same age peers who are at the 25th percentile of achievement. The normative data used to plot this line is obtained from information in the manual or other documentation which accompanies the probe. This normative data must be entered each time and is based on national norms of achievement for the student’s age.
- **A trend line** is developed using the progress monitoring data collected, at least weekly, during the implementation of the intervention. A line of best fit is drawn through the points to create a slope of progress. The trend line

illustrates the student's actual rate of progress and indicates the relationship between the student's rate of progress and the 25th percentile of proficiency for his or her same age peers.

The **trend line** presenting the student's rate of progress should be drawn from a sufficient number of data points, collected on at least a weekly basis, and from which the team can make a sound decision about the student's response to the intervention. Staff should refer to the administration guide accompanying the intervention for guidance on how long an intervention is recommended to be delivered before making decisions about its effectiveness.

To Use the Tool:

1. Enter the student's name and grade information.
2. Enter the area of target SLD/behavior the student is to increase (i.e., oral reading fluency).
3. Enter the name of the intervention.
4. Enter the normative data for students of the same age at the 25th percentile of achievement. Include the fall, winter and spring benchmarks.
5. Enter the scores from the three probes administered to the student to establish the baseline (the baseline will calculate automatically).
6. Enter the baseline score in the box beneath the week that precedes the first week of progress monitoring data. For example, if the implementation of the intervention and collection of progress monitoring data began in week 7, enter the baseline in week 6.
7. Enter the progress monitoring data in subsequent weeks. It is important to enter it accurately into the spaces provided for corresponding instructional weeks so a reliable comparison can be made to the normative data line.
8. The graph will appear on the *chart* tab.
9. These steps should be repeated for each intervention.

Analyzing Progress Monitoring Data

The compiling of data electronically using a graphing program is preferred as most data analysis programs will then also be able to produce quantitative analyses and display these on the graph. When analyzing this data graphically, the IEP team compares the trend line, or rate at which the student improves, to the goal line and normative data line established at the beginning, in order to apply the decision rules outlined in the SLD rule (see next section Applying Decision Rules). The SLD rule specifies using least squares regression to examine data used to determine SLD eligibility.

Least squares regression is a statistical method for estimating the growth or trend based on probe data which can otherwise be very difficult to visualize due to scatter. The least squares regression line (or trend line) helps users see student growth, while at the same time accounting for the scatter or "bounce" of the data. Least squares regression analysis places data from progress monitoring on a graphed line and illustrates progress as a slope. A steeper slope means a greater change in progress from baseline while a flatter slope means a smaller change from baseline. While least squares regression can fit data onto a straight line,

users should be cautious about making interpretations when there is a very large amount of scatter among the individual data points.

Applying Decision Rules to Evaluate Rate of Improvement

Determining rate of progress in relation to intensive intervention is an IEP team responsibility. This analysis is central to applying the SLD criterion of insufficient progress and also to informing further decisions regarding instructional programming for the student. There is no rigid formula that can be applied uniformly to all situations when using data from intensive intervention as part of SLD eligibility determination. Rather, the IEP team must give consideration to the multiple variables relevant to each individual student. This requires the IEP team to engage in problem solving and carefully considering all of the data it has gathered.

The IEP team must also determine that exclusionary factors, as described in Chapter 3 are not the primary cause of the student's insufficient response to intensive, scientific research-based or evidence-based intervention.

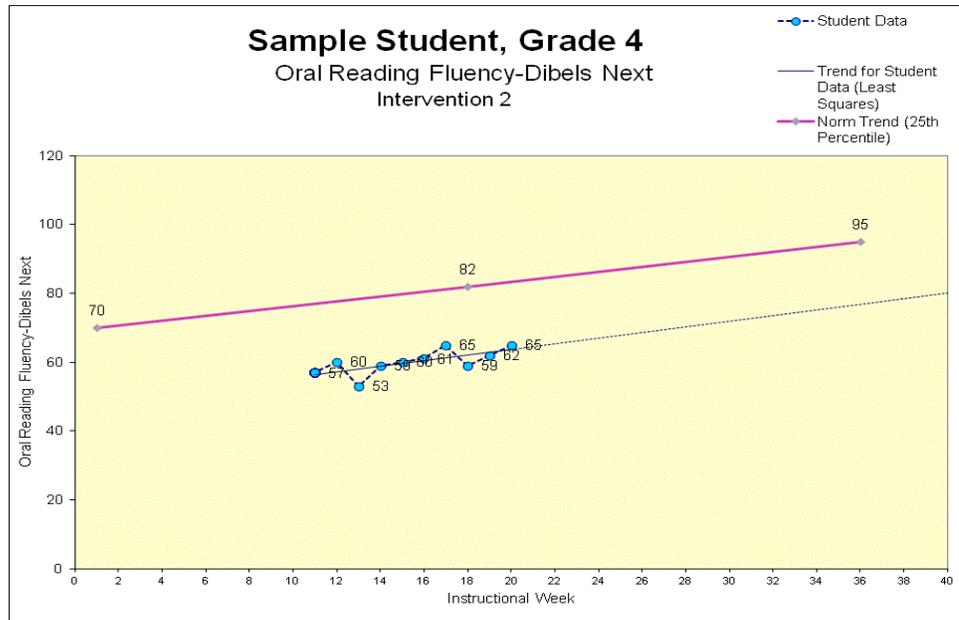
The Wisconsin SLD rule identifies three **decision rules** to inform the IEP team analysis of progress monitoring data from intensive, scientific research-based or evidence-based intervention. A student's rate of progress during intensive intervention is insufficient if any of the following apply:

- The rate of progress is the same or less than that of his/her same-age peers,
- The rate of progress is greater than his/her same-age peers but will not result in reaching the average range of achievement in a reasonable period of time, or
- The rate of progress is greater than his/her same-age peers but the intensity of resources needed to obtain the rate of progress cannot be maintained in general education. PI 11.36 (6) (c) 2.a

The IEP team applies these decision rules by analyzing the student's progress represented by the trend line. It is the responsibility of the IEP team to determine whether that rate of progress is sufficient in order for the student to reach the average range of his/her same age peers achievement within a reasonable period of time. Some examples follow:

“Decision Rules,” as referenced in the SLD rule, define the conditions and procedures the IEP team uses to decide whether or not a student's progress in response to intensive intervention is insufficient and if the criterion of the SLD rule is met. This determination is predicated on the interventions being implemented in accordance with the requirements of the rule and the IEP team determines that the student's response to the interventions fits one of the scenarios identified in the decision rules.

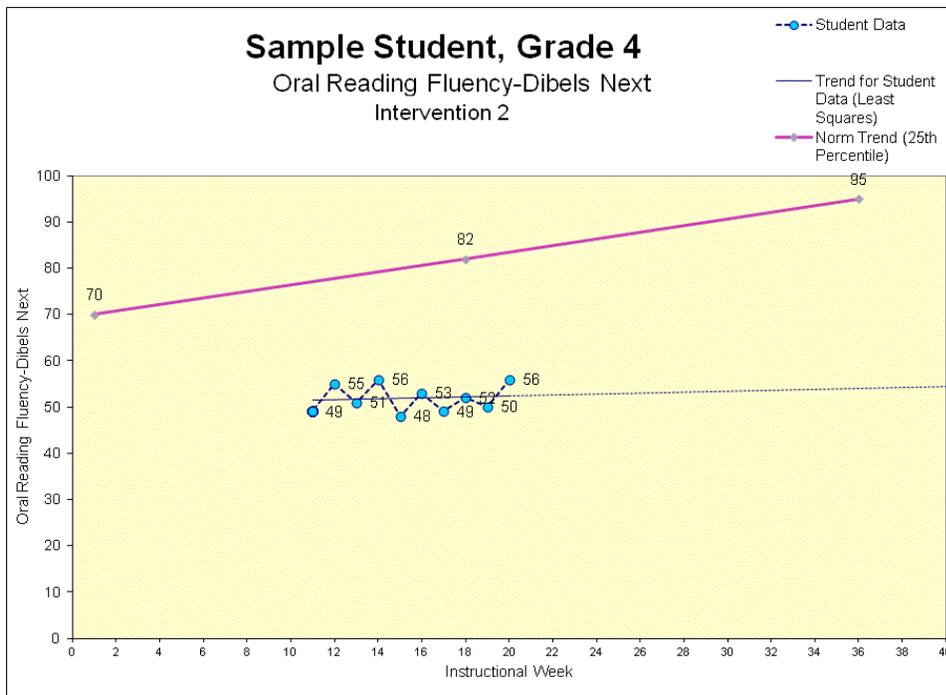
Figure 9



Decision rule: The rate of progress is the same or less than that of his/her same-age peers.

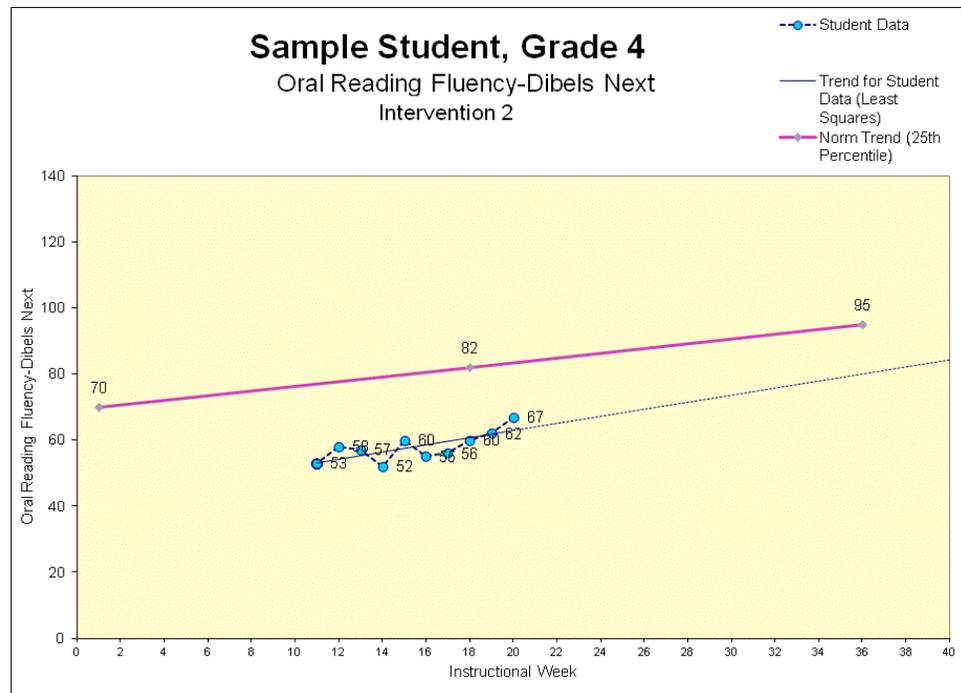
In **Figure 9**, the student is making progress but it is at the same rate as his/her peers. This means that, despite intensive intervention delivered in addition to core instruction, the gap between the student's growth in oral reading fluency and his/her peers' growth is not likely to narrow or close. It is likely the IEP team would determine the student's progress to be insufficient should this be the outcome after both required interventions are implemented with the student.

Figure 10



In the example in **Figure 10**, it is clear the student's progress is at a slower rate than his peers and the gap in achievement between the student and his/her peers is expanding. The IEP team may investigate further into the story behind the data to determine whether the intervention and/or probes were implemented with fidelity or other factors about the implementation of the intervention affected the student's performance. The IEP team should also consider the other data it has collected about the student to determine whether the data triangulates (is consistent with) other findings, including the exclusionary factors and inadequate classroom achievement criteria.

Figure 11



Decision rule: The rate of progress is greater than his/her same-age peers but will not result in reaching the average range of achievement in a reasonable period of time.

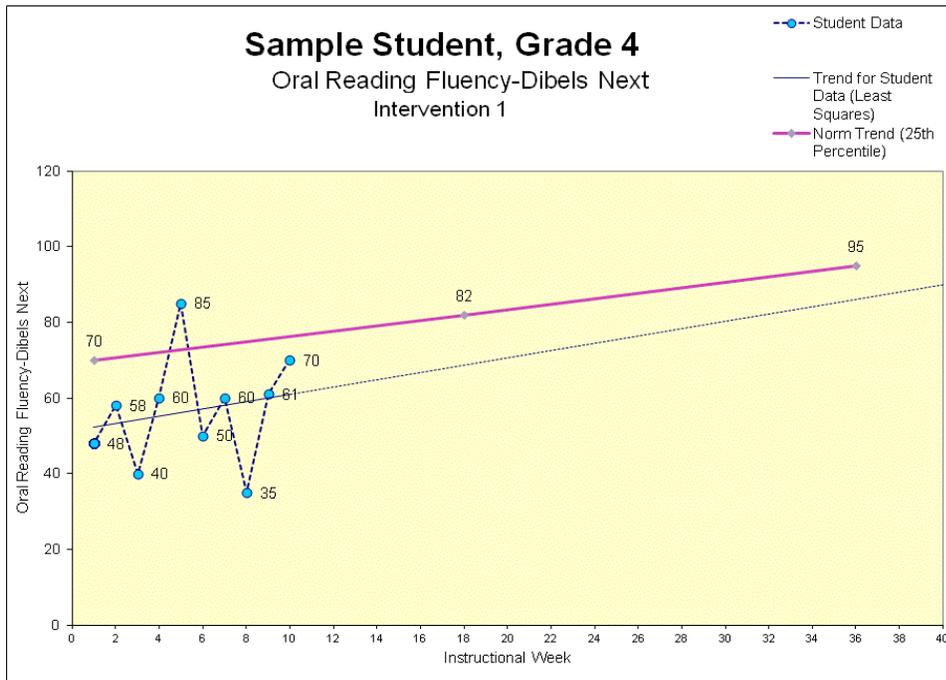
Figure 11 shows the student is making progress at a faster rate than his peers and the gap between peers is closing. In this case, the IEP team would discuss if the rate of progress is sufficient for one to expect the student to reach the average range of performance for his or her grade in a reasonable period of time. The IEP team determines what constitutes a reasonable period of time. Teams might consider the student's age and the gap in achievement between the student and his/her peers when determining what is a reasonable period of time. For instance, an older student whose achievement is significantly below his/her peers may improve at a rate greater than his/her peers but may also take longer to reach the average range of achievement simply given that he/she is further behind. The IEP team may consider this progress to be sufficient based on the student's continued rate of improvement and steady progress toward reaching the average range of achievement.

Decision rule: The rate of progress is greater than his/her same-age peers but the intensity of resources needed to obtain the rate of progress cannot be maintained in general education.

IEP teams should consider the intensity of the intervention and the progress the student is making. For instance, if an intervention is implemented with a high degree of intensity and the student is making minimal progress the IEP team may

decide the student's progress is insufficient as the intensity of implementation cannot be maintained by general education for the long term.

Figure 12



When a student demonstrates considerable variability in his/her scores, the IEP team may need to investigate further to determine the cause of the variability. For instance, does a pattern exist related to the time of day or week during which the probe was administered? Might this be correlated with the variability of any of the scores? Was the intervention and/or probe implemented with fidelity? In such cases, the team must proceed cautiously as the greater the variability of scores, the greater the possibility of inaccurate interpretation. If the IEP team finds the data to be unreliable, it may consider whether it has sufficient data to make an eligibility determination.

Applying the Rule: IEP Team Discussion When Using Data from Intensive Intervention to Determine Insufficient Progress

- Has evidence been considered to determine whether a lack of appropriate instruction is primary in causing insufficient progress as determined by data from intensive, scientific research-based or evidence-based intervention in one or more areas of concern?
- Has evidence been considered to determine whether limited English proficiency, other impairments, or economic, environmental or cultural factors **is the primary reason** for the insufficient progress? For example, if there are norms for the student's subgroup (e.g., primary language,

ethnicity, socioeconomic status), has the IEP team considered how the student's performance compares to the subgroup norms and to norms for grade or age level peers?

- Is there evidence that at least two intensive, scientific research-based or evidence-based interventions as defined in the rule have been implemented for the student for each area of concern?
- Have the decision rules defined in the rule been applied when considering the data from intensive interventions and determining rate of progress?

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Further Reading

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Required Data Sources for Evaluation Activities

4

Wisconsin's rule for Specific Learning Disability identifies required sources of data to be collected and analyzed as part of the determination of eligibility for SLD.

Section Contents

- Systematic Observation: Conducting a Systematic Observation; Analysis of Data from Systematic Observation
- Formal and Informal Sources of Data
- Educationally Relevant Medical Findings
- Applying the Rule: IEP Team Discussion of Systematic Observation

Systematic Observation

Systematic observation is a method of measuring classroom behaviors related to a student's learning from direct observation in a natural setting. A systematic observation is planned in advance, data is collected during the observation, and the results are analyzed and discussed by the IEP team. The data collected from this procedure focuses on behaviors and skills that directly relate to the area(s) of concern for the referred student. Prior to the observation, specific target behaviors have been identified and a recording system has been determined by the observer. For example, an observer could decide to complete a skills checklist of basic reading skills, or choose to use an event recording system to tally the number of decoding errors a student makes compared to peers during an oral reading lesson. The observer must be someone other than the person who is delivering the intervention. Qualities of the classroom setting (e.g., noise level, visual distractions) that may affect the student's learning or behavior are noted. Systematic observations are reliable; that is, if another observer conducted the same observation, similar data would be collected.

Systematic observation is required for all SLD initial evaluations and reevaluations, and must be conducted in **each** area of potential SLD being considered by the IEP team (PI 11.36 (6) (c) (2) (a-d)). Systematic observation may be conducted before referral, or if such data does not exist when the IEP team completes the review of existing data, after parent consent is obtained to conduct additional assessments and gather additional data. A single systematic observation may provide information about one or more achievement areas of potential SLD for the referred student (e.g., reading fluency and reading comprehension). The eight achievement areas of potential SLD are oral expression, listening comprehension, basic reading skills, reading fluency,

Observation data collected prior to referral may be used provided that the purpose of the observation done prior to referral was not an evaluation for special education and that special education teachers did not conduct the observation.

reading comprehension, written expression, mathematical calculation and mathematical problem solving.

There are **two requirements** for systematic observation in the SLD rule:

1) **Systematic observation of routine classroom instruction.**

Systematic observation of routine classroom instruction is required for **all initial evaluations and reevaluations**. In an **initial** evaluation for SLD, systematic observation of routine classroom instruction must occur whether the significant discrepancy criterion is being applied (prior to December 1, 2013), or the school has started using data from intensive, scientific research-based or evidence-based intervention to determine insufficient progress.

When determining whether a student has a Specific Learning Disability, the IEP team must consider information from at least one systematic observation of routine classroom instruction in the area(s) of concern being evaluated. The observation must be conducted by a member of the IEP team to gather information about student performance during instruction. The observer should not be the person providing instruction. If the observation occurs prior to referral, the observer must be appointed to the IEP team.

2) **Systematic observation during intensive scientific research-based or evidence-based intervention.**

When a school begins using data from intensive, scientific research-based or evidence-based interventions to determine insufficient progress, at least one other systematic observation is required. This systematic observation must occur during a time when the student is receiving intensive, scientific research-based or evidence-based intervention in an area(s) of concern for potential SLD. One systematic observation during intensive intervention is required although data from two intensive scientific research-based or evidence-based interventions are needed to determine insufficient progress. A systematic observation must be conducted for each area of concern; however, more than one area of concern can be observed during one systematic observation if an intensive, research or evidence-based intervention is being used for more than one area of concern. For example, if one scientific research-based or evidence-based intervention addresses both reading fluency and reading comprehension, one systematic observation may be conducted that addresses both areas of concern. The systematic observation of intensive, scientific research-based or evidence-based intervention is required for **initial evaluations only**, and is conducted by an IEP team member not responsible for implementing the intervention.

All initial SLD evaluations of public school students must consider data from both types of systematic observations beginning December 1, 2013.

Conducting a Systematic Observation

A systematic observation is planned in advance. The following activities are suggested:

1. Prior to the observation:
 - Identify the area(s) of potential SLD concern that are the target of the observation (e.g., oral expression, listening comprehension, basic reading skills, reading fluency, reading comprehension, written expression, mathematical calculation, mathematical problem solving),
 - Define the target behavior(s) to be observed in an objective, explicit and precise manner (e.g., process for solving math problems; literal comprehension questions answered after silent reading; active engaged time on task),
 - Select a method of recording data, and
 - Specify the time and location of the observation.
2. During the observation:
 - Make note of environmental factors and classroom dynamics that may be related to student performance such as: classroom arrangement, number of students, availability of materials, student engagement, visual and auditory distractions,
 - Collect the data, and
 - Document the observed student strengths.
3. After the observation:
 - Compile the data for the IEP team to discuss and analyze.

An Example of Systematic Observation of Routine Classroom Instruction

The student referred for initial SLD evaluation is in 4th grade. During the review of existing data the IEP team determines that the areas of potential SLD to be evaluated are basic reading skills, reading fluency and reading comprehension. The school psychologist on the IEP team is designated to be the observer. The systematic observation of routine classroom instruction is planned and scheduled for a small group guided reading time conducted by the classroom teacher. Through consultation with the classroom teacher and review of the lesson plan, it is determined that all three areas of concern can be observed during this lesson.

The school psychologist chooses to record the student's learning behaviors during the lesson on a reading skills checklist appropriate for elementary aged students. The school psychologist also records examples of the instances of the student's difficulties, tallies the number of occurrences, and notes student strengths. After the observation, the school psychologist compiles the data collected and shares the information with the IEP team for discussion.

The reading skills checklist results contained the following items:

- Difficulty identifying sounds/blending sounds into words,
- Difficulty reading phonetic words,
- Difficulty reading irregular sight words,
- Difficulty with retention of new vocabulary,

- Difficulty demonstrating comprehension of sentences/stories,
- Difficulty re-telling what has just been read,
- Slow oral reading skills that may interfere with comprehension, and
- Difficulty when reading sentences; may lose place; omit, insert, substitute, or reverse words; guesses from initial sounds; makes self-corrections.

An Example of Systematic Observation during Intensive Scientific, Research-based or Evidence-Based Intervention

A 7th grade student is referred for an initial special education evaluation with a suspected impairment area of Specific Learning Disability. The area of SLD concern identified by the IEP team is written expression. This student and three others receive 30 minutes three times per week of an intensive research-based intervention in addition to core instruction in writing for 10 weeks during a student intervention period. The intensive, scientific research-based intervention involves the development of genre specific writing strategies around a six step process. Teachers and students collaborate on the acquisition, implementation, evaluation, and modification of these strategies.

The reading specialist on the IEP team is designated as the person responsible for the systematic observation. A day for the observation is agreed upon with the English teacher who is providing the intensive scientific research-based intervention. The reading specialist chooses to record the student's learning behaviors during the lesson on a writing skills checklist appropriate for middle and secondary aged students. After the observation, the English teacher provides the special education teacher with a copy of the student's work produced during the intervention period. The reading specialist compiles the data collected, notes student strengths that were observed, and shares this information with the IEP team for discussion.

The writing skills checklist contains the following items:

- Difficulty completing the written task independently,
- Difficulty developing ideas in writing so written work is incomplete and too brief,
- Difficulty proofreading and self-correcting work,
- Inaccurate copying skills (e.g., confuses similar-looking letters and numbers),
- Poor and inconsistent spelling,
- Messy and incomplete writing, with many cross-outs and erasures, and
- Uneven spacing between letters and words; has trouble staying in the lines.

Analysis of Data from Systematic Observation

The IEP team examines the results of systematic observation of routine classroom instruction in relation to other formal and informal assessment data collected about the student. Information from systematic observations assists the IEP team in considering the student's achievement level, needs related to identified area(s) of concern, barriers which may interfere with learning or conditions that may facilitate learning, and whether an exclusionary factor may be a primary cause of the student's inadequate achievement or insufficient progress.

Questions the IEP team might consider regarding the results of systematic observation include:

- Was the student's performance and behavior in the area of concern "typical" during the observation compared with how the student performs at other times?
- What learning skills were difficult for the student?
- What student strengths were noted during the observation?
- Was the student engaged and cooperative during instruction?
- Did behaviors interfere with learning to such an extent that they may be the primary reason the student is not making sufficient progress?
- Did the student have the prerequisite skills to perform the tasks being observed?
- Is the data collected during systematic observations consistent with other formal and informal data about the student in the area(s) of concern?
- What is the relationship between the targeted student's performance and behavior to other students?

The summary of results of required observation may be recorded anywhere in the evaluation report developed by the IEP team. Documentation may be included on either DPI sample form ER-1, [Evaluation Report](#); or DPI sample form ER-2, [Additional Documentation Required When Child is Evaluated for Specific Learning Disabilities](#), or any other attachment to the evaluation report. All DPI sample forms are available at: http://sped.dpi.wi.gov/sped_forms06.

Formal and Informal Sources of Data

Federal and state laws require all IEP teams to conduct a full and individual evaluation to determine whether a student is a student with a disability who is eligible to receive special education services. The IEP team must use a variety of

assessment tools and strategies to gather relevant functional, developmental, and academic information about the student including information provided by the parent. No single measure can be used as the sole criterion for making an eligibility determination 34 CFR 300.304 (b).

Data collection begins with the review of existing data by the IEP team, and the decision concerning what, if any, additional data is needed to conduct a full and individual evaluation, make an eligibility determination and, if appropriate, develop an IEP. Reviewing all sources of data during an IEP team evaluation discussion includes examination of formal assessments as well as formal and informal data sources about the student's classroom work and approach to learning.

Some examples of formal and informal data sources include:

- Standardized, individually administered, norm referenced tests,
- Classroom achievement measures aligned with common core grade level standards,
- Classroom assessment data such as criterion referenced tests, quizzes, informal inventories, rubrics, checklists, and rating scales,
- Formative and summative data linked to grade level standards, and
- Data from instruction such as work samples and products.

Informal and other formal data collection measures will vary by school building, subject, curriculum, instructional methodology and teacher. The IEP team may record information from formal and informal sources of data on DPI sample form ER-1, [Evaluation Report](#).

Educationally Relevant Medical Findings

In completing a comprehensive evaluation for a suspected Specific Learning Disability, the IEP team considers any current medical findings directly related to the disability determination. The existence of documented medical data may support other formal and informal data collected as part of the evaluation. The summary and analysis of such data is documented as part of determination of eligibility.

Information on educationally relevant medical findings may be recorded on DPI sample form ER-2, [Additional Documentation Required When Child is Evaluated for Specific Learning Disabilities](#), or any other attachment to the evaluation report. All DPI sample forms are available at: http://sped.dpi.wi.gov/sped_forms06.

Applying the Rule: IEP Team Discussion of Systematic Observation

The IEP team is required to use a variety of assessment tools, strategies and data sources to determine whether a student has the impairment of SLD and a need for special education services. It is important for the IEP team to triangulate data and look for consistency or inconsistency among various data types reviewed. A careful analysis of a variety of data sources is necessary to verify that a student's inadequate achievement and insufficient progress are indicative of the impairment of Specific Learning Disability and not the result of some other factor(s).

The following questions may be helpful to the IEP team in reviewing data from systematic observation, formal and informal assessments, and any relevant medical information:

- Has evidence from systematic observation, formal and informal assessment data, and any educationally relevant medical findings been considered to determine whether any exclusionary factor is the primary reason for inadequate classroom achievement and insufficient progress?
- Is the evidence from systematic observation, formal and informal data sources and educationally relevant medical findings consistent with other sources of data regarding each of the three SLD eligibility criteria?

Special Topics

5

To make the determination of impairment in Specific Learning Disability during the initial evaluation, the IEP team may need to consider additional factors to make an eligibility determination. Decisions about what, if any, other considerations need to be taken into account are made on a student by student basis, and may become evident during the review of existing data.

Section Contents

- Speech and Language Concerns
- Evaluation of Young Children
- Parentally Placed Private School and Home-schooled Students
- Transfer Students: In-State Transfer
- Transfer Students: Out-of-State Transfer
- Applying the Rule: IEP Team Discussion of Special Topics
- Putting it all Together: Does the Student Meet the SLD Impairment Criteria?
- Applying the Rule: IEP Team Discussion

Speech and Language Concerns

Speech and language impairment and Specific Learning Disability can co-exist. Speech and language skills are the underlying foundations for reading, writing, and other areas of academic achievement. Students with speech and language impairments may also exhibit deficits in one or more areas of SLD identification. This is especially common in the SLD achievement areas of oral expression, listening comprehension, reading and written expression.

Oral expression is the ability to convey wants, needs, thoughts, and ideas in a meaningful way using appropriate syntactic, pragmatic, semantic, and phonological language structures. It relates to a student's ability to express ideas, explain thinking, retell stories, categorize, compare and contrast concepts or ideas, make references, and problem solve verbally.

Listening comprehension refers to the understanding of the implications and explicit meanings of words and sentences of spoken language. This includes following directions, understanding questions, and listening and comprehending in order to learn (auditory attention, auditory memory, and auditory perception). Listening comprehension also includes the ability to make connections to previous learning.

IEP Team Discussion Point:
If the special education referral identified oral expression and listening comprehension as areas of concern, did the IEP team consider evidence to determine whether the referred student's impairment may be speech/language? If so, was a speech/language pathologist a member of the IEP team?

Language components of both oral expression and listening comprehension include:

- Syntax (word order, sentence structure),
- Grammar (the rules of language),
- Morphology (the meaning units of words),
- Pragmatics (use of language in social contexts),
- Semantics (knowledge of vocabulary), and
- Phonology (use of language to encode the meaning of language).

In order for a student to meet SLD eligibility criteria because of inadequate classroom achievement and insufficient progress in oral expression or listening comprehension, the difficulty must be demonstrated in academic functioning and result in the student not making sufficient progress. When oral expression and/or listening comprehension are being considered as part of an SLD evaluation, the SLD rule does not require that a speech/language pathologist be a member of the IEP team. However, it is strongly recommended that a speech/language pathologist be included on the IEP team whenever language related concerns are being evaluated. A speech and language pathologist **must** be a member of the IEP team if speech and language impairment is also being considered as part of the evaluation.

IEP teams must consider all suspected areas of disability, and may find that a student has both speech and language impairment **and** Specific Learning Disability. To be identified with both impairments, the student must meet all eligibility criteria for each area of impairment and have a need for special education services in each area. Eligibility criteria for SLD can be found earlier in this guide, as well as online at: <http://sped.dpi.wi.gov/files/forms/doc/felg-sld-001.doc>. Eligibility criteria for speech and language impairment in Wisconsin can be found at: http://sped.dpi.wi.gov/sped_speech.

Evaluation of Young Children

There are no age requirements for identifying students with Specific Learning Disability. However, particular caution must be taken when evaluating young children. This includes an opportunity to learn through exposure to the general education curriculum and, if necessary, general education interventions. Assessment of young children is complicated by factors related to their development and the limited amount of time most children ages three to first grade have had to learn and demonstrate academic skills. Factors such as early experience and early opportunities for developmentally appropriate instruction can influence a student's early achievement skills significantly. Differentiating between SLD and delayed but normal development in young children is often difficult. (Fletcher et. al., 2007; Shaywitz, S.E. et.al., 1992). IEP teams should be

prudent when identifying SLD in this age group. The prevalence of Specific Learning Disabilities in preschool through early elementary age students is expected to remain very low.

Many commonly used achievement tests required for SLD identification lack sufficient diagnostic power to be used reliably with students age six and under. When the IEP team determines a student cannot attain valid, reliable assessment scores because of the lack of an achievement test appropriate to the student's age, it may not use such testing to determine inadequate classroom achievement in accordance with federal and state guidelines.

It is very important that evaluators of young children have a strong background in normal child development, factors leading to early learning success, and technical information about tests used to evaluate young children. It is also important to recognize that some areas of achievement discrepancy, such as written expression, cannot be identified until a child has developed sufficient prerequisite skills. Evaluators should also consider the young child's maturation through behavior observations in natural settings such as home, school, and community.

One way to reduce the number of primary age children who demonstrate academic achievement delays is to provide age-appropriate learning opportunities in natural environments. General education interventions should be considered and implemented as appropriate to the needs of individual children. When there is data about a significant learning delay, but the IEP team does not have sufficient information to determine whether a student meets SLD criteria, other areas of impairment may be considered. Additional information on early childhood special education can be found at http://ec.dpi.wi.gov/ec_ecspedhm.

Parentally Placed Private School and Home-schooled Students

LEAs must identify, locate, and evaluate all students suspected of having a disability irrespective of where the student is receiving instruction. When a student is not attending a public school at the time of evaluation, the IEP team may not have readily available information about a student's prior and current instructional program and performance in age/grade appropriate curriculum. In such cases, the IEP team will need to rely on information provided by the parent or private school in order to analyze whether the student meets the eligibility criteria, including whether an exclusionary factor may apply.

Public schools lack the authority to require private schools or home-based education programs to provide intensive intervention or produce progress monitoring data that meets the standard of the SLD rule. Thus, even when all schools in a district have begun using progress monitoring data from intensive intervention to determine insufficient progress, an IEP team may continue to use significant discrepancy to determine insufficient progress for parentally placed private school students or students receiving home-based private education. As with any special education evaluation, an LEA must use a variety of assessment tools and strategies to gather relevant functional, developmental and academic

IEP Team Discussion Point:
For very young children referred for SLD evaluation, did the IEP team consider the quality of the data collected for validity and reliability considering the student's age and school experiences at the time of the referral?

information about the referred student, including information provided by the parent.

Transfer Students: In-State Transfer

The transfer provisions for students with Specific Learning Disability are consistent with those for all students with disabilities. When a student with SLD transfers from one Wisconsin LEA to another Wisconsin LEA, the student is considered eligible for services unless an IEP team determines otherwise. Upon enrollment, the receiving LEA provides comparable services for the existing IEP until either adopting the existing IEP or holding an IEP team meeting to review, and if needed, revise the IEP. If a student with SLD transfers from a Wisconsin LEA and the new Wisconsin LEA determines that an evaluation is required, it would be considered a reevaluation.

When a student found eligible for SLD in a Wisconsin LEA using the significant discrepancy criterion transfers to a Wisconsin LEA using data from intensive intervention to determine insufficient progress, a reevaluation is **not** required upon transfer. The student continues to be eligible for special education until the IEP team determines the student is no longer eligible or the parent revokes consent for a provision of special education services.

When a referred student transfers from one Wisconsin LEA to another Wisconsin LEA **before** an eligibility determination is made, the new LEA must ensure prompt completion of the evaluation. When the new LEA and the prior LEA are using different methods for analyzing insufficient progress (e.g., significant discrepancy vs. progress monitoring data from intensive intervention), the criteria used by the **new** LEA would apply. The new LEA would review the status of the evaluation at the time of transfer to determine if additional data was needed to apply their criteria for determining insufficient progress. Information from the previous LEA would be considered as part of this process. An extension of the 60-day timeline for an SLD evaluation may occur by mutual written agreement between the parent and the LEA. The amount of additional time needed to ensure prompt completion of a SLD evaluation is determined on a student by student basis by the IEP team in consultation with the parent, who is also a member of the team. DPI sample form M-3, [Agreement to Extend the Time Limit to Complete the Evaluation of a Child Suspected of having a Specific Learning Disability](#), is available to document the timeline extension agreement.

Transfer Students: Out-of-State Transfer

If a student transfers into Wisconsin from another state, the receiving LEA may either determine an evaluation is needed or adopt the previous evaluation. If the receiving LEA determines that an evaluation is needed, the receiving LEA conducts an **initial evaluation** and **initial** SLD eligibility criteria are used. Until the evaluation is conducted, in consultation with the parents, the receiving LEA must provide free, appropriate, public education (FAPE), including services comparable to those in the student's existing IEP.

IEP Team Discussion Point:

If the referred student was not attending public school, did the IEP team collect all data available from the referred student's current educational setting, and follow procedures for evaluation of non-public school students?

If the referred student was a transfer student, did the IEP team follow procedures for evaluation/reevaluation, eligibility determination, and special education placement consistent with Wisconsin requirements for all transfer students, whether the student is from within the state or from outside the state?

Applying the Rule: IEP Team Discussion of Special Topics

An IEP team conducting an individual special education evaluation for Specific Learning Disabilities must consider all student-specific factors related to the eligibility determination. The factors discussed in this section include the relationship of SLD and speech/language disability, and determination of SLD in young children, procedures for conducting SLD evaluations and reevaluations for students attending private schools or home based programs, and students transferring schools within Wisconsin or coming into Wisconsin.

The following questions may be helpful to the IEP team when considering any of these factors, as appropriate, during the IEP team analysis of data and determination of eligibility:

- If the special education referral identified oral expression and listening comprehension as areas of concern, was evidence considered to determine whether the referred student's impairment may be speech/language? If so, was a speech/language pathologist a member of the IEP team?
- For very young children referred for SLD evaluation, was the quality of the data collected considered for validity and reliability in view of the student's age and school experiences at the time of the referral?
- If the referred student was not attending public school, was all data available from the referred student's current educational setting collected? Were procedures for evaluation of non-public school students followed?
- If the referred student was a transfer student, were procedures followed for evaluation/reevaluation, eligibility determination, and special education placement consistent with Wisconsin requirements for all transfer students, whether the student is from within the state or from outside the state?

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Putting it all Together: Does the Student Meet the SLD Impairment Criteria?

The determination of impairment in specific learning disability is made by the IEP team, who must consider whether the three criteria for SLD have been met

following consideration of the data from intervention, formal assessments, observations, and additional formal and informal sources. The IEP team must also complete all documentation requirements, which are summarized in chart form at the beginning of Chapter 8.

Having determined that the referred student has the impairment of SLD, the IEP team must then consider whether there is a need for special education to meet the disability related needs identified in the evaluation. The results of the evaluation are documented in the evaluation report, and if the referred student has a need for special education, an IEP is written.

Applying the Rule: IEP Team Discussion

The following questions may be helpful when determining whether all the requirements for determining eligibility for specific learning disabilities have been met:

- Did the IEP team consider evidence concerning whether any of the exclusionary factors were **the primary reason** for inadequate classroom achievement and insufficient progress?
- Did the IEP team consider valid, reliable evidence to determine that all three criteria for specific learning disability – exclusionary factors, inadequate classroom achievement, and insufficient progress – were present? Did the IEP team give balanced and equal weighting to all three criteria?
- Did the IEP team consider data from multiple sources including formal and informal assessments and observations to determine the impairment of SLD? Was there consistency among multiple sources of data?
- Did the IEP team review any other considerations that might influence the determination of the impairment of SLD?

An Evaluation Requirements Checklist is available to assist IEP teams in completing all the required components of the eligibility determination. The checklist is on page 6 of [Initial Guidance Implementing Wisconsin Criteria for Specific Learning Disability \(SLD\): Overview](#).

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Determining the Need for Special Education and Next Steps

6

A disability under federal and state special education law means the student meets the eligibility criteria for at least one of the listed impairments and, as a result, needs special education. When considering whether a student is or continues to be eligible for special education, the IEP team must address two distinct questions. Both must be answered “yes” before the IEP team may determine a student is a “student with a disability” under state and federal special education law.

1. Does the student have an impairment?
2. Does the student require special education because of the impairment?

This section addresses the second question.

Section Contents

- Definition and Requirements
- Process for Determining Need for Special Education
- Making the Need for Special Education Decision
- Analysis of Data from Response to Intensive, Scientific Research-based or Evidence-based Interventions and Considering Need for Special Education
- Applying the Rule: IEP Team Discussion

Definition and Requirements

The “need for special education” question is sometimes overlooked. A student does not “automatically” need special education just because he or she meets or continues to meet the criteria as having an impairment, such as a Specific Learning Disability (SLD). As the IEP team makes its decision about the student’s “need for special education,” it must address several questions. Those questions, along with guidance for addressing them, are described in more detail below.

Definition of Need for Special Education:
PI 11.35 (2) A child shall be identified as having a disability if the IEP team has determined from an evaluation conducted under s. 115.782, Stats., that the child has an impairment under s. PI 11.36 that adversely affects the child’s educational performance, and the child, as a result thereof, needs special education and related services.

PI 11.35 (3) As part of an evaluation or reevaluation under s. 115.782, Stats., conducted by the IEP team in determining whether a child is or continues to be a child with a disability, the IEP team shall identify all of the following:

- (a) The child's needs that cannot be met through the general education program as structured at the time the evaluation was conducted.
- (b) Modifications, if any, that can be made in the general education program, such as adaptation of content, methodology, or delivery of instruction to meet the child's needs identified under par. (a), that will allow the child to access the general education curriculum and meet the educational standards that apply to all children.
- (c) Additions or modifications, if any, that the child needs which are not provided through the general education curriculum, including replacement content, expanded core curriculum, or other supports.

Process for Determining Need for Special Education

As part of an evaluation or reevaluation to determine whether a student is or continues to be a child with a disability, the IEP team must address these following three questions.

1. What are the student's needs that cannot be met through general education as structured at the time of evaluation?

The first question requires the IEP team to consider if the student has needs that cannot be met in general education. When discussing this question, the IEP team should keep in mind the variability of student skills and behaviors that schools must address within general education classrooms. The IEP team should think about the general education environment and identify the student's needs, if any, that cannot be met in general education.

As it considers this question, the IEP team should focus on the student's needs and resist the temptation to discuss what special education interventions they believe the student may need. An example of a need the IEP team might identify at this stage is, "The student's reading skills are so poor that she cannot independently read classroom texts and other written materials and, therefore, cannot complete class assignments on her own."

2. What modifications, if any, can be made in the general education program to meet the student's identified needs that will allow the student to access the general education curriculum and meet the educational standards that apply to all children?

The second question requires the IEP team to discuss whether modifications can be made to allow the student to access the general education curriculum and meet grade level standards. When addressing this question, the IEP team is asked to

think about what **might** be possible. In doing so, it should consider adaptation of content, methodology, or delivery of instruction.

As the IEP team discusses modifications to the general education program that may be needed, it is helpful to consider the following:

- What is involved in implementing the modification (time to implement, time for training, preparation, short term or ongoing modification)?
- Can the modification be used with other students as well?
- Is the modification based on the general education curriculum?

Modifications in the general education program may or may not require special education and related services. Some modifications needed by a particular student may be relatively minimal, while others may be very complex. Appropriate modifications address the student's needs and allow the student to access the general curriculum and meet the standards that apply to all children. When a number of students in a general education classroom need modifications similar to those of the student who is being evaluated, it is possible the student does not need special education. Under these circumstances, the district may want to review how its general education program meets the needs of the vast majority of students.

While not meant to be an all-inclusive list, common modifications used in general education to address the needs of students with SLD include:

- Larger print or fewer items on worksheets,
- Key words/concepts written on the board or provided in a handout,
- Lesson/unit guides or class notes provided before or at the end of class,
- Alternate assignments or extra time to complete assignments or take tests,
- Less distracting environment in which to take tests,
- Additional small group instruction, repeated practice, extra examples, re-teaching, specialized computer software or other assistive technology such as scanned text, text readers, etc., and
- Visual displays to accompany instruction.

Like many students with and without disabilities, students with SLD benefit from a variety of strategies and supports. Decisions about needed modifications to content, instructional methodology, or delivery of instruction should be made on an individual student basis. If the IEP team determines there are modifications that can be made in general education, these should be documented in the evaluation report.

If the IEP team determines the student's needs can be met within the general education environment with reasonable modifications and adaptations, the

student may meet the impairment eligibility criteria, but does not need special education and therefore is not a student with a disability under IDEA.

3. What are the modifications or additions, if any, that the child needs which are not provided through the general education curriculum?

If, after discussing the first two questions, the IEP team concludes the student's needs warrant special education, it moves onto the third question. This question requires the IEP team to identify needed modifications or additions that **cannot** be provided through the general education curriculum, including supplementary curriculum, expanded core curriculum, or other supports. The key question here is, "Does the student have needs that cannot be met through a general education option even after the general education environment and curriculum have been carefully scrutinized and appropriate modifications considered?" If the answer is yes, the IEP team goes on to identify instruction and supports outside of the general education program needed to address the student's impairment.

Examples of supplementary curriculum may include:

- Supplementary reading program that includes explicit instruction in phonics,
- Alternate ways of teaching algorithms during math instruction, and
- Language arts instruction that focuses on systematic vocabulary development and explicit writing strategies.

Examples of expanded core curriculum and other supports may include:

- Instruction in learning strategies not included in the general curriculum such as alternate note taking strategies,
- Instruction in self-advocacy skills,
- Instruction and support needed to develop independent compensation strategies,
- Generalization training,
- Specially designed instruction to assist the transition from school to post-secondary life,
- Instruction in the use of specialized computer software or hardware,
- Supplemental one-to-one or small group instruction not otherwise available, and

- Pre-teaching or re-teaching skills or strategies needed in general education classes using supplemental materials or different teaching strategies.

It is possible for a student to receive both general education and special education services in a particular subject area. For example, a student might receive math instruction with his or her classmates and also receive supplemental instruction in math skills as a special education service.

Making the Need for Special Education Decision

Based on the IEP team's discussion, it determines if the student requires special education to address the identified impairment(s). The IEP team must document its determination in the IEP team evaluation report. DPI Sample Form ER-1, [Evaluation Report](#) includes a section for documenting the IEP team's decision related to a student's need for special education. While the use of the DPI sample form is not required, its use helps assure the IEP team addresses the required questions as described in this section. **For the IEP team to determine a student needs special education, it must answer "yes" to the first question and list needs under the applicable items 2B and 3 on DPI Sample Form ER-1, [Evaluation Report](#).**

Analysis of Data from Response to Intensive, Scientific Research-based or Evidence-based Interventions and Considering Need for Special Education

Upon initial identification of SLD, the consideration of data from the student's response to intensive intervention in accordance with the SLD rule is closely related to the question of whether a student needs special education. The analysis of insufficient progress data based on a student's response to intensive intervention should provide information and data needed to answer the "need for special education" questions.

Because the analysis of rate of progress occurs after intensive general education interventions have been implemented with the student, IEP teams are likely to have discussed general education options related to area(s) of concern and may have discussed possible modifications including adaptation of content, methodology, or delivery of instruction. For example, when an IEP team concludes the student's rate of progress is greater than that of his or her same-age peers, but the intensity of the resources necessary to obtain this rate of progress cannot be maintained in general education, the IEP team likely discusses the general education program as currently structured and determines other reasonable modifications could not be made. In this particular case, the IEP team could reasonably conclude the student needs special education.

Applying the Rule: IEP Team Discussion

When conducting an initial evaluation for a student with suspected SLD, the IEP team should be well poised to address “need for special education.” Information relevant to answering the three questions about “need for special education” is analyzed as the IEP team determines whether the child meets SLD criteria, particularly during the discussion of inadequate classroom achievement and insufficient progress based on a student’s response to intensive intervention. Consideration of a student’s continued need for special education is built into the reevaluation and exit criteria for SLD, which are explained in Chapter 7.

Reevaluation Criteria

7

Once an IEP team has identified a student as a “child with a disability,” the school district must conduct a reevaluation at least once every three years, unless the LEA and parent agree a reevaluation is not necessary. A reevaluation must be conducted if the LEA determines the educational or related services needs of the student warrant a reevaluation or if the student’s parent or teacher requests a reevaluation. A reevaluation may not be conducted more than once per year, unless the parent and LEA agree otherwise.

Section Contents

- Definition and Requirements
- Considering Achievement, Progress, and Exclusions Upon Reevaluation
- Considering the Need for Special Education Upon Reevaluation
- General Education Options for Students Found Not Eligible Upon Reevaluation
- Applying the Rule: Considerations for Reevaluation

Definition and Requirements

Upon reevaluation, the IEP team determines whether the student continues to be eligible to receive special education and identifies the student’s continuing disability related needs, if any.

Upon reevaluation, a student previously identified as having a Specific Learning Disability (SLD) must continue to demonstrate a need for special education, which includes specially designed instruction, to remain an eligible child with SLD. In addition, the IEP team must reconsider whether any exclusionary factors are the primary reason for any continued need for special education. A systematic observation of routine classroom instruction, including instruction in the student’s general education classroom is also required.

Documentation of inadequate classroom achievement and insufficient progress, as prescribed in PI 11.36 (c) are only required during the initial SLD evaluation. Information about the student’s response to educational programming will help the IEP team determine both the extent to which the student is able to meet general education expectations without specially designed instruction, and, ultimately, whether the student continues to need special education.

If the student no longer needs specially designed instruction and can meet general education grade level standards with typical general education core instruction, interventions, or reasonable adaptations and modifications, the student may continue to have the impairment of SLD, but may no longer be a student who needs special education. In this case, the student would no longer be

*Reevaluation Definition
PI 11.36 (6)(h) Wisconsin
Administrative Code.
Upon re-evaluation, a
child who met initial
identification criteria and
continues to demonstrate
a need for special
education under s. PI
11.35 (2), including
specially designed
instruction, is a child with
a disability under this
section, unless the
provisions under par. (d)
1. (exclusions) now apply.
If a child with a specific
learning disability
performs to generally
accepted performance
expectations in the
general education
classroom without
specially designed
instruction, the IEP team
shall determine whether
the child is no longer a
child with a disability.*

Documentation of inadequate classroom achievement and insufficient progress, as prescribed in PI 11.36 (c) are only required when SLD is being considered for the first time. Although not required, it may be helpful during reevaluation for the IEP team to consider a student's academic achievement and the progress the student has made compared to peers since the last evaluation.

considered an eligible “child with a disability” under state and federal special education law. The IEP team must discuss this carefully and determine whether the student continues to be eligible for special education services.

Considering Achievement, Progress, and Exclusions Upon Reevaluation

The student’s ability to participate in general education classes and meet grade level standards are the key SLD reevaluation considerations. Subsequently, the analysis of classroom achievement data is an essential part of the reevaluation process. Depending on the type and amount of data collected as part of ongoing IEP and general education progress monitoring, the IEP team may decide no additional assessment is needed upon reevaluation. In this case, the IEP team uses existing data related to the student’s achievement and progress in the general curriculum to determine continuing eligibility for special education.

The consideration of exclusions upon reevaluation is the same as upon initial evaluation. If the IEP team finds any of the exclusionary factors are the primary reason for the student’s continuing academic achievement and progress delays, it must determine the student does not meet SLD eligibility criteria. See Chapter 3 for guidance on considering exclusionary factors.

Following initial identification as SLD, it is anticipated a student will have made significant improvement in the area(s) of concern after receiving special education services for a period of time. Upon analysis of achievement and progress data, including formal and informal assessment results (including data from systematic observation), and measures of student progress toward achieving IEP goals, the IEP team may find the student is achieving at a pace and level commensurate with the range of students in the same grade. If the student is meeting general education expectations with limited specially designed instruction, the IEP team may consider whether the student continues to be eligible as having the impairment of SLD.

For example, a student with SLD who, when first identified had significant delays in written expression, may have learned to effectively express himself in writing after receiving specially designed instruction. Upon reevaluation, the student may be successfully participating in general education classes and only require access to a computer or recording device to complete written assignments that meet generally accepted performance expectations. This student would likely be able to have his needs met entirely within general education when provided with reasonable supports and adaptations. Under circumstances such as this, the IEP team may determine that special education services are no longer needed to assist the student in dealing with SLD impairment. If the IEP team determines the student is no longer eligible, it should include in the evaluation report, recommendations for needed general education supports or accommodations, if any.

Some students with SLD will demonstrate achievement gains since last evaluated but may continue to require substantial special education resources to maintain a reasonable rate of academic progress. These students are likely to continue to meet eligibility criteria for SLD and have a need for special education

unless the reason for the continued struggle with achievement is primarily due to an exclusionary factor.

Other students no longer demonstrate inadequate achievement as defined in the rule, but may continue to exhibit some delays compared to grade level peers. While a number of these students may continue to need support and adaptations to succeed in general education, they may not require specially designed instruction or supports that significantly differ from those available to nondisabled peers. Before ending special education services for these students, the IEP team should develop clear recommendations regarding the general education options and strategies that would best assist each student in meeting the general education standards that will prepare the student for life after public schooling.

Considering the Need for Special Education Upon Reevaluation

Upon reevaluation, the IEP team considers the degree to which a student needs special education because of an identified specific learning disability, just as it does for an initial evaluation. The ultimate goal of education for a student with SLD, as with any non-disabled student, is readiness for further education and the workforce. Thus, it is expected students with SLD, upon graduation, will, as a result of the special and general education they have received, be able to meet general education standards and expectations. When a student has met these goals and any remaining need for support or accommodation can be met within the context of general education, the student no longer requires special education.

General Education Options for Students Found Not Eligible Upon Reevaluation

When an IEP team determines a student previously found eligible no longer requires special education, the student is no longer eligible for services under the Individuals with Disabilities Education Act (IDEA). When this happens, school staff and parents may become concerned the student will no longer be able to receive access to general education adaptations or other supports without an IEP. If the IEP team finds a student continues to have the impairment of SLD, but **not** a need for special education, it is good practice for the team to specify any continuing general education needs in the evaluation report.

As part of describing continuing needs, the team should also identify reasonable general education options that allow the student to meaningfully access the general education curriculum and environment so the student can continue to meet the standards that apply to all students. For example, a student with SLD who continues to read slowly may be able to meet general education standards when provided with e-books or a text reader. This student may also need extra time to take tests or complete class assignments or may need additional options for assignments used to demonstrate proficiency. When using DPI sample forms, continuing general education needs **for students with an**

It is anticipated a student with SLD will make progress in areas(s) of concern as a result of general education and special education services. Upon reevaluation, students do not have to meet initial inadequate achievement or insufficient progress criteria. If no achievement delays exist upon reevaluation, the IEP team should consider whether the student continues to have the impairment of SLD.

impairment are documented on the last page of DPI Sample Form [ER-1, Evaluation Report](#), Section D, item 2a.

Applying the Rule: Considerations for Reevaluation

Reevaluation is an important role of the IEP team. The reevaluation process provides the IEP team with an opportunity to reflect on the progress of the student and any continuing needs. The decision to exit a student from special education should be made carefully and should be based on analysis of a variety of data.

The following questions are provided to guide IEP team discussion during a reevaluation. The answers to these questions should also assist the team when analyzing “need for special education.”

Some Questions to Ask Upon Reevaluation of a Student with SLD

1. Can the student meet general education expectations in general education environments when provided with reasonable options, interventions, adaptations, or other general education strategies?

OR

Does the student’s specific learning disability continue to interfere with his or her participation in general education classes or ability to meet general education standards?

2. Is the student’s achievement within the range of performance of other students in the same grade?

OR

Does the student continue to exhibit significant achievement delays and is the student failing to make progress in the general education curriculum?

3. Can the student independently use supports and accommodations, such as e-books, video lectures, peer note takers, scanners, text readers, or other assistive technology to assist the student in meeting general education requirements?

OR

Does the student continue to require specially designed instruction that cannot be provided within general education to address needs that result from the student’s SLD (e.g., specialized reading methods, explicit instruction in writing strategies, self-advocacy training, explicit instruction in the use of technology, pre-teaching or re-teaching, generalization training, etc.)?

References and Appendices

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Included in this section are a number of resources for schools. The first, Appendix A, is a chart that summarizes both the evaluation and reevaluation processes and requirements for SLD. A copy of each of the DPI sample forms referenced in this chart and throughout this guide can be found in the appendices that follow. Spanish language versions of DPI sample forms can be found online at: http://sped.dpi.wi.gov/sped_forms06.

Appendix A: IEP Team Process Summary Chart

IEP PROCESS/FORMS	TASKS	WHO IS RESPONSIBLE?	COMMENTS
Referral:			
Form R-1: Referral Form	School personnel and others required to make a referral under Wis. Stat. 115.777 inform the student's parent that a referral is going to be made before submitting the referral in writing.	Any school personnel and others listed in Wis. Stat. 115.777 must make a referral if they reasonably believe a student is a child with a disability.	Referral must be made in writing (Form R-1 or other means) and must include the name of the student and the reasons why the person believes the student is a child with a disability. LEA documents and dates referral when received. "Child with a disability" means a student who by reason of any impairment listed in Wis. Stat. 115.76(5) needs special education and related services.
Initial Evaluation:			
Form IE-1: Notice of Receipt of Referral	Parents notified of referral and appointment of IEP team; given procedural safeguards.	LEA	IEP team includes all participants listed in Wis. Stat. 115.78 (1m) and, as appropriate, PI 11.24(2) and PI 11.36(5)(e).
Form EW-1: Worksheet for Consideration of Existing Data Form IE-2: Initial Evaluation: Notice that No Additional Assessments Needed OR Form IE-3: Initial Evaluation: Notice and Consent Regarding Need to Conduct Additional Assessments	Review existing data including information from parent, current assessments, and observations; determine if additional data are needed. Parents notified of determination. Request parental consent if additional assessment needed within 15 days of receiving referral. Obtain parental consent before administering additional tests or other evaluation materials.	IEP Team LEA provides notice and requests parental consent Parent gives consent	As members of the IEP team, parents participate in the review and decision. If additional data needed, parents notified of tests or other evaluation materials to be administered and the names of evaluators, if known. Wis. Stat. 117.782 IEP team meeting is optional.
Form I-1 Form I-1A if needed	An IEP team meeting scheduled at mutually agreed on time and place. Parents notified of meeting.	LEA	LEA must take steps to ensure one or both parents are present at an IEP team meeting to determine eligibility, or are provided the opportunity to participate by other means.

IEP PROCESS/FORMS	TASKS	WHO IS RESPONSIBLE?	COMMENTS
Form I-3 Evaluation Report and IEP Cover Sheet Form ER-1: Evaluation Report Form ER-2: Evaluation Report: Additional Documentation When Child Evaluated for Specific Learning Disabilities <u>When Not Eligible:</u> Form ER-4: Notice of IEP Team Findings That Child is Not a Child with a Disability	IEP team meets and determines eligibility for special education within 60 days of receiving consent for evaluation or notice that no additional assessment is needed. Evaluation report prepared. Parents given copy of evaluation report including documentation of eligibility decision.	IEP team determines eligibility LEA provides copy of evaluation report including eligibility decision	A student is found eligible if the IEP team (which includes the parent) determines the student has an impairment under PI 11.36, and, as a result, needs special education and related services. If found eligible, the IEP team may proceed to develop the student's IEP. Parents have the right to a copy of the evaluation report or request additional time before developing the IEP.
Reevaluation:			
Form RE-1: Notice of Reevaluation Or, if appropriate Form RE-2 or RE- 3	Notify parents of intent to reevaluate and appointment of IEP team. Procedural safeguards given.	LEA	Reevaluation occurs when conditions warrant or when parent or teacher requests, but at least once every three years. If no additional data needed, a parent and LEA may agree a three year reevaluation is not necessary. Wis. Stats. 115.782 (4)(c)
Form EW-1: Consideration of Existing Data Worksheet Form RE-4: Reevaluation: Notice that No Additional Assessments Needed OR Form RE-5: Reevaluation: Notice and Consent Regarding Need to Conduct Additional Assessments	Review existing data including information from the parent, current assessments, and observations; determine if additional data are needed. Parents notified of decision. Parental consent requested if additional assessment needed within 15 days of receiving referral.	IEP team LEA requests consent if additional data is needed or notifies parent if additional data not needed.	As IEP team members, parents participate in decision. If additional data are needed, parents are notified of the tests or other evaluation materials to be administered and the names of evaluators, if known. Wis. Stat. 117.782. IEP team meeting is optional. Reevaluation may proceed without parental consent if LEA has taken reasonable measures to obtain consent and parents have failed to respond.

IEP PROCESS/FORMS	TASKS	WHO IS RESPONSIBLE?	COMMENTS
Form I-1 Form I-1A if needed	IEP team reevaluation meeting scheduled at mutually agreed on time and place. Parents notified of meeting.	LEA	LEA must take steps to ensure one or both parents are present at an IEP team meeting, or are provided an opportunity to participate by other means.
Form I-3 Form ER-1 Form ER-2 Form ER-4: If student found to be no longer eligible	IEP team meets and determines continuing eligibility for special education and student's educational needs within 60 days of receiving consent for evaluation or notice that no additional assessment needed. Prepares evaluation report. Parents provided a copy of evaluation report	IEP team LEA	A student is identified as continuing to be eligible if IEP team (which includes the parent) determines the student has an impairment under PI 11.36, and, as a result, needs special education and related services. If student remains eligible, IEP team may proceed to review the IEP. Parents have a right to a copy of evaluation report or to request additional time before reviewing and revising (as appropriate) the IEP.
IEP:			
Forms I-1 through P-2 as appropriate	IEP team meeting scheduled at mutually agreed on time and place. Parents notified of meeting. Within 30 days of deciding if a student is or continues to be eligible for special education, an IEP team meeting must be held to develop or review and revise (as appropriate) the student's IEP and determine placement.	LEA IEP team	LEA must take steps to ensure one or both parents are present at an IEP team meeting, or are provided the opportunity to participate by other means. The IEP may be developed at the same meeting following completion of an initial evaluation or reevaluation. IEPs must be reviewed periodically, but at least annually, and revised as appropriate. Parents have a right to request a copy of the most recent evaluation report before developing or reviewing and revising the student's IEP. District staff or the parent may request additional time, if needed, to permit meaningful parent participation in IEP team meetings.

Appendix B:



Wisconsin Department of Public Instruction
ELIGIBILITY CHECKLIST
SPECIFIC LEARNING DISABILITY—INITIAL
EVALUATION
ELG-SLD-001 (Rev. 09-11)

This form is provided for local use only.

INSTRUCTIONS: This form is provided to assist school district individualized education program (IEP) teams in determining if a student appropriately can be determined to have an impairment under Chapter 115, Wis. Stats., and the eligibility criteria established in PI 11.36, Wis. Admin. Code. The IEP team should complete this form to document determination of eligibility for special education services and keep on file with the student record.

Student Name _____

Date of Eligibility Determination _____

If #1, #2A or #2B, and #3 are marked "YES", the student meets the eligibility criteria for the impairment of Specific Learning Disability. If any item is marked "No", the child **does not** meet the eligibility criteria for an impairment of specific learning disabilities.

DOCUMENTATION OF ELIGIBILITY

- Yes No **1. Inadequate Classroom Achievement.** The student does not achieve adequately for his/her age/grade after intensive intervention.
- If yes, achievement is inadequate in the following area(s): *Check all that apply.*
- | | | |
|--|---|--|
| <input type="checkbox"/> Oral Expression | <input type="checkbox"/> Basic Reading Skill | <input type="checkbox"/> Mathematics Calculation |
| <input type="checkbox"/> Listening Comprehension | <input type="checkbox"/> Reading Comprehension | <input type="checkbox"/> Mathematics Problem Solving |
| <input type="checkbox"/> Written Expression | <input type="checkbox"/> Reading Fluency Skills | |

Data Used to Support Determination: _____

If the 1.25 standard deviation (SD) requirement was not used to make this determination, provide the reason why valid and reliable standard scores could not be maintained and documentation of inadequate achievement using other empirical evidence: _____

- Yes No **2. Insufficient Progress.** The student has made insufficient progress based on one of the following options: *Check whether using option A. or option B. and complete the items under that option.*
- A. Insufficient response to intensive scientific, research-based or evidence based intervention.** The student does not make sufficient progress to meet age or grade-level standards following at least two intensive scientific, research or evidence based interventions implemented with adequate fidelity and closely aligned to individual student needs. *Note: All schools must use this criterion beginning December 1, 2013.*
- If yes to Insufficient Progress, the response is insufficient in the following area(s): *Check all that apply.*
- | | | |
|--|---|--|
| <input type="checkbox"/> Oral Expression | <input type="checkbox"/> Basic Reading Skill | <input type="checkbox"/> Mathematics Calculation |
| <input type="checkbox"/> Listening Comprehension | <input type="checkbox"/> Reading Comprehension | <input type="checkbox"/> Mathematics Problem Solving |
| <input type="checkbox"/> Written Expression | <input type="checkbox"/> Reading Fluency Skills | |

Data Used to Support Determination: *Include data from systematic observation and data documenting if the rate of progress was (1) the same or less than same age peers; (2) greater than same age peers, but will not result in the student reaching the average range of same age peer's achievement for that area of potential disability in a reasonable period of time; or (3) greater than same age peers but the intensity of resources necessary to obtain this rate of progress cannot be maintained in general education.*

- B. Significant Discrepancy.** The student has a significant discrepancy between ability and achievement. *Note: This criterion may no longer be used beginning December 1, 2013.*
- If yes to Insufficient Progress, there is a significant discrepancy in the following area(s): *Check all that apply.*
- | | | |
|--|---|--|
| <input type="checkbox"/> Oral Expression | <input type="checkbox"/> Basic Reading Skill | <input type="checkbox"/> Mathematics Calculation |
| <input type="checkbox"/> Listening Comprehension | <input type="checkbox"/> Reading Comprehension | <input type="checkbox"/> Mathematics Problem Solving |
| <input type="checkbox"/> Written Expression | <input type="checkbox"/> Reading Fluency Skills | |

Data Used to Support Determination: _____

If the regression formula was not used to make this determination, the reasons why it was not appropriate to use the regression procedure and documentation that a significant discrepancy exists, including documentation of a variable pattern of achievement or ability, in at least one of the eight areas of potential specific learning disabilities using other empirical evidence.

DOCUMENTATION OF ELIGIBILITY, Contd.

Yes No

3. Exclusionary Factors DO NOT apply. *Mark "Yes" if none of the exclusionary factors apply. Mark "NO" if one or more exclusionary factors apply and check the factor(s) below. If one or more factors apply, the student is not a student with a disability and is not eligible for special education.*

The student does not meet general education expectations primarily because of: *Check all that apply.*

- Environmental, cultural, or economic factors
 - Limited English proficiency
 - Lack of appropriate instruction in oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation, or mathematics problem solving
 - Other disability *Specify*
-
-

Appendix C:

**REFERRAL FORM
SPECIAL EDUCATION AND RELATED SERVICES
Form R-1 (Rev. 7/06)**

_____ **SCHOOL DISTRICT**

Initial Reevaluation

Name of child (Last, first, middle)	Date of birth	Grade	School
Name of parent or legal guardian		Address (Street, city, state, zip)	
Telephone area/no.	Person making referral/title	Date parent notified of intent to refer	
Method of notifying parent of intent to refer <input type="checkbox"/> Conference <input type="checkbox"/> Phone call <input type="checkbox"/> Written		Is an interpreter needed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Parent's or adult student's native language or other primary mode of communication if other than English (specify):			
Child's native language or other primary mode of communication if other than English (specify):			

Date of receipt of referral by school district/LEA _____ (month, day, year)

(Note: the date the district receives the referral begins the 15 business day timeline in which to complete the review of existing information and notify the parents of whether additional assessments are needed.)

State reason you believe this child has a disability (impairment and a need for special education) - such as academic and non-academic performance and medical information; any special programs, services, interventions used to address this student's needs and the results of those interventions, etc.

If the child is transitioning from a Birth to 3 Early Intervention Program, and the district was invited by the designated lead agency to participate in the transition planning meeting, document the date of the meeting and who attended for the LEA or explain why the LEA did not attend:

N/A

Appendix D:

NOTICE OF RECEIPT OF REFERRAL AND START OF INITIAL EVALUATION

Form IE-1 (Rev. 12/10)

**Notice sent with Statement of
Parental Rights** _____
(Initials/Date)

_____ **SCHOOL DISTRICT**

[If you need this notice in a different language or communicated in a different way, or have questions about this notice, please contact _____ at _____.]

Dear _____:

On _____, the school district received a referral to evaluate your child _____ to determine whether he/she has a disability (impairment and need for special education). The individualized education program (IEP) team is responsible for this evaluation and will conduct this evaluation at no cost to you. You are a participant on the IEP team. You may include others on the IEP team who have knowledge or special expertise about your child.

You and your child (if appropriate) are IEP team participants.	
In addition, the following people are being appointed to the IEP team by the school district.	
Role	Name, if known
Representative of local educational agency (LEA) – authorized to commit the resources of the LEA	
Special Ed. Teacher(s)	
Regular Ed. Teacher(s)	
Related Services Personnel	
Others	
For SLD evaluations using response to intervention only* , a licensed person who is qualified to assess data on individual rate of progress using a psychometrically valid and reliable methodology.	
For SLD evaluation using response to intervention only* , a licensed person who has implemented scientific, research-based or evidence-based, intensive	

interventions with the referred pupil.	
For SLD evaluation using response to intervention only* , a licensed person who is qualified to conduct individual diagnostic evaluations of children.	

*A public agency may designate a public agency member of the IEP team to also serve in these roles, if criteria are met.

Other options, if any, such as the selection of IEP team participants which were considered and the reason(s) they were rejected and a description of any other factors relevant to the proposed action:

None

IEP team participants will first review existing information available on your child, including information provided by you. The IEP team will then determine what, if any, further evaluation is necessary to assist in making a determination of whether your child has or does not have a disability and his or her educational needs. You will be sent a notification of this determination within 15 business days of the school district receiving the referral to evaluate your child. This notification will be sent by _____.
(month/day/year)

If the IEP team determines that additional assessments and other evaluation materials are necessary, the school district needs your written consent (permission) before administering any assessments or other evaluation materials to obtain further information about your child. You will be informed about what assessments or other evaluation materials will be given before they are administered. You will also be informed of the names of the individuals who will conduct those evaluations, if known at the time of the notice. Upon completion of the evaluation the IEP team will prepare an evaluation report which will include documentation of your child's eligibility for special education. You will be provided with a copy of the evaluation report.

Within 60 calendar days of receiving your consent for evaluation or being provided with a notice that no further assessment of your child is necessary, the IEP team will meet to determine whether your child has a disability and to identify his or her educational needs. If the IEP team determines that your child is a child with a disability, the team will meet to develop an IEP to address your child's needs and determine a placement to carry out the IEP within 30 calendar days. You will be provided with a notice of placement and a copy of your child's IEP. The school district needs your written consent (permission) before initially providing special education to your child. If it is determined that your child is not a child with a disability, you will be provided with a notice of that finding.

If at any point during an IEP team meeting to determine your child's eligibility for special education, develop an IEP, or determine a placement, you or other IEP team participants believe that additional time is needed to permit your meaningful involvement, additional time will be provided subject to the time limitations described above. This IEP team process may be concluded in one meeting or may require more than one meeting depending on individual circumstances.

You and your child have protection under the procedural safeguards (rights) of special education law. Please read the brochure of parent and child rights enclosed with this notice. In addition to district staff, you may also contact _____ at _____ if you have questions about your rights.

Sincerely,

Name and Title of District Contact Person

Appendix E:

WORKSHEET FOR CONSIDERATION OF EXISTING DATA TO DETERMINE IF ADDITIONAL ASSESSMENTS OR EVALUATION MATERIALS ARE NEEDED Form EW-1 (Rev. 7/06)

_____ SCHOOL DISTRICT

Name of student _____

(Note: If a meeting is held to consider existing data and this form is used as documentation of that meeting, complete I-3, "Evaluation Report and IEP Cover Sheet" and sections I and II below. If no meeting is held, this form is used to document the input and decision of the IEP team participants. Complete sections I, II, III, and IV and the name of the person completing the form).

I. List of information/reviewed:

II. Action to be taken as a result of review of considering the existing information/data:

- Additional assessments or other evaluation materials are needed
- No additional assessments or other evaluation materials are needed

III. Documentation of parent involvement (*including dates and method*) and their input:

IV. List of other IEP team participants involved and their input (*including dates*):

Worksheet completed by _____

Appendix F:

INITIAL EVALUATION: NOTICE THAT NO ADDITIONAL ASSESSMENTS NEEDED

Form IE-2 (Rev. 10/06)

_____ **SCHOOL DISTRICT**

[If you need this notice in a different language or communicated in a different way, or have questions about this notice, please contact _____ at _____.]

Dear _____

Date _____

Previously you were notified of the school district's intent to evaluate your child to determine whether he/she has a disability (impairment and a need for special education). The individualized education program (IEP) team is responsible for this evaluation. You are a participant on the IEP team. The IEP team considered the following existing evaluation assessments, procedures, records or reports:

The IEP team has determined that additional assessments or other evaluation materials do not need to be administered to your child to determine whether he/she has a disability.

You participated in making this determination on _____ in the following way: _____
_____.

You did not participate in making this determination and the school district made three attempts to involve you as follows:

The reason(s) for this determination (including a description of any other options considered and reasons rejected, and other relevant factors) are:

The IEP team's next step will be to determine whether your child has a disability and his or her educational needs based upon its review of the existing information available on your child, including information provided by you. As a participant on the IEP team, you will be involved in this determination. Upon completion of the evaluation, the IEP team will prepare an evaluation report. The report will include documentation of your child's eligibility for special education. You will be provided with a copy of the evaluation report. If the IEP team determines that your child is a child with a disability, the team will develop an IEP to address your child's needs and determine a placement to carry out the IEP. You will be provided with a notice of placement and a copy of your child's IEP. If it is determined that your child is not a child with a disability, you will be provided with a notice of that finding.

If at any point during an IEP team meeting, to determine your child's eligibility for special education, develop an IEP, or determine a placement, you or other IEP team participants believe that additional time is needed to permit your meaningful involvement, additional time will be provided. This IEP team process may be concluded in one meeting or may require more than one meeting depending on individual circumstances.

You and your child have protection under the procedural safeguards (rights) of special education law. Previously you received a copy of your procedural safeguard rights in a brochure about parent and child rights. If you would like another copy of this brochure, please contact the district at the telephone number above. In addition to district staff, you may also contact _____ at _____ if you have questions about your rights.

Sincerely,

Name and Title of District Contact Person

Appendix G:

**INITIAL EVALUATION: NOTICE AND
CONSENT REGARDING NEED TO
CONDUCT ADDITIONAL ASSESSMENTS**
Form IE-3 (Rev. 10/06)

_____ **SCHOOL DISTRICT**

[If you need this notice in a different language or communicated in a different way, or have questions about this notice, please contact _____ at _____.]

Dear _____

Date _____

Previously you were notified of the school district's intent to evaluate your child to determine whether he/she has a disability (impairment and need for special education). The individualized education program (IEP) team is responsible for this evaluation. You are a participant on the IEP team. The IEP team considered the following existing evaluation assessments, procedures, records or reports:

The IEP team has determined that additional assessments or other evaluation materials are needed to determine whether your child has a disability.

You participated in making this decision on _____ in the following way: _____

_____.

You did not participate in making this decision and the school district made three attempts to involve you as follows:

The school district needs your written consent (permission) before it can administer assessments or other evaluation materials to your child. With your consent the following assessments or other evaluation materials will be administered.

Areas to be evaluated	Description of assessments and other evaluation materials and titles, if known	Name of evaluator, if known

Other evaluation options considered, if any, and reasons rejected and a description of any other factors relevant to the proposed evaluation of this child:

None

Following the administration of these assessments or other evaluation materials the IEP team will meet to review the results of these assessments and other evaluation materials as well as other existing information available on your child, including information provided by you. Using the results of these assessments or other evaluation materials along with other available information, the IEP team will make a determination of whether your child has a disability including his or her educational needs. As a participant on the IEP team, you will be involved in this determination. Upon completion of the evaluation, the IEP team will prepare an evaluation report which will include documentation of your child's eligibility for special education. You will be provided with a copy of the evaluation report. If the IEP team determines that your child is a child with a disability, the team will develop an IEP to meet your child's needs and determine a placement to carry out the IEP. You will be provided with a notice of placement and a copy of your child's IEP. If it is determined by the IEP team that your child does not have a disability, you will be provided with a notice of that finding.

If at any point during an IEP team meeting to determine your child's eligibility for special education, develop an IEP, or determine a placement, you or other IEP team participants believe that additional time is needed to permit your meaningful involvement, additional time will be provided. This IEP team process may be concluded in one meeting or may require more than one meeting depending on individual circumstances

You and your child have protection under the procedural safeguards (rights) of special education law. Previously you received a copy of your procedural safeguard rights in a brochure about parent and child rights. If you would like another copy of this brochure, please contact the school district at the telephone number above. In addition to district staff, you may also contact _____ at _____ if you have questions about your rights.

Sincerely,

Name and Title of District Contact Person

**PARENT CONSENT/PERMISSION TO ADMINISTER ASSESSMENTS AND
OTHER EVALUATION MATERIALS AS PART OF AN INITIAL EVALUATION**

I understand the action proposed by the school district and

(please check appropriate box below, sign and date, and return one copy to the school district)

- I give my consent for the school district to administer these assessments or other evaluation materials described in this notice to my child as part of an initial evaluation. I understand my consent is voluntary and may be revoked at any time before the administration of assessments or other evaluation materials.
- I do not give my consent for the school district to administer these assessments or other evaluation materials described in this notice to my child as part of an initial evaluation. I understand that if I do not consent for the school district to administer these assessments or other evaluation materials, the school district may request mediation or initiate a due process hearing regarding whether those assessments or other evaluation materials should be administered.

Signature of parent or legal guardian or adult student

Date

<p><u>For School District Use Only</u></p> <p>Date school district received parent consent</p> <p>_____</p> <p>(month/day/year)</p>
--

Appendix H:

INVITATION TO A MEETING OF THE INDIVIDUALIZED EDUCATION PROGRAM (IEP) TEAM

Form I-1 (Rev. 10/06)

_____ SCHOOL DISTRICT

[If you need this invitation in a different language or communicated in a different way, or have questions about this invitation, please contact _____ at _____.]

Dear _____

Date _____

You are a participant on the IEP Team which will meet to address the educational needs of your child, _____. IEP team meetings must be held at a mutually agreeable time and place. An IEP team meeting has tentatively been scheduled for the following date _____, time _____ and location _____. If these meeting arrangements are not agreeable to you, please call _____ at _____. You may bring other people who you believe have knowledge or special expertise about your child to the meeting with you. If your child is transferring from a Birth to 3 Early Intervention Program we will, at your request, send to the Birth to 3 coordinator or other representative an invitation to the IEP meeting.

The purpose of this IEP team meeting is *(check all that apply)*:

EVALUATION AND REEVALUATION

- Determine initial eligibility for special education
- Determine continuing eligibility for special education

INDIVIDUALIZED EDUCATION PROGRAM (IEP) *(if student is eligible)*

- Develop an initial IEP
- Develop an annual IEP
- Review/revise IEP
- Transition – the consideration of postsecondary goals and transition services
(required for students beginning at age 14)

PLACEMENT *(if student is eligible)*

- Determine initial placement
- Determine continuing placement

OTHER

- Review existing information to determine need for additional assessments or other evaluation materials *(meeting optional)*
- Conduct a manifestation determination *(check appropriate boxes under IEP and placement if changes in either are contemplated)*
- Determine setting for services during disciplinary change in placement *(must also check appropriate boxes under IEP and placement)*
- Specify: _____

If transition is checked as one of the purposes of this meeting, your child will be invited to attend. Because you provided your consent we are also inviting representatives from the following agencies who may assist in the transition planning for your child: None

Agency Name (*if known*), and Title/Position

Agency Name (*if known*), and Title/Position

If at any point during this meeting you or other IEP team participants believe that additional time is needed to permit your meaningful involvement, additional time will be provided. Decisions related to the purpose(s) checked above may be made in one meeting or may require more than one meeting, depending on individual circumstances. In addition and upon request you may receive a copy of the IEP team's most recent evaluation report.

The following individuals have been appointed as IEP team participants and will attend the meeting.

Name/Reg. Ed. Teacher	Name/Sp. Ed. Teacher
Name/LEA Representative	Name & Title
Name & Title	Name & Title
Name & Title	Name & Title
Name & Title	Name & Title

You and your child have protection under the procedural safeguards (rights) of special education law. The school district must provide you with a copy of your procedural safeguards once a year.

- You received a copy of your procedural safeguard rights in a brochure about parent and child rights earlier this year. If you would like another copy of this brochure, please contact the district at the telephone number above.
- A copy of the parent and child rights brochure is enclosed with this invitation.

In addition to district staff, you may also contact _____ at _____ if you have questions about your rights.

Sincerely,

Name and Title of District Contact Person

Appendix I:

EVALUATION REPORT AND IEP COVER SHEET

Form I-3 (Rev. 10/06)

Name of Student		DOB	Sex	Grade
Parent or Legal Guardian		Telephone (area/number)		
District of Residence	Current District of Placement		Race/Ethnic (if parent chooses to identify)	
Address	For students transferring between public agencies: IEP reviewed and adopted by _____			
	On _____			
Address	For students transferring between public agencies: Evaluation report reviewed and adopted by _____			
	On _____			

PURPOSE OF MEETING (*Check all that apply*):

- | | |
|--|--|
| <input type="checkbox"/> Evaluation including determination of eligibility | <input type="checkbox"/> Initial or annual IEP development |
| <input type="checkbox"/> IEP review/revision | <input type="checkbox"/> Develop a statement of transition goals and services (<i>required for students age 14 and older, or younger if appropriate</i>) |
| <input type="checkbox"/> Placement | <input type="checkbox"/> Manifestation determination |
| <input type="checkbox"/> Alternate assessment | <input type="checkbox"/> Determine setting for services during disciplinary change in placement |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Other: _____ |

If a purpose of this meeting is *IEP development, review, and/or revision* related to the academic, developmental and functional needs of the child, the IEP team considered the results of:

- | | | |
|-----------------------------------|------------------------------|---|
| Initial or most recent evaluation | <input type="checkbox"/> Yes | <input type="checkbox"/> Not applicable |
| Statewide assessments | <input type="checkbox"/> Yes | <input type="checkbox"/> Not applicable |
| District-wide assessments | <input type="checkbox"/> Yes | <input type="checkbox"/> Not applicable |

Date of Meeting: _____
(month/day/year)

IEP Team Participants Attending or Participating by Alternate Means in the Meeting:

Parent/Guardian	Regular education teacher/title:	Regular education teacher/title:
Student (if appropriate):	Special education teacher/title:	Special education teacher/title:
LEA Representative/Title:	Other:	Other:
Other:	Other:	Other:

If the parent did not attend or participate in the meeting by other means and did not agree to the time and place of the IEP team meeting, document three efforts to involve the parents:

Appendix J:
EVALUATION REPORT
Form ER-1 (Rev. 10/06)

_____ **SCHOOL DISTRICT**

Name of Student _____

TYPE OF EVALUATION: Initial Reevaluation

DATE ON WHICH ELIGIBILITY DETERMINATION WAS MADE _____
(month/day/year)

THIS EVALUATION REPORT AND DETERMINATION OF ELIGIBILITY INCLUDES THE FOLLOWING (*check all that apply*)

- | | |
|---|---|
| <input type="checkbox"/> Information from review of existing data | <input type="checkbox"/> Additional documentation required when child is evaluated for a specific learning disability |
| <input type="checkbox"/> Information from assessments and other sources | <input type="checkbox"/> Documentation for determining Braille needs for a child with a visual impairment |
| <input type="checkbox"/> Determination of eligibility for special education | |

INFORMATION FROM REVIEW OF EXISTING DATA

- A. Summary of previous evaluations

- B. Information provided by parents

- C. Previous interventions and the effects of those interventions

- D. Current classroom-based, local or state assessments

- E. Current classroom-based observations

- F. Observations by teachers and related service providers

INFORMATION FROM ASSESSMENTS AND OTHER SOURCES

In determining whether the student has a disability (impairment and need for special education) document consideration of other information including individual assessments, aptitude and achievement tests, independent and outside evaluations, teacher recommendations and information about the student's physical condition, social or cultural background and adaptive behavior.

If assessments or other evaluation materials were not administered in accordance with the instructions provided by the publisher or producer of the assessments, describe the extent to which there were variations in administration from standard conditions, such as qualifications of the evaluator or methods of assessment administration including the language or other mode of communication that was used in assessing the student. N/A

DETERMINATION OF ELIGIBILITY FOR SPECIAL EDUCATION

A. This student meets the criteria for one or more of the following impairments:

Check all that apply:

- | | |
|--|--|
| <input type="checkbox"/> Autism | <input type="checkbox"/> Orthopedic Impairment |
| <input type="checkbox"/> Cognitive Disability | <input type="checkbox"/> Other Health Impairment |
| <input type="checkbox"/> Emotional Behavioral Disability | <input type="checkbox"/> Speech or Language Impairment |
| <input type="checkbox"/> Hearing Impairment | <input type="checkbox"/> Traumatic Brain Injury |
| <input type="checkbox"/> Specific Learning Disability
(complete ER-2, "Additional
Documentation Required for
Specific Learning Disabilities") | <input type="checkbox"/> Visual Impairment (complete ER-3, "Determining
Braille Needs") |
| <input type="checkbox"/> None found (complete C. below) | <input type="checkbox"/> Significant Developmental Delay (first consider
other areas as the primary disability) |

B. For each impairment identified, document how the student meets the criteria:

C. Were impairments considered and rejected? Yes No
(If yes, document which one(s) and how the student did not meet the criteria)

D. By reason of the impairment(s) identified, does this student need or continue to need special education?

- Yes No *(In order for the IEP team to determine that the student needs special education, the IEP team must answer "yes" to question 1 AND list needs under 2b and/or 3 below)*

Yes 1. Does the student have needs that cannot be met in regular education as structured?
(If yes, list the needs below. Attach additional pages if needed.)

No *(If no, there is no need for special education.)*

Yes 2. Are there modifications that can be made in the regular education program to allow the student access to general education curriculum and to meet the educational standards that apply to all students? (Consider adaptation of content, methodology and/or delivery of instruction.)

If yes,
a) List modifications that do not require special education. *(Attach additional pages if needed.)*

b) List modifications that require special education. *(Attach additional pages if needed.)*

No *(If no, go to question 3).*

Yes 3. Are there additions or modification that the child needs which are not provided through the general education curriculum? (Consider replacement content, expanded core curriculum, and/or other supports.)

(If yes, list below. Attach additional pages if needed.)

No

The student's achievement relative to his or her age, or to meeting state-approved grade level standards in one or more of the following: oral expression, listening comprehension, written expression, basic reading skill, reading fluency, reading comprehension, mathematics calculation and mathematics problem solving.

It is not appropriate to consider standardized achievement testing. Document, including empirical evidence:

H. Insufficient progress.

For schools using Response to Intervention:

The student does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the eight areas of potential specific learning disabilities when using a process based on the child's response to intensive scientific, research-based or evidence-based interventions.

OR -

For schools using significant discrepancy (permissible until November 30, 2013):

The child exhibits a significant discrepancy between the child's academic achievement in any of the eight areas of potential specific learning disabilities and intellectual ability as documented by the child's composite score on a multiple-score instrument or the child's score on a single-score instrument.

If regression procedure is not used, document why it was not appropriate to use the regression procedure and document that significant discrepancy exists, including a variable pattern of achievement or ability, in at least one of the eight potential areas of specific learning disabilities using other empirical evidence.

I. The effects of a visual, hearing or physical (motor) disability; cognitive disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the student's achievement level.

J. If the student participated in a process that assesses the student's response to scientific, research-based intervention include a statement for each of the following: N/A

1. The instructional strategies used with the student

2. The student-centered data collected in response to the instructional strategies used with the student.

3. How and when the student's parents were informed about the amount and nature of their child's performance data that would be collected and the general education services that would be provided, progress monitoring data collected, the strategies to be used to increase their child's rate of learning, including the intensive interventions used, and their right to request an evaluation.

The IEP team assures that the decision of whether the child has a specific learning disability was based on information from a variety of sources and not on any single measure or assessment as the sole criterion. Each IEP team participant must sign below and indicate whether he/she agrees with the conclusions regarding whether or not the child is a child with a specific learning disability. If this does not reflect his/her conclusions, then that IEP team participant must also attach a statement with his/her conclusions.

Name and title	Signature	Agree or disagree

Appendix L:

NOTICE OF IEP TEAM FINDINGS THAT CHILD IS NOT A CHILD WITH A DISABILITY

Form ER-4 (Rev. 7/06)

_____ **SCHOOL DISTRICT**

[If you need this notice in a different language or communicated in a different way, or have questions about this notice, please contact _____ at _____.]

Dear _____

Date _____

Recently the individualized education program (IEP) team met to determine if your child _____ has or continues to have a disability (impairment and need for special education). The IEP team determined the following:

- Initial evaluation: your child does not have a disability (impairment and need for special education).
- Reevaluation: your child no longer has a disability (impairment and need for special education). As a result, special education and related services will no longer be provided to your child as of _____.

Enclosed is a copy of the IEP team’s evaluation report which includes documentation that your child is not eligible for special education.

Other options, if any, related to the above proposal which were considered and the reason(s) they were rejected including a description of any other factors relevant to the proposed action include:

- None

You and your child have protection under the procedural safeguards (rights) of special education law. The school district must provide you with a copy of your procedural safeguards once a year. Enclosed is a copy or earlier this year you received a copy of your procedural safeguard rights in a brochure about parent and child rights. If you would like another copy of this brochure, please contact the district at the telephone number above. In addition to district staff, you may also contact _____ at _____ if you have questions about your rights.

Sincerely,

Name and Title of District Contact Person

Appendix M:



Wisconsin Department of Public Instruction
**ELIGIBILITY CHECKLIST
SPECIFIC LEARNING DISABILITY—
REEVALUATION**
ELG-SLD-002 (Rev. 09-11)

This form is provided for local use only.

INSTRUCTIONS: This form is provided to assist school district individualized education program (IEP) teams in determining if a student appropriately can be determined to have an impairment under Chapter 115, Wis. Stats., and the eligibility criteria established in PI 11.36, Wis. Admin. Code. The IEP team should complete this form to document determination of eligibility for special education services and keep on file with the student record.

Student Name

Date of Eligibility Determination

A student who met initial identification criteria and continues to demonstrate a need for special education, including specially designed instruction, is a student with a continuing disability unless the exclusionary factors now apply. If the student no longer needs special education to address needs resulting from impairment, then the student is no longer a student with a disability under Ch. 115, Wis. Stats., and the Individuals with Disabilities Education Act (IDEA). A student continues to be a student with the impairment of specific learning disability (SLD) who needs special education if all items are marked "YES."

CONSIDERATION OF EXCLUSIONARY FACTORS

Yes No

Exclusionary Factors DO NOT apply. Mark "Yes" if none of the exclusionary factors apply and complete the section Consideration of Exit Criteria and Continuing Need for Special Education below. Mark "NO" if one or more exclusionary factors apply and check the factor(s) below. If one or more factors apply, the student is not a student with a disability and is not eligible for special education.

The student does not meet general education expectations primarily because of. Check all that apply.

- Environmental, cultural, or economic factors
- Limited English proficiency
- Lack of appropriate instruction in oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation, or mathematics problem solving
- Other disability. Specify

CONSIDERATION OF EXIT CRITERIA AND CONTINUING NEED FOR SPECIAL EDUCATION Complete if exclusionary factors do not apply.

Yes No

Mark "YES" if the student was previously found eligible as having the impairment of SLD. If "NO", the IEP team should consider whether the student meets Initial SLD criteria and the SLD Initial Evaluation Checklist may be used.

Yes No

Mark "YES" if the student does not meet general education expectations due to needs resulting from SLD. When determining if the student does not meet general education expectations, the IEP team should review existing classroom achievement and IEP progress data. Such data is an important source of information from which the IEP team determines whether the student has a continuing need for special education. The IEP team determines if additional assessment is needed to complete the reevaluation.

Yes No

The student continues to need special education to address needs resulting from the impairment of SLD.

Reason for determination including data used: Document on model forms ER-1 Evaluation Report and ER-2 Additional Documentation for Specific Learning Disabilities, or explain below.

Other Comments: If exit from special education is being considered, what reasonable accommodations, modifications or supports, if any, might the student be likely to need in general education?

Appendix N:

NOTICE OF REEVALUATION

Form RE-1 (Rev. 7/06)

_____ **SCHOOL DISTRICT**

[If you need this notice in a different language or communicated in a different way, or have questions about this notice, please contact _____ at _____.]

Dear _____

Date _____

This letter is to inform you that the _____ School District intends to reevaluate your child, _____. The school district must reevaluate your child if the educational or related services needs of your child warrant a reevaluation, or you or your child's teacher requests a reevaluation. However, a child is not to be reevaluated more than once a year unless you and the school district agree. The school district must also reevaluate your child at least once every three years unless the school district and you agree that a reevaluation is unnecessary. The purpose for this reevaluation is to determine whether your child continues to have a disability (impairment and need for special education), and to identify your child's current educational needs. The reason that the school district intends to reevaluate your child is:

- The school district received a request for a reevaluation on _____ from:
 - you (*statement of your parental rights enclosed*)
 - your child's teacher (name) _____
 - other (specify) _____
- The school district determined that the educational or related services needs of your child warrant a reevaluation (*explain/describe*):

- The last evaluation/reevaluation of your child was completed on _____ and therefore a reevaluation is due.

The individualized education program (IEP) team is responsible for this reevaluation and will conduct this reevaluation at no cost to you. You are a participant on the IEP team. You may include others on the IEP team who have knowledge or special expertise about your child.

You and your child (if appropriate) are IEP team participants.	
In addition, the following people are being appointed to the IEP team by the school district.	
Role	Name, if known
Representative of local educational agency (LEA) – authorized to commit the resources of the LEA	
Special Ed. Teacher(s)	
Regular Ed. Teacher(s)	
Related Services Personnel	
Others	

Other options, if any, such as the selection of IEP team participants which were considered and the reason(s) they were rejected and a description of any other factors relevant to the proposed action:

None

IEP team participants will first review existing information available on your child including information provided by you and then determine what, if any, further evaluation or assessment is necessary to assist in identifying the educational needs of your child and in making a determination of whether your child continues to have a disability. You will be sent a notification of this determination within 15 business days of: the date that the school district received the request to reevaluate your child; or the date of this notice (*when a request did not initiate the reevaluation*). This notification will be sent by _____.
(month/day/year)

If the IEP team determines that additional assessments or other evaluation materials are necessary, the school district needs your written consent (permission) before it may administer any assessments or other evaluation materials to obtain further information about your child. You will be informed about what assessments or other evaluation materials will be given before they are administered. You will also be informed of the names of the individuals who will conduct those evaluations, if known at the time of the notice. Upon completion of the reevaluation, the IEP team will prepare an evaluation report, which will include documentation of your child's eligibility for special education. You will be provided with a copy of the evaluation report.

Within 60 calendar days of receiving your consent for this reevaluation or being provided with a notice that no further assessment of your child is necessary, the IEP team will meet to determine whether your child continues to be a child with a disability. If the IEP team determines that your child continues to have a disability, the team will review and revise, as appropriate, your child's IEP and determine a placement to carry out the IEP within 30 calendar days. You will be provided with a notice of placement and a copy of your child's IEP. If it is determined by the IEP team that your child no longer needs special education, you will be provided with a notice of that finding.

If at any point during an IEP team meeting to determine your child's continued eligibility for special education and educational needs, to review or revise your child's IEP, or to determine a placement to carry out the IEP, you or other IEP team participants believe that additional time is needed to permit your meaningful involvement, additional time will be provided subject to the time limitations described above. This IEP team process may be concluded in one meeting or may require more than one meeting depending on individual circumstances. In addition and upon request you may receive a copy of the IEP team's most recent evaluation report.

You and your child have protection under the procedural safeguards (rights) of special education law. The school district must provide you with a copy of your procedural safeguards once a year.

- You received a copy of your procedural safeguard rights in a brochure about parent and child rights earlier this year. If you would like another copy of this brochure, please contact the district at the telephone number above.
- A copy of the parent and child rights brochure is enclosed with this notice.

In addition to district staff, you may also contact _____ at

_____ if you have questions about your rights.

Sincerely,

Name and Title of District Contact Person

Appendix O:

REEVALUATION: NOTICE THAT NO ADDITIONAL ASSESSMENTS NEEDED Form RE-4 (Rev. 10/06)

_____ SCHOOL DISTRICT

[If you need this notice in a different language or communicated in a different way, or have questions about this notice, please contact _____ at _____.]

Dear _____

Date _____

Previously, you were notified of the school district's intent to reevaluate your child. The individualized education program (IEP) team is responsible for this reevaluation. You are a participant on the IEP team. The IEP team considered the following existing evaluation assessments, procedures, records or reports:

The IEP team has determined that additional assessments or other evaluation materials do not need to be administered to your child to determine whether your child continues to have a disability (impairment and a need for special education) and his or her educational needs.

You participated in making this determination on _____ in the following way: _____
_____.

You did not participate in making this determination and the school district made three attempts to involve you as follows:

The reason(s) for this determination (including a description of any other options considered and reasons rejected, and other relevant factors) are:

You have the right to request additional assessment or other evaluation materials if you disagree with the IEP team's decision. Upon your request and with your written consent, the school district will administer additional assessments or other evaluation materials related to determining your child's continuing eligibility for special education and his or her educational needs at no cost to you.

If you do not request additional assessments or other evaluation materials, the IEP team will next determine whether your child continues to have a disability and identify his or her educational needs based upon its review of existing information available on your child, including information provided by you. As a participant on the IEP team, you will be involved in this determination. Upon completion of the reevaluation, the IEP team will prepare an evaluation report. The report will include documentation of your child's eligibility for special education. You will be provided with a copy of the evaluation report. If the IEP team determines that your child continues to have a disability, the team will review and revise, as appropriate, your child's IEP and determine a placement to carry out the IEP. You will be provided with a notice of placement and a copy of your child's IEP. If it is determined by the IEP team that your child no longer needs special education, you will be provided with a notice of that finding

If at any point during an IEP team meeting to determine your child's continued eligibility for special education and educational needs, to review or revise your child's IEP, or to determine a placement to carry out the IEP, you or other IEP team participants believe that additional time is needed to permit your meaningful involvement, additional time will be provided. This IEP team process may be concluded in one meeting or may require more than one meeting depending on individual circumstances. In addition and upon request you may receive a copy of the IEP team's most recent evaluation report.

You and your child have protection under the procedural safeguards (rights) of special education law. The school district must provide you with a copy of your procedural safeguards once a year. Enclosed is a copy or earlier this year you received a copy of your procedural safeguard rights in a brochure about parent and child rights. If you would like another copy of this brochure, please contact the district at the telephone number above. In addition to district staff, you may also contact _____ at _____ if you have questions about your rights.

Sincerely,

Name and Title of District Contact Person

Appendix P:

REEVALUATION: NOTICE AND CONSENT REGARDING NEED TO CONDUCT ADDITIONAL ASSESSMENTS Form RE-5 (Rev. 10/06)

_____ **SCHOOL DISTRICT**

[If you need this notice in a different language or communicated in a different way, or have questions about this notice, please contact _____ at _____.]

Dear _____

Date _____

Previously, you were notified of the school district's intent to reevaluate your child. The individualized education program (IEP) team is responsible for this reevaluation. You are a participant on the IEP team. The IEP team considered the following existing evaluation assessments, procedures, records or reports:

The IEP team has determined that additional assessments or other evaluation materials are needed to determine whether your child continues to have a disability (impairment and a need for special education), and to identify your child's current educational needs.

- You participated in making this determination on _____ in the following way:
_____.
- You did not participate in making this determination and the school district made three attempts to involve you as follows:

The school district needs your written consent (permission) before it can administer assessments or other evaluation materials to your child. With your consent the following assessments or other evaluation materials will be administered:

Areas to be evaluated	Description of assessments and other evaluation materials and titles, if known	Name of evaluator, if known

Other evaluation options, if any, considered and reasons rejected, including a description of any other factors relevant to the proposed evaluation of this child:

None

Following the administration of these assessments or other evaluation materials, the IEP team will meet to review the results of these assessments and other evaluation materials along with other existing information available on your child, including information provided by you. Using the results of these assessments or other evaluation materials along with other available information, the IEP team will make a determination of whether your child continues to have a disability. As a participant on the IEP team, you will be involved in this determination. Upon completion of the reevaluation, the IEP team will prepare an evaluation report which will include documentation of your child's eligibility for special education. You will be provided with a copy of the evaluation report. If the IEP team determines that your child continues to have a disability, the team will review and revise, as appropriate, your child's IEP and determine a placement to carry out the IEP. You will be provided with a notice of placement and a copy of your child's IEP. If it is determined by the IEP team that your child no longer needs special education, you will be provided with a notice of that finding.

If at any point during an IEP team meeting to determine your child's continued eligibility for special education or educational needs, review or revise your child's IEP, or determine a placement to carry out the IEP, you or other IEP team participants believe that additional time is needed to permit your meaningful involvement, additional time will be provided. This IEP team process may be concluded in one meeting or may require more than one meeting depending on individual circumstances. In addition and upon request you may receive a copy of the IEP team's most recent evaluation report.

You and your child have protection under the procedural safeguards (rights) of special education law. The school district must provide you with a copy of your procedural safeguards once a year. Enclosed is a copy or earlier this year you received a copy of your procedural safeguard rights in a brochure about parent and child rights. If you would like another copy of this brochure, please contact the district at the telephone number above. In addition to district staff, you may also contact _____ at _____ if you have questions about your rights.

Sincerely,

Name and Title of District Contact Person

PARENT CONSENT/PERMISSION TO ADMINISTER ASSESSMENTS AND OTHER EVALUATION MATERIALS AS PART OF A REEVALUATION

I understand that if I do not respond to the school district’s requests for my written consent (permission) to administer these assessments or other evaluation materials, the school district is permitted to proceed with the assessments or other evaluation materials without my written consent.

I understand the action proposed by the school district and

(please check appropriate box below, sign and date, and return one copy to the school district)

- I give my consent for the school district to administer these assessments or other evaluation materials described in this notice to my child as part of a reevaluation. I understand that my consent is voluntary and may be revoked at any time before the administration of assessments or other evaluation materials.

- I do not give my consent for the school district to administer these assessments or other evaluation materials described in this notice to my child as part of a reevaluation. I understand that if I do not give my written consent for the school district to administer these assessments or other evaluation materials, the school district may request mediation or initiate a due process hearing regarding whether those assessments or other evaluation materials should be administered.

Signature of parent or legal guardian or adult student

Date

<p><u>For School District Use Only</u></p> <p>Date school district received parent consent</p> <p>_____</p> <p><u>(month/day/year)</u></p>
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