



SPECIAL EDUCATION GUIDANCE

ER-2C Documentation for Specific Learning Disability (SLD)-Initial Evaluation Using Significant Discrepancy When Evaluating Private School or Home-Based Private Education Students

Significant discrepancy cannot be used to evaluate a student attending a public school, including a public charter school. Significant discrepancy may be used, but is not required, for initial evaluations of parentally placed private school students and students enrolled in home-based private education (homeschool).

A parent of a student attending a private school or participating in a home-based private educational program may request the use of significant discrepancy. Upon such request, the IEP team must consider whether use of significant discrepancy to evaluate the student is feasible. If the IEP team determines that it is not feasible to use significant discrepancy, the reason for that determination must be provided to the parent in writing.

If significant discrepancy is used, this form is required. Scientific Research-Based Interventions (SRBIs) cannot be required for these students. IEP teams may use progress monitoring data collected during SRBIs to analyze the insufficient progress criterion for such students if the data collected otherwise meets the standards in the SLD rule (i.e., data from probes collected at least weekly during two SRBIs implemented with fidelity). In this case, the IEP team would document eligibility using form ER-2A (34 CFR § 300.307).

If #1, #2, and #3 are marked "YES", the student meets the disability category criteria for specific learning disability (SLD). If any item is marked "No", the student does not meet the disability category criteria for 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.

FORM CONTENT	CLARIFICATION/EXPLANATION
<p>Date of Eligibility Determination (34 CFR §§ 300.306 and 300.309-311; Wis. Stats. § 115.782).</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 when (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 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>

FORM CONTENT	CLARIFICATION/EXPLANATION
<p>Documentation of Eligibility</p>	
<p><u>1. Insufficient Progress</u></p> <p>Data Used to Support Determination (34 CFR §§ 300.307; 300.309; and 300.311).</p>	<p>“Yes” or “No” must be checked. If “Yes” check any area(s) that apply.</p> <p>This section must be completed. Include the test name(s) and test/subtest scores from the individually administered standardized assessments of academic achievement and cognitive ability used for the regression analysis. Academic achievement scores must directly correspond to the area or areas of achievement addressed during the evaluation. The same achievement scores may be used to determine inadequate classroom achievement (above) and achievement portion of this criterion when using the significant discrepancy analysis.</p>
<p>If the regression formula was not used to make this determination...</p>	<p>This section must be completed if the regression formula is not used. The IEP team may include other factors such as test behavior, language proficiency, another interfering impairment or the absence of a valid, reliable test for the student's age to document why the regression procedure was not used. Other empirical evidence that may be used to establish a variable pattern of achievement includes curriculum-based measures (CBMs), portfolios, grading rubrics, district-developed formative grade level assessments, criterion-based assessments, classroom assessments, statewide or district assessments, student work products, and other informal indicators of achievement.</p>

<p>Additional Notes (if any):</p>	<p>This section is optional. Any additional notes regarding the student's performance on the standardized cognitive ability or achievement test(s) may be added, such as student specific factors that may have affected performance and relative strengths and weaknesses that may be relevant for instructional planning.</p>
<p><u>2. Inadequate Classroom Achievement</u> (34 CFR §§ 300.309 and 300.310).</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 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</p>

	<p>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>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>
<p>Exclusionary Factors DO NOT apply. (34 CFR §§ 300.306-307, 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 regardless of whether or not the exclusionary factor applies. The IEP team may wish to add additional descriptive information. Elaboration is recommended 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 appropriate instruction exclusionary factor applies. This information can also be</p>

	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 information can also be included in the “Additional Notes “section below.
Additional Notes (if any):	This section is optional. The IEP team may wish to provide a summary of information discussed regarding potential exclusionary factors that may be relevant whether or not the student met this criterion. For example, the effect of having English as a second language or cultural differences of a recent immigrant may be relevant. Elaboration is recommended if any exclusionary factor is found to apply and the student will therefore not meet criteria.

FORM CONTENT	CLARIFICATION/EXPLANATION
<p>Additional Documentation Required When Student is Evaluated for SLD (34 CFR §§ 300.307 and 300.311).</p>	<p>This section must be completed in all cases. The IEP team should summarize the observation data collected during the observation of routine classroom instruction. An observation during intensive scientific research-based or evidence-based intervention is not required, as intensive intervention cannot be required of parentally-placed private school or home schooled students. The information should be specific to how the student performed in the area(s) of achievement concern when observed. Information comparing the student's observed learning behavior to other students in the class can be helpful.</p>
<p>Educationally relevant medical findings</p>	<p>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.</p>

FORM CONTENT	CLARIFICATION/EXPLANATION
<p>Summary of Eligibility Criteria Consideration (34 CFR §§ 300.304; 300.311).</p>	<p>If #1, #2, and #3 are marked "YES", the student meets the disability category criteria for specific learning disability (SLD). If any item is marked "No", the student does not meet disability category criteria for 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.</p>

<p>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:</p>	<p>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.</p>
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<p>FORM CONTENT</p>	<p>CLARIFICATION/EXAMPLE</p>
<p>Disability Category Determination</p>	<p>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. Document the need for specially designed instruction on the ER-1.</p>
<p>Each IEP team participant must sign....</p>	<p>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 chooses not 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 choose not to submit a separate statement.</p>
<p>Additional Notes (if any):</p>	<p>The IEP team may wish to include additional information relevant to the eligibility decision here, if not included elsewhere. It may be particularly</p>

	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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