

Notes to accompany DPI Sample Special Education Form ER-2:

ADDITIONAL DOCUMENTATION REQUIRED
WHEN CHILD IS EVALUATED FOR
SPECIFIC LEARNING DISABILITIES
Form ER-2 (Rev. 10/06)

Introduction:

Federal regulations §§300.307-300.311 implementing IDEA 2004 specify a number of elements listed on Wisconsin DPI sample special education form ER-2 to address when evaluating a student to determine eligibility for specific learning disabilities. This document is provided to assist IEP teams in developing the content of those sections of sample form ER-2.

Citations from the regulations are provided with each element.

This form must be completed for **both** initial and re-evaluation to conform to the requirements at §§300.304-300.306, which address procedures for evaluation and re-evaluation.

Measurable **data** about the referred student's program and/or performance should be used to address each item.

Key terms to be considered in each element are highlighted by ALL CAPS to assist the IEP team.

Data recorded in another part of the IEP that can be used to complete the elements of the ER-2 may be clearly referenced. It is not necessary to repeat data that has already been stated elsewhere.

This is a draft document and your input is welcomed. Address your comments to:
kathleen.laffin@dpi.state.wi.us

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ADDITIONAL DOCUMENTATION REQUIRED
WHEN CHILD IS EVALUATED FOR
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For students being evaluated for a specific learning disability address each of the following:

- A. Information demonstrating that the student was provided APPROPRIATE INSTRUCTION IN REGULAR EDUCATION. (§300.309(b)(1))

“Appropriate instruction” includes consideration of both child specific information and whole grade performance data. Child specific data regarding “appropriate instruction” may include:

- (1) Verification that core (universal) instruction was provided regularly;**
- (2) Data indicating that the student attended school regularly to receive instruction;**
- (3) Verification that core instruction was delivered according to its design and methodology by qualified personnel.**
- (4) Data indicating that differentiated instruction in the core curriculum was provided.**

The most recent whole grade performance data to verify “appropriate instruction” in the area of concern may include results from the WKCE or district-wide assessments correlated to the WKCE. These data are an indicator of progress for all students in the referred student’s current grade when using the core (universal) subject matter curriculum. This data helps establish that the core curriculum is effective for most students.

If the referred student is from a disaggregated WKCE group, whole grade data for the disaggregated group should also be reviewed and considered.

The whole grade measure for “appropriate instruction” should be consistent with the requirements under the No Child Left Behind Act for adequate yearly progress (AYP). Annual measurable AYP objectives in reading and math are available at: <http://dpi.wi.gov/oea/amo.html>.

Discussion in the federal regulations (pg. 46656) states that “the eligibility group consider evidence that the child was provided appropriate instruction and clarify that this means evidence that lack of appropriate instruction was the source of underachievement.” When considering reading, federal regulations reference the ESEA, which states that the essential components of reading instruction mean explicit and systematic instruction in phonemic awareness, phonics, reading fluency, vocabulary development, and reading comprehension strategies (pg. 46646).

Re-evaluation: Regarding student specific information, what data indicates that the specially designed instruction and accommodations are assisting the student to make progress in the general curriculum?

Continue to provide data that the student attends regularly, and receives effective general education instruction in the area of concern if appropriate. Continue to report whole grade performance on the WKCE or district assessments.

B. Information demonstrating that the student received REPEATED ASSESSMENTS OF ACHIEVEMENT REFLECTING STUDENT PROGRESS. §300.309(b)(2)

Comments to the federal regulations (pg. 46657) refer to data-based documentation as “an objective and systematic process of documenting a child’s progress. This type of assessment is a feature of strong instruction in reading and math.”

Regulations further state (pg. 46657) that “a critical hallmark of appropriate instruction is that data documenting a child’s progress are systematically collected and analyzed and that parents are kept informed of the child’s progress.”

“Repeated” assessments are curriculum-based measures provided at regular intervals that are based on the instruction being provided and student needs. The frequency and number of repeated assessments is determined by the instructional models being used or a district-based decision making process.

Data from repeated assessments are skill rather than content indicators. Some examples of repeated assessments of achievement are listed by the National Center of Student Progress Monitoring (<http://www.studentprogress.org/chart/chart.asp>).

“Data from statewide assessments under ESEA would not likely meet the requirement for repeated assessments at “reasonable intervals.” (Federal regulations pg. 46657)

If data from repeated assessments is reported as part of previous interventions on IEP forms, those data based statements can be referenced here.

Re-evaluation: Progress monitoring data on IEP goals is the data from repeated assessments.

C. INFORMATION DEMONSTRATING THAT THE STUDENT’S PARENTS WERE PROVIDED INFORMATION on the above assessments of achievement of their child. §300.309 (b)(2)

Any documentation of parent contacts including email or written notes, progress monitoring data sent to parents, parent-teacher conferences, or school meetings where data about student progress in the area of concern were shared with parents.

Summarize documentation data succinctly (e.g. parents received a weekly email reporting progress beginning with a school meeting on 9/25/07 and continuing to the present time).

Re-evaluation: Same type of data as on initial evaluation.

D. RELEVANT BEHAVIOR NOTED DURING OBSERVATION of the student in his or her learning environment (including the regular classroom) AND THE RELATIONSHIP of that behavior to the student’s academic functioning (*if using observational data of the student’s academic performance and behavior done prior to the referral for the evaluation, see ER-1*). §300.310

This section includes a statement of the student’s specific learning behavior in the area of concern during the classroom observation and its relationship to the student’s academic functioning. The current SLD Assessment and Decision-making Guide

<http://www.dpi.wi.gov/sped/doc/elgguideld.doc>) contains information about conducting an observation on pg. 27-28.

Re-evaluation: Same type of data as on initial evaluation.

- E. EDUCATIONALLY RELEVANT MEDICAL findings. §300.311(4) None

Same documentation as in the past for both initial and re-evaluation.

- F. The STUDENT'S ACHIEVEMENT RELATIVE TO HIS OR HER AGE, OR TO MEETING STATE-APPROVED GRADE LEVEL STANDARDS in one or more of the following: oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematics calculation and mathematics problem solving.
§300.311(a)(5)(i)

This element is a statement of the student's current achievement in the area of concern. This is to verify the presence of low achievement and should be objective data. Results of norm-referenced individual achievement tests or norm-referenced curriculum based measures may be used.

WKCE data would not be appropriate for this element. This data is the same as the documentation of classroom achievement in the current SLD criteria. If stated clearly elsewhere in the IEP document, that data may be referenced here.

Re-evaluation: Same data as is required at initial evaluation. Existing objective curriculum based data may be used.

- G. The STUDENT'S PROGRESS relative to meeting age or state-approved grade level standards in areas listed in F. above when using; a process based on the student's response to scientific, research-based intervention – **OR** – the STUDENT'S STRENGTHS AND WEAKNESSES in performance, achievement or both relative to age, state-approved grade level standards or intellectual development.
§300.311(5)(ii)(A-B)

*** Please note the OR, and do either the first part OR the second.**

The first part of the statement refers to a "rate of progress" determined using a response to intervention process in relation to grade level standards in the area of concern. At this time specific guidance is not available on a statewide level. This element cannot currently be implemented unless a district has established benchmarks and rates of progress by subject matter and grade level.

The second part of this statement, following OR, requires documentation of a pattern of strengths and weaknesses. The comments to the regulations, pg. 46654, state that "patterns of strengths and weaknesses commonly refer to the examination of profiles across different tests used historically in the identification of children with SLD."

This element could include an analysis of cognitive functioning. Information processing data being collected under current SLD eligibility criteria can be used to document this element. If the pattern of information processing data is clearly stated elsewhere in the IEP document, it may be referenced here.

Re-evaluation: Same data as on initial evaluation.

- H. The EFFECTS OF a visual, hearing or physical (motor) disability; cognitive disability, emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the student’s achievement level. §300.311(6)

This requirement has not changed. Data should be used. Additional guidance will be provided when the DPI exclusionary factors work group has made its recommendations.

Re-evaluation: Same information as on initial evaluation.

- I. IF the student participated in a PROCESS THAT ASSESSES THE STUDENT’S RESPONSE TO SCIENTIFIC, RESEARCH-BASED INTERVENTION include a statement for each of the following: N/A
§300.311(7)(i-ii)(A-C)

Please note that this is an “if” so it is completed only when a process that assesses response to intervention (Rtl) has been used prior to, or during the evaluation process to document student performance. This refers to Rtl as applied to a child-specific situation not to a school’s capacity to implement Rtl.

Re-evaluation: Same information as on initial evaluation.

1. The instructional strategies used with the student
2. The student-centered data collected in response to the instructional strategies used with the student
3. How and when the student’s parents were informed about the amount and nature of their child’s performance data that would be collected and the general education services that would be provided, the strategies to be used to increase their child’s rate of learning, and their right to request an evaluation

The IEP team assures that the decision of whether the child has a specific learning disability was based on information from a variety of sources and not on any single measure or assessment as the sole criterion. Each IEP team participant must sign below and indicate whether he/she agrees with the conclusions regarding whether or not the child is a child with a specific learning disability. If this does not reflect his/her conclusions, then that IEP team participant must also attach a statement with his/her conclusions.

Name and title	Signature	Agree or disagree