



# SPECIAL EDUCATION GUIDANCE

## ER-2A Criteria for Disability Category: Documentation for Specific Learning Disability (SLD) – Initial Evaluation

Form ER-2A is used **only** for initial SLD eligibility decisions for all enrolled public school students.

| FORM CONTENT  | CLARIFICATION/EXPLANATION  |
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| <p>Date of Eligibility Determination (34 CFR §§ 300.301 and 300.309; Wis. Stats. § 115.78).</p> | <p>Enter the date the IEP team meets and determines whether the student is or continues to be a student with a disability.</p> <p>In the case of an initial evaluation or a reevaluation, the IEP team must make the eligibility determination within 60 calendar days of receiving parent consent for administering tests and other evaluation materials (see form IE-3 or RE-5) or providing the parent notice that no additional assessments are needed (see form IE-2 or RE-4).</p> <p>There are three exceptions to the 60-calendar-day evaluation timeline. The exceptions include situations in which (1) the parent of a student repeatedly fails or refuses to produce the student for the evaluation; (2) a student enrolls in a school of another LEA after the 60-calendar-day timeline has begun, but prior to a determination of eligibility or continuing eligibility by the student's previous LEA, sufficient progress is being made to ensure a prompt completion of the evaluation, and the parent and district agree to a specific time when the evaluation will be completed (see form M-2); or (3) there is a written agreement with the parent to</p> |

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|   | <p>extend the timeline to complete the initial evaluation of a student suspected of having a specific learning disability (see form M-3).</p> <p>The date of eligibility determination also begins the 30-calendar-day timeline within which the IEP team must meet to develop an IEP and determine a student's placement.</p>                |
| <p>Documentation of eligibility (34 CFR §§ 300.306, 300.307, and 300.309-311; Wis. Stats. § 115.782).</p> | <p>These forms provide prompts to ensure IEP teams address all state and federal SLD eligibility criteria requirements. Additional guidance regarding SLD eligibility criteria is available at <a href="http://dpi.wi.gov/sped/program/specific-learning-disabilities">http://dpi.wi.gov/sped/program/specific-learning-disabilities</a>.</p> |

| FORM CONTENT  | CLARIFICATION/EXPLANATION   |
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| <p><b><u>1. Insufficient Progress</u></b><br/>(34 CFR §§ 300.307; 300.309 and 300.311).</p> | <p>This section must be completed. Check “Yes” if the student met this criterion in any area(s) of concern. Check “No” if the student did not meet this criterion in any area.</p> <p>If “Yes”, check each area considered in which the student was found to meet this criterion in the Data Used to Support Insufficient Progress Determination chart. Then check the decision rule that applied to the analysis of progress monitoring data leading to the finding that the student met the criterion.</p> <p>In the Progress Monitoring Data section, summarize the progress monitoring data collected during SRBIs. Supporting documentation, such as data graphs, may be attached. Documentation must be sufficient to support the decision rule checked. For example, it would be appropriate to include a chart of baseline and weekly data points with a normative comparison line showing the gap between the student's growth and expected rates for same age/grade peers. Additional information may be provided here or</p> |

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|  | <p>below in “additional notes” to explain why the decision rule applied. An example would be to provide a brief explanation of why growth may be the same or greater, but the student was found to meet the criterion.</p>   |
| <p>The instructional strategies used with the student, including intensive intervention, were applied in a manner highly consistent...</p> | <p>The box must be checked to ensure compliance with these requirements. IEP teams may wish to document the dates and methods of informing the parents. IEP teams may document the interventions provided on the ER-1 under “Previous interventions and the effects of those interventions” or in the “Additional Notes” section below.</p>  |
| <p>The student’s parents were informed about the amount and nature....</p>   | <p>The box must be checked to ensure compliance with this requirement. IEP teams may wish to add information about the particular interventions used including names of interventions, dates used, etc., if not documented elsewhere in the report. Districts should put systems in place to ensure SRBIs and Progress Monitoring data meet the standards in the rule whenever the data will be used to make an SLD eligibility decision. Information should be made available to the team as needed to document SRBIs were appropriately implemented prior to the IEP team evaluation meeting. This information can also be included in the “Additional Notes” section below.</p> |
| <p>Additional Notes (if any):</p>  | <p>If not included in other sections, the IEP team may wish to include other information such as the specific SRBIs and progress monitoring probes used, descriptions of student’s relative performance during the first and second interventions, how the student’s performance during intervention compared to classroom performance in the same areas, etc.</p>   |

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| <p><b><u>2. Inadequate Classroom Achievement</u></b><br/> <b>(34 CFR §§ 300.309 and 300.310).</b></p> | <p>This section must be completed. Check “Yes” if the student scores at or below the 1.25 SD cut score in any area (81.25 on tests with a mean of 100 and SD of 15). If the test has a mean other than 100 use the SD for the test and determine the cut score. Check each area in which the student met this criterion: Oral Expression, Basic Reading Skill, Mathematics Calculation, Listening Comprehension, Reading Comprehension, Mathematics Problem Solving, Written Expression, and Reading Fluency Skills. Check “No” if the student scores above the 1.25 SD cut score (Note: The IEP team may consider scores within 1 standard error of the 1.25 SD cut score to meet the inadequate classroom achievement criterion, if the IEP team determines the student meets all other criteria). Academic achievement scores must correspond to the area(s) of achievement under consideration.</p> |
| <p>Data Used To Support Determination:</p>  | <p>This section must be completed whether the student did or did not meet this criterion. Provide a summary of the data. This minimally includes the names of tests/subtests and the student’s standard scores. Additional information may be appropriate to include, such as percentile scores, score ranges, etc. It could also be appropriate to attach the student’s test score printout or score chart generated from the test’s computer scoring software and note, “see attached scores.” Provide additional information if the printout does not include sufficient information for the reader to determine if the student did or did not meet the cut score as per the SLD rule. Including additional summary information such as area(s) of concern in which the student’s scores fell above the cut score is recommended.</p>  |
| <p>If the 1.25 standard deviation (SD) requirement was not used:...</p>                               | <p>This section must be completed if the IEP team did not use the 1.25 cut score requirement for one or more of the areas</p>   |

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|                                   | <p>of concern. A brief explanation supporting why a valid score could not be obtained is required (For example: Despite several attempts on different days, the student did not maintain sufficient attention during testing to complete the items according to test administration directions). In addition, note the IEP team determination of whether the student does or does not demonstrate inadequate achievement (relative to same age peers) in the area(s) and specify the alternate empirical data used to support the decision. State test scores and anecdotal teacher reports are not sufficient.</p> |
| <p>Additional Notes (if any):</p> | <p>This section is optional. Any additional notes regarding the student’s performance on the standardized achievement test(s) may be added, such as relative strengths and weaknesses, comparison to observed classroom achievement, etc.</p>   |

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| <p><b><u>3. Exclusionary Factors DO NOT apply.</u></b><br/>(34 CFR §§ 300.309 and 300.310).</p>                                | <p>This section must be completed. Check “Yes” if no exclusionary factors apply, or check “No” if one or more factors apply. If “No,” check the factor(s) that apply in the list provided on the form.</p>   |
| <p>Additional Considerations (complete whether or not an exclusionary factor applies)—The IEP team considered:</p>             | <p>The following items must be completed in all cases, whether or not “No” is checked. The IEP team may wish to add additional descriptive information. We suggest documenting additional information if any exclusionary factor is found to apply and the student will therefore not meet criteria.</p> |
| <p>Data demonstrating, prior to or as part of the evaluation, the student was or was not provided appropriate instruction.</p> | <p>The box must be checked to ensure compliance with this requirement. Additional description is optional, but may be useful to support IEP team decisions. The IEP team may wish to provide a summary of the general education instruction provided, particularly if the</p>                            |

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|  | appropriate instruction exclusionary factor applies. This information can also be included in the “Additional Notes” section below.   |
| Evidence the student received repeated assessments of achievement reflecting student progress. | The box must be checked to ensure compliance with this requirement. Additional description is optional, but may be useful to support IEP team decisions. The IEP team may wish to include a summary of ongoing general education assessments provided as part of general education instruction if not included elsewhere. This information can also be included in the “Additional Notes” section below.                    |
| The student’s parents were informed of such assessments.                                       | The box must be checked to ensure compliance with this requirement. Additional description is optional, but may be useful to support IEP team decisions. The IEP team may wish to include how the parents were informed of the results of on-going general education assessment as part of appropriate instruction if not addressed earlier. This item may also be addressed in the prior section on Insufficient Progress. |

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| <p><b><u>ADDITIONAL DOCUMENTATION REQUIRED WHEN STUDENT IS EVALUATED FOR SLD:</u></b><br/> (34 CFR §§ 300.309; 300.310; and 300.310).</p> |   |
| Relevant behavior noted during observation of the student...  | This section must be completed. The IEP team should summarize the observation data collected during the two required observations (or more if student was observed in more than two settings): during general education classroom instruction and during at least one of the required SRBIs. The information should be specific to how the student performed in the area(s) of achievement concern when |

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|   | observed. Information comparing the student's observed learning behavior to other students in the class can be helpful.   |
| Educationally relevant medical findings | This section must be completed. Check "Yes" OR "No" as appropriate. If "Yes" is checked, additional information is required. The IEP team should summarize the relevant medical findings and their effect on the student's achievement, particularly in the area(s) of concern. |

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| <b><u>SUMMARY OF ELIGIBILITY CRITERIA CONSIDERATION</u></b><br>(34 CFR §§ 300.304 and 300.311).   | If #1, #2, and #3 are marked "YES", the student meets the eligibility criteria for the disability category of specific learning disability (SLD). If any item is marked "No", the student does not meet eligibility criteria for the disability category of SLD. Prompts for additional information must be completed as appropriate. If such information is addressed elsewhere in the IEP team evaluation report, please reference where the information can be found. If there are more areas of concern, add rows to the chart. |
| The IEP team decision of whether the student 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: | The box must be checked to ensure compliance with this requirement. When determining whether a student has a specific learning disability, the IEP team must base its decision on information from a variety of sources and not on any single measure or assessment as the sole criterion.  |

| FORM CONTENT                                    | CLARIFICATION/EXPLANATION   |
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| <b><u>DISABILITY CATEGORY DETERMINATION</u></b> | Check "yes" if the documentation of the criteria above demonstrates the student meets the disability category criteria for specific learning disability. A student whose disability has an adverse effect on educational performance must be found to require specially designed instruction in order to be eligible for special education. |

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|  | Document the need for specially designed instruction on the ER-1.  |
| Each IEP team participant must sign... | Each IEP team participant, including the parents, signs the form and indicates if they agree with the team's conclusion about whether or not the student has a specific learning disability. If any IEP team participant, including the parent, does not agree with the team's conclusions, then they must also attach a statement reflecting their conclusions. If a parent disagrees with the conclusions of the team and refuses to submit a statement, the LEA cannot compel the parent to do so. The LEA may summarize the parent's position in writing and indicate the parent refused to submit a separate statement. |
| Additional Notes (if any):             | The IEP team may wish to include additional information relevant to the eligibility decision here, if not included elsewhere. It may be particularly appropriate to include additional information if the student was not found to meet eligibility criteria to explain why the student was not found eligible and summarize the student's strengths and relative weaknesses.  |





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