



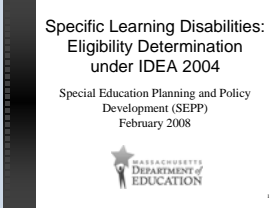
# Specific Learning Disabilities: Eligibility Determination under IDEA 2004 Facilitator's Notes

## CONTENTS

<b><u>Introduction and Goals</u></b>	2
<b><u>What is a Specific Learning Disability?</u></b>	3
<b><u>Process and Documentation</u></b>	8
<b><u>Component 1</u></b>	14
<u>Historical Review</u>	14
<u>Participation Skills</u>	21
<u>Performance History</u>	22
<u>Medical Information</u>	23
<b><u>Component 2</u></b>	24
<u>Area of Concern</u>	26
<u>Evaluation Method – Response to Scientific, Research Based Intervention</u>	29
<u>Evaluation Method – IQ/Achievement Discrepancy</u>	34
<b><u>Component 3</u></b>	37
<u>Exclusionary Factors</u>	37
<b><u>Component 4</u></b>	41
<u>Observation</u>	41
<b><u>Putting it All Together</u></b>	44
<u>Procedure</u>	44
<u>Team Members</u>	45
<u>Team Determination of Eligibility</u>	47

# Introduction and Goals

## Slide 1



Welcome participants to the session on Specific Learning Disabilities: Eligibility Determination. Introduce yourself (or selves) as presenter and briefly cite your experience working with learners with disabilities.

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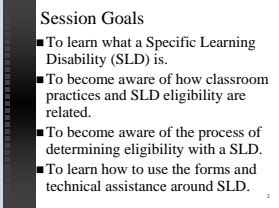
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## Slide 2



We are going to spend approximately the next 3 hours talking about Specific Learning Disabilities. The goals for this session are:

*Read slide to participants.*

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Slide 3

IDEA 2004 and SLD

- The passage of IDEA 2004 brought about some changes in determining Specific Learning Disabilities as compared to IDEA '97 but
- Much of the process has stayed the same

■ 34 CFR 300.307 – 300.311

Read slide.

There have been changes around SLD, but much has stayed the same. Really, only two things have changed. Most of you have probably heard of RTI, and it is in this context of specific learning disabilities that \*OSEP has inserted RTI. It is referred to as a response to scientific, research-based intervention.

The only other change is what we in MA have termed a Historical Review, and this is really a requirement for general education prior to the referral for evaluation.

If you would like to refer to the federal regulations related to SLD determination, see **Handout A**.

*\*U.S. Department of Education, Office of Special Education Programs*

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What is a Specific Learning Disability?

Slide 4

 First:  
What is a Specific Learning Disability?

Before we can talk about how to find a student eligible for special education with a Specific Learning Disability, we need to understand what a SLD is.

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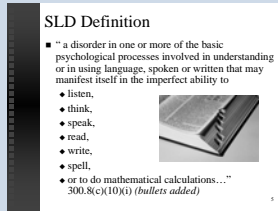
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Slide 5



Review slide with participants.

The potential skill areas where SLD may manifest itself, as listed on the slide, strike at the heart of academic work and learning. It's not difficult to see why an imperfect ability in any of these areas, let alone several, could impact a student's performance in school.

*This may be a time for discussion with participants. Suggestions for discussion:*

- Ask participants to share their direct experience in how a student's learning disability might manifest itself in any of these areas.
- Ask participants to take a look at their own skills.

Not to imply that difficulty in any of these areas means a learning disability, but some of us are better at writing than others, or reading; we all know horrible spellers or may be one ourselves. Mathematical calculations challenge many people. The point here is to reflect on the struggle to perform that often comes along with any challenging area, including feelings of anxiety and avoidance that may arise. While our personal experiences can offer us insight into what a student with a SLD might experience, for the student identified as having a learning disability, the difficulties he or she will have performing some, or all, of the tasks listed in IDEA's definition represent more than a "minor problem."

*Excerpted from NICHCY's "Building the Legacy: Individuals with Disabilities Education Act Amendments of 2004," Module 11.*

The definition of SLD has not changed from what it was in IDEA '97.

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## Slide 6

## SLD Definition continued

- Includes:
  - Perceptual disabilities
  - Brain injury
  - Minimal brain dysfunction
  - Dyslexia, and
  - Developmental aphasia

*Review slide with participants.*

*You will likely not want to share all of the information below with participants, but rather use it as a reference if there are questions about any of these disabilities.*

**Perceptual disabilities** are difficulties that a learning disability can cause in visual or auditory discrimination. Among other things, *visual discrimination* difficulties may manifest themselves as difficulties in:

- organizing the position and shape of what is seen
- focusing on the significant figure instead of all the other visual inputs in the background
- judging distance, or
- doing things when the eyes have to tell the hands or legs what to do. (Silver, 2001)

Problems with **auditory discrimination** may manifest themselves as difficulties in, among other things:

- distinguishing subtle differences in sounds, or one specific sound (e.g., their mother's voice) from a field of noises (e.g., the TV);
- understanding what people are saying; or
- processing sound input as fast as normal people can (called an "auditory lag"). (Silver, 2001)

**Brain injury**, as used in the definition of SLD, is not the same as traumatic brain injury (TBI), which is a separate disability category under IDEA. That definition makes clear that "traumatic brain injury" means "an acquired injury to the brain caused by an external physical force" and "does not apply to brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma." Although TBI generally results from an accident to the brain that occurs after birth, "many students who sustain brain injuries have resulting learning disabilities" (Logsdon, n.d.). If the student had a learning disability before the brain injury, the brain injury may make the learning disability worse.

**Minimal brain dysfunction** is a term coined from research in the 1960s. It referred to: ...student of near average, average, or above average general intelligence with certain learning or behavioral disabilities ranging from mild to severe, which are associated with deviations of function of the central nervous system. These deviations may manifest themselves by various combinations of impairment in perception, conceptualization, language, memory and control of attention, impulse, or motor function. (Clements, 1966, 9-10). The term began to ebb in the professional literature as use of the term "learning disabilities" increased.

Slide 6 continued.

**Dyslexia** is a term used often with children who have difficulty reading and refers to specific, reading-related manifestations of learning disabilities. This is a commonly used term, so no more detail will be said at this time.

**Developmental aphasia** is described by The National Institute on Deafness and Other Communication Disorders (2002) as “a language disorder that results from damage to portions of the brain that are responsible for language.” There are many kinds of aphasia, including the manifestation that you may already be familiar with—the difficulty in speaking that stroke patients can have. That type of aphasia is not developmental, it’s acquired, so it serves as an example only for illustrating what aphasia generally is—“an impairment of language, affecting the production or comprehension of speech and the ability to read or write” (National Aphasia Association, 1999). The American Speech-Language-Hearing Association refers to the impairment as SLI, specific language impairment.

*Excerpted from NICHCY’s “Building the Legacy: Individuals with Disabilities Education Act Amendments of 2004,” Module 11.*

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**Slide 7**

*Review slide with participants.*

*You will likely not want to share all of the information below, but rather use it as a reference if participants have questions about this slide.*

For example:

- Reading problems can be the result of a visual disability—for example, poor eyesight. That’s why checking a student’s vision is an important part of an evaluation, to eliminate visual impairment as the root of difficulties the student is experiencing.

SLD Definition continued

- Does **not** include learning problems that are primarily the result of:
  - Visual, hearing, or motor disabilities
  - Mental retardation
  - Emotional disturbance, or
  - Of environmental, cultural, or economic disadvantage

Slide 7 continued.

- Similarly, difficulty in understanding what is being said or in responding may have its roots in a hearing impairment. Evaluation should involve checking the student's hearing to make sure that a hearing loss is not involved.
- Writing difficulties that result from a "motor disability"—meaning a disability that impairs fine or gross motor skills—could not be considered a SLD.
- Mental retardation is a separate disability category under IDEA and is defined at 34 CFR §300.8(c)(6). It varies from SLD in numerous respects, even while both may cause learning difficulties. Mental retardation is defined as "significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance" [§300.8(c)(6)].
- While it is possible for emotional disturbance (ED) to impact learning in many ways similar to a specific learning disability, it is defined within IDEA as a separate disability category. Students with ED may have a learning disability, of course, but under IDEA, if a student's learning problems are *primarily* the result of having an emotional disturbance, then the team cannot determine that the student has a SLD.
- Disadvantages—environmental, cultural, or economic—can also manifest themselves in learning problems. IDEA consistently stresses that this is a factor that schools and parents may not consider in determining whether a student has a disability, along with its oft-associated corollary—inadequate instruction.

*Excerpted from NICHCY's "Building the Legacy: Individuals with Disabilities Education Act Amendments of 2004," Module 11.*

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Slide 8

MA Comprehensive Process  
4 Components

1. Historical Review and Educational Assessment
2. Area of Concern and Evaluation Method
3. Exclusionary Factors
4. Observation

Based on federal and state regulations, the MA DOE has developed a comprehensive process that schools must use when they suspect a Specific Learning Disability. This process is made up of 4 Components.

The majority of information that makes up these 4 Components is not new information that you need to collect. It has been part of the eligibility process all along. The difference is that now we are giving you the forms you need in order to appropriately document each of the Components. It's not a new process; it's just a new way of packaging the information.

*Review slide with participants.*

What you are looking for as you go through the evaluation process is a picture of how the student learns and how he/she performs in the school environment. There are some key aspects of successful schools. These include:

- Research-based instructional practices and curriculum;
- Teachers qualified to teach students with multiple abilities;
- Assessments of student achievement at reasonable intervals;
- Ongoing communication with parents regarding their student's progress.

These key aspects of successful schools are the same things that are necessary in order to show that a student has been given appropriate opportunities to learn.

Through this evaluation process, you are going to document what is being done in schools for the student who is struggling. It is really an authentic assessment of the student in his/her learning environment. You will look at the instruction, the methods, the communication with parents, as well as other factors, and determine if the student's lack of achievement is due to a Specific Learning Disability or to other factors.

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Slide 9

Stop and Think

Think about your school and what happens when a student is referred for special education evaluation with a Specific Learning Disability. Write down what happens when you are going to evaluate.

Handout B Question 1



Stop and Think

Think about your school and what currently happens when a student is referred for special education evaluation with a SLD. Do you learn about his/her past educational experiences? Do you make a plan for what evaluation procedures you will use? Do you consider other factors that may play a role in the student's lack of achievement? Do you try to observe the student in his/her learning environment?

*Give participants time to write down their thoughts to question 1 on **Handout B**. If participants are there with a team, give them time to discuss.*

Chances are, you are doing all these things, and perhaps more already. So what we are going to talk about today is not going to be a big deal for you because what we have done is not create a totally new process, but rather have created forms that will help organize and document the elements that are required by both state and federal regulations.

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Slide 10

Required Forms

- Historical Review and Educational Assessment (SLD 1 pink)
- Area of Concern and Evaluation Method (SLD 2 blue)
- Exclusionary Factors (SLD 3 yellow)
- Observation (SLD 4 purple)
- Team Determination of Eligibility (Mandated Form 28M/10)

First take a look at the complete eligibility packet. There are going to be 5 documents:

*Have participants make sure they have all the forms. If you copied participant's forms on colored paper, describe the color code system. If you did not use colored paper, describe the system in which the footnote of each document has a color included. This coincides with the color of the Component that will be shown on the slides.*

1. Historical Review and Educational Assessment (footnote reads SLD 1 pink)
2. Area of Concern and Evaluation Method (footnote reads SLD 2 blue)
3. Exclusionary Factors (footnote reads SLD 3 yellow)
4. Observation (there are 4 different versions of this form, depending on the grade level of the student. Therefore the footnote reads SLD 4/OBS PreK purple; SLD 4/OBS Elementary purple; SLD 4/OBS Middle purple; SLD 4/OBS Secondary purple)
5. Team Determination of Eligibility (footnote reads Mandated form 28M/10)

Each document is referred to by the footer that is on the bottom right of the page. Mandated Form 28M/10 / SLD 1 / SLD 2 etc.

All of these requirements and forms are based on regulations. As we go through the presentation we will talk about each requirement and you will see where in the regulations each requirement comes from.

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Slide 11

Technical Assistance Documents

- SLD Eligibility Requirements Instructions (SLD TA 1)
- SLD Eligibility Checklist (SLD TA 2)
- Ensuring Underachievement is Not Due to Lack of Appropriate Instruction in Reading or Math (SLD TA 3)
- Instructional Support Team Technical Assistance Prior to Referral for Special Education Evaluation (SLD TA 4)

In addition to the forms, we developed technical assistance documents that will help you through the process. These are referred to as SLD TA 1, SLD TA 2, SLD TA 3, and SLD TA 4.

*Have participants make sure they have all the technical assistance forms.*

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Slide 12

Instructions and Checklist

- Eligibility Requirements Instructions (detail)
- Eligibility Checklist (bullets) 
- These outline the 4 Components
- Once the eligibility process has begun, all 4 Components will be addressed concurrently

*Have participants pull out the Instructions and the Checklist.*

First look at the Instructions and Checklist. This PowerPoint presentation is going to give the most detail. The Instructions document (SLD TA 1) contains some details about each Component and what is required. The Instructions document is a technical assistance document that you will want to refer back to, but ultimately, once you learn the process, you won't need this every time you go through the process but rather you will be able to use the Checklist (SLD TA 2) as a reference to make sure you are covering all Components.

Look at the Instructions and notice there are four (4) Components. Within each Component there are sub-parts. On the Instructions, you will see that every part of every Component has the reference number to where you will find that requirement in the regulations. If it begins with a 34 CFR you will know that it is a federal requirement because CFR stands for Code of Federal Regulations. If it begins with 603 CMR you will know that it is a state requirement because CMR stands for Code of Massachusetts Regulations.

Each Component is documented on SLD 1, 2, 3, and 4.

Slide 12 continued.

For the purposes of teaching you about all the forms and the process, we are going to work through each Component. We do this one at a time, but it is important to remember that once the eligibility process has started, you will want to address all Components as concurrently as possible.

Before we begin going through the forms, lets take a moment to think about the evaluation procedure.

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### Slide 13

**Procedure**

- Referral for special education evaluation is received
- Determine the evaluation tools that will be utilized
- Ensure that each Component will be completed
  - ◆ One person may complete all Components or they could be distributed across several professionals



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*Review slide with participants.*

As we go through this presentation and talk about each Component, be thinking about who might be the best person in your school or district to complete each Component. And remember that those assignments may change based on the individual who has been referred for evaluation.

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Slide 14

Procedure continued

- All Components are addressed simultaneously during the evaluation timeframe
- At the eligibility meeting, a report on each Component given

Each Component will be reported on during the eligibility meeting. Either the person who completed the Component should bring his/her respective completed SLD form and any accompanying documentation to the meeting and report on the findings, or if not a part of the meeting he/she should share findings with the Team Leader (or designee) who can report on the findings.

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Slide 15

Stop and Think

Think about a student that you know that struggles with learning and may be, or has already been referred for evaluation with a SLD. Using Handout B to help, write down what you know about this student.



Stop and Think



*Have participants think about a student they know that struggles with learning and may be, or has already been referred for evaluation with a SLD. Allow time to write down answers to these questions about the student on question 2 on **Handout B**. Give participants time to complete this on their own or allow them to work in small groups if they are a team from the same school.*

We are going to refer back to this student several times throughout the presentation. Keep he/she in mind and as we go through the process and think about how you would go about obtaining the necessary evaluation information. What would challenge you? What information will be easy to obtain? In what areas would you need to obtain more information?

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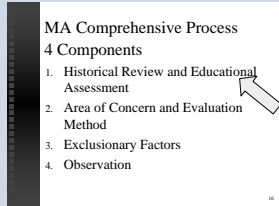
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## Component 1

### Slide 16



Now we are going to dive into the 4 Components and look at them in depth, one at a time. As we do this, once again remember: these Components will happen concurrently when a student is referred for special education evaluation.

The first Component we are going to talk about is the Historical Review and Educational Assessment.

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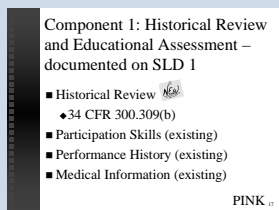


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### Slide 17



*Make sure participants are looking at the correct form - SLD 1. If you prepared your handouts using the color-coding system, SLD 1 will be on pink paper. If you are not using colored paper for training purposes, note the word Pink at the bottom of the page for participants.*

Within Component 1 there are 4 requirements:

- Historical review
- Participation skills
- Performance history
- Medical information

Only the Historical Review is new and really just the words “Historical Review” are new. The practice and purpose behind it is something we have been doing in MA. The other pieces within this Component have also been part of the process in the past.

Slide 17 continued.

Component 1 is documented on SLD 1. You will see that SLD 1 has each of these 4 requirements. We are now going to look at the 4 requirements one at a time starting with the Historical Review.

Handwriting practice lines consisting of a thick blue top line, a thin blue middle line, and a thick blue bottom line.

Slide 18

Review slide with participants.

**Historical Review**

Purpose: to determine that poor or lack of instruction is not the reason for the student's low achievement in reading or math.

The Team must be prepared to consider if:

- A. the student has been provided **appropriate instruction in general education settings** and that instruction has been **delivered by qualified personnel**; and
- B. there is **data-based documentation of repeated assessments** of achievement at reasonable intervals, reflecting formal assessment of the student's progress and this documentation was **provided to the student's parents**.


For every student you evaluate for a SLD, you must ask these 2 questions. So, let's break these questions down to really understand them.

Handwriting practice lines consisting of a thick blue top line, a thin blue middle line, and a thick blue bottom line.

### Slide 19

**Break it down!**

A. the student has been provided **appropriate instruction in general education settings** and that instruction has been **delivered by qualified personnel**.



■ In the past, did the student get good instruction in ELA and Math from qualified teachers?

Generally speaking, this statement refers to the student having received a reasonable opportunity to learn in school. SLD is about learning and so you want to know if he/she has had the opportunity to learn. This is historical information you are collecting. Look in the student's record, determine who the previous teachers were, find out what curriculum was utilized, etc.

*Ask participants for examples of when this information may be missing or difficult to collect. Examples may include:*

- *if the student comes from a very low performing school and his/her teacher was not qualified;*
- *the student's Area of Concern is in math calculation, but the math teacher was out most of the year with an extended illness and multiple substitutes were brought in to teach the class;*
- *if the student has been home schooled by parents and there is not adequate documentation of what was done.*

For additional technical assistance on how to fulfill this requirement, see the front side to SLD TA 3. *Review page 1 of SLD TA 3 with participants.*

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### Slide 20

**Break it down!**

B. there is **data-based documentation of repeated assessments** of achievement at reasonable intervals, reflecting formal assessment of the student's progress and this documentation was **provided to the student's parents**.



■ In the past, have parents been informed of the student's progress through grade reports, standardized testing, weekly quizzes, or other assessment measures?

The second part of the requirement builds on the first. We want to determine not only has the student been given the opportunity to learn, but here we want to find out if his/her learning has been measured and shared with parents. Again, you are not being asked to create new programs, but rather you are looking at historical information for the student.

For a student who has been in your district for some time, this should be a relatively straight-forward process. You have access to the student's file and you know the assessments that are given in your district and how they are reported to parents. If the student is from a different district it may take more research in order to find the necessary information.

Slide 20 continued.

Page 2 of SLD TA 3 contains additional technical assistance.  
*Review page 2 of SLD TA 3 with participants.*

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**Slide 21**

Now that we have looked at each piece of the Historical Review, let's look at the whole thing again.

*Review slide with participants.*

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**Historical Review**

Purpose: to determine that poor or lack of instruction is not the reason for the student's low achievement in reading or math.

The Team must be prepared to consider if:

A. the student has been provided **appropriate instruction in general education settings** and that instruction has been **delivered by qualified personnel**; and

B. there is **data-based documentation of repeated assessments of achievement** at reasonable intervals, reflecting formal assessment of the student's progress and this documentation was **provided to the student's parents**.

## Slide 22

## 3 possible responses

- YES, we can confirm both statements.
  - ◆ Proceed with the evaluation.
- We can confirm SOME, but NOT ALL of both statements.
  - ◆ Gather additional information during the evaluation timeline in order to answer each of the questions (See SLD TA 3).
- NO, we can not confirm either of these statements. (very rare!)
  - ◆ Eligibility for SLD cannot proceed until the school district has sufficient information to confirm both statements. (See SLD TA 4).

*This slide is animated and loads in three (3) clicks.*

There are 3 ways you might respond to these statements.

*First click*

1. You may say Yes, we can confirm both statements, in which case you may proceed with the evaluation and find the student eligible for special education with a SLD. Many times in this case the student will have been in the same school for his/her entire educational career. The Team knows who his/her teachers have been and knows they have all been qualified. The school implements a curriculum that is based in research and imbedded in the curriculum are repeated assessments of achievement to determine the student's progress. The school has a continuous relationship with the student's parents and information is shared with them on a regular basis. If you can positively confirm both statements, then you know that this student's lack of achievement is not because of poor teaching, lack of assessments to measure progress, or deficiency of communication between parents and the school.

*Second click.*

2. You may answer that you can confirm some, but not all of the two statements. In this case you should review **SLD TA 3**. *Have participants look at SLD TA 3*. This document gives guidance on where you might look for the information and if you don't have it, what you should do during the evaluation timeframe in order to get it.

Remember that additional diagnostic information may be necessary in order to get a full and accurate picture of the student's abilities.

- An example of a situation where you would answer "some, but not all" to this statement is if the student has had a good education with good teachers, but no assessments have been given, and therefore, information about the student's learning has not been shared with his/her parents.
- Another example might be if the student has missed several months of school because he/she has been seriously ill. The teacher of record may be qualified, but if the student has not been in school to benefit from the instruction then he/she has not had adequate opportunities to learn.

Slide 22 continued.

*Third click*

3. You may say No you can't confirm either statement. It is a **very small number** of students that you are going to answer No on all counts. An example of when this might happen is if a student comes into your school on the 1st day of school and the parents request an evaluation. If the student did not come with any background information then you may not be able to answer these questions and therefore not be able to evaluate for a SLD at that point in time. This is a rare occurrence as most referrals come in after the student has been in school for a while. But should that happen, it is the responsibility of general education to ensure that the student has been given the opportunity to learn in the general education environment before you determine that he/she has a disability that interferes with learning. It would be good practice in this case to suggest a timeframe in which the student's progress would be checked to ensure he/she is receiving a good education and progressing in the general education curriculum.

Another technical assistance document that can assist in this case is the **SLD TA 4**. *Have participants look at SLD TA 4*. This document should be shared with the schools Instructional Support Team. Many times a referral comes from the Instructional Support Team. However, before they make a referral, they need to be aware that before a student can be found eligible for special education with a SLD, these two statements must be confirmed.

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Slide 23

Stop and Think



Think about your student. Can you confirm both statements in the Historical Review? If not, what needs to be done in order to confirm them?

Handout B Question 3

Stop and Think



Now that you know about the Historical Review, stop and think for a minute about your student. Do you have enough information to confirm the statements in the Historical Review? If not, what can you do?

Give participants time to reflect on their student and write their answer to question 3 on **Handout B**. As time allows, let participants share their thoughts with their team members or neighbor.

Optional example to share with participants:

My student is named Marty. Marty is a second grader who is struggling with reading. His first grade teacher recognized that Marty was having difficulty but thought perhaps he was slower to learn than the other students in the class because he was the youngest in the class. Now, however, Marty's second grade teacher has some real concerns and has referred him for special education evaluation. She believes he has a learning disability. When the request for evaluation was submitted, Marty's mother was notified and she has consented to the evaluation.

When looking at the Historical Review, Marty's teacher can confirm all the statements. Marty has received good instruction that is based on the MA Curriculum Frameworks and both his 1st and 2nd grade teachers have been qualified. In 2nd grade the school implements a frequent assessment system in which all students are assessed at the beginning of the year and those who are shown to be at risk are monitored once a month. Because of his low score, Marty has been assessed monthly since the school year began and his teacher has used the data collected from these assessments to inform her instruction and interventions. His teacher also confers with the school's Instructional Support Team regarding appropriate strategies to use with Marty. Marty's mother has been kept informed regarding Marty's progress, the fact that his teacher is assessing his progress at least monthly and that several interventions are being implemented that the Instructional Support Team hopes will help Marty progress in reading.

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Slide 24

- Component 1: Historical Review and Educational Assessment – documented on SLD 1
  - Historical Review
  - Participation Skills (existing)
    - ◆ 603 CMR 28.04(2)(a)(2)(ii)
  - Performance History
  - Medical Information
- PINK

We've covered the Historical Review. The next piece within Component 1 is Participation Skills. This is documented on SLD 1.

This requirement comes from the MA regulations on educational assessments: 603 CMR 28.04(2)(a)(2)(ii). It is not a new requirement; it has been a part of our state regulations in the past.

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Slide 25

- Participation Skills
  - Assessments of the student's
    - ◆ attention skills,
    - ◆ participation behaviors,
    - ◆ communication skills,
    - ◆ memory, and
    - ◆ social relations with groups, peers, and adults
- 25

*Review slide with participants.*

We do not dictate what assessments you should use here, however, completing the 28R/1 recommended form, called Educational Assessment Part B, would satisfy this requirement.

*Refer to **Handout C** for the Educational Assessment Part B.*

*Ask participants who they think the best person would be to provide this information. Most likely it will be the student's general education teacher or someone who has worked with the student on a regular basis.*

SLD 1 gives you a box to check off once you have this information.

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Slide 26

Component 1: Historical Review and Educational Assessment – documented on SLD 1

- Historical Review
- Participation Skills
- Performance History (existing)
  - ◆ 603 CMR 20.04(2)(a)(2)(iii)
- Medical Information

PINK >

Next is the Performance History. This is also documented on SLD 1. This requirement comes from the MA regulations on educational assessments: 603 CMR 28.04(2)(a)(2)(iii)

It is not a new requirement.

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Slide 27

Performance History

- Supporting evidence shows that the student has:
  - ◆ consistently performed **within the range** of performance of same-age peers; or
  - ◆ consistently performed **better** than same-age peers; or
  - ◆ consistently performed **less well** than same-age peers; or
  - ◆ demonstrated **inconsistent** performance throughout his/her educational history.

To implement requirements of educational potential, the DOE has provided these statements as guidance in determining Performance History. Refer to **Handout C** for the *Educational Assessment Part A*.

Supporting evidence shows that the student has:

- consistently performed **within the range** of performance of same-age peers; or
- consistently performed **better** than same-age peers; or
- consistently performed **less well** than same-age peers; or
- demonstrated **inconsistent** performance throughout his/her educational history.

You are only going to pick one of these options. Information will likely come from the student's general education teacher.

The same form that you used for Participation Skills, Educational Assessment Part A (28R/1), will help to answer these questions as well.

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Slide 28

Component 1: Historical Review and Educational Assessment – documented on SLD 1

- Historical Review
- Participation Skills
- Performance History
- Medical Information (existing) ←
- ◆ 34 CFR 300.311(a)(4)
- ◆ 603 CMR 28.04(2)(b)(1) PINK

Next is Medical Information. This is also documented on SLD 1. This requirement is found in both the federal as well as state regulations. This is not a new requirement.

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Slide 29

Medical Information

- Educationally relevant medical findings



This information can come from multiple sources. Parents are a likely source, but also the school nurse should review the student's record to determine if there is anything going on medically with the student that the evaluation team should be aware of; things that might affect the student's ability to learn.

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Slide 30

Component 1: Historical Review and Educational Assessment – documented on SLD 1

- Historical Review
- Participation Skills
- Performance History
- Medical Information

PINK

This completes Component 1. The primary point of Component 1 is to review the student's records in one form or another. We want to get a good picture of who the student is as a learner and what experiences he/she has had so far in school.

If the student is well known to the district then this should be a fairly straightforward process. If the student is new to the district, more research may need to be done, but any historical evidence that can be collected will be valuable to the process.

Check for any questions about Component 1.

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Slide 31

Stop and Think

Think about your student. We have talked about the Historical Review, but now think about the Participation Skills, Performance History and Medical Information. Do you have enough information about these areas? If not, what do you need to do?

Handout B Question 4



Stop and Think

Read slide to participants and give them time to write their thoughts to question 4 on Handout B. As time allows, let them discuss the question with their team or neighbor.

Optional example to share with participants:

Because Marty has been in my school for the past 2 years, I have almost enough information to address the questions that are on Educational Assessment Part A and B. I will need to have a conversation with Marty's mother to ask her about any medical issues that Marty has that would affect his educational performance.

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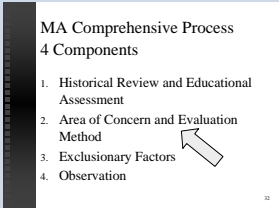
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# Component 2

## Slide 32

MA Comprehensive Process  
4 Components

1. Historical Review and Educational Assessment
2. Area of Concern and Evaluation Method
3. Exclusionary Factors
4. Observation



Another Component in the comprehensive process is the Area of Concern and Evaluation Method. Remember, all Components are to be addressed concurrently, not one after the other!

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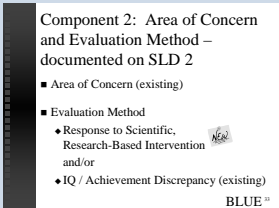
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## Slide 33

Component 2: Area of Concern and Evaluation Method – documented on SLD 2

- Area of Concern (existing)
- Evaluation Method
  - ◆ Response to Scientific, Research-Based Intervention and/or
  - ◆ IQ / Achievement Discrepancy (existing)

BLUE



*Make sure participants are looking at Component 2 on SLD 2. If you prepared your handouts using the color-coding system, SLD 2 will be on blue paper. If you are not using colored paper for training purposes, note the word Blue at the bottom of the page for participants.*

Component 2 is documented on SLD 2.

Component 2 has 2 sub-parts: the Area of Concern and the Evaluation Method.

The Area of Concern is not a new requirement. It has been a part of the process in the past.

Under Evaluation Method, using a response to scientific, research-based intervention is a new option, but using the IQ/Achievement Discrepancy model has been implemented in the past.

Let's break it down and look at each part of Component 2 starting with the Area of Concern.

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**Slide 34**

**Area of Concern ~ SLD Definition**

- " a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written that may manifest itself in the imperfect ability to
  - listen,           • write,
  - think,           • spell,
  - speak,         • or to do mathematical calculations..." 300.8(c)(10)(i) (bullets added)
  - read,

When thinking about the Area of Concern the first thing we should do is think back to the definition of SLD that we talked about at the beginning of this PowerPoint. "Specific learning disability means a disorder in one or more of the basic psychological process involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations..." 300.8(c)(10)(i)

So let's now look at the Areas of Concern and see how these areas are the same as the actions listed in the SLD definition where there must be a disorder in the psychological process.

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**Slide 35**

**Area(s) of Concern**

The student is not achieving adequately because of the inability to process (understand and use) spoken or written language in one or more of the following areas:

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

When identifying the Area of Concern, the area where the student is not achieving adequately is identified. This can include oral expression, written expression, basic reading skills, reading comprehension, reading fluency skills, listening comprehension, math problem solving, and/or math calculation. Can you see how a lack of achievement in these areas fit with the definition of SLD?

If the student is using skills and knowledge to the best of his/her ability, when trying to listen, think, speak, read, write, spell, or do math calculations and yet is not progressing (achievement is not adequate) then the Team must determine if that lack of achievement is due to an obstruction in the student's ability to process (understand or use) spoken or written language.

Note that all the Areas of Concern are within ELA and Math. This is because ELA and Math are content areas and are the underpinnings of all areas of learning. A student must have these skills in order to be successful in other academic areas. Also, remember in the Historical Review how all the requirements focused around showing the student's ability to learn in ELA and Math? This helps us understand why. Surely there would not be a case where the student could read fluently in history but not in ELA, or could perform mathematical calculations in

Slide 35 continued.

science but not in math.

When the referral is made, there should be a conversation with the person(s) who made the referral to determine the Area of Concern. It is going to be in this area where the evaluation will focus. In order to find a student eligible with a SLD, inadequate achievement is only necessary in one of these eight areas, although more areas may be affected. Therefore, there can be more than one Area of Concern. Be sure to identify them all.

This is not a new requirement. One area, however, was added with IDEA 2004 and that is Reading Fluency Skills.

Handwriting practice lines consisting of a thick blue top line, a thin blue middle line, and a thick blue bottom line.

Slide 36

**Stop and Think**

Think about your student. When that student was referred for evaluation, what was the area of concern? Do you know if it is because the student is not able to understand or use language, or do you need more information?

Handout B Question 5



**Stop and Think**

*Read slide to participants and give them time to write their thoughts to questions 5 on **Handout B**. As time allows, let them discuss the questions with their team or neighbor.*

*Optional example to share with participants:*

In the case of Marty, the Area of Concern is Basic Reading Skills. However, at this point in time, Marty's teacher cannot pinpoint whether his underachievement is because there is a processing disorder, or if there is another explanation.

One of Marty's classmates, Tiffany, exhibited similar characteristics in reading. But when the teacher talked to Tiffany's parents, she discovered that Tiffany comes from a home that does not have the resources to offer her books and other opportunities to read. Up until the time she went to school, she did not have any interaction with books. When the teacher learned this, she knew she needed to

Slide 36 continued.

increase Tiffany's reading opportunities and she also thought this might help Marty as well. The teacher decided to make not only her classroom, but also the whole school a literacy rich environment. She put labels on everything she could including the water fountain in the hall, the doors, the computer, and even the principal's desk. Also she began to introduce all the new vocabulary words before any reading assignments. After a few weeks of being immersed in this literacy rich environment Tiffany began to make gains in her reading, however, Marty still did not. He still responded to words that he didn't know by guessing or not saying anything at all. The teacher was able to determine that Tiffany's reading difficulty was not due to a SLD because there was not a processing weakness, but rather the lack of achievement was due to an environmental/economic disadvantage.

While this intervention was initially meant to assist with Tiffany's reading, the entire class benefited. And the teacher was able to collect data on both Tiffany and Marty. This data will be helpful when the eligibility Team is determining if Marty has a SLD or not.

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**Slide 37**

*Make sure participants are looking at Component 2 on SLD 2.*

Now we are going to move to the 2nd piece of Component 2 – the Evaluation Method.

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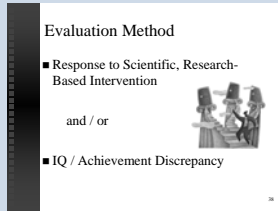
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Component 2: Area of Concern and Evaluation Method – documented on SLD 2

- Area of Concern
  - Evaluation Method
    - ◆ Response to Scientific, Research-Based Intervention and/or
    - ◆ IQ / Achievement Discrepancy
- BLUE™

Slide 38



There are two options within the Evaluation Method. IDEA 2004 now says you can use a response to scientific, research-based intervention method or you can use an IQ / Achievement Discrepancy method.

- If you can meet the requirements for a response to scientific, research-based intervention method, then you can use it or the IQ/Achievement discrepancy method.
- If you cannot meet the requirements for a response to scientific, research-based intervention method, then you must use the IQ/Achievement discrepancy method.

You only have to use 1 method, but you can use both if you wish.

Let's see how it would look if you wanted to use a response to scientific, research-based intervention.

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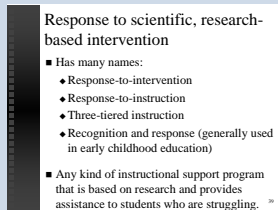


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Slide 39



You may have heard response to scientific, research-based intervention referred to in many ways, yet for some it may be very new terminology.

*Review slide with participants.*

Many interventions are closely linked with the support that Instructional Support Teams or Child Study Teams provide. In addition, Curriculum Based Measurement (CBM) incorporates many elements of response to scientific, research-based intervention.

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Slide 40

Not really new!

- MA requires Instructional support
  - adequate instructional practices responsive to student needs
  - instructional support for students and teachers;
    - remedial instruction for students
    - consultative services for teachers
    - reading instruction
  - documentation of these support services;

In Massachusetts this is not a new concept. In many schools, response to scientific, research-based intervention models are being implemented but the terminology is not used. It is often incorporated into Reading First as well as the assistance and resources that teacher support teams provide.

In MA, school principals are required to provide Instructional support 603 CMR 28.03(3)(a). This calls for adequate instructional practices responsive to student needs; instructional support for students and teachers; and documentation of these support services.

*For reference:*

**603 CMR 28.03(3) Responsibilities of the School Principal.**

**(a) Instructional support.** The principal shall implement the plan developed and adopted by the district to ensure that efforts have been made or will be made to meet the needs of diverse learners in the general education program. As part of his/her responsibilities, the principal shall promote instructional practices responsive to student needs and shall ensure that adequate instructional support is available for students and teachers. Instructional support shall include remedial instruction for students, consultative services for teachers, availability of reading instruction at the elementary level, appropriate services for linguistic minority students, and other services consistent with effective educational practices and the requirements of M.G.L. c. 71B, § 2. The principal may consult with the Administrator of Special Education regarding accommodations and interventions for students. Such efforts and their results shall be documented and placed in the student record. Additionally, if an individual student is referred for an evaluation to determine eligibility for special education, the principal shall ensure that documentation on the use of instructional support services for the student is provided as part of the evaluation information reviewed by the Team when determining eligibility.

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**Slide 41**

Response to Intervention  
(A Model)

- Different levels of intensity or services
- Most popular models use three tiers, but any number of tiers can be used
- Continuous student progress monitoring occurs
- Data is used to inform instructional decision making

With that in mind, let's talk for a few minutes about how response-to-intervention (RTI) (A model) is defined.

*Review slide with participants.*

Both RTI and other kinds of instructional support are general education methods – many would call them good teaching – and can be used as evaluation for SLD.

To learn more about RTI, what it is and how to implement it, visit the IRIS Center at <http://iris.peabody.vanderbilt.edu/>. Here you will find several modules on the implementation of RTI.

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**Slide 42**

If you are going to use response to scientific, research-based intervention as an evaluation method, there are some important questions you will have to answer.



If you are going to use response to scientific, research-based intervention as an evaluation method, there are some important questions you will have to answer. We will look at the documentation to determine what these things are.

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Slide 43

Response to scientific, research-based intervention as an evaluation method

- What is the Area of Concern?
- Do we have enough information from the interventions that have been tried so we know how the student learns?
- Is there enough information so that a responsive, data-driven IEP can be developed, if necessary?

If you are implementing a response to scientific, research-based intervention as your evaluation method, it will be documented on the top section of SLD 2.

If you are utilizing this method, best practice would say the student should be participating in the response to intervention process before the referral for evaluation occurs. If the data gathered through the response to scientific, research-based intervention process does not provide enough information to know how the student learns, so that a good IEP can be developed, if necessary, then supplementary data may be necessary. Consider the need for appropriate diagnostic tests that determine how the student learns and what is impeding learning.

*Review slide with participants.*

In addition, if you are using a response to scientific, research-based intervention, you must show... *go to next slide.*

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*Review slide with participants.*

Slide 44

Response to Scientific, Research-Based Intervention - continued

- What research-based strategies were implemented with the student?
- Has assessment data been collected at reasonable intervals?
- Have the student's parents been informed of
  - ◆ the teaching strategies,
  - ◆ the student's progress, and
  - ◆ their right to request an evaluation?

Does this look familiar? It should! These requirements are very similar to the requirements of the Historical Review as well as the state regulations on Instructional Support that we talked about. The concept is the same. If a student is participating in a response to scientific, research-based intervention process, then you can see how that information can be used here for evaluation purposes and you also used aspects of it for the Historical Review. The concept reinforces strong instruction, good assessment practices, and a learning environment that includes parents.

Slide 44 continued.

Documentation must be provided that answers each of these questions.

*Stop to ask questions regarding the response to scientific, research-based intervention as an evaluation method.*

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Slide 45

**Stop and Think** 

*Read slide to participants and give them time to write their thoughts to question 6 on **Handout B**. As time allows, let them discuss the questions with their team or neighbor.*

*Optional example to share with participants:*


A. Remember when we talked about the Historical Review, I told you that in Marty's school the 2nd grade teachers implement a frequent assessment system in which all students are assessed at the beginning of the year and those who are shown to be at risk are continually monitored once a month. In addition to this assessment system, the 2nd grade teachers meet as a team on a weekly basis to determine what interventions should be implemented for those students who are not making adequate progress. Because of his low score, Marty has been assessed monthly since the school year began and his teacher has used the data collected from these assessments to inform her instruction and interventions. Marty has been the focus of the 2nd grade team meeting several times, as his teacher has implemented many different interventions including asking the schools Reading Specialist to work with Marty. In addition, his teacher conferred with the school's Instructional Support Team regarding appropriate strategies to use with Marty. Marty's mother has been kept informed in writing as well as through phone conversations regarding Marty's progress, the fact that his teacher is assessing his progress at least monthly and that several interventions are being

Stop and Think  
Think about your student.

A. Does your student participate in a response to scientific, research-based intervention process?

B. If so, do you have enough information to use as part of the evaluation procedure? If not, what more information do you need?

Handout B Question 6



Slide 45 continued.

implemented that the grade level team and Instructional Support Team hopes will help Marty progress in reading. During the first meeting with the Instructional Support Team, Marty's mother was involved and she was informed of her right to request a special education evaluation.

B. A great deal of data has been collected on Marty's educational progress that shows he is not making adequate progress despite the research-based interventions implemented and this data will be very useful in the SLD evaluation process. However, the Eligibility Team Leader also believes it would be beneficial to administer some additional diagnostic assessments that will help the Team see *how* Marty is learning, rather than just knowing that he is currently not learning at an adequate rate.

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**Slide 46**


Remember there are 2 options of evaluation method. Let's now look at the 2nd option – the IQ / Achievement Discrepancy model.

Evaluation Method

- Response to Scientific, Research-Based Intervention

and / or

- IQ / Achievement Discrepancy



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### Slide 47

#### IQ / Achievement Discrepancy Model

- Is there a severe discrepancy between ability and achievement in one or more of the Areas of Concern?
- Is there a pattern of strengths and weaknesses in performance and/or achievement?
- What information has been gathered from cognitive, behavioral, physical and/or developmental assessments?
- Has the Team considered data from multiple assessments?

If you are using the IQ/Achievement Discrepancy model as the evaluation method, it is going to be documented on the bottom section of SLD 2.

The premise behind the IQ/Achievement Discrepancy model has to do with the student's potential and ability to learn versus how they are actually learning.

*Review slide with participants.*

The federal term "severe discrepancy" does not require specific IQ or achievement testing, nor does MA identify a definitive score or score range to draw a clear line showing when a discrepancy becomes "severe" and warrants a finding of disability. We emphasize that the finding by the Team must show that the student's performance is seriously compromised in one or more of the areas designated in the law. Such a determination must be made with information from multiple assessments.

The IQ/achievement assessment report that documents evidence that all these things have been done is to be attached to SLD 2.

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### Slide 48

#### Stop and Think

Think about your student. Do you want to implement an IQ/Achievement Discrepancy model? If so, what different or additional information will you get from these assessments?

Handout B Question 7



#### Stop and Think

*Read slide to participants and give them time to write their thoughts to question 7 on **Handout B**. As time allows, let them discuss the question with their team or neighbor.*

*Optional example to share with participants:*

Because Marty has been participating in a responsive instructional program that meets the requirements of a response to scientific, research-based intervention process, the Evaluation Team does not believe it is necessary to administer an IQ/Achievement test. They

Slide 48 continued.

believe that through the data-based intervention system, along with the additional diagnostic information, as well as all the other information that will be collected through the evaluation process they will have enough information to make an informed decision.

However, earlier in the year, a 1st grader was referred for special education evaluation with a SLD and that student did not have the same amount of data-based interventions. For that student, the Team decided to implement an IQ/Achievement discrepancy model.

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**Slide 49**

*Review slide with participants.*

Even if you do the IQ/Achievement Discrepancy model, you still must complete the Historical Review in Component 1.

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**Reminder!**

- No matter what evaluation method you choose, you still must complete all parts of all 4 Components.
- As you are gathering all your evidence about the student's learning, keep in mind that you want appropriate information that will assist you in creating specially designed instruction and developing a responsive, data-driven IEP (if necessary).

Slide 50

Component 2: Area of Concern and Evaluation Method – documented on SLD 2

- Area of Concern
- Evaluation Method
  - ◆ Response to Scientific, Research-Based Intervention
  - ◆ IQ / Achievement Discrepancy Model

BLUE™

That completes Component 2. Any questions?

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Component 3

Slide 51

MA Comprehensive Process  
4 Components

1. Historical Review and Educational Assessment
2. Area of Concern and Evaluation Method
3. Exclusionary Factors
4. Observation



51

Now we are going to go move on to Component 3: Exclusionary Factors.

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**Slide 52**

Component 3: Exclusionary Factors - documented on SLD 3

- Exclusionary Factors
  - ◆ Not a new requirement
  - ◆ 2 new exclusions added
    - ◆ Cultural factors
    - ◆ Limited English proficiency

YELLOW

*Make sure participants are looking at Component 3 on SLD 3. If you prepared your handouts using the color-coding system, SLD 3 will be on yellow paper. If you are not using colored paper for training purposes, note the word Yellow at the bottom of the page for participants.*

Component 3 is documented on SLD 3. It is not a new requirement, however two new exclusions have been added. They are cultural factors and limited English proficiency.

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**Slide 53**

Exclusionary Factors 

- No matter what evaluation method is used, the Team must ensure that the identified area of difficulty is not primarily the result of:
  - ◆ cultural factors;
  - ◆ an environmental or economic disadvantage;
  - ◆ limited English proficiency;
  - ◆ a visual, hearing, or motor disability;
  - ◆ mental retardation; or
  - ◆ an emotional disturbance.

YELLOW

Look at the flow chart on SLD 3. Read each question and answer it. If you answer “no,” move down the flow-chart to the next question. If you answer “yes” to any of the questions, you move to the right and determine that you cannot find this student eligible for special education with a specific learning disability.

How are these decisions made? Multiple sources of information, including home environment, language proficiency, and other contextual factors should be taken into account when the Team makes these decisions.

*The following information should not be read verbatim to participants, but rather used as a reference for the presenter, or if there are questions from participants.*

**Cultural factors**

Cultural differences may impact the student’s approach to school and learning and the student’s educational history. Teams should ensure they have information available on the linguistic or cultural elements related to learning. These elements should be taken into account and not considered as a contributing factor to the student’s disability.

**Environmental or economic disadvantage**

Disadvantages can often manifest themselves in learning problems. However, it is important to stress that these are factors that must not be considered when assessing the student’s actual ability to learn.

Slide 53 continued.

**Limited English proficiency**

A student's lack of knowledge of the English language alone is not an indicator of a disability. Language proficiency, both receptive and expressive, in relation to all aspects of school communication must be assessed to determine the relationship of linguistic/cultural background to school achievement. It must be determined whether the student's lack of achievement is due to a disability or a lack of understanding the language.

**Visual, hearing, or motor disability**

- Reading problems can be the result of a visual disability—for example, poor eyesight. That's why checking a student's vision is an important part of evaluation; to eliminate visual impairment as the root of difficulties the student is experiencing.
- Similarly, difficulty in understanding what is being said or in responding may have its roots in a hearing impairment. Evaluation should involve checking the student's hearing to make sure that a hearing loss is not involved.
- Writing difficulties that result from a "motor disability"—meaning a disability that impairs fine or gross motor skills—could not be considered a SLD.

**Mental retardation**

Mental retardation is a separate disability category under IDEA. It varies from SLD in numerous respects, even while both may cause learning difficulties. Mental retardation is defined as "significantly sub-average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance" [§300.8(c)(6)].

**Emotional disturbance**

While it is possible for emotional disturbance (ED) to impact learning in many ways similar to a specific learning disability, it is defined within IDEA as a separate disability category. Students with ED may have a learning disability, of course, but under IDEA, if a student's learning problems are *primarily* the result of having an emotional disturbance, then the team cannot determine that the student has a SLD.

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Slide 54

Stop and Think

Think about your student. Are there any exclusionary factors in play? Do you know for sure? Do you think more information needs to be gathered on the student to ensure his/her underachievement is not due to one of these factors?

Handout B Question 8



Stop and Think

*Read slide to participants and give them time to write their thoughts to question 8 on **Handout B**. As time allows, let them discuss the question with their team or neighbor.*

In many cases, we think we know all there is to know about a student, but once we dig a little deeper and perhaps have conversations with his/her family, we learn things we never knew. It is important to dig deeper when we are considering exclusionary factors. However, it is not up to one person to make the decision when considering the exclusionary factors. It will be important that a member of the Team do research and find out about each of the exclusionary factors as it relates to the student, and then that information should be brought to the Team to consider and make an informed decision. The Team's job is to ensure lack of progress is due to the student's inability to process language and not to one of the exclusionary factors. If an exclusionary factor is identified, then a different type of instructional intervention would be more appropriate for the student.

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# Component 4

## Slide 55

MA Comprehensive Process  
4 Components

1. Historical Review and Educational Assessment
2. Area of Concern and Evaluation Method
3. Exclusionary Factors
4. Observation 

Now we are going to go move on to Component 4: Observation

*Make sure participants are looking at Component 4 on SLD 4. If you prepared your handouts using the color-coding system, SLD 4 will be on purple paper. If you are not using colored paper for training purposes, note the word Purple at the bottom of the page for participants.*

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## Slide 56

Component 4: Observation – documented on SLD 4



- 4 different observation forms - each for a different age group
  - ◆ SLD 4/OBS PreK
  - ◆ SLD 4/OBS Elementary
  - ◆ SLD 4/OBS Middle
  - ◆ SLD 4/OBS Secondary

PURPLE

You are going to use the appropriate observation form for the student's grade level.

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**Slide 57**

Observation (continued)

- Document academic performance and behavior in the Areas of Concern.
- Can be conducted after the referral for evaluation has come in, or
  - information from an observation in the Area of Concern during routine classroom instruction can be used.
- If the student is younger than school age (3-5 years old) the observation must be conducted in the student's natural environment.

When conducting the observation, first identify the Area of Concern. You are going to focus the observation on this Area of Concern.

During the observation you may not see behaviors in each of the relevant domains. More than one observation may be necessary in order to get a full and accurate picture of the student's skills.

This is not a new requirement, but is a very important piece of the assessment process. The observation can be a helpful tool when ruling out the Exclusionary Factors we just talked about in Component 3 and it can assist in helping to understand why the student is not doing well in the Area of Concern.

*Review slide with participants. After reviewing this slide, stop for questions regarding the observation.*

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Slide 58

Stop and Think

Think about your student. Do you have an observation that has already been conducted? Does one need to be conducted that focuses on the identified Area of Concern? What would you hope to gain from the Observation?

Handout B Question 9



Stop and Think

Read slide to participants and give them time to write their thoughts to question 9 on Handout B. As time allows, let them discuss the question with their team or neighbor.

Optional example to share with participants:

There was not a documented observation of Marty's reading skills already on file, so when he was referred for special education evaluation, the school psychologist conducted an observation during reading time. This observation was helpful in focusing what the problem was for Marty as well as assisting in eliminating some the exclusionary factors such as visual, hearing or motor disability and mental retardation.

Handwriting lines for notes.

Slide 59

MA Comprehensive Process 4 Components

- 1. Historical Review and Educational Assessment
2. Area of Concern and Evaluation Method
3. Exclusionary Factors
4. Observation

We have now covered the whole process. We are almost done!


Handwriting lines for notes.

## Putting It All Together!

### Slide 60

Putting it All Together!

- Team Determination of Eligibility form
- ◆ 28M/10



Let's look now at how we put all this information together to make a Team decision on eligibility. In order to do that, we need to make sure we understand the procedure and who is going to be on the Team.

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### Slide 61

Procedure

- Referral is received
- Evaluation consent is given by parents
- Components 1-4 are assigned
- All Components are addressed simultaneously during the evaluation timeframe
- At the eligibility meeting, each Component is reported on – using the *Team Determination of Eligibility form*



Remember at the beginning of the presentation, we touched on the procedure for determining eligibility. Let's look at it again now that we know all the Components that are involved. The referral is received; consent for evaluation is given by the parents; Components 1-4 are assigned; evaluation information is collected; at the eligibility meeting a report on each Component is given.

We have said it before, but it is worth reiterating that this is not a linear process. All Components should be addressed concurrently once the request for referral has been received. As we have gone through the process now, hopefully you can see the inter-relatedness of all the Components and how they work together to get a big picture of the student's learning.

Slide 61 continued.

*If time is available, have a conversation about who might be the appropriate people to complete each Component.*

*Possible assignments:*

*general education teacher – Component 1*

*diagnostician or school psychologist – Component 2*

*Team leader – Component 3*

*special education teacher – Component 4*

These possible assignments are just that. The Components do not have to be broken up this way, nor are these named positions required Team members. If one person completes all Components, that is fine, but the Team must consider all Components together in order to see the big picture of the student and how he/she learns.

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**Slide 62**

Who should be on the Team?

- Student's parents
- The student's general education teacher.
- ◆ If the student does not have a general education teacher:
  - a general education teacher qualified to teach a student of his or her age;
- ◆ If the child is younger than school age:
  - an individual qualified by the state to teach a child of his or her age.

*Review slide with participants.*

Can you think of a circumstance when a student might not have a general education teacher?

An example might include a student who moves during the summer, enrolls in a new school, and is evaluated during the summer. Another example might be a child who attends a community-based preschool.

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Slide 63

More Team Members

- At least one person qualified to conduct individual diagnostic examinations of children
- Such as:
  - ◆ School psychologist
  - ◆ Speech-language pathologist
  - ◆ Remedial reading teacher
  - ◆ Special educator
  - ◆ Audiologist



Review slide with participants.

Who plays this role in the Team determining SLD is not limited to these five professionals, however, and it is important to make that clear. IDEA provides some of these examples, but says nothing about these only.

IDEA does not mandate who the other members of the Team should be, but rather leaves the decision about Team members and their qualifications at the local level. Therefore, the composition of the group may vary depending on the nature of the student's suspected disability, the expertise within the district, and other relevant factors.

For example, for a student suspected of having a SLD in the area of reading, it might be important to include a reading specialist as part of the eligibility group. However, for a student suspected of having a SLD in the area of listening comprehension, it might be appropriate for the group to include a speech/language pathologist with expertise in auditory processing disorders. Current §300.540 provides flexibility for schools and districts, and ensures that the group includes individuals with the knowledge and skills necessary to interpret the evaluation data and make an informed determination as to whether the child is a child with a SLD, and the educational needs of the child. (71 Fed. Reg. at 46650)

*Excerpted from NICHCY's "Building the Legacy: Individuals with Disabilities Education Act Amendments of 2004," Module 11.*

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### Slide 64

#### Team Determination of Eligibility (28M/10)

- Addresses each of the 4 Components as well as the Eligibility Flow Chart
- Will be filled out at the Eligibility Team Meeting
- Provides a road map for the Team discussion

Now let's take a look at the Team Determination of Eligibility form.

*Make sure participants are looking at the Team Determination of Eligibility form. The footnote reads "Mandated form 28M/10." If you prepared your handouts using the color-coding system, 28M/10 will be on white paper. If you are not using colored paper for training purposes, note the words "Mandated form 28M/10" at the bottom of the page for participants.*

At the meeting, use the Team Determination of Eligibility form to guide your discussion. It walks through each of the 4 Components and can be used as a road map for the Team discussion.

SLD 1-4 and any accompanying documentation must be attached to the Team Determination of Eligibility form (28M/10).

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### Slide 65

#### Eligibility Finding

- Review Components 1-4
- Review Eligibility Flow Chart
- Determine eligibility

At the bottom of the Team Determination of Eligibility form you will see a place to check whether the student has a specific learning disability or not. Before making this decision, the Eligibility Flow Chart should be reviewed. *See the Eligibility Flow Chart on **Handout D**.*

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Slide 66

**Sign-off** 

- Obtain signatures of Team members
- Each member checks the box to indicate agreement or disagreement with the Findings
- Obtain a written statement from any Team member who does not agree with the Finding and attach to the form.

Once the Team has made the eligibility decision, all Team members should sign their name at the bottom of the form and check if they agree or disagree with the Findings. If a member does not agree with the Findings, that person must submit and attach to the Team Determination of Eligibility form, a statement presenting his or her conclusions.

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Slide 67

**Next steps...** 

- If eligible for Special Education services:
  - ◆ schedule the IEP meeting
- If not eligible:
  - ◆ determine next steps with the student

If the Team finds the student has a Specific Learning Disability and is eligible for special education services, then an IEP meeting should follow.

If the Team finds that the student does not have a Specific Learning Disability then the next steps should be considered regarding the student's education.

NOTE – we are not completing the eligibility process with the student you have been thinking about or my student Marty. This is because we do not have the whole Team present; therefore we would not be able to make a finding.

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Slide 68

References

- Building the Legacy: IDEA 2004
- Federal Register, August 14, 2006 – Volume 71, Number 156
- IRIS Center
- National Center for Learning Disabilities
- National Center on Response To Intervention
- National Center on Student Progress Monitoring
- National Dissemination Center for Children with Disabilities (NICHCY)
- National Research Center for Learning Disabilities

See **Handout E** for web links to each of these references.

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