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# RTI-Based SLD Identification TOOLKIT



## CRITERION 6: Documentation

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### CRITERION 6: Documentation.

#### §300.311 Specific documentation for the eligibility determination

(a) For a child suspected of having a specific learning disability, the documentation of the determination of eligibility, as required in §300.306(a)(2), must contain a statement of—

- (1) Whether the child has a specific learning disability; or
- (2) The basis for making the determination, including an assurance that the determination has been made in accordance with §300.306(c)(1);
- (3) The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning;
- (4) The educationally relevant medical findings, if any;
- (5) Whether—
  - (i) The child does not achieve adequately for the child's age or to meet State-approved grade-level standards consistent with §300.309(a)(1); and
  - (ii)(A) The child does not make sufficient progress to meet age or State-approved grade-level standards consistent with §300.309(a)(2)(i); or
  - (B) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, State-approved

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**grade level standards or intellectual development consistent with §300.309(a)(2)(ii);**

**(6) The determination of the group 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 child's achievement level; and**

**(7) If the child has participated in a process that assesses the child's response to scientific, research-based intervention—**

**(i) The instructional strategies used and the student-centered data collected; and**

**(ii) The documentation that the child's parents were notified about—**

**(A) The State's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;**

**(B) Strategies for increasing the child's rate of learning; and**

**(C) The parents' right to request an evaluation.**

**(b) Each group member must certify in writing whether the report reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions.**

Addressing the requirements of the specific documentation for eligibility determination involves a compilation of the information gathered to address Criteria 1–5. Most states implementing an RTI-based SLD identification process have produced worksheets, checklists, or decision-making tools that assist the team. A generic tool that addresses all aspects of the specific documentation requirement is available here:



Ultimately, the school team must make a determination of the existence of SLD and the need for special education through a careful evaluation of multiple sources of data. Special education eligibility is a high-stakes decision for students. As such, it must be made in a comprehensive manner. The team may use additional assessments as necessary to assist in appropriate decision making for the student. Teams may be guided by parameters set by their State Education Agency.

The district and the student's parent may agree to extend the evaluation timeline to allow for the collection of necessary data. Such agreements must be made in writing. Federal regulations do not limit the amount of time an evaluation can be extended. Timeline extensions may not, however, be used to unnecessarily delay special education evaluations. (§300.309 (c)).

<p>§300.311 Specific documentation for the eligibility determination.</p> <p>(a) For a child suspected of having an SLD, the documentation of the determination of eligibility, as required in §300.306(a)(2), must contain a statement of—</p> <p>(1) Whether the child has a specific learning disability;</p>	<p>While stated as the first requirement, a statement of whether the child has a specific learning disability is actually one of the final steps in the eligibility determination process.</p>
<p>(2) The basis for making the determination, including an assurance that the determination has been made in accordance with §300.306(c)(1)</p>	<p>§300.306 (c)(1) states that:</p> <p>In interpreting evaluation data for the purpose of determining if a child is a child with a disability under §300.8, and the educational needs of the child, each public agency must—</p> <p>(i) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior;</p> <p>(ii) Ensure that information obtained from all of these sources is documented and carefully considered.</p>
<p>(3) The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning;</p>	<p>This information is drawn from <b>Criterion 5: Observation</b>.</p>
<p>(4) The educationally relevant medical findings, if any;</p>	<p>Information on relevant medical findings will most likely be drawn from documented medical data obtained from the student's parent(s). Documentation should indicate that existing medical findings were considered, even if found to be not relevant.</p>
<p>(5) Whether—</p> <p>(i) The child does not achieve adequately for the child's age or to meet state-approved grade-level standards consistent with §300.309(a)(1); <b>and</b></p>	<p>Information is drawn from <b>Criterion 1: Failure to meet age- or grade-level state standards in one of eight areas when provided appropriate instruction and includes specific information on the area(s) in which the student is failing to meet age- or grade-level state standards</b>.</p>
<p>(ii)</p> <p>(A) The child does not make sufficient progress to meet age or state-approved grade-</p>	<p>Information is drawn from <b>Criterion 2: Lack of progress in response to scientific, research-based intervention</b>.</p>

<p>level standards consistent with §300.309(a)(2) (i); <b>or</b></p>	
<p>(B) The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade level standards, or intellectual development consistent with §300.309(a)(2)(ii);</p>	<p>This optional criterion (available in lieu of (ii)(A)) does not apply to an RTI-based SLD evaluation process.</p>
<p>(6) The determination of the group 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 child’s achievement level</p>	<p>Information is drawn from <b>Criterion 3: The group determines that its findings under paragraphs (a)(1) and (2) of this section are not primarily the result of—</b></p> <ul style="list-style-type: none"> <li>(i) A visual, hearing, or motor disability;</li> <li>(ii) Intellectual disability;</li> <li>(iii) Emotional disturbance;</li> <li>(iv) Cultural factors;</li> <li>(v) Environmental or economic disadvantage; or</li> <li>(vi) Limited English proficiency.</li> </ul> <p>In such cases specific documentation should be provided for any relevant factors and include information on whether these factors were excluded from consideration as a result of screening or whether more extensive evaluations were conducted. To the extent that information regarding these factors may inform the development of an individualized education program for the student, this process should not be a “check yes or no” procedure. Instead, the process must include a determination of whether any of these factors are the <b>primary</b> cause of the lack of achievement and lack of adequate progress, not whether the factors exist at all.</p>
<p>(7) If the child has participated in a process that assesses the child’s response to scientific, research-based intervention—</p> <ul style="list-style-type: none"> <li>(i) The instructional strategies used and the student-centered data collected; <b>and</b></li> </ul>	<p>This information is drawn from <b>Criterion 2: Lack of progress in response to scientific, research-based intervention.</b></p>
<ul style="list-style-type: none"> <li>(ii) The documentation that the child’s parents were notified about—             <ul style="list-style-type: none"> <li>(A) The state’s policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;</li> <li>(B) Strategies for increasing the child’s rate of learning; <b>and</b></li> <li>(C) The parents’ right to request an evaluation.</li> </ul> </li> </ul>	<p>This information should include the specific data shared with the student’s parents, how frequently the data were provided, how the data were shared (such as graphical formats), how the parents (and student, as appropriate) were involved and engaged in the RTI process, and what information the parents have provided to the school team.</p>

<p>(b) Each group member must certify in writing whether the report reflects the member's conclusion. If it does not reflect the member's conclusion, the group member must submit a separate statement presenting the member's conclusions.</p>	<p>Group members include the child's parents and a team of qualified professionals, which must include—</p> <p>(a)</p> <ol style="list-style-type: none"> <li>(1) The child's regular teacher; <b>or</b></li> <li>(2) If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; <b>or</b></li> <li>(3) For a child of less than school age, an individual qualified by the SEA to teach a child of his or her age;</li> </ol> <p><b>and</b></p> <p>(b) At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.</p> <p>Ideally, the group members should be those who have been involved in the RTI process and are familiar with the student's data.</p>
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## REFERENCES

Visit [www.rtinetwork.org](http://www.rtinetwork.org) for more information on this topic.

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