

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

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Foreword

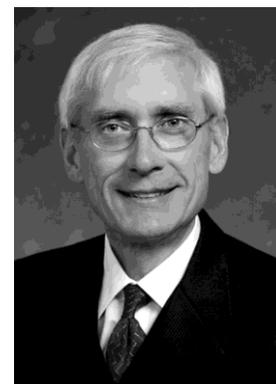
"Every child must graduate ready for further education and the workforce. We must align our efforts so all our students are prepared to succeed in college or a career."

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

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

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

Tony Evers, Ph.D.
State Superintendent



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

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

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

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

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

The department acknowledges the numerous individuals who assisted in developing this guide and who reviewed portions of it and provided invaluable input prior to publication.

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Overview of Wisconsin's Specific Learning Disabilities Rule

1

Setting the Stage for the SLD Rule

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

Section Contents

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

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

Until relatively recently, one of the most commonly used indicators of achievement delays reflecting SLD was discrepancy between cognitive ability and achievement as measured by individually administered standardized tests. Over time, research findings called into question the usefulness of discrepancy analysis to differentiate students with SLD from students with or without other disabilities. As a result, the focus of research on SLD identification shifted from the use of discrepancy to the collection and analysis of direct evidence from instruction and intensive intervention. Researchers suggested that without a review of student response to instruction and intensive intervention there was no basis for distinguishing student underachievement due to SLD from student achievement affected by other factors, including inadequate instruction (Fletcher, 2008).

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

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

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

Wisconsin's revised SLD rule was finalized in September 2010 and took effect on December 1, 2010. The revised rule included a three year transition period for to end the use of "significant discrepancy." Effective December 1, 2013, IEP teams no longer use significant discrepancy as an SLD eligibility criterion and must use progress monitoring data collected during intensive scientific research-based or evidence-based interventions to make SLD eligibility decisions for public school students. The application of criteria described in the body of this guide applies to evaluations of all public school students in which SLD eligibility is being considered for the first time. See Appendix D for exceptions to the requirements that may apply to evaluations of non-public school students including parentally placed and students enrolled in home based private education programs (homeschool).

Definition of Specific Learning Disability

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

"Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations, including

conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing, motor disabilities, cognitive disabilities, emotional disturbance, cultural factors, environmental or economic disadvantage.” [Wis. Admin. Code § PI 11.36(6)(a)]

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

The diagnostic labels listed in the general definition include those historically used to describe conditions similar to the educational definition of SLD. Many of these terms are no longer used. Students with non-educational diagnoses, such as those listed in the definition, may be considered for eligibility under IDEA but must meet Wisconsin eligibility criteria for the “impairment” of SLD (or another impairment) **and** demonstrate a “need for special education” as a result of that impairment prior to being identified as a student with a disability.

SLD Rule Overview

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

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

The rule specifies for all SLD evaluations - initial and reevaluations - the IEP team must consider multiple sources of data, including data from systematic observation and formal and informal evaluation data. Federal rules specify the evaluation must be sufficiently comprehensive to determine eligibility and, if the student is found eligible, to assist in determining the content of the student’s IEP, including information about what the student needs to be involved in and progress in the general education curriculum [34 CFR § 300.304 (b)(1)].

The rule also outlines documentation requirements which are more numerous for initial evaluations than for reevaluations. An [SLD Evaluation Requirements Checklist](#) has been developed as a resource for IEP teams to assist them in the completion of SLD initial evaluations and reevaluations. This checklist can be found in Appendix A. A summary of the IEP team process and related forms can

be found in Appendix B. The department has developed forms for IEP teams to use as part of the required evaluation report to document IEP team SLD eligibility decisions: DPI sample forms [ER-2A](#), [ER-2B](#) and [ER-2C](#) are available on the department's website. Links to these and other forms used in the IEP team evaluation process are included in Appendix C.

Outline of the SLD Criteria

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

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

Wisconsin's SLD rule specifies the following criteria:

Inadequate Classroom Achievement

After intensive intervention, the student does not achieve adequately for his or her age, or meet state-approved grade-level standards in one or more of the eight achievement areas of SLD when provided with age-appropriate learning experiences and instruction. Classroom achievement is analyzed after a student has received appropriate instruction and intervention [Wis. Admin. Code § PI 11.36(c)1.].

Insufficient Progress

The student has made insufficient progress as documented by insufficient response to intensive, scientific research-based or evidence-based intervention. [Wis. Admin. Code § PI 11.36(6) (c) 2.a.]. Note: Effective December 1, 2013, discrepancy analysis may only be used for initial SLD eligibility determination of parentally placed private school students and students enrolled in home-based private education (home school). See Appendix D for guidance on apply the SLD eligibility rule to initial SLD evaluations of non-public school students including parentally placed and students enrolled in home-based private education programs (homeschool)

Exclusionary Factors

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

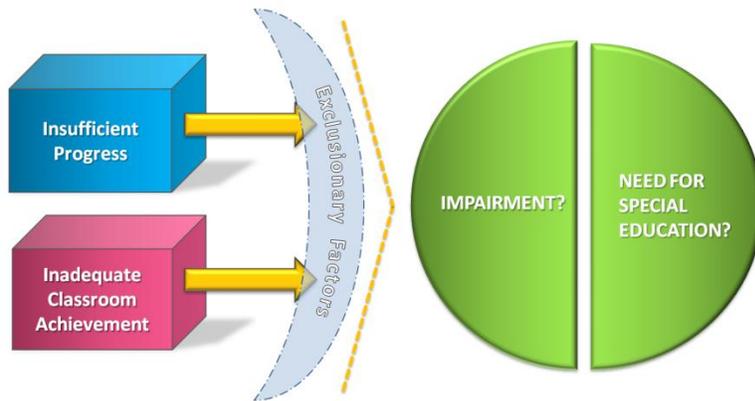
- Other impairments;
- Environmental, cultural or economic factors;
- Limited English proficiency; or
- Lack of appropriate instruction in any of the eight areas of achievement being considered [Wis. Admin. Code § PI 11.36(6)(d)1.].

Figure 2 illustrates how Wisconsin SLD criteria interact with one another. When an **initial** special education evaluation for SLD is conducted, the eligibility

*Wisconsin's SLD rule specifies the following criteria:
Inadequate Classroom Achievement;
Insufficient*

decision regarding impairment is contingent upon all three criteria being met. If the criteria are met, the IEP team proceeds to the second eligibility question to determine whether the student requires special education to address the needs resulting from the impairment.

Figure 2



The graphic emphasizes:

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

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

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

A description of each of the eight achievement areas of SLD can be found in Chapter 3 of this guide. A student needs to meet initial criteria in only one of the eight areas to establish the impairment of SLD. If the IEP team finds the student meets the eligibility criteria for the impairment of SLD, it still must consider whether the student has a need for special education before determining the student is a “child with a disability.”

Once the IEP team determines the need for special education exists, an IEP is developed to meet the student's disability related needs addressing annual goals, involvement and progress in the general education curriculum and environment with non-disabled students, participation in non-academic and extracurricular activities, and any other identified educational needs [34 CFR § 300.320]. There does not have to be a one to one correspondence between the goals and services in the student's IEP and the specific area(s) of SLD concern in which the student met initial criteria. It is possible for an SLD to affect achievement areas not found to meet the classroom achievement or insufficient progress criteria.

SLD Evaluation Activities and Data Sources

The SLD rule requires IEP teams to complete certain activities when conducting evaluations for SLD eligibility, including a review of formal and informal assessment data and systematic observations. All initial evaluations and reevaluation must be sufficiently comprehensive to identify the student's special education and related services needs. For all initial evaluations, IEP teams must base eligibility decisions on information gained through a full and individual evaluation using formal and informal data about the student's academic achievement and learning behavior. Sources of formal data may include standardized achievement tests; individually administered norm-referenced tests; progress monitoring data from intensive interventions; screening and other assessment data linked to standards and data from systematic error analysis; criterion-referenced measures; curriculum-based assessments and systematic observations. Sources informal data may include formative assessments of student performance during classroom instruction; student work products; analysis of classroom expectations and curriculum; interview data; anecdotal notes; and information from unstructured or general observations.

A systematic observation during routine classroom instruction in the area of concern being evaluated is always required for an initial or reevaluation for SLD. A second observation, conducted during intensive intervention, is required for all initial SLD evaluations of public school students. The IEP team may use data from observations made prior to a referral if the observations meet the standard in the rule. See Chapter 4 for more information about observations required by the SLD rule.

For initial SLD evaluations of public school students the rule also requires that the student must receive two intensive SRBIs with weekly progress monitoring data collected during the interventions **before** the IEP team can make the SLD eligibility determination. The interventions must be implemented within general education by appropriately licensed general education staff and can occur before or after a special education referral is made.

The SLD rule requires a valid, reliable, and norm-referenced test of academic achievement to be individually-administered after intensive intervention. Therefore, the required standardized achievement test may not be administered until after the two required SRBIs.

There are a number of specific requirements for the use of data from response to intensive, scientific, research-based or evidence-based intervention to determine insufficient progress. These are discussed in the insufficient progress

The SLD rule requires individually administered, valid, reliable, and norm-referenced test of academic achievement be administered after

section of Chapter 3. All initial evaluations of public school students must meet the requirements outlined in Chapter 3 including the determination of insufficient progress using data from response to intensive, scientific, research-based or evidence-based intervention.

SLD Documentation Requirements

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

During an initial SLD evaluation, the IEP team is required to consider and document:

- Whether the student meets the impairment criteria for SLD, and the basis for the decision.
 - Consideration of exclusionary factors and whether they are or are not the primary reason for inadequate achievement or insufficient progress.
 - Whether the student has demonstrated inadequate achievement after intensive intervention
 - Whether the student has made sufficient or insufficient progress based on the student's response to intensive, scientific research-based or evidence-based intervention (Required of all initial SLD evaluations of public school students).

The IEP team must also document parental notification of all of the following:

- Strategies for increasing the student's rate of learning, including the intensive interventions used;
 - The progress monitoring data collected; and
 - The parent's right to request an evaluation.
- The relevant behavior, if any, noted during the required systematic observations and the relationship of the observed behavior to academic functioning.
 - Educationally relevant medical findings, if any.
 - The signature of each IEP team member indicating agreement with the determination of eligibility and, if not, submission of a separate statement.
 - If found to have the impairment of SLD, documentation of the need for special education.

If the student is being reevaluated for SLD, document:

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

- Documentation of any relevant behavior noted during the required systematic observation during routine classroom instruction
- Educationally relevant medical findings, if any.
- The signature of each IEP team member indicating agreement with the determination of eligibility and, if not, submission of a separate statement.

Other Considerations

The 2010 SLD rule established a sunset on the use of significant discrepancy between ability and achievement to determine insufficient progress. The rule provided effective December 1, 2013, the significant discrepancy method could not be used to determine insufficient progress for initial SLD evaluations of public school students. Since December 1, 2013, all IEP teams determine insufficient progress using progress data collected during intensive, scientific research-based or evidence-based interventions. The significant discrepancy method may only be used, but is not required, for initial SLD evaluations of parentally placed private school students and students in home based private education programs. This method is described in Appendix D.

There are additional IEP team roles that must be filled when conducting initial SLD evaluations of public school students. These roles are discussed in Chapter 2.

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

Applying the Rule: Ideas for IEP Team Discussion

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

- Has the IEP team considered all three criteria to meet eligibility requirements for SLD, and determined whether *each* of the three criteria has been met?
- Has the IEP team collected and analyzed all data relevant to the eligibility determination from observations, and formal and informal data sources?
- Has the IEP team addressed all the documentation requirements specified in the rule?

References

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

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

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

Resources

The *SLD Evaluation Requirements Checklist* is located in Appendix A and online at <http://sped.dpi.wi.gov/files/sped/pdf/sld-eval-require-check.pdf> .

The Special Education Evaluation Process

2

Setting the Stage for Conducting an Evaluation

Chapter 2 outlines the general process used for special education evaluations with details specific to evaluations to determine specific learning disability (SLD) eligibility. The purpose of this section is to summarize the activities that Individualized Education Program (IEP) teams undertake when completing an initial evaluation or reevaluation to determine whether there is an impairment of SLD and a need for special education. The chapter includes discussion of the timeline extension and additional IEP team member roles specified in Wisconsin's SLD rule.

Section Contents

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

IEP Team Evaluation

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

Referral and Notice

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

evaluation must be completed and an eligibility decision made within 60 calendar days of receiving parental consent for evaluation, or sending the notice that no additional assessment is needed. A special education referral cannot be denied or delayed to allow a school to implement, or to finish implementing, an intervention. The LEA must process all special education referrals. However, upon mutual agreement, the parent and school may agree in writing to extend an initial SLD evaluation timeline in order to continue interventions and collect related progress monitoring data.

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

Assignment of the IEP Team

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

The members of the IEP team include:

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

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

Additional IEP Team Member Roles in Initial SLD Evaluation

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

- A licensed person who can analyze data on individual rate of progress using a psychometrically valid and reliable methodology;
- A licensed person who has implemented the SRBIs with the student; and
- A licensed person qualified to conduct individual diagnostic evaluations. [Wis. Admin. Code §§ PI 11.36(6)(d)]

A member of an IEP team can serve more than one role. In assigning roles to IEP team members, LEAs may wish to consider how many different roles any single person can adequately represent during IEP team deliberations. LEAs are encouraged to establish reasonable guidelines for IEP team composition so that meaningful discussions can take place when making eligibility determinations. The additional IEP team members are required for all initial SLD evaluations of public school students initiated as of December 1, 2013.

IEP teams are strongly encouraged to include staff that know the student well and have worked closely with the student. Since the SLD evaluation process is heavily rooted in data analysis and problem solving, this will enhance the ability of the IEP team to interpret the data since someone who knows the student will be able to help contextualize the data and understand the story behind the data. Furthermore, it ensures progress data and other evaluation information will be analyzed taking into consideration the student, class, or school-level issues that impact progress during intervention and reliably determine whether progress is sufficient or insufficient.

Duties of the IEP Team

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

- Conduct an evaluation to determine a student's eligibility or continued eligibility for special education and related services.
- Develop, review, and revise an IEP for each student found eligible.
- Determine a special education placement for each student with a disability [Wis. Stat. § 115.78(2)].

Parental Involvement in the IEP Team Process

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

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

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

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

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

Review of Existing Data

After a parent is notified in writing of the start of an initial evaluation or reevaluation, members of the IEP team (including the student's parents) review existing data and determine what additional data are needed, if any. An IEP team meeting is not required at this step. However, in the case of an initial SLD evaluation, LEAs may find it appropriate to schedule an IEP team meeting to review all existing data sources, identify area(s) of SLD concern, and discuss responsibilities for collecting any additional evaluation data. The IEP team has 15 business days from the receipt of a referral or notice of reevaluation to review additional data and send the parent a request for consent for additional assessment, or to notify parents that no additional data is needed. DPI sample form EW-1, [*Worksheet for Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials are Needed*](#) can be used to document the review of existing data.

Existing data reviewed by the IEP team includes, but is not limited to, evaluations and information provided by the student's parents; previous interventions and their effects; current classroom-based, local, or state assessments; classroom observations; and observations by teachers and related services providers.

Notice and Consent

Following the review of existing data, a notice is sent to the student's parent(s) conveying the results of the review of existing data, and written parental consent is requested if additional data and assessments are needed. Notice and consent may be documented using DPI sample forms, IE-2, [Initial Evaluation: Notice that No Additional Assessments Needed](#); IE-3, [Initial Evaluation: Notice and Consent Regarding Need to Conduct Additional Assessments](#); RE-4, [Reevaluation: Notice That No Additional Assessments Needed](#); RE-5, [Reevaluation: Notice and Consent Regarding Need to Conduct Additional Assessments](#).

If, upon the review of existing data, the IEP team determines the student demonstrates adequate classroom achievement or sufficient progress to meet age-level or state-approved grade-level standards, the IEP team may make an eligibility decision based on existing data. In this case, an IEP team meeting would be held to determine eligibility and the parents would be provided with appropriate meeting notice.

Evaluation Timeline

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

SLD Rule Timeline Extension

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

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

If, as part of an initial evaluation to consider SLD eligibility, the student is being considered for other impairments in addition to SLD, and the parent and other members of the IEP team agree to extend the 60 day timeline to collect needed data for SLD determination, the timeline extension applies to the entire evaluation. In this case, an IEP team meeting would be held to consider eligibility for SLD and any other impairments on the date agreed to by the parent and other IEP team members.

Evaluation Meeting

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

- Does the student have the impairment of specific learning disability?
- Does the student need special education to address the student's disability related needs?

Once an eligibility decision is made, an evaluation report is prepared documenting the IEP team decision. The evaluation report may be documented using DPI sample forms ER-1, [Evaluation Report, including Determination of Eligibility and Need for Special Education](#) and the sample SLD forms [ER- 2A](#), [ER-2B](#) or [ER-2C](#)

Full and Individual Evaluation

State and federal law requires all IEP teams to conduct a full and individual initial evaluation to determine whether the student has a disability and is eligible for special education. Every IEP team evaluation must be sufficiently comprehensive to determine whether the student is a child with a disability and, if so, to identify the student's special education and related service needs whether or not commonly linked to the identified impairment category. In addition, the evaluation should provide information to help determine the content of the student's IEP including information related to enabling the student to be involved in and to progress in the general education curriculum.

Technical Characteristics

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

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

Non-discriminatory Process

Assessment tools and strategies used in special education evaluation must be selected and administered so as not to be discriminatory on a racial or cultural basis. Assessment procedures must be carried out in the form and language that is

most likely to provide accurate information about the student. If a referred student is a member of a demographic subgroup, the IEP team may need to review data about whether the subgroup's performance is alike or different from the aggregate student group. The IEP team may also need to consider whether the performance of a referred student from a demographic subgroup is due to the presence of a disability or whether it is linked to other factors.

Formal and Informal Data Including Systematic Observations

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

Observations of how the student approaches learning are an important source of informal data. They can help identify effective learning strategies and interventions for the student and pinpoint specific areas of strength and weakness related to achievement. Every SLD evaluation requires a systematic observation of the referred student during routine classroom instruction in the area(s) of suspected disability. In addition, for all initial SLD evaluations of public school students, a second observation during SRBI is required. See Chapter 4 for additional information about the use of various data sources when considering SLD eligibility.

Determination of Eligibility

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

Activities Following the Eligibility Decision

If the IEP team determines the student is a student with a disability, the IEP team meeting may continue to develop the IEP. Alternatively, the IEP team may convene another meeting to develop the IEP. The IEP team must develop an IEP within 30 calendar days after the eligibility determination is made. Unless provided earlier at an IEP team member's request, a copy of the evaluation report is provided to parents with the notice of placement and a copy of the IEP. Additional information about the IEP team process, including all DPI sample forms, is available at http://sped.dpi.wi.gov/sped_forms06.

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

Figures 3 and 4 summarize the special education [evaluation](#) and [IEP](#) development process, including the required timelines for completion of each part of the process.

Figure 3

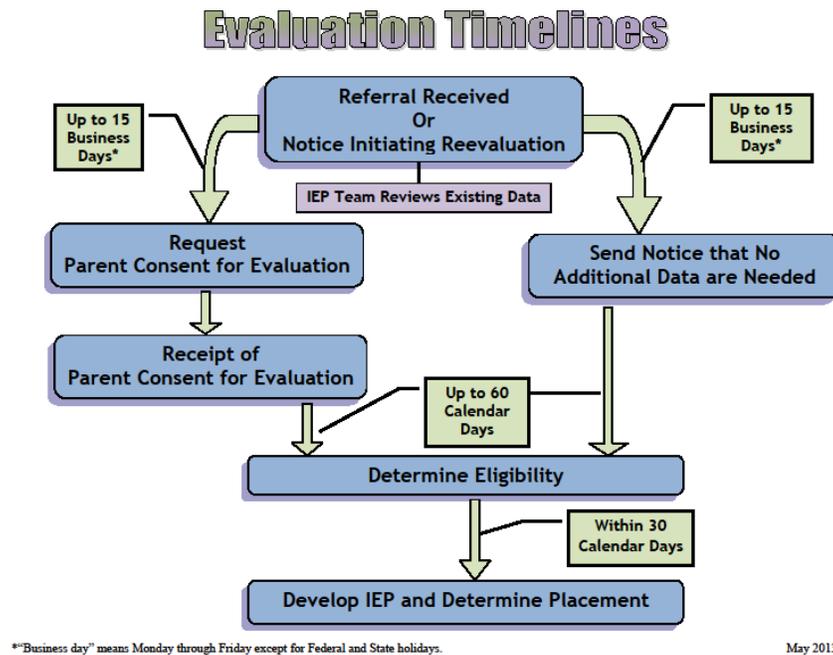
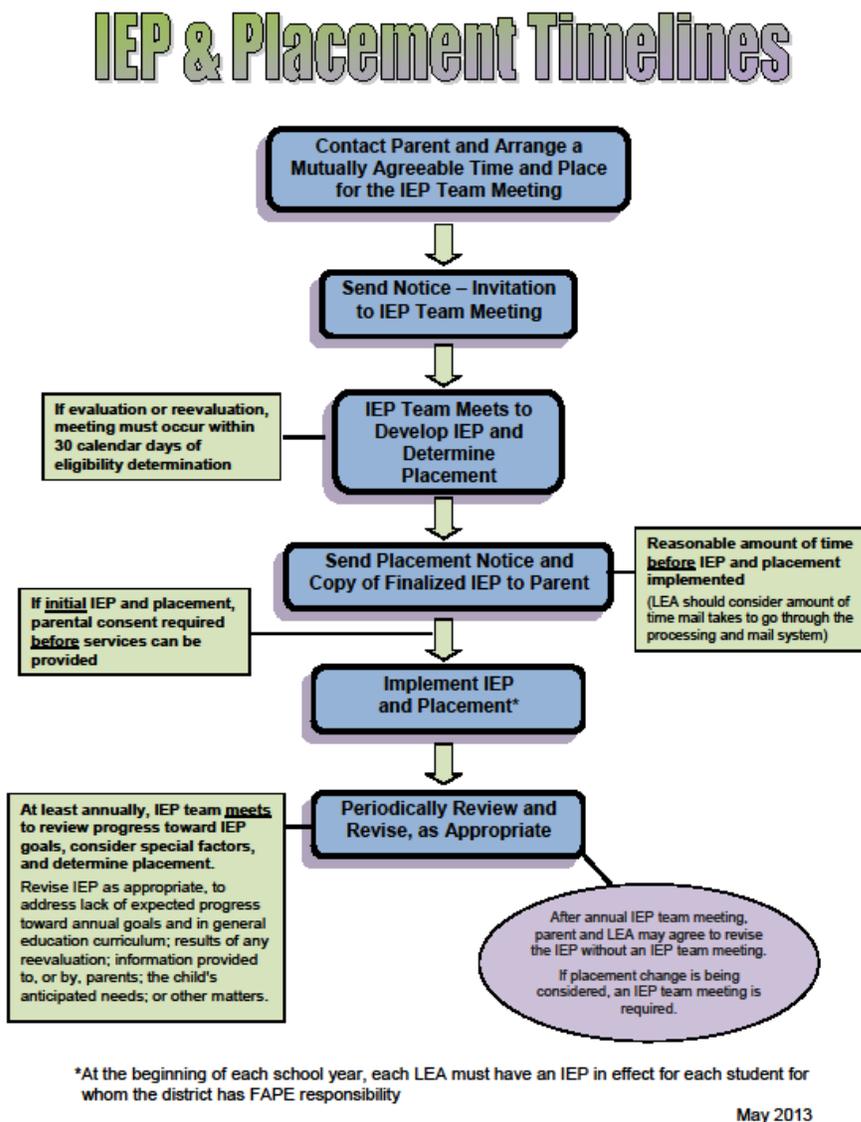


Figure 4



Reevaluation

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

- There is a continuing demonstrated need for special education, **and**
- No exclusionary factors are the primary cause of the student's continuing need for special education. [Wis. Admin. Code §§ PI 11.36(6)(h)]

While the IEP team should still review formal and informal achievement and progress data as appropriate, when conducting a reevaluation for SLD, the initial eligibility criteria standards of insufficient progress and inadequate classroom achievement **do not** apply.

Figure 4 summarizes the requirements for reevaluations. An expanded version of this chart appears in Appendix B.

Figure 4

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

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

Applying the Rule: IEP Team Discussion

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

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

Criteria for Determining SLD Impairment During Initial Evaluation

3

Setting the Stage for Applying SLD Criteria

Chapter 3 describes each of the three criteria and the sources of data necessary to carry out evaluation activities to make an initial determination of the impairment of Specific Learning Disability (SLD) for public school students effective December 1, 2013. The chapter is broken into several sections. The sections explain the activities of the Individualized Education Program (IEP) team when considering each of the elements of Wisconsin's SLD rule, focusing on the interdependence of each of the three criteria and on the analysis of data to document the IEP team's decision about whether or not a student meets each criterion **and** has the impairment of SLD. The application of criteria described in the body of this guide applies to evaluations of all public school students in which SLD eligibility is being considered for the first time. See the Appendix D for exceptions to the requirements that may apply to evaluations of non-public school students including parentally placed students and students enrolled in home based private education programs (homeschool). The three criteria IEP teams must consider when determining SLD eligibility requirements are: exclusionary factors; inadequate classroom achievement; and insufficient progress. Students must meet all three criteria to be found eligible. Each of these criteria is discussed in detail in this chapter.

Chapter Contents

- The role of intervention in applying SLD Eligibility Criteria
- The eight (8) areas of potential SLD Concern
- The three SLD eligibility criteria
 - Exclusionary Factors
 - Insufficient Progress
 - Inadequate Classroom Achievement

Intervention and SLD Eligibility

Effective December 1, 2013, all evaluations of public schools students to determine initial SLD eligibility must be completed after a student has received at least two intensive, scientific-research or evidence-based interventions (SRBIs). This section provides an overview of SRBIs as they apply to the SLD rule.

Section Contents

- Definition of intensive intervention, in general, and intensive SRBIs, specifically
- Intervention fidelity and the SLD rule
- Who implements intensive interventions

What is Intervention?

Generally speaking, an intervention is “the systematic use of a technique, program or practice designed to improve learning or performance in specific areas of pupil need” [Wis. Admin. Code § PI 11.02(6t)]. The SLD rule, however, specifies higher standards for the interventions that must be implemented before an IEP team can make an SLD eligibility decision. Data collected during **two intensive, scientific research-based or evidence-based interventions (SRBIs)** in each area of SLD concern are required to determine insufficient progress, and the interventions must be completed before the required standardized testing used to determine inadequate classroom achievement is administered.

The standards for SRBIs used when applying the SLD criteria include:

- Scientific research-based or evidence-based (substantial documented scientific evidence of effectiveness);
- Use with individual or small groups;
- Focus on single or small number of discrete skills closely aligned to individual learning needs (consistent with the area of SLD concern);
- Culturally appropriate;
- A substantial number of instructional minutes beyond what is provided to all students;
- Implemented with adequate fidelity
 - Applied in a manner highly consistent with its design
 - At least 80% of the recommended number of weeks, sessions, minutes

[Wis. Admin. Code §§ PI 11.02 (1), (4e), (6m), (12) and PI 11.36 (6)(f)4.]

The rule provides additional clarification on a number of these standards. For example, **scientific research-based intervention**, as defined in 20 U.S.C. § 7801 (37), means:

- i. Employs systematic, empirical methods that draw on observation or experiment;
- ii. Involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;
- iii. Relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across

- multiple measurements and observations, and across studies by the same or different investigators;
- iv. Is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;
 - v. Ensures that experimental studies are presented in sufficient detail and clarity to allow for replication, or at a minimum, offer the opportunity to build systematically on their findings; and
 - vi. Has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

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

Applying the Standards

While the rule provides a definition and standards for SRBIs, it does not operationalize all the standards. What is meant by “discrete skills?;” what is a “substantial number of instructional minutes?;” and what is “culturally appropriate?” These questions can only be answered using the collective expertise of the IEP team.

In making decisions about whether these standards have been met, the IEP team must look to the intent of the rule. For example, the criteria require IEP teams to make decisions about one or more area(s) of concern. It would be safe to assume the interventions must be sufficiently focused to address the area of concern identified by the IEP team. This means there should be a high likelihood that a student should be expected to make measurable progress in the targeted area of concern as a result of receiving the intervention. Therefore, for the purpose of SLD eligibility, “discrete skills” should be aligned with one or more of the eight areas of concern listed in the rule. Depending on the areas of concern and the intervention, it is possible for one intervention to address more than one area of concern. Reading fluency and reading comprehension, for example, or reading fluency and basic reading skill, are closely related and may often be addressed with the same intervention.

Similarly, the intent of the requirement “substantial numbers of instructional minutes” is to avoid identifying a student as having a specific learning disability before the student has received both adequate core general education instruction **and** at least two SRBIs. Determining what constitutes “a substantial number of minutes” requires an understanding of the research on instructional effectiveness and knowledge about the core curriculum and specific interventions being used at the school. “Substantial” may be defined within the intervention guidelines or

may be left to professional judgment. It might be assumed, if an SRBI has been implemented with fidelity, a “substantial number of instructional minutes” have been provided. The topic of fidelity is addressed later in this section.

With respect to culturally appropriate interventions, schools must consider the available literature on the topic when selecting interventions for students in non-dominant cultural groups. Specifically addressing this topic is beyond the scope of this guide; however there is a growing body of information on culturally responsive educational practices. Readers may wish to review resources from the Wisconsin Response to Intervention (RtI) Center at <http://www.wisconsinrticenter.org> and from the Disproportionality Technical Assistance Network found at http://sped.dpi.wi.gov/sped_spp-disp.

When using the data from SRBIs to make SLD eligibility decisions, a school should make every effort to locate and use interventions that meet the above standards. This said, it may not always be possible to find SRBIs and technically adequate progress monitoring tools that meet both the standards in the SLD rule and that are appropriate for students in all grades (i.e. include grade/age norms at the appropriate grade level) for all eight areas of achievement as discussed later in this chapter. In these cases, schools should use the most technically adequate tools for the purpose. Schools should be prepared to support their choice of SRBIs and PM probes. As more and more states move in this direction, there will be increased availability of interventions and progress monitoring tools in all 8 areas of achievement that meet the standards in the rule.

In summary, schools are encouraged to put systems in place to ensure the SRBIs meeting the standards in the rule have been implemented with students when an SLD eligibility decisions is to be made. Ultimately, the IEP team decides if the data collected during SRBIs is sufficient for making an eligibility decision or if additional data is needed.

Intervention Fidelity

Wisconsin’s SLD rule requires SRBIs to be implemented with adequate fidelity. This means intensive interventions are provided in a manner highly consistent with their design and for at least 80 percent of the recommended number of weeks, sessions, and minutes per session [Wis. Admin. Code § PI 11.02(1)]. Published SRBIs frequently provide information about the number of recommended sessions and minutes in the intervention manual or guide.

It is possible to utilize the same program, practice or strategy for both of the required intensive scientific, research-based or evidence-based interventions under certain circumstances. Some interventions are designed such that, based on the student’s response, the interventionist may increase the frequency or intensity (such as moving from a small group to an individual implementation) following a first round of intervention. These adjustments mean the student is, in effect, receiving a new intervention. Such adjustments should be made in accordance with the design of the intervention. Interventionists should refer to the implementation manual or protocol to see what is allowable. It is ultimately up to the IEP team to determine whether the requirement for two interventions in each area of concern has been met.

The highest quality intervention with the strongest evidence base will not likely produce a positive effect without adhering closely to the details of its implementation guidelines.

The highest quality intervention with the strongest evidence base will not likely produce a positive effect without adhering closely to the details of its implementation guidelines. “The most common reason for a lack of response to an evidence-based intervention well matched to a student and skill area is the failure to implement the intervention as designed” (VanDerHeyden & Tilly, 2010). There is a relationship between the fidelity of intensive interventions and the quality of IEP team decision making. SLD eligibility determination is a “high stakes” decision requiring solid data from high quality interventions implemented with adequate fidelity.

Monitoring intervention fidelity is a school-wide process. It is strongly recommended that Local Education Agencies (LEAs) develop a system for monitoring intervention implementation and do not place this responsibility upon the IEP team. As there is no statewide model for documenting the requirements of this component, each LEA decides how fidelity should be documented and by whom. School leadership may wish to consider implementing the following practices to ensure fidelity of implementation. In addition to the suggestions below, there are resources available from the Wisconsin RtI Center and school staff are encouraged to reach out to RtI Center Staff for additional suggestions on monitoring fidelity. To attain a high level of intervention fidelity, a school can:

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

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

Source	Documentation	Advantages	Disadvantages
Work samples or permanent products	Student work samples can be collected and stored by date with start and end time of the intervention session recorded.	Easy to collect, natural part of intervention process, reliable	Limited information on intervention process

Source	Documentation	Advantages	Disadvantages
Intervention Log	Documents basic information for each intervention session including names, dates, start and end times.	Easy to document	Limited information (attendance, frequency, duration of sessions)
Direct Observation	Intervention broken down into observable components identified on an observation checklist; observer counts the occurrence of each component to determine the percentage correctly implemented.	Provides objective, first hand information	Requires staff time to do observations; generally equal weight given to each component when some may be more crucial than others.

Who Implements SRBIs

Intensive interventions, as defined in the SLD rule for initial SLD evaluations, are considered part of the school's general education system of support. When dealing with students who are struggling, the intent is to assign the most qualified staff to provide the most intensive general education interventions. SRBIs are highly intensive general education interventions and the data collected during these interventions is being used to make disability eligibility decisions, SRBIs (as defined in the SLD rule fall into this category). As such, SRBIs are intended to be provided by appropriately licensed general education staff.

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

There are limited occasions when a special education teacher may be responsible for implementing the required SRBIs. It would be appropriate for a special education teacher to implement SRBIs when the student being considered for a suspected SLD for the first time has already been identified as a student with a disability **and** the student's IEP already calls for only special education programming in an area of concern. The assumption is the student is not receiving core instruction from a general education teacher at the time of the start of the reevaluation. Progress data that meets the standards in the rule, collected during these interventions provided as part of the student's special education services, may be used when considering SLD for the first time.

Eight Achievement Areas of Specific Learning Disability Concern

A student may have a specific learning disability because of inadequate achievement and insufficient progress in one or more of eight areas of achievement, which are listed in federal regulations and state rule. When applying the eligibility criteria, IEP teams consider one or more of these areas of achievement concern. The area(s) of concern are identified by the IEP team during the review of existing data. These areas are not specifically defined in state or federal law. The following provide generally accepted definitions of the eight areas of achievement:

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

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

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

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

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

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

paragraphing, illustrations and other details. Reading comprehension is significantly affected by basic reading skills.

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

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

Sources:

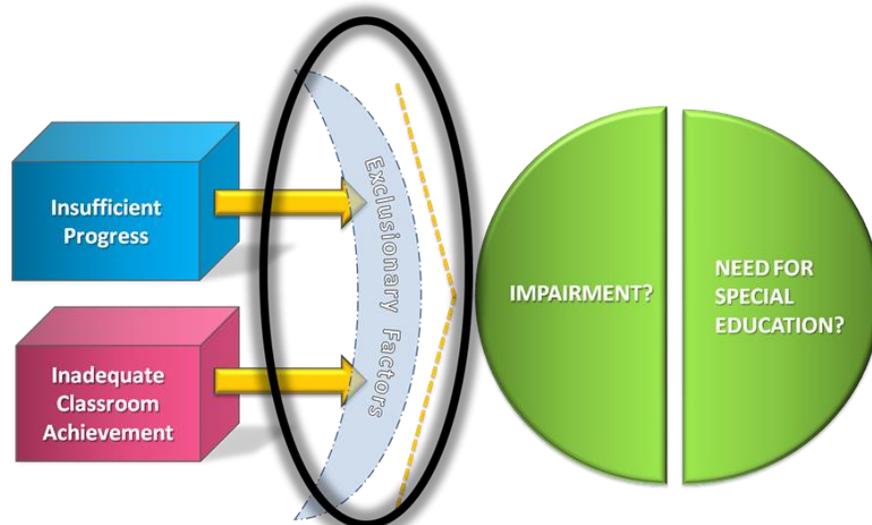
Colorado Department of Education. 10/7/08. *Guidelines for Identifying Students with Specific Learning Disabilities*. Pgs. 67-104.

Minnesota Department of Education. *Determining the Eligibility of Students with Specific Learning Disabilities: A Technical Manual*. Pgs. 7-4 and 7-5.
<http://education.state.mn.us/MDE/EdExc/SpecEdClass/DisabCateg/SpecLearnDisab/>

The Three SLD Eligibility Criteria

Criterion: Exclusionary Factors

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



Section Contents

- Definition and Requirements Overview
- Exclusionary Factors and Reviewing Data: Environmental or Economic Disadvantage; Limited English Proficiency; Cultural Factors; Other Impairments; Lack of Appropriate Instruction
- Applying the Rule: IEP Team Discussion of Exclusionary Factors

Definition and Requirements

In accordance with the SLD rule, a student may not be found to have a Specific Learning Disability if the IEP team determines any one of the exclusionary factors listed in the rule is the primary reason for the student's insufficient progress and/or inadequate classroom achievement. The exclusionary factors are: environmental or economic disadvantage; limited English proficiency; cultural factors; other impairments; lack of appropriate instruction in reading, math or any of the eight achievement areas being considered within SLD [Wis. Admin. Code § PI 11.36(6)(d) 1.].

Environmental or Economic Disadvantage

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

The IEP team may need to seek information about a student's personal history, including living conditions, access to home or community-based learning activities, or expectations for school performance. In other words, the IEP team should determine whether there are major factors outside school that are significantly impacting the student's learning and are the primary causes of the student's insufficient progress and inadequate classroom achievement.

The educational environment may also have an impact on student performance. Considerations include whether classroom culture is supportive of the student, and whether the student functions differently from classroom to classroom, year to year, or from intervention setting to general education classroom. Data from observation of routine classroom instruction are a source of information on student response to the educational environment.

Limited English Proficiency; Cultural Factors

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

years for some students to develop academic language proficiency that allows them to function effectively in an educational setting (Cummins, Harley, & Swain, 1990).

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

The IEP team must give careful consideration to whether the student's inadequate classroom achievement and/or insufficient progress are **primarily** the result of lack of English proficiency or cultural factors. In determining whether this exclusionary factor applies, the IEP team considers the student's current and previous educational experiences. It is possible for a student to exhibit one or more characteristics of the exclusionary factors and still be a student with SLD. It is up to the IEP team to determine whether one or more of the exclusionary factors are the **primary** cause of the student's inadequate achievement and/or insufficient progress.

Questions the IEP team might consider:

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

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

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

- Are the majority of students in the aggregate grade or age group achieving grade level standards in the area(s) of concern for the referred student?
- How does the referred student's performance compare to the performance of the aggregate group?
- If the student is a member of an economic, limited English proficient, or cultural subgroup, how does the performance of the subgroup compare to the performance of the aggregate grade or age group?
- How does the referred student's performance compare to that of other members of the subgroup? Is the referred student's performance significantly different?

It is possible, even if a student's performance is similar to other students in the subgroup, the student may still have the impairment of SLD. IEP teams may not exclude students based solely on the fact that they are part of a subgroup that is, as a whole, demonstrating low achievement. In all cases, when such a student's achievement is delayed compared to grade level expectations, the IEP team reviews additional student-specific information about the student's instructional history and performance and makes the decision about whether the exclusion applies on a case by case basis. Areas of focus may include:

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

Other Impairments

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

SLD may co-exist with sensory and motor impairments (hearing, vision, orthopedic), Other Health Impairment (OHI), Emotional Behavioral Disability

(EBD) and Traumatic Brain Injury (TBI). However, for a student to be found eligible as having SLD, other impairments such as these may not be the **primary** reason for the finding of insufficient progress or inadequate classroom achievement.

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

- Student performance in academic area(s) of concern when individual positive support or instruction in social/emotional behavior is implemented;
- Behavior when teaching is at the student’s instructional level;
- Level of sustained attention during instruction; and
- Differences in student performance across school subjects, settings, or teachers.

Speech/Language Impairment and SLD often co-exist. The IEP team may wish to consider whether the student has speech/language impairment if the central concerns at referral are related to the acquisition and development of oral expression and listening comprehension. A co-existing speech and language impairment is not considered an exclusion to SLD identification. If the only area(s) of concern are oral expression or listening comprehension, the IEP team may decide to consider only whether the student has a speech and language impairment instead of both an SLD and a speech and language impairment. In this case, a speech/language pathologist must be a member of the IEP team. See the “Special Topics” chapter of this guide for additional information about Speech and Language considerations and SLD.

Lack of Appropriate Instruction

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

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

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

- Evidence that explicit, systematic universal (core) instruction with differentiation was provided regularly in general education in the area(s) of concern for the referred student;
- Evidence that universal (core) instruction was delivered according to its design and methodology;
- Evidence that instruction was provided by qualified personnel;
- Data indicating that universal (core) instruction was sufficiently rigorous to assist the majority of students, including a comparable peer group for culturally and linguistically diverse students, in achieving grade level standards; and
- Data that the student attended school regularly for instruction. If the student was frequently absent, the team may consider how the student learns when he/she is present and if the learning difficulties persist when the student is present.

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

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

If the referred student is part of a disaggregated subgroup for statewide assessments, the IEP team may analyze data for the grade level disaggregated group as well as the student's individual performance and instructional history. A question the IEP team might consider is whether the referred student performs like or unlike his or her peers in the disaggregated group. The IEP team should use this information as an indication to delve deeper into the student's instructional history and carefully consider the student's response to intensive intervention. The IEP team should not, however, base its determination solely on whether the student is a member of a low-performing subgroup.

Information demonstrating that the referred student was provided appropriate instruction in general education is documented in the evaluation report. There are specific prompts for this information on DPI sample forms for documenting initial SLD eligibility, [ER-2A](#) and [ER-2C](#), along with [guidance](#) and instructions for completing the forms, are available on the SLD Page on the DPI Website at http://sped.dpi.wi.gov/sped_ld

Applying the Rule: IEP Team Discussion of Exclusionary Factors

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

The consideration of exclusionary factors requires extensive discussion. Beginning with the review of existing data, the IEP team collects and examines all available data including the referred student's school history and instructional performance and decides what, if any, additional data are needed to determine eligibility. If additional data on any of the exclusionary factors are needed, the IEP team determines which data must be collected prior to the eligibility determination meeting. If there is evidence that any one of the exclusionary factors is the primary reason for a student's insufficient progress and/or inadequate achievement, the IEP team should not find the student to have the impairment of SLD.

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

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

The evidence considered may include performance data for the student's subgroup and an analysis of how the student's performance compares to his or her group norms as well as to norms for grade or age level peers. The IEP team documents the results of its analysis of Exclusionary Factors on the DPI sample form for documenting SLD Eligibility, [ER-2A](#), [ER-2B](#), or [ER-2C](#).

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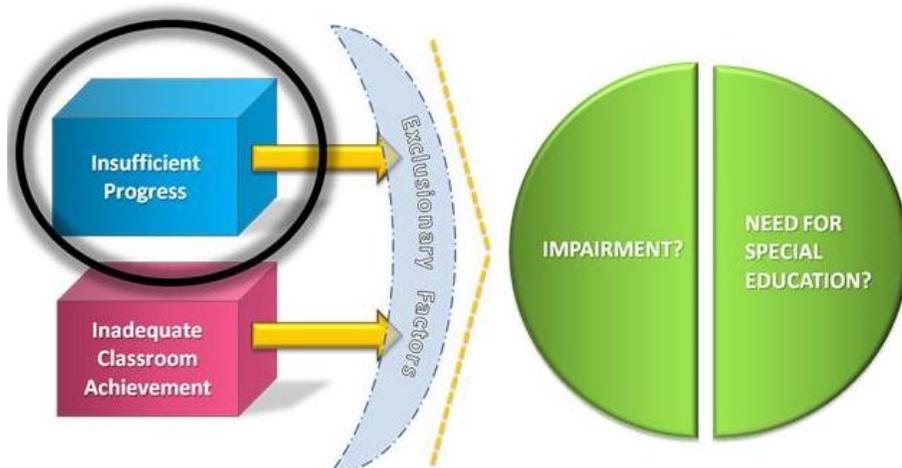
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Criterion: Insufficient Progress

Insufficient progress is one of three criteria used to determine SLD in Wisconsin. IEP teams are required to use **progress monitoring data collected during two intensive, scientific research-based or evidence-based interventions (SRBIs)** to determine insufficient progress for **all** initial SLD evaluations for students enrolled in Wisconsin public schools. (See Appendix D for guidance on applying the SLD eligibility rule to initial SLD evaluations of non-public school students including parentally placed students and students enrolled in home based private education programs [homeschool]).



Section Contents

- Definition and Requirements, Probes and Progress Monitoring
- Intensive Intervention to Determine Insufficient Progress

Definition and Requirements

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

Progress monitoring data from at least two SRBIs in each area of concern required to determine insufficient progress. To be eligible as having the impairment of SLD, the referred student must demonstrate insufficient response to SRBIs in one or more of the eight areas of SLD concern: oral expression; listening comprehension; written expression; basic reading skill; reading fluency; reading comprehension; mathematical calculation; and mathematical reasoning. All SRBIs from which data will be used by IEP teams to determine whether the

IEP teams are required to use progress monitoring data collected during two intensive, scientific research-based or evidence-based interventions (SRBIs) for all initial SLD evaluations for students enrolled in Wisconsin public schools.

student meets the insufficient progress criterion must meet the standards described in the beginning of this chapter.

An Example: A student was given an intervention as part of a school's general education system of support in one of the SLD areas of concern. Progress was monitored bi-weekly. After a number of weeks or months, the student's progress was not satisfactory, and a second, more intensive and focused intervention meeting the standard of an SRBI was provided by the school's reading specialist in the same area of concern with three baseline and weekly progress monitoring data collected using a probe. The school's intervention team, which includes the reading specialist, reviewed the progress data and after making some adjustments to the intervention, a second round of SRBI was started with three baseline probes and progress monitoring data collected weekly using the same probe. Part way through the second round of SRBI, the student's parents initiated a referral for a special education evaluation for suspected SLD. Within 15 days of receipt of referral, the appointed IEP team, including the parents, met to review the existing data, to determine the need for additional assessments, and to plan for data collection for all three criteria: Inadequate Classroom Achievement; Insufficient Progress; and consideration of Exclusionary Factors. The decision was made that data existed for one SRBI and the second SRBI needed an additional two weeks to be completed. The IEP team requested parental consent to collect additional progress data for the final sessions of the second SRBI, to administer required achievement testing, and to conduct observations. Within the 60 days, all assessments and data collection were completed. The team met again to review the data, to make a determination about the impairment of SLD, as well as to determine the need for special education. The student was found eligible. The team scheduled another IEP team meeting within the next 30 days to develop an IEP to address the student's special education and related services needs and to help the student benefit from general education.

Probes and Progress Monitoring

As mentioned above, the rule requires IEP teams to analyze progress monitoring (PM) data collected during two SRBIs implemented with fidelity in each area of concern. The IEP team analyzes the data to determine whether or not the student's response to intensive intervention was sufficient.

The PM data used for the analysis of insufficient progress must be collected at least weekly while students are receiving SRBIs using probes through a scientific process called progress monitoring. Within the Wisconsin SLD rule, progress monitoring is defined as "a scientifically based practice to assess pupil response to interventions" [Wis. Admin. Code § PI 11.02(10)]. Progress monitoring requires the use of scientifically based tools called probes to measure progress. Probes are "brief, direct measures of specific academic skills, with multiple equal or nearly equal forms, that are sensitive to small changes in student performance and that provide reliable and valid measures of pupil performance during intervention" [Wis. Admin. Code § PI 11.02(9)].

The probes used must provide reliable and valid data about the area(s) of concern that are the target of the intervention. Based on this definition of *probe*,

locally developed progress monitoring tools are not likely to meet the required standard. In general, measures that are sufficient to monitor progress should meet the following criteria:

- Reliable and valid;
- Quick and easy to use;
- Sensitive to small increments of student improvement;
- Available with multiple alternate forms; and
- Evidence-based.

While schools are encouraged to put systems in place to ensure data provided to IEP teams meet the standards in the SLD rule, ultimately, the IEP team determines if the progress monitoring data provided can be used for making an eligibility decision.

Data on individual rate of progress must be analyzed by the IEP team to determine whether the student meets the insufficient progress criterion using a psychometrically valid and reliable methodology. With respect to the SLD rule, a psychometrically valid and reliable methodology relies on data sources reflecting a student's progress that exhibit adequate statistical accuracy for the purpose of comparing the student's progress to data from a national sample of same-age peers. Adequate statistical accuracy means the tool and the method for analyzing the data from the tool meet the standards of technical adequacy set by the scientific research field. It is generally accepted that the score and the slope from the weekly scores should both have a reliability of at least .9. Reliabilities below .8 are not recommended for making eligibility decisions. Reliabilities below .9 call for additional analysis and conversation regarding the interpretation of the data.

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

- The measured behaviors and corresponding procedures of CBM are prescribed since CBMs are standardized and have been shown to have adequate reliability and validity to accurately measure progress. Researchers suggest reliability coefficients of .8 are needed for screening and coefficients of .9 for progress monitoring. CBMs may be linked to the curriculum and must be predictive of future performance and sensitive to small changes over time.
- Each weekly probe is of equivalent difficulty and indicates that the test is sensitive to small changes in student performance.

Though not required by the rule, LEAs are encouraged to use the same benchmarks and progress monitoring measures in general education and throughout special education service delivery. Maintaining consistency in measures provides a continuous base of student progress, which increases the

likelihood that educators and parents understand how a student is progressing toward meeting general education age and grade level expectations after having been identified as having a specific learning disability.

Method for Determining Insufficient Progress Using Data from Intensive Intervention to Determine Insufficient Progress

There are basic steps that are part of establishing a data collection process during an SRBI.

1. Establish baseline;
2. Begin the intervention and collect weekly or more frequent progress monitoring data using a PM probe; and
3. Use the baseline and progress monitoring data collected at least weekly to analyze progress.

Each step is described in detail below.

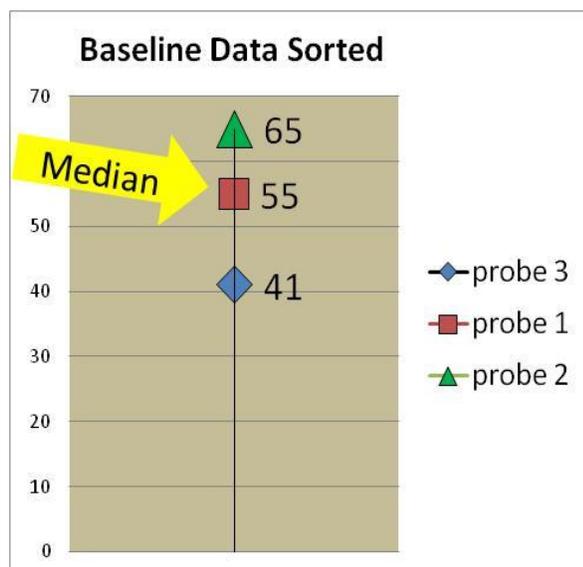
Establishing Baseline

The baseline serves as the starting point for measuring progress and analyzing how the student’s rate of progress compares to the expected rate of progress toward meeting grade level standards. **For each intervention**, “the median score of 3 probes is required to establish a stable baseline data point” [Wis. Admin. Code § PI 11.36(6)(c)2.a.]. The median score is determined by ordering the three data points from low to high and using the middle score. Prior to beginning an intervention, data must be collected to identify the initial skill level demonstrated by the student. The data collected for baseline reflect the student’s skill level before intervention is initiated, and will be used to evaluate changes resulting from implementation of the intervention.

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

Table 8

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



Collecting Data

As mentioned previously, when analyzing student progress in response to SRBIs to make an eligibility decision, data must be gathered at least weekly using PM probes meeting the standards in the rule. The data represents progress, or growth, toward a grade level target during the intervention implementation period. These data, are used by the IEP team to determine whether the student’s rate of progress is sufficient to meet age or grade level norms in the area(s) of concern.

Schools should make every effort to locate and use SRBIs and PM probes that meet the standards in the rule. As mentioned earlier in this chapter, the department recognizes it sometimes may be challenging to find technically adequate progress monitoring tools that meet both the standards in the SLD rule and that are appropriate for students in all grades (i.e. include grade/age norms at the appropriate grade level) for all eight areas of achievement. In these cases, schools should use the most technically adequate tools for the purpose and should be prepared to support their choice of SRBIs and PM probes. The technical adequacy for the selected tool(s) should be considered, with emphasis placed on tests of greater technical adequacy. Sources of data based on state or national norms rather than local performance measures should be utilized whenever possible. Ultimately, the IEP team decides if the data made available for analysis is sufficient to make an eligibility decision. Additional information and links to progress monitoring tools are available on the Wisconsin RtI Center website at: <http://www.wisconsinrticenter.org/>.

Plotting Data

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

- A **normative data line** is the rate of progress of the targeted student's same age peers who are at the 25th percentile of achievement. The 25th percentile is the bottom of the average range of scores obtained from the normative sample. The normative data used to plot this line are obtained from information in the manual or other documentation which accompanies the probe. These normative data must be entered each time and are based on national norms of achievement for the student's age.
- A **trend line** is developed using the progress monitoring data collected, at least weekly, during the implementation of the intervention. The data points should begin with the baseline (median of 3 probes), and end with the most recently administered probe. Do not enter probe data (such as a fall benchmark) that is administered prior to the administration of the baseline. A line of best fit is drawn through the points to create a slope of progress. The trend line illustrates the student's actual rate of progress and indicates the relationship between the student's rate of progress and the 25th percentile of proficiency for his or her same age peers using national normative data.

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

To Use the Tool:

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

Analyzing Progress Monitoring Data

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

Least squares regression is a statistical method for estimating the growth or trend based on probe data that can otherwise be very difficult to visualize due to scatter. The least squares regression line (or trend line) helps users see student growth, while accounting for the scatter or “bounce” within the data set. Least squares regression analysis places data from progress monitoring on a graphed line and illustrates progress as a slope. A steeper slope means a greater change in progress from baseline while a flatter slope means a smaller change from baseline. The IEP team should be particularly cautious about making interpretations when there is a very large amount of scatter among the individual data points.

A psychometrically valid and reliable methodology is used to analyze the progress monitoring data. This means probe scores need to accurately represent the student's growth. If there is reason to believe the trend line does not accurately represent the student's growth, the IEP team needs to consider the factors contributing to the possible inaccuracy such as:

- Are the probes being administered with fidelity?
- Have enough probes been administered to achieve technical adequacy of the slope?
- Are factors such as distractibility, time of day, or motivation interfering with obtaining probe scores?
- Do the weekly probes represent such significant scatter that the trend line or "line of best fit" is too imprecise to accurately represent the growth?

As mentioned previously, it is highly recommended that fidelity issues be addressed prior to coming to the IEP team meeting. It is advantageous for schools to put in place a system for implementing interventions, collected progress monitoring data, and monitoring intervention and data collection fidelity to ensure the data available at the IEP team evaluation meeting conforms with the standards in the rule.

Applying Decision Rules to Evaluate Rate of Improvement

Determining rate of progress in relation to intensive intervention is an IEP team responsibility. This analysis is central to applying the SLD criterion of insufficient progress and also to informing further decisions regarding instructional programming for the student. There is no rigid formula that can be applied uniformly to all situations when using data from intensive intervention as part of SLD eligibility determination. Rather, the IEP team must give

consideration to the multiple variables relevant to each individual student. This requires the IEP team to engage in problem solving and to carefully consider all of the data gathered.

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

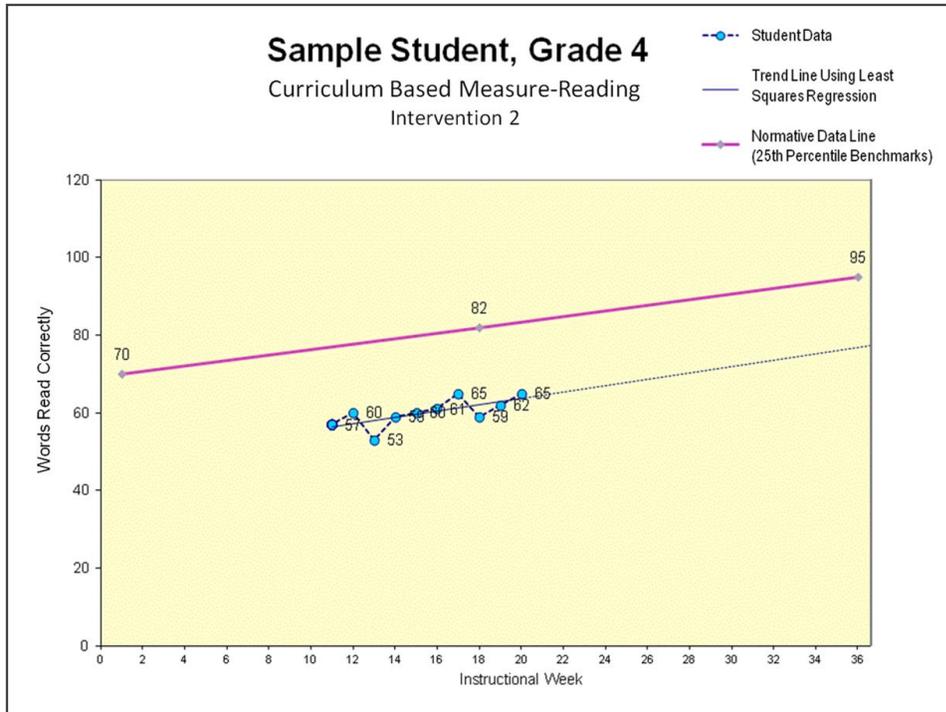
The Wisconsin SLD rule identifies three **decision rules** to inform the IEP team analysis of progress monitoring data from intensive, scientific research-based or evidence-based intervention. A student's rate of progress during intensive intervention is insufficient if any of the following apply:

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

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

Some examples follow. These examples are based on the assumption that the interventions and progress monitoring probes were implemented in accordance with the rule:

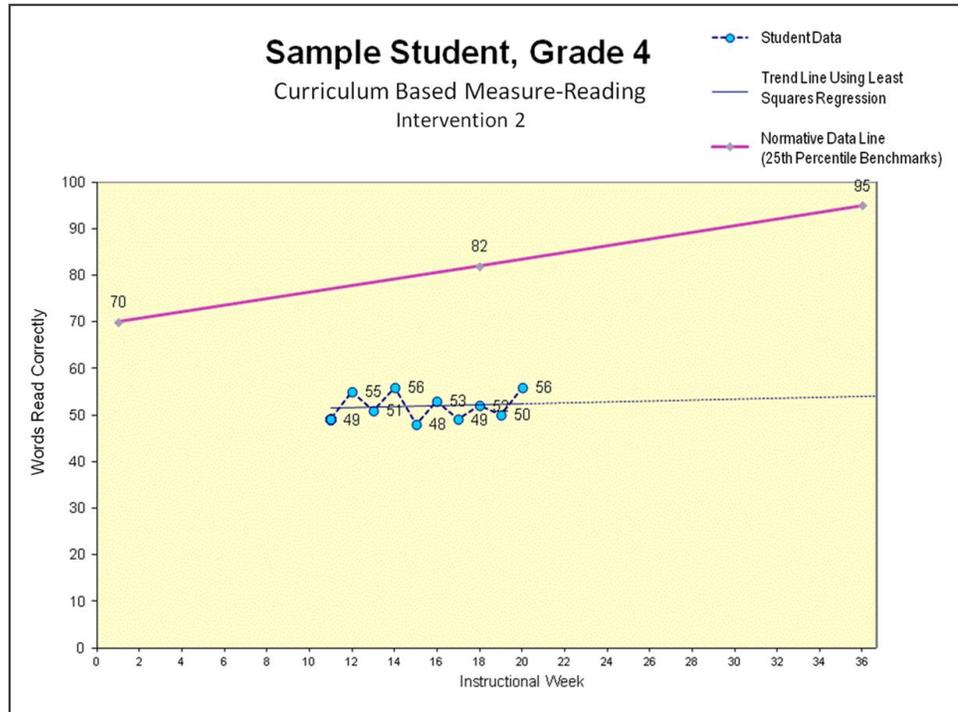
Figure 9



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

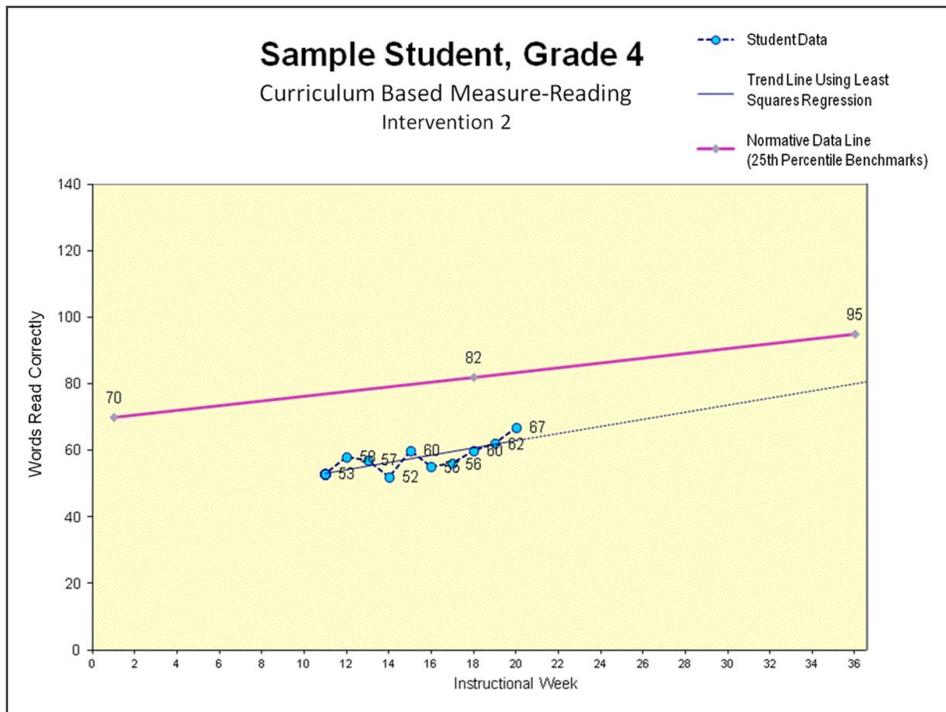
In **Figure 9**, the student is making progress but it is at the same rate as his or her peers. This means despite intensive intervention delivered in addition to core instruction, the gap between the student's growth in basic reading skill (as measured by words read correctly) and his or her peers'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

Figure 10



In the example in **Figure 10** it is clear the student's progress is at a slower rate than his peers and the gap in achievement between the student and his or her peers is expanding. The IEP team may investigate further into the story behind the data to determine other factors that may have affected the student's performance. Information from observations and from the individual who implemented the intervention may provide helpful insights into the student's response. The IEP team should also consider the other data collected about the student to determine whether the PM probe data triangulate, or are consistent with, other findings such as inadequate classroom achievement criteria, and to consider the potential effect of any exclusionary factors.

Figure 11



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

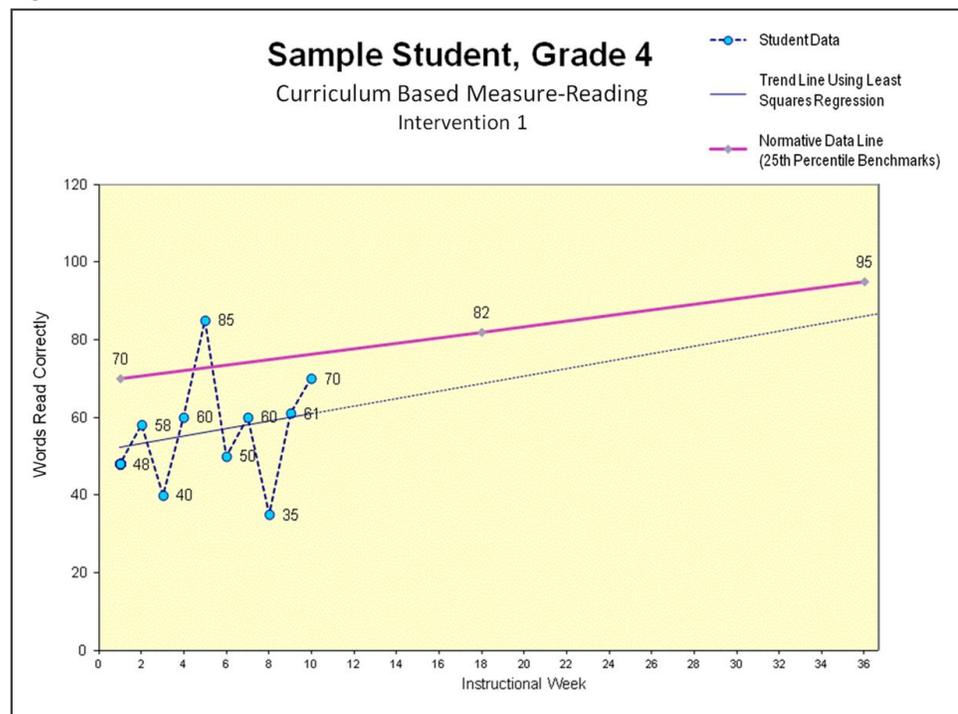
In **Figure 11** the student is making progress at a faster rate than his or her peers and the gap between peers is closing. In this case, the IEP team would discuss whether the rate of progress is sufficient to expect the student to reach the average range of performance for his or her grade in a reasonable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

Also, the IEP team should consider whether the student will need ongoing intensive support or whether, once caught up, the student will likely be able to maintain his or her skills with general education supports. (See next decision rule.) IEP teams may wish to calculate how long it will take the student to reach the 25th percentile of achievement at the current intensity of intervention. This may help guide the IEP team's discussion of whether the student's progress toward the 25th percentile is reasonable.

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

IEP teams should consider the intensity of the intervention and the progress the student is making. For instance, if an intervention is implemented with a high degree of intensity and the student is making minimal progress, the IEP team may decide the student's progress is insufficient as the intensity of implementation cannot be maintained by general education long term. Students who fall into this category are often students who will require ongoing, intensive support or their achievement begins to recede once supports are faded. A student whose skills may be considerably below those of his or her peers may need time to close the gap, but this student might not need ongoing support to maintain his or her skills once the gap is closed; whereas a student who likely has SLD may make slower progress toward closing the gap during intervention and require ongoing support to maintain his or her skills.

Figure 12



When a student demonstrates considerable variability in his or her scores as in **Figure 12**, the IEP team may need to investigate further to determine the cause of the variability. For instance, does a pattern exist related to the time of day or week during which the probe was administered? Might this be correlated with the variability of any of the scores? Was it necessary to extend the intervention period because of a high number of student absences? In such cases, the team must proceed cautiously as the greater the variability of scores, the greater the possibility of inaccurate interpretation. Examining confidence intervals around the slope of the trend line may help with this interpretation. If the IEP team finds the data to be unreliable, it may consider whether it has sufficient data to make an eligibility determination.

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

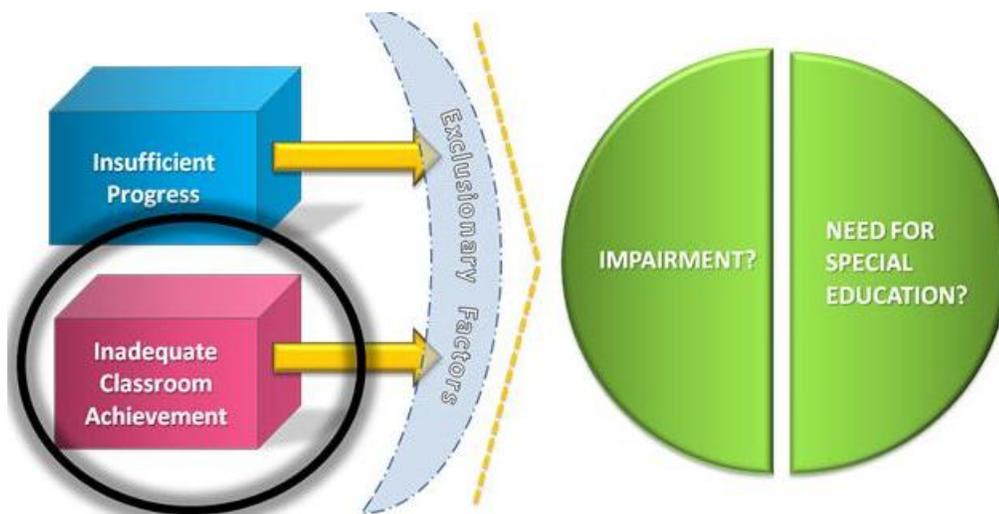
The following questions may be helpful to the IEP team when considering PM data to determine whether a student demonstrates insufficient progress:

- Has evidence been considered to determine whether a lack of appropriate instruction is primary in causing insufficient progress as determined by data from intensive, scientific research-based or evidence-based intervention in one or more areas of concern?
- Has evidence been considered to determine whether limited English proficiency, other impairments, or economic, environmental or cultural factors **is the primary reason** for the insufficient progress? For example, if there are norms for the student's subgroup (e.g., primary language, ethnicity, socioeconomic status), has the IEP team considered how the student's performance compares to the subgroup norms and to norms for grade or age level peers?
- Is there evidence that at least two intensive, scientific research-based or evidence-based interventions as defined in the rule have been implemented for the student for each area of concern?
- Have the decision rules defined in the rule been applied when considering the data from intensive interventions and determining rate of progress?

DPI sample form [ER-2A](#), *Required Documentation for SLD–Initial Evaluation* includes prompts for recording the results of the IEP team analysis of insufficient progress. All [DPI sample forms](#) are available on the department's website. Links to these forms are also included in Appendix C.

Criterion: Inadequate Classroom Achievement

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



Section Contents

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

Definition and Requirements

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

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

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

The intent of the SLD rule is for the individually-administered, valid, reliable and normed test of academic achievement to be administered following the implementation of intensive, scientific research or evidence-based interventions in the area(s) of concern. This is intended to elicit an achievement score that most accurately reflects the student's level of achievement relative to his or her same age peers and assists the IEP team in determining whether the student has met the inadequate classroom achievement criterion in the area(s) of concern. The requirement to administer the standardized achievement test after intensive intervention applies to evaluations of all public school students in which SLD

*“A student's achievement is inadequate when the child's score, **after** intensive intervention, on one or more assessments of achievement is equal to or more than 1.25 standard deviations below the mean in one or more of the eight areas of potential specific learning disabilities” [Wis. Admin. Code § PI 11.36 (6)(c)1.; *emphasis added*].*

eligibility is being considered for the first time. See Appendix D for exceptions to this requirement that may apply to evaluations of non-public school students including parentally placed students and students enrolled in home based private education programs (homeschool).

Determining Inadequate Classroom Achievement

Tools

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

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

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

Evaluation tools must be selected and administered so as not to be discriminatory on a racial or cultural basis, and must be administered in a form and language that allows accurate data to be collected.

The most current version of an achievement test should be used. Tests used to assess inadequate classroom achievement may be the same as those used when determining the achievement component of significant discrepancy in the

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

insufficient progress criterion. In addition, all other requirements in 34 CFR § 300.304 (c) must be followed.

Current assessments measure whether the student achieves adequately for his or her age. At this time, there are no individually administered achievement tests available to measure if a student meets state-approved grade level standards. However, there are tools with adequate predictive validity to help determine whether a student is on track to demonstrate proficiency on state-approved grade level testing, such as the required Wisconsin statewide assessments. While the results of such statewide assessments may not be used to document the inadequate achievement criterion, they may be useful in discussing the student's performance relative to the universal instruction the student has received.

Analyzing Data to Determine Classroom Achievement

Composite scores should be used to determine inadequate classroom achievement unless the assessment used produces a single, highly reliable score (generally .9 or higher). Using a standard score from a technically adequate instrument, the IEP team determines whether the score is 1.25 standard deviations below the mean. Most achievement tests have a standard deviation (SD) of 15 and a mean (M) of 100. It is important to check the test manual for this information, as some tests have a SD of 3, and an M of 10. The following examples illustrate how to calculate 1.25 standard deviations below the mean:

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

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

Calculation:

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

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

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

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

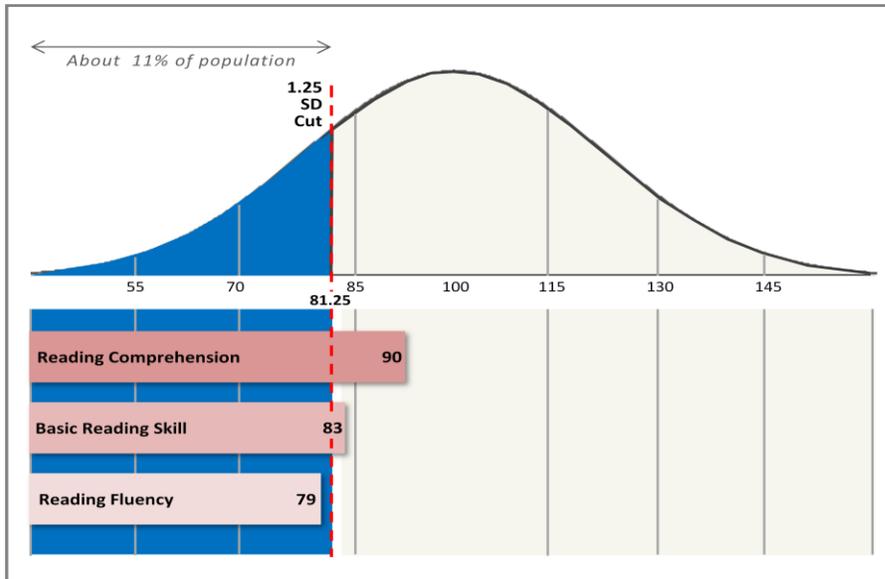
Calculation:

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

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

Figure 5 shows the typical normal curve with several achievement test cluster score results plotted. The cluster scores have a mean (M) of 100 and a standard deviation (SD) of 15. The dotted red line is the 1.25 SD cut score of 81.25, which is the same for all tests with a mean of 100 and a standard deviation of 15.

Figure 5



Interpreting the scores in the illustration:

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

Exceptions to Using the Standard Score

The rule contains two exceptions to using the student's standard score as assessed by an individualized achievement test to determine inadequate classroom achievement after intensive intervention.

Score Comes Close, but Does Not Meet Cut Score

The first exception states that **if** the student **meets all other criteria** for the impairment of SLD, the IEP team **may consider scores within 1 standard error of the measurement (SEM)** of the 1.25 standard deviation to meet the criterion for inadequate classroom achievement.

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

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

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

Example (using the same data as in Figure 5):

Data:

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

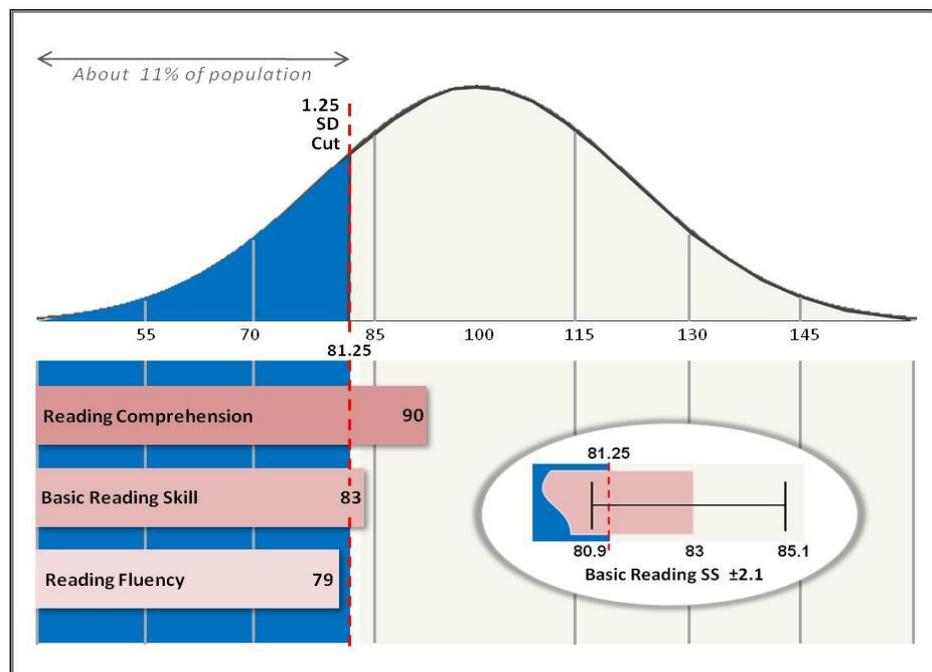
Method: Subtract the SEM from the student's standard score.

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

Analysis: 80.9 is below the cut score of 81.25. Therefore, the student's score of 83 is at or below 1 SEM of the cut score of 81.25 and can be considered to meet the inadequate classroom achievement criterion if the student meets all other criteria.

Figure 6 illustrates the example when using SEM.

Figure 6



Can Not Obtain Valid and Reliable Test Scores

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

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

Determining Scores from Standardized Measures of Achievement

When analyzing achievement scores, composite or summary scores that include a sufficient number of items from more than one subtest should be used whenever possible. The score used to establish inadequate achievement must correspond directly to one of the eight areas of achievement specified in the rule. For example, Wisconsin's SLD rule provides that a student may demonstrate inadequate classroom achievement in reading comprehension, reading fluency or basic reading skill. An achievement test may include one or more reading decoding subtests and a reading comprehension subtest within a general reading composite. The general reading composite in the example would not likely be sufficient to document inadequate classroom achievement in basic reading skill because it does not offer a composite or summary score in decoding, which would most appropriately represent the basic skill area. If the reliability of the stand-alone decoding subtest is sufficiently high (.9 or above), the IEP team may decide to use the decoding subtest score for basic reading skill.

Many standardized assessments of achievement include spelling in the calculation of a composite or summary score in written expression. Spelling is not one of the eight achievement areas of SLD and should not be used in isolation when determining the impairment of SLD. If spelling is included as a subtest that makes up a composite score for written expression, the IEP team should consider the written expression composite score and not spelling as an individual score. If the spelling sub-score is so low and weighted so heavily that it significantly lowers the written expression composite score, the IEP team should consider whether another test of written expression should be administered.

Choosing the Achievement Test Norm Group for Comparison

Age norms should be used for calculating achievement test scores unless there is compelling evidence that using age norms will result in an invalid analysis (e.g.,

when a student's age is **well outside the range** for students in the same grade such as when a student has been retained multiple times). In accordance with generally accepted practice standards, the evaluator determines which reference group to use for scoring prior to administering the test. In cases where the evaluator believes scores derived from age norms are invalid, additional conversation regarding the reasons for achievement delays and learning difficulties is critical among IEP team members during the evaluation meeting. This should be a very rare occurrence as grade norms have significantly lower technical adequacy than age norms and their use can lead to decision errors.

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

Applying Exclusionary Factors to Inadequate Classroom Achievement

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

A student's cognitive ability does not affect how the IEP team applies the inadequate classroom achievement criterion. However, if a student meets the criteria for having a cognitive disability, the student may not be identified as having SLD because of an exclusionary factor; another impairment (cognitive disability) would be the primary reason for inadequate achievement.

If a referred student belongs to a non-dominant ethnic or cultural group, or is limited-English proficient, the IEP team may need to review achievement data for that population. The data are compared to achievement data for the total student group at the same age or grade level to determine whether the performance of the subgroup is **alike** or **different** from students in the total group. If the performance of the referred student's subgroup is significantly lower than that of the total group, an exclusionary factor **may** apply **or** the referred student **may** still have the impairment of SLD. It is inappropriate to automatically exclude a student from identification for the sole reason that all students of a similar demographic group at the school have significantly lower achievement than that of the total group. The IEP team must make the decision based on all available data about the individual student.

Using Additional Sources of Data When Considering Inadequate Classroom Achievement

Systematic observation of routine classroom instruction, which is also required by the rule, provides data about how the student performs in the classroom in the

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

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

Applying the Rule: IEP Team Discussion of Inadequate Classroom Achievement

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

- Has evidence been considered to determine whether lack of appropriate instruction is primary in causing inadequate classroom achievement in one or more areas of concern?
- Has evidence been considered to determine whether limited English proficiency, other impairments, or economic, environmental or cultural factors are primary in causing the inadequate classroom achievement? For example, if there are norms for the student's subgroup (e.g., primary language, ethnicity, socioeconomic status), has the IEP team considered how the student's performance compares to the subgroup norms and to the norms for grade or age level peers?
- Is there evidence that a valid individual assessment of achievement was administered **after** the required SRBIs as defined in the rule?

The DPI sample SLD forms [ER-2A](#), *Required Documentation for SLD-Initial Evaluation*, and [ER-2C](#), *Required Documentation for SLD-Initial Evaluation using Significant Discrepancy*, include prompts for recording the results of the IEP team analysis of inadequate classroom achievement. All [DPI sample forms](#) are available on the department's website. Links to these forms are also included in Appendix C.

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Required Data Sources for Evaluation Activities

4

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

Section Contents

- Systematic Observation: Conducting a Systematic Observation; Analysis of Data from Systematic Observation
- Formal and Informal Sources of Data
- Educationally Relevant Medical Findings
- Applying the Rule: Individual Education Program (IEP) Team Discussion of Systematic Observation
- Putting It All Together: Does the Student Meet the SLD Impairment Criteria?

Systematic Observation

Systematic observation is required for all initial SLD evaluations and reevaluations. The rule provides that data from systematic observation are considered by the IEP team when making SLD eligibility decisions. The observer must be someone other than the person who is delivering the instruction or intervention.

The term “systematic observation” is not defined by Wisconsin rule; it refers to a method of measuring classroom behaviors related to a student’s learning from direct observation in a natural setting. Guidance for conducting systematic observation includes but is not limited to the following generally accepted practices. A systematic observation is planned in advance and data are collected during the observation. The data collected focus on behaviors and skills directly related to the area(s) of concern for the referred student. Prior to the observation, specific target behaviors are identified and a recording system is selected or developed by the observer. For example, an observer could decide to complete a skills checklist of basic reading skills, or choose to use an event or frequency recording format to tally the number of decoding errors a student makes compared to peers during an oral reading lesson. Another example might be to use duration recording to compare the student’s attending behavior to that of other selected students during instruction in the academic area of concern, if attention issues are a related concern. Qualities of the classroom setting (e.g., noise level, visual distractions) that may affect the student’s learning or behavior are noted by the observer. Systematic observations are reliable; that is, if another observer conducted the same observation, similar data would be collected.

Two systematic observations are required for initial SLD evaluations of public school students. At least one systematic observation of routine classroom instruction and at least one systematic observation during the required SRBIs must be conducted in each area of concern.

Two systematic observations are required for all initial SLD evaluations of public school students. These must be conducted in **each** area of potential SLD being considered by the IEP team [Wis. Admin. Code § PI 11.36 (6)(e)2.a.-d.]. Systematic observation may be conducted before referral, or if such data do not exist when the IEP team completes the review of existing data, after parent consent is obtained to conduct additional assessments and to gather additional data. A single systematic observation may provide information about one or more achievement areas of potential SLD for the referred student (e.g., reading fluency and reading comprehension). The eight achievement areas of potential SLD are oral expression, listening comprehension, basic reading skills, reading fluency, reading comprehension, written expression, mathematical calculation and mathematical problem solving. See Chapter 5 for guidance on applying the SLD eligibility rule, including the requirement for systematic observation, to initial SLD evaluations of non-public school students including parentally placed students and students enrolled in home-based private education programs (homeschool).

The **two required** systematic observations for initial SLD evaluations of public school students include the following:

1. Systematic observation of routine classroom instruction.

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

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

In addition to the observation during routine classroom instruction, at least once systematic observation during the required SRBIs must be conducted by an IEP team participant who is not implementing the intervention. Only one systematic observation during intensive intervention is required for initial SLD evaluations, whereas data from two SRBIs are needed to determine insufficient progress. However, additional observations may be appropriate and are left to the discretion of the observer. The purpose of the observation is to gather additional information about the student's learning behavior and responses in the area of concern while the student is receiving intervention.

A systematic observation during SRBI must be conducted for each area of concern; however, more than one area of concern can be observed during one systematic observation if the SRBI is being used for more than one area of concern. For example, if one SRBI addresses reading fluency and reading comprehension, one systematic observation may be conducted while the student is receiving the SRBI that addresses both areas of concern.

Systematic observation may be conducted before referral, or if such data do not exist when the IEP team completes the review of existing data, after parent consent is obtained to conduct additional assessments and gather additional data.

Conducting a Systematic Observation

As mentioned earlier, a systematic observation is planned in advance. The following activities are suggested:

1. Prior to the observation

- Identify the area(s) of concern that are the target of the observation (e.g., oral expression, listening comprehension, basic reading skills, reading fluency, reading comprehension, written expression, mathematical calculation, mathematical problem solving)
- Define the target behavior(s) to be observed in an objective, explicit and precise manner (e.g., process for solving math problems; literal comprehension questions answered after silent reading; active engaged time on task)
- Select a method of recording data
- Specify the time and location of the observation

2. During the observation

- Make note of environmental factors and classroom dynamics that may be related to student performance such as: classroom arrangement; number of students; availability of materials; student engagement; and visual and auditory distractions
- Collect the data using selected recording method
- Document the observed student strengths and other relevant anecdotal observations

3. After the observation

- Compile the data for the IEP team to discuss and analyze

An Example of Systematic Observation of Routine Classroom Instruction

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

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

The reading skills checklist results contained the following items. A tally and rating scale indicating the number of attempts and whether the student had difficulty with each skill:

A systematic observation is planned in advance; data are collected during the observation; and the results are analyzed and discussed by the IEP team.

- identifying sounds/blending sounds into words;
- reading phonetic words;
- reading irregular sight words;
- retention of new vocabulary;
- demonstrating comprehension of sentences/stories;
- re-telling what has just been read;
- oral reading speed and affect on comprehension;
- oral reading accuracy and affect on comprehension; and
- types of errors when reading sentences: lose place; omit, insert, substitute, or reverse words; guesses from initial sounds; makes self-corrections.

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

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

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

The writing skills checklist contains the following items. Each item is rated as either "no difficulty," "some difficulty," or "much difficulty." Space is left next to each item for anecdotal and explanatory notes:

- completing the written task independently;
- developing ideas in writing so written work is incomplete and too brief;
- proofreading and self-correcting work;
- copying skills (e.g., confuses similar-looking letters and numbers);
- spelling;

- handwriting skills; and
- typing skills.

Analysis of Data from Systematic Observation

During the IEP team meeting to determine eligibility, the IEP team examines and discusses the results of the systematic observations in relation to other formal and informal assessment data collected about the student. Information from systematic observations assists the IEP team in making decisions about the student’s achievement level and progress, needs related to identified area(s) of concern, barriers which may interfere with learning or conditions that may facilitate learning, and whether an exclusionary factor may be a primary cause of the student’s inadequate achievement or insufficient progress.

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

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

The summary of results of required observations may be recorded anywhere in the evaluation report developed by the IEP team. Documentation may be included on either DPI sample form ER-1, [Evaluation Report](#); the appropriate SLD Eligibility Form [ER- 2A](#), [ER-2B](#) or [ER-2C](#), or any other attachment to the evaluation report. All DPI sample forms are available at: http://sped.dpi.wi.gov/sped_forms06.

Formal and Informal Sources of Data

Federal and state law require IEP teams conduct a full and individual evaluation to determine whether a student is a student with a disability eligible to receive special education services. The IEP team must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student including information provided by the parent. No

single measure can be used as the sole criterion for making an eligibility determination [34 CFR § 300.304(b)].

Data collection begins with the review of existing data by the IEP team and the decision concerning what, if any, additional data are needed to conduct a full and individual evaluation, to make an eligibility determination and, if appropriate, to develop an IEP. When considering SLD certain specific data are always required i.e. scores from a standardized achievement test, data from progress monitoring probes, and systematic observation data. However, information from other sources is also important and necessary for considering all three SLD eligibility criteria and need for special education. Reviewing a variety of data during an IEP team evaluation discussion includes examination of formal assessments as well as formal and informal data sources about the student's classroom work and approach to learning.

Some examples of formal and informal data sources include:

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

Informal and other formal data collection measures will vary by school building, subject, curriculum, instructional methodology and teacher. The IEP team may record information from formal and informal sources of data on DPI sample form ER-1, [Evaluation Report](#), an appropriate sample SLD Eligibility forms [ER- 2A](#), [ER-2B](#) or [ER-2C](#), or any other attachment to the evaluation report.

Educationally Relevant Medical Findings

When completing a comprehensive evaluation for a student with a suspected SLD, the IEP team must consider any current medical findings related to the eligibility determination. The existence of documented medical data may support other formal and informal data collected as part of the evaluation. The summary and analysis of such data are documented as part of determination of eligibility.

Information on educationally relevant medical findings may be recorded on DPI sample form ER-1, [Evaluation Report](#), DPI sample forms [ER- 2A](#), [ER-2B](#), [ER-2C](#) , or any other attachment to the evaluation report. All DPI sample forms are available at: http://sped.dpi.wi.gov/sped_forms06.

Applying the Rule: IEP Team Discussion and Documentation of Systematic Observation and Other Formal and Informal Data

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

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

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

Following discussion of all data related to the eligibility decision, the IEP team makes an eligibility determination. The team summarizes the basis of its decision in its evaluation report. As mentioned previously, DPI sample forms ER-1, [Evaluation Report](#), and SLD eligibility forms [ER-2A](#), [ER-2B](#), [ER-2C](#) have been developed to assist districts in meeting state and federal documentation requirements. All DPI sample forms are available at: http://sped.dpi.wi.gov/sped_forms06.

Putting It All Together: Does the Student Meet the SLD Impairment Criteria?

The determination of impairment in specific learning disability is made by the IEP team, which must consider if the three criteria for SLD have been met following consideration of the progress data collected during intervention, formal assessments, observations, and additional formal and informal sources. The IEP team must also complete all documentation requirements and develop an evaluation report.

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

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

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

An Evaluation Requirements Checklist is available to assist IEP teams in completing all the required components of the eligibility determination. A copy of the checklist is in Appendix A and is available on the DPI SLD website at <http://sped.dpi.wi.gov/files/sped/pdf/sld-eval-require-check.pdf>.

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Special Topics

There are a number of additional considerations that may affect IEP team decisions about whether a student has the impairment of Specific Learning Disability (SLD). This section provides a summary of some of the most common related considerations.

Section Contents

- Speech and Language Concerns
- Evaluation of Young Children
- Parentally Placed Private School and Home-schooled Students
- Transfer Students: In-State Transfer
- Transfer Students: Out-of-State Transfer
- Applying the Rule: IEP Team Discussion of Special Topics
- Applying the Rule: IEP Team Discussion

Speech and Language Concerns

Speech and Language Impairment and Specific Learning Disability can co-exist. Students being considered for potential SLD often exhibit language concerns. Speech and language skills are the underlying foundations for reading, writing, and other areas of academic achievement. Students with speech and language impairments may also exhibit deficits in one or more of the areas of SLD concern. This is especially common in the SLD achievement areas of oral expression, listening comprehension, reading, and written expression. Working definitions for all eight areas were provided in Chapter 3. The two areas most commonly considered when addressing language concerns are repeated here.

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

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

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If the only area(s) of concern for a student are oral expression or listening comprehension, the IEP team may decide to consider only whether the student has a speech and language impairment, instead of both SLD and a speech and language impairment. This is an IEP team decision and is made on a case by case basis.

Language components of both oral expression and listening comprehension include:

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

In order for a student to meet SLD eligibility criteria because of insufficient progress and inadequate classroom achievement in oral expression or listening comprehension, the difficulty must be demonstrated in academic functioning and result in the student not making sufficient progress. At least two Scientific, Research-based or Evidence-Based Interventions (SRBIs) must be implemented in the area(s) of concern and there must be evidence of insufficient progress and inadequate classroom achievement compared to the expectations for same age/grade peers in these areas. While not required for SLD evaluations, it is strongly recommended a speech/language pathologist be included on the IEP team whenever language related concerns are being evaluated. A speech and language pathologist is best qualified to help the team identify and collect other empirical data to help make a decision about whether the student is making progress in oral expression and listening comprehension. A speech and language pathologist **must** be a member of the IEP team if speech and language impairment is also being considered as part of the evaluation.

A speech and language impairment may co-exist with SLD and is not considered exclusion to SLD identification. At the same time, a student being considered for a Speech and Language Impairment because of oral expression does not also have to be evaluated for SLD. The decision whether to evaluate a student for a Speech and Language Impairment and/or SLD because of concerns in oral expression and listening comprehension is an IEP team decision and is generally made during the review of existing data. This said, IEP teams may find a student has both speech and language impairment **and** Specific Learning Disability. To be identified with both impairments, the student must meet all eligibility criteria for each area of impairment and have a need for special education because of the impairments. Eligibility criteria for SLD are found in this guide, as well as online at http://sped.dpi.wi.gov/sped_ld. Wisconsin eligibility criteria for speech and language impairment can be found at: http://sped.dpi.wi.gov/sped_speech.

If the only area(s) of concern for a student are oral expression or listening comprehension, the IEP team may decide to consider only whether the student has a speech and language impairment, instead of both SLD and a speech and language impairment. This is an IEP team decision and is made on a case by case basis.

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

Evaluation of Young Children

There are no age requirements for identifying students with SLD. However, particular caution must be taken when evaluating young children. As part of the SLD eligibility determination, the IEP team must consider if the student has had the opportunity to develop skills in the area(s) of concern through sufficient exposure to general education curriculum and interventions. This is part of the IEP team consideration of exclusionary factors. Eligible students must also be found to have insufficient progress and inadequate classroom achievement using data that meet the standards in the rule. Assessment of young children is complicated by factors related to their development and the limited amount of time most children ages three to first grade have had to learn and demonstrate the academic skills referenced in the eight areas of potential SLD. Factors such as early experience and early opportunities for developmentally appropriate instruction can influence a student's early achievement skills significantly. Differentiating between SLD and delayed but normal development in young children is often difficult (Fletcher et. al., 2007; Shaywitz, S.E. et.al., 1992). IEP teams should be prudent when identifying SLD in this age group. The prevalence of Specific Learning Disabilities in preschool through early elementary age students is expected to remain very low.

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

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

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

IEP Team Discussion

Point:

For very young children referred for SLD evaluation, did the IEP team consider the quality of the data collected for validity and reliability considering the student's age and school experiences at the time of the referral? Furthermore, are other options available in general education to address concerns outside of special education?

IEP Team Discussion Points:

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

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

Parentally Placed Private School and Home-schooled Students

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

Public schools lack the authority to require private schools or home-based education programs to provide intensive intervention or produce progress monitoring data that meet the standard of the SLD rule. Thus, an IEP team may continue to use significant discrepancy to determine insufficient progress for parentally placed private school students or students receiving home-based private education. When significant discrepancy is used, the requirement to conduct an observation during SRBIs does not apply. If progress monitoring data meeting the requirements of the rule exists, the IEP team may use the same initial eligibility criteria as for public school students. In either case, the IEP team considers inadequate classroom achievement in the same manner as with public school students except testing does not require completion of interventions that meet the standards for SRBIs. There still should be evidence that some intervention beyond core instruction was provided. Exclusions also continue to apply and at least one observation by an IEP team participant during routine classroom instruction is still required. As with any special education evaluation, an LEA must use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the referred student, including information provided by the parent. See Appendix D for more information on this topic.

Transfer Students: In-State Transfer

The transfer provisions for students with Specific Learning Disability are consistent with those for all students with disabilities. When a student with SLD transfers from one Wisconsin LEA to another Wisconsin LEA, the student is considered eligible for services unless an IEP team determines otherwise. Upon enrollment, the receiving LEA provides comparable services to those in the existing IEP until the LEA either adopts the existing IEP or holds an IEP team meeting to review, and if needed, revise the student's IEP. If a student with SLD transfers from a Wisconsin LEA and the new Wisconsin LEA determines that an evaluation is required, it would be considered a reevaluation. [34 CFR § 300.323(e)].

When a referred student transfers from one Wisconsin LEA to another Wisconsin LEA **before** an eligibility determination is made, the new LEA must ensure prompt completion of the evaluation. The new LEA should review the

status of the evaluation at the time of transfer. Information collected by the previous LEA would be considered as part of this process. If additional data is needed, an extension of the 60-day timeline for an SLD evaluation may occur by mutual written agreement between the parent and the other members of the IEP team. The amount of additional time needed to ensure prompt completion of a SLD evaluation is determined on a student by student basis by the IEP team in consultation with the parent, who is also a member of the team. DPI sample form M-3, [Agreement to Extend the Time Limit to Complete the Evaluation of a Child Suspected of having a Specific Learning Disability](#), is available to document the timeline extension agreement.

Transfer Students: Out-of-State Transfer

If a student transfers to Wisconsin from another state, the receiving LEA may either determine an evaluation is needed or adopt the previous evaluation. As with any impairment area, if the receiving LEA determines an evaluation is needed, the evaluation is considered an initial evaluation. For a student with SLD, **initial** Wisconsin SLD eligibility criteria are used for the evaluation. Until the evaluation is conducted, in consultation with the parents, the student's new LEA must provide free, appropriate, public education (FAPE), including services comparable to those in the student's existing IEP. [34 CFR § 300.323(f)].

Applying the Rule: IEP Team Discussion of Special Topics

The following questions may be helpful to the IEP team when considering any of the topics presented in this chapter.

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

for all transfer students, whether the student is from within the state or from outside the state?

References

Fletcher, J.M., Lyon, G.R., Fuchs, L.S., & Barnes, M.A. (2007). *Learning Disabilities: From Identification to Intervention*. New York. Guilford Press. Pg. 83.

Shaywitz, S.E., Escobar, M.D., Shaywitz, B.A., Fletcher, J.M. & Makuch, R. (1992). Evidence that dyslexia may represent the lower tail of a normal distribution of reading ability. *New England Journal of Medicine*, 326, 145-150.

Determining the Need for Special Education and Next Steps

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

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

This section addresses the second question.

Section Contents

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

Definition and Requirements

The “need for special education” question is sometimes overlooked. A student does not “automatically” need special education just because he or she meets or continues to meet the criteria as having an impairment, such as a Specific Learning Disability (SLD). State rule requires the following:

As part of an evaluation or reevaluation under Wis. Stat. § 115.782, conducted by the IEP team in determining whether a child is or continues to be a child with a disability, the IEP team shall identify all of the following:

- (a) The child’s needs that cannot be met through the general education program as structured at the time the evaluation was conducted.*
- (b) Modifications, if any, that can be made in the general education program, such as adaptation of content, methodology, or delivery of instruction to meet the child’s needs identified under par. (a), that will*

Definition of Need for Special Education:

A child shall be identified as having a disability if the IEP team has determined from an evaluation conducted under Wis. Stat. § 115.782, that the child has an impairment under Wis. Admin. § PI 11.36 that adversely affects the child’s educational performance, and the child, as a result thereof, needs special education and related services [Wis. Admin. Code § PI 11.35 (2)].

allow the child to access the general education curriculum and meet the educational standards that apply to all children.

(c) Additions or modifications, if any, the child needs that are not provided through the general education curriculum, including replacement content, expanded core curriculum, or other supports [Wis. Admin. Code § PI 11.35 (3)].

As the IEP team makes its decision about the student's "need for special education," the team must address several questions. Those questions, along with guidance for addressing them, are described in more detail below.

Process for Determining Need for Special Education

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

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

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

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

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

The second question requires the IEP team to discuss whether accommodations or other modifications can be made to allow the student to access the general education curriculum and to meet grade level standards. When addressing this question, the IEP team is asked to think about what **might** be possible. In doing so, the team should consider adaptation of content, methodology, or delivery of instruction.

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

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

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

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

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

Like many students with and without disabilities, students with SLD benefit from a variety of strategies and supports. Decisions about needed modifications to content, instructional methodology, or delivery of instruction should be made on an individual student basis. If the IEP team determines there are modifications that can be made in general education, these should be documented in the evaluation report. See DPI sample forms ER-1, [Evaluation Report](#).

If the IEP team determines the student's needs can be met within the general education environment with reasonable accommodations, modifications and adaptations, the student may meet the impairment eligibility criteria, but does not need special education and, therefore, is not a student with a disability under the Individuals with Disabilities Education Act (IDEA). Should a student with SLD be found to no longer need special education, but continues to require specific

accommodations and supports, the Local Education Agency (LEA) may consider whether the student meets eligibility criteria under section 504 of the Americans with Disabilities Act.

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

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

Examples of supplementary curriculum may include:

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

Examples of expanded core curriculum and other supports may include:

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

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

Making the Need for Special Education Decision

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

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

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

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

Applying the Rule: IEP Team Discussion

When conducting an initial evaluation for a student with suspected SLD, the IEP team should be well poised to address “need for special education.” Information

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

Reevaluation Criteria

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

Section Contents

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

Definition and Requirements

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

Upon re-evaluation, a child who met initial identification criteria and continues to demonstrate a need for special education under Wis. Admin. § PI 11.35 (2), including specially designed instruction, is a child with a disability under this section, unless the provisions under par. (d) 1. [exclusions] now apply. If a child with a specific learning disability performs to generally accepted performance expectations in the general education classroom without specially designed instruction,

the IEP team shall determine whether the child is no longer a child with a disability” [Wis. Admin. Code § PI 11.36 (6)(h)].

Documentation of inadequate classroom and insufficient progress achievement as prescribed in Wis. Admin. Code § PI 11.36 (6) (c), are only required during the initial SLD evaluation. Information about the student’s response to educational programming will help the IEP team determine both the extent to which the student is able to meet general education expectations without specially designed instruction and, ultimately, whether the student continues to need special education. However, neither the initial criteria for inadequate classroom achievement nor insufficient progress must be met upon reevaluation.

If the student no longer needs specially designed instruction and can meet general education grade level standards with typical general education core instruction, interventions, reasonable accommodations, or adaptations and modifications, the student may continue to have the impairment of SLD, but may no longer be a student who needs special education. In this case, the student would no longer be considered an eligible “child with a disability” under state and federal special education law. The IEP team must discuss this carefully and determine whether the student continues to be eligible for special education services.

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

Considering Achievement, Progress, and Exclusions upon Reevaluation

The student’s ability to participate in general education classes and meet grade level standards is the key SLD reevaluation considerations. Subsequently, the analysis of classroom achievement data is an essential part of the reevaluation process. Depending on the type and amount of data collected as part of ongoing IEP and general education progress monitoring, the IEP team may decide no additional assessment is needed upon reevaluation. In this case, the IEP team uses existing data related to the student’s achievement and progress in the general curriculum to determine continuing eligibility for special education. If the IEP team is considering progress monitoring data in its review, including data from general education and data used to monitor the student’s progress toward achieving IEP goals, it is recommended, but not required, that the LEA include on the IEP team a licensed person qualified to assess data on individual rate of progress using a psychometrically valid and reliable methodology.

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

Following initial identification as SLD, it is anticipated a student will have made significant improvement in the area(s) of concern after receiving special education services for a period of time. Upon analysis of achievement and progress data, including formal and informal assessment results (such as data from systematic observation), and measures of student progress toward achieving

IEP goals, the IEP team may find the student is achieving at a pace and level commensurate with the range of students in the same grade. If the student is meeting general education expectations with limited specially designed instruction, the IEP team may consider whether the student continues to be eligible as having the impairment of SLD.

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

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

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

Considering the Need for Special Education Upon Reevaluation

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

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

General Education Options for Students Found Not Eligible Upon Reevaluation

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

As part of describing continuing needs, the team should also identify reasonable general education options that allow the student to meaningfully access the general education curriculum and environment so the student can continue to meet the standards that apply to all students. For example, a student with SLD who continues to read slowly may be able to meet general education standards when provided with e-books or a text reader. This student may also need extra time to take tests or to complete class assignments or may need additional options for assignments used to demonstrate proficiency. When using DPI sample forms, continuing general education needs for students with an impairment are documented on the last page of DPI Sample Form [ER-1, Evaluation Report](#), Section D, item 2a. Should a student with SLD no longer require specially designed instruction, but continue to require specific accommodations and supports, the Local Education Agency (LEA) may consider whether the student meets eligibility criteria under section 504 of the Americans with Disabilities Act.

Applying the Rule: Considerations for Reevaluation

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

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

Some Questions to Ask Upon Reevaluation of a Student with SLD

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

OR

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

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

OR

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

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

OR

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

References and Appendices

Included in this section are a number of resources. The first, Appendix A, provides a Specific Learning Disability (SLD) evaluation checklist. Appendix B provides an IEP Team Process Summary Chart for initial and reevaluations. Links to each of the DPI sample forms referenced in this guide are included in Appendix C. Appendix D provides additional guidance on initial evaluations of private and homeschool students when using the significant discrepancy criterion to determine insufficient progress.

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Appendix A: SLD Evaluation Requirements Checklist

SLD Evaluation Requirements Checklist

DPI has developed several sample forms for IEP teams to use when developing required evaluation reports to document IEP team eligibility decisions: DPI sample forms ER-2A, ER-2B and ER-2C (available at http://sped.dpi.wi.gov/sped_forms06). Guidance and Instructions for completing these forms are available at http://sped.dpi.wi.gov/sped_eligibility .

The following checklist is provided as a companion resource to assist IEP teams as they conduct SLD evaluations consistent with the current SLD rule. The checklist summarizes the responsibilities of the IEP team required when it determines SLD eligibility.

Note: LEAs must have in place specific system-wide procedures related to collecting the data needed for determining insufficient progress based on insufficient response to intensive, scientific, research-based or evidence-based intervention. See http://www.wisconsinrticenter.org/assets/files/SLD_Implementation_checklist%208-12-11.pdf for a checklist of these requirements.

	Requirement	Initial*	Reevaluation*
SLD Impairment Criteria and Need for Special Education	Insufficient Progress*** a. Insufficient Response to Intensive, Scientific, Research-Based or Evidenced Based Intervention using baseline and weekly progress monitoring data collected during two intensive scientific research-based or evidence-based interventions (SRBIs) implemented with fidelity and closely aligned with student needs.	√	
	Inadequate Classroom Achievement after Intensive intervention	√	
	Exclusionary Factors not primary reason	√	√
	Need for Special Education**	√	√
Sources of Data	Full and Individual Evaluation including formal and informal assessment data	√	√
	Systematic Observation During Routine Classroom Instruction	√	√
	Systematic Observation during SRBI ***	√	
Evaluation Report	Whether the student meets the SLD Impairment criteria and the basis for the decision	√	√
	Relevant behavior, if any, noted during required observation and the relationship of observed behavior to academic functioning	√	√

	Requirement	Initial*	Reevaluation*
	Educationally relevant medical findings, if any	√	√
	Intensive intervention was applied in a manner highly consistent with its design, closely aligned to pupil need, and culturally appropriate	√	
	The signature of each IEP team member indicating agreement with the determination of disability OR submission of a separate statement	√	√
Additional Documentation Requirements***	Rate of progress for determining Insufficient Progress is analyzed using slope of trend line using least squares regression on baseline and all weekly progress monitoring data points ***	√	
	Additional IEP team members (member may serve multiple roles)***: <ul style="list-style-type: none"> • qualified to assess progress data • qualified to conduct individual diagnostic evaluations • implemented intensive intervention with the student 	√	
	The child's parents were notified <ul style="list-style-type: none"> • The progress monitoring data collected*** • Strategies for increasing the child's rate of learning including the intensive interventions used*** • The parents' right to request an evaluation 	√	

* Initial evaluation of SLD refers to the first time SLD is considered, even if this consideration is part of a special education reevaluation for a student previously identified as having an impairment. "Reevaluation" refers to special education reevaluations when a student was previously identified as having SLD.

** Upon initial evaluation, if the student is found to have one or more impairment, the IEP team goes on to determine if the student has a need for special education. If the student is found to have both an impairment and need for special education, the student is found to be a "child with a disability" and is eligible to receive special education.

*** Not required for initial SLD evaluations of parentally placed private school students and homeschooled students. After December 1, 2013, Significant Discrepancy between Intellectual Ability and Achievement may be used to determine Insufficient Progress only for initial SLD evaluations of parentally placed private school and homeschooled students. All other criteria apply as for other students

Appendix B: IEP Team Process Summary Chart

IEP PROCESS/FORMS	TASKS	WHO IS RESPONSIBLE?	COMMENTS
Referral:			
Form R-1: Referral Form	School personnel and others required to make a referral under Wis. Stat. § 115.777 inform the student’s parent that a referral is going to be made before submitting the referral in writing.	Any school personnel and others listed in Wis. Stat. § 115.777 must make a referral if they reasonably believe a student is a child with a disability.	Referral must be made in writing (Form R-1 or other means) and must include the name of the student and the reasons why the person believes the student is a child with a disability. LEA documents and dates referral when received. “Child with a disability” means a student who by reason of any impairment listed in Wis. Stat. § 115.76(5) needs special education and related services.
Initial Evaluation:			
Form IE-1: Notice of Receipt of Referral	Parents notified of referral and appointment of IEP team; given procedural safeguards.	LEA	IEP team includes all participants listed in Wis. Stat. § 115.78 (1m) and, as appropriate, Wis. Admin. Code § PI 11.24(2) and Wis. Admin. Code § PI 11.36(5)(e).
Form EW-1: Worksheet for Consideration of Existing Data Form IE-2: Initial Evaluation: Notice that No Additional Assessments Needed OR Form IE-3: Initial Evaluation: Notice and Consent Regarding Need to Conduct Additional Assessments	Review existing data including information from parent, current assessments, and observations; determine if additional data are needed. Parents notified of determination. Request parental consent if additional assessment needed within 15 days of receiving referral. Obtain parental consent before administering additional tests or other evaluation materials.	IEP Team LEA provides notice and requests parental consent Parent gives consent	As members of the IEP team, parents participate in the review and decision. If additional data needed, parents notified of tests or other evaluation materials to be administered and the names of evaluators, if known. Wis. Stat. § 115.782. IEP team meeting is optional.

IEP PROCESS/FORMS	TASKS	WHO IS RESPONSIBLE?	COMMENTS
Form I-1: Invitation to IEP Team Meeting Form I-1A, if needed: Request to Invite Outside Agency Representative(s) to the IEP Meeting	An IEP team meeting scheduled at mutually agreed on time and place. Parents notified of meeting.	LEA	LEA must take steps to ensure one or both parents are present at an IEP team meeting to determine eligibility, or are provided the opportunity to participate by other means.
Form I-3: Evaluation Report and IEP Cover Sheet Form ER-1: Evaluation Report Form ER-2A or ER 2C: Required Documentation for SLD Initial Evaluation <u>When Not Eligible:</u> Form ER-4: Notice of IEP Team Findings That Child is Not a Child with a Disability	IEP team meets and determines eligibility for special education within 60 days of receiving consent for evaluation or notice that no additional assessment is needed. Evaluation report prepared. Parents given copy of evaluation report including documentation of eligibility decision.	IEP team determines eligibility LEA provides copy of evaluation report including eligibility decision	A student is found eligible if the IEP team (which includes the parent) determines the student has an impairment under Wis. Admin. Code § PI 11.36 (6), and, as a result, needs special education and related services. If found eligible, the IEP team may proceed to develop the student's IEP. Parents have the right to a copy of the evaluation report or request additional time before developing the IEP.
Reevaluation:			
Form RE-1: Notice of Reevaluation Or, if appropriate RE-2: Agreement to Conduct Reevaluation More Than Once a Year Or RE- 3: Agreement That a Three-Year Reevaluation Not Needed	Notify parents of intent to reevaluate and appointment of IEP team. Procedural safeguards given.	LEA	Reevaluation occurs when conditions warrant or when parent or teacher requests, but at least once every three years. If no additional data needed, a parent and LEA may agree a three year reevaluation is not necessary [Wis. Stat. § 115.782 (4)(c)].
Form EW-1: Consideration of Existing Data Worksheet Form RE-4: Reevaluation: Notice that No Additional Assessments Needed OR Form RE-5: Reevaluation: Notice	Review existing data including information from the parent, current assessments, and observations; determine if additional data are needed. Parents notified of decision. Parental consent requested if additional assessment needed within 15 days of receiving referral.	IEP team LEA requests consent if additional data is needed or notifies parent if additional data not needed.	As IEP team members, parents participate in decision. If additional data are needed, parents are notified of the tests or other evaluation materials to be administered and the names of evaluators, if known. Wis. Stat. §115.782. IEP team meeting is optional. Reevaluation may proceed

IEP PROCESS/FORMS	TASKS	WHO IS RESPONSIBLE?	COMMENTS
and Consent Regarding Need to Conduct Additional Assessments			without parental consent if LEA took reasonable measures to obtain consent and parents failed to respond.
Form I-1 Form I-1A if needed	IEP team reevaluation meeting scheduled at mutually agreed on time and place. Parents notified of meeting.	LEA	LEA must take steps to ensure one or both parents are present at an IEP team meeting, or are provided an opportunity to participate by other means.
Form I-3 Form ER-1 Form ER-2B:Required Documentation for Specific Learning Disability (SLD) - Reevaluation <u>If no longer eligible-</u> Form ER-4:	IEP team meets and determines continuing eligibility for special education and student's educational needs within 60 days of receiving consent for evaluation or notice that no additional assessment needed. Prepares evaluation report. Parents provided a copy of evaluation report	IEP team LEA	Student continues to be eligible if IEP team (includes the parent) determines the student has impairment under Wis. Admin. Code § PI 11.36, and, as a result, needs special education and related services. If student remains eligible, IEP team may proceed to review the IEP. Parents have a right to a copy of evaluation report or to request additional time before reviewing and revising (as appropriate) the IEP.
IEP:			
Forms I-1 through P-2 as appropriate	IEP team meeting scheduled at mutually agreed on time and place. Parents notified of meeting. Within 30 days of deciding if a student is or continues to be eligible for special education, an IEP team meeting must be held to develop or review and revise (as appropriate) the students IEP and determine placement.	LEA IEP team	LEA must take steps to ensure one or both parents are present at an IEP team meeting, or are provided the opportunity to participate by other means. The IEP may be developed at the same meeting following completion of an initial evaluation or reevaluation. IEPs must be reviewed periodically, but at least annually, and revised as appropriate. Parents have a right to request a copy of the most recent evaluation report before developing or reviewing and revising the student's IEP. District staff or the parent may request additional time, if needed, to permit meaningful parent participation in IEP team meetings.

Appendix C: Links to DPI Sample Forms Related to Making SLD Initial and Reevaluation Eligibility Decisions

Form No.	Form Title
R-1	Referral Form - Special Education and Related Services
IE-1	Notice of Receipt of Referral and Start of Initial Evaluation
IE-2	Initial Evaluation: Notice that No Additional Assessments Needed
IE-3	Initial Evaluation: Notice and Consent Regarding Need to Conduct Additional Assessments
RE-1	Notice of Reevaluation
RE-2	Notice of Agreement to Conduct a Reevaluation More Than Once a Year
RE-4	Reevaluation: Notice That No Additional Assessments Needed
RE-5	Reevaluation: Notice and Consent Regarding Need to Conduct Additional Assessments
EW-1	Worksheet For Consideration of Existing Data to Determine if Additional Assessments or Evaluation Materials Are Needed
ER-1	Evaluation Report, including Determination of Eligibility and Need for Special Education
ER-2A	Required Documentation for Specific Learning Disability (SLD) - Initial Evaluation
ER-2B	Required Documentation for Specific Learning Disability (SLD) - Reevaluation
ER-2C	Required Documentation for Specific Learning Disability (SLD) - Initial Evaluation Using Significant Discrepancy
SLD forms Guidance	Guidance and Instructions for Completing the Specific Learning Disability (SLD) Sample Forms ER-2A, ER-2B and ER-2C
ER-4	Notice of IEP Team Findings That Child is Not a Child With a Disability
I-1	Invitation To a Meeting of the Individualized Education Program (IEP) Team
I-3	Evaluation Report and IEP Cover Sheet
M-3	Agreement to Extend the Time Limit to Complete the Evaluation of a Child Suspected of having a Specific Learning Disability

Note: All DPI Sample forms are also posted at http://sped.dpi.wi.gov/sped_forms06 and are available in English and Spanish.

Appendix D: Evaluation of Parentally Placed Private School and Home Schooled Students

NOTE to Readers: This appendix is under development and will be added to the Guide when completed. An announcement will be made to the field when the Appendix is available.