

## **ELIGIBILITY DETERMINATION. 34 CFR §300.306; USBE SER II.I.**

### 1. Notice of Meeting.

Upon completion of the evaluation, the special education teacher or case manager arranges a meeting of the Eligibility Team at a mutually agreeable time and place. A Notice of Meeting will be sent to the parent(s) or adult student and other members of the Team stating the meeting purposes, time, place, who is expected to be in attendance, and informing the parent(s) or adult student that they may bring others who have knowledge or special expertise about the student to the meeting.

### 2. Evaluation Summary Report.

The special education case manager collects all of the results of the evaluation, and writes a summary report of the evaluation information. This Evaluation Summary Report is included in Provo City School District's Eligibility Determination document for each disability category.

### 3. Eligibility Team Membership.

The Eligibility Team shall include a group of qualified professionals and the parent(s) or adult student. In the Provo City School District, this may include the special education teacher, regular education teacher, speech-language pathologist, school psychologist, occupational therapist, physical therapist, a representative of the LEA, and others who have conducted parts of the evaluation, as appropriate.

### 4. Eligibility Categories, Definitions, and Criteria.

The Provo City School District has adopted the definitions, evaluation requirements, and eligibility criteria in USBE SER.II.J.1-13. Details for the category of Specific Learning Disability are provided below.

### 5. Specific Learning Disability (SLD).

The Provo City School District has selected the use of Other Alternative Research-based Procedures - Pattern of Strengths and Weaknesses Method for determining whether a student has a Specific Learning Disability. 34 CFR §300.307; USBE SER II.J.10.b (1)(d) and USBE SER II.J.10.c. (5)(†).

a. Team members. 34 CFR §300.308; USBE SER II.J.10.b (2).

The determination of whether a student suspected of having a specific learning disability is a student with a disability must be made by the student's parent(s) or adult student and a team of qualified professionals, including:

(1) The student's regular teacher; or

(2) If the student does not have a regular teacher, a regular classroom teacher qualified to teach a student of the student's age; or

(3) At least one person qualified as defined by the examiner qualifications outlined in the administration manual of each of the specific diagnostic examinations to conduct individual diagnostic examinations of students and interpret the results of those assessments (as per the administration assessment criteria), such as a school psychologist, speech/language pathologist, reading teacher or reading specialist, or special education teacher.

b. Determining the existence of a specific learning disability. 34 CFR §300.309; USBE SER II.J.10.b (3).

The team described may determine that a student has a specific learning disability if:

(1) The student does not achieve adequately for the student's age or to meet State-approved grade-level standards, when provided with learning experiences and instruction appropriate for the student's age or State-approved grade-level standards, in one or more of the following areas:

(a) Oral expression;

(b) Listening comprehension;

(c) Written expression;

(d) Basic reading skills;

(e) Reading fluency skills;

(f) Reading comprehension;

(g) Mathematics calculation;

(h) Mathematics problem solving; and

(2) For the PSW method, the LEA process and procedures involve analysis of student data and intervention strategies using a team-based problem-solving approach. The procedures describe methods to:

- (a) Collect data from multiple sources that examine progress over time in the area of concern when evidence-based instruction has been provided;
- (b) Identify strengths and weaknesses that are evident in both the classroom and standardized assessment results;
- (c) Determine that a relationship between cognitive processing delays and academic deficits exists;
- (d) Establish that a cognitive deficit includes both a normative and an intraindividual weakness that is consistent with academic performance data;
- (e) Establish that a cognitive deficit includes both a normative and an intraindividual strength that is consistent with academic performance data; and
- (f) Identify a relationship between cognitive weakness and academic performance.

(3) The group determines that its findings are not primarily the result of:

- (a) A visual, hearing, or motor disability;
- b) Intellectual disability;
- (c) Emotional disturbance;
- (d) Cultural factors;
- (e) Environmental or economic disadvantage; or
- (f) Limited English proficiency.

c. The learning disability must adversely affect the student's educational performance.

d. The student with the learning disability must need special education or special education and related services. 34 CFR §300.8(a).

6. Evaluation. 34 CFR §300.309(b-c); USBE SER II.J.10.c.

- a. An evaluation must include a variety of assessment tools and strategies and cannot rely on any single procedure as the sole criterion.
- b. To ensure that underachievement in a student suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation:
  - (1) Data that demonstrate that prior to, or as a part of, the referral process, the student was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
  - (2) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student's parent(s) or adult student.
- c. Provo City School District promptly requests parental or adult student consent to evaluate the student to determine whether the student is a student with a disability and needs special education or special education and related services, and must adhere to the 45-school-day evaluation timeframe, unless extended by mutual written agreement of the student's parent(s) or adult student and a group of qualified professionals:
  - (1) If, prior to a referral, a student has not made adequate progress after an appropriate period of time as determined by the School District when provided appropriate instruction, and
  - (2) Whenever a student is referred for an evaluation.
- d. Observation. 34 CFR §300.310(a-c); USBE SER II.J.10.c. (4). Provo City School District ensures that the student is observed in the student's learning environment (including the regular classroom setting) to document the student's academic performance and behavior in the areas of difficulty.
  - (1) The team must decide to:
    - (a) Use information from an observation in routine classroom instruction and monitoring of the student's performance that was done before the student was referred for an evaluation; or

- (b) Have at least one member of the team conduct an observation of the student's academic performance in the regular classroom after the student has been referred for an evaluation and parental consent or consent of the adult student is obtained.
  - (c) If the student is a homeschooled student the School District may determine how to conduct the observation and who will conduct it.
  - (d) In the case of a student who is out of school, a group member must observe the student in an environment appropriate for a student of that age.
- e. Specific documentation for the eligibility determination. 34 CFR §300.311; USBE SER II.J.10.c. (5).

The team's documentation of the determination of eligibility with a specific learning disability must contain a statement of:

- (1) Whether the student has a specific learning disability;
- (2) The basis for making the determination;
- (3) The relevant behavior, if any, noted during the observation of the student and the relationship of that behavior to the student's academic functioning;
- (4) The educationally relevant medical findings, if any; and
- (5) Whether the student meets the criteria for the Alternative method below:
  - (a) Alternative Method- Pattern of Strengths and Weaknesses. 34 CFR §300.311; USBE SER II.J.10.c. (5)(i). Provo City School District uses a method of determining the student's pattern of strengths and weaknesses in cognitive skills and academic achievement as part of its process to determine if the student has a specific learning disability, and the team documents:
    - (b) The student's performance on a standardized, norm- referenced, individually administered achievement measure in the area of the suspected disability, and
    - (c) That the student scored above the intellectual disability range on a standardized, norm-referenced, individually administered measure of intellectual ability, and
      - i. An examination of a student's cognitive strengths, cognitive weaknesses

- and academic weaknesses.
- ii. The team documents consideration of an analysis of the student's strengths and weaknesses in relationship to cognitive abilities and the team's determination of whether or not it is indicative of a specific learning disability.
- f. The determination of the team concerning the effects of a visual, hearing or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the student's achievement level.
- g. The requirements of USBE SER II.D-H are followed.
- h. Each team member certifies in writing whether the report reflects the member's conclusion. 34 CFR §300.311(b). If it does not reflect the member's conclusion, the team member submits a separate statement presenting the member's conclusions.

7. Determining Eligibility. 34 CFR 300.306; USBE SER II.I.

a. Using the criteria for each category of disability as described above, the Eligibility Team determines:

(1) Whether the student has a disability that

(2) Adversely affects his educational performance, and

(3) Whether the student requires special education or special education and related services.

*Special education* is defined as specially designed instruction to meet the unique needs of a student with a disability and may include related services if they meet the definition of special education. Special education services are services provided to the student and do not include consultation between teacher or monitoring a student's grades or work completion. 34 CFR §300.39; USBE SER I.E.43.

*Specially designed instruction* is adapting, as appropriate to the needs of an eligible student, the content, methodology, or delivery of instruction to address the unique needs of the student that result from the student's disability, and to ensure access of the student to the general curriculum, so that the student can meet educational standards of the School District that apply to all students. 34 CFR 300.39(b)(3); USBE SER I.E.44.

