



Specific Learning Disabilities: Eligibility Determination under IDEA 2004

Facilitators: The DOE has identified the questions below as questions that might arise during delivery of this module. Responses follow each question.

1. Is this process for initial evaluation only, or for both initial evaluation and reevaluation?

You will use this process for both initial evaluation and reevaluation.

2. It is time for the reevaluation and the student is already receiving special education services, but they are not in the general education setting. How do we answer the Historical Review question that asks, has “the student been provided appropriate instruction in general education settings...?”

If during the initial evaluation you answered yes, the student has been provided appropriate instruction in the general education setting, then during the reevaluation you can automatically answer yes to this question again. For reevaluation purposes, you are asking whether at any point in time, has the student been given reasonable opportunities to learn in the general education setting.

3. The Team Determination of Eligibility form (28M/10) says to Attach completed SLD 1, Attach completed SLD 2, etc. Does this mean we have to attach the actual SLD form, or do we just need to attach the information that the SLD form covers?

Mandated form 28M/10 says to “Attach completed SLD ...” therefore you must attach the actual SLD form as well as any evidence that is needed to support the various SLD forms. In Component 4, which is the Observation, you do not have to use our Observation form. You can use any form you like, but make sure you focus the observation on the Area of Concern.

4. When do these changes take effect? When must the new forms be used?

Any student found eligible for special education with a SLD beginning in the 2008-09 school year must have these forms in place. Districts may begin using them before this time, but the process and forms will not be required until August 2008. As part of the monitoring process, Program Quality Assurance (PQA) will begin checking for the use of the forms during the 2008-09 school year.

5. Are timelines for evaluation for SLD going to be adjusted in the State regulations?

At this time, we have decided not to add language to our State regulations regarding timelines for evaluation for SLD because it is already addressed in the Federal regulations. Please note the Federal Regulations Section 300.309(c) that references the evaluation timeframe. "...must adhere to the timeframes described ... unless extended by mutual written agreement of the child's parents and a group of qualified professionals..."