



Chapter 3: Eligibility Criteria – Individual with Exceptional Needs

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Introduction

Special education is an integral part of the total public education system and provides education to promote maximum interaction and access between children with disabilities and children who are not disabled. Special education means specially designed instruction to meet the unique needs of child with a disability including instruction conducted in the classroom, in the home, in hospitals and institutions, or other settings in the Least Restrictive Environment (LRE). This instruction includes physical education to meet the educational needs of children with disabilities.

To be eligible for special education and related services, a child must be in the age range of birth to 22 years of age and meet criteria in two areas outlined in Title 34 of the Code of Federal Regulations. § 300. First, the child must be identified as a child with a disability in one or more of the 13 categories defined in Section A in accordance with Title 34 of the Code of Federal Regulations § 300.8. Second, the child’s disability must adversely affect the child’s educational performance. Children ages 0-3, are found eligible under Part C eligibility criteria. Children ages

3-21, are determined to be eligible under Part B eligibility criteria of the Individuals with Disabilities Education Act (IDEA).

The Individualized Education Program (IEP) team shall consider all assessment information and use no single score or product of scores as the sole criterion for making a decision regarding the child's eligibility for special education. Once the IEP team has determined that both of these areas are satisfied, a child may be identified as a child with a disability. Processes and procedures for assessment are outlined in Chapter 2.

A child remains eligible for special education and related services for as long as the child qualifies under the eligibility criteria established under Title 5 of the California Code of Regulations § 3030, and this chapter. Eligibility is determined by an IEP team based upon the results of a multidisciplinary assessment in every area of suspected disability. This entitlement remains in effect until the child reaches the maximum age for services, age 22, or when he/she graduates from high school with a regular high school diploma.

This chapter describes each of the 13 disabling conditions as identified in Title 34 of the Code of Federal Regulations § 300, and the criteria for meeting eligibility for special education services.

Section A – Federal Disability Definitions

Title 34 of the Code of Federal Regulations § 300.8(c). The thirteen disabling conditions identified are: (1) autism, (2) deaf-blindness, (3) deafness, (4) emotional disturbance, (5) hearing impairment, (6) mental retardation (now known as intellectual disability), (7) multiple disabilities, (8) orthopedic impairment, (9) other health impairment, (10) specific learning disability, (11) speech or language impairment, (12) traumatic brain injury, (13) visual impairment.

Autism means Autism means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, and adversely affecting a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences.

Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in subdivision (b)(4) of this section.

A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria in subdivision (b)(1) of this section are satisfied.

(Title 34 of the Code of Federal Regulations § 300.8(c)(1)(i)-(iii); Title 5 of the California Code of Regulations § 3030(b)(1)(A)-(B))

Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they

cannot be accommodated in special education programs solely for children with deafness or children with blindness.

(Title 34 of the Code of Federal Regulations § 300.8(c)(2); Title 5 of the California Code of Regulations § 3030(b)(2))

Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance.

(Title 34 of the Code of Federal Regulations § 300.8(c)(3); Title 5 of the California Code of Regulations § 3030(b)(3))

Emotional disturbance means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

- (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.
- (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- (C) Inappropriate types of behavior or feelings under normal circumstances.
- (D) A general pervasive mood of unhappiness or depression.
- (E) A tendency to develop physical symptoms or fears associated with personal or school problems.

Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance under subdivision (b)(4) of this section.

(Title 34 of the Code of Federal Regulations § 300.8(c)(4)(i)(A)-(E), and (ii); Title 5 of the California Code of Regulations § 3030(b)(4)(A)-(F))

Hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.

(Title 34 of the Code of Federal Regulations § 300.8(c)(5); Title 5 of the California Code of Regulations § 3030(b)(5))

Intellectual Disability means significantly sub average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child's educational performance.

(Title 34 of the Code of Federal Regulations § 300.8(c)(6); Title 5 of the California Code of Regulations § 3030(b)(6))

Multiple disabilities mean concomitant impairments, such as intellectual disability-blindness or intellectual disability-orthopedic impairment, the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. “Multiple disabilities” does not include deaf-blindness.

(Title 34 of the Code of Federal Regulations § 300.8(c)(7); Title 5 of the California Code of Regulations § 3030(b)(7))

Orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

(Title 34 of the Code of Federal Regulations § 300.8(c)(8); Title 5 of the California Code of Regulations § 3030(b)(8))

Other health impairment means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that:

- (A) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and
- (B) Adversely affects a child's educational performance.

(Title 34 of the Code of Federal Regulations § 300.8(c)(9); Title 5 of the California Code of Regulations § 3030(b)(9)(A)-(B))

Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may have manifested itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The basic psychological processes include attention, visual processing, auditory processing, phonological processing, sensory-motor skills, cognitive abilities including association, conceptualization and expression.

(Title 34 of the Code of Federal Regulations § 300.8(c)(10)(i)-(ii); Title 5 of the California Code of Regulations § 3030(b)(10)(A)-(C))

Speech or language impairment A pupil has a language or speech disorder as defined in Education Code section 56333, and it is determined that the pupil's disorder meets one or more of the following criteria:

- (A) Articular disorder.
- (B) Abnormal Voice. A pupil has an abnormal voice which is characterized by persistent, defective voice quality, pitch, or loudness.

- (C) Fluency Disorders. A pupil has a fluency disorder when the flow of verbal expression including rate and rhythm adversely affects communication between the pupil and listener.
- (D) Language Disorder. The pupil has an expressive or receptive language disorder when he or she meets one of the following criteria:
1. The pupil scores at least 1.5 standard deviations below the mean, or below the 7th percentile, for his or her chronological age or developmental level on two or more standardized tests in one or more of the following areas of language development: morphology, syntax, semantics, or pragmatics. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified on the assessment plan, or
 2. The pupil scores at least 1.5 standard deviations below the mean or the score is below the 7th percentile for his or her chronological age or developmental level on one or more standardized tests in one of the areas listed in subdivision (A) and displays inappropriate or inadequate usage of expressive or receptive language as measured by a representative spontaneous or elicited language sample of a minimum of 50 utterances. The language sample must be recorded or transcribed and analyzed, and the results included in the assessment report. If the pupil is unable to produce this sample, the language, speech, and hearing specialist shall document why a fifty-utterance sample was not obtainable and the contexts in which attempts were made to elicit the sample. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified in the assessment plan.

(Title 34 of the Code of Federal Regulations § 300.8(c)(11); Title 5 of the California Code of Regulations § 3030(b)(11)(A)-(D))

Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech.

Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

(Title 34 of the Code of Federal Regulations § 300.8(c)(12); Title 5 of the California Code of Regulations § 3030(b)(12))

Visual impairment including blindness means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

Section B – State Eligibility

***Title 5 of the California Code of Regulations § 3030.** A child shall qualify as an individual with exceptional needs, pursuant to Education Code section 56026, if the results of the assessment as required by Education Code section 56320 demonstrate that the degree of the child's impairment as described in subdivisions (b)(1) through (b)(13) requires special education in one or more of the program options authorized by Education Code section 56361. The decision as to whether or not the assessment results demonstrate that the degree of the child's impairment requires special education shall be made by the IEP team, including personnel in accordance with Education Code section 56341(b). The IEP team shall take into account all the relevant material which is available on the child. No single score or product of scores shall be used as the sole criterion for the decision of the IEP team as to the child's eligibility for special education.*

***California Education Code § 56031.** (a) “Special education,” in accordance with Section 1401(29) of Title 20 of the United States Code, means specially designed instruction, at no cost to the parent, to meet the unique needs of individuals with exceptional needs, including instruction conducted in the classroom, in the home, in hospitals and institutions, and other settings, and instruction in physical education.*

(b) In accordance with Section 300.39 of Title 34 of the Code of Federal Regulations, special education includes each of the following, if the services otherwise meet the requirements of subdivision (a):

(1) Speech-language pathology services, or any other designated instruction and service or related service, pursuant to Section 56363, if the service is considered special education rather than a designated instruction and service or related service under state standards.

(2) Travel training.

(3) Vocational education.

(c) Transition services for individuals with exceptional needs may be special education, in accordance with Section 300.43(b) of Title 34 of the Code of Federal Regulations, if provided as specially designed instruction, or a related service, if required to assist an individual with exceptional needs to benefit from special education.

(d) Individuals with exceptional needs shall be grouped for instructional purposes according to their instructional needs.

Section C - Specific Learning Disabilities

California Education Code § 56337(b). Notwithstanding any other law and pursuant to Section 1414(b)(6) of Title 20 of the United States Code, in determining whether a pupil has a specific learning disability as defined in subdivision (a), a local educational agency is not required to take into consideration whether a pupil has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning.

California Education Code § 56337(c). In determining whether a pupil has a specific learning disability, a local educational agency may use a process that determines if the pupil responds to scientific, research-based intervention as a part of the assessment procedures described in Section 1414(b)(2) and (3) of Title 20 of the United States Code and covered in Sections 300.307 to 300.311, inclusive, of Title 34 of the Code of Federal Regulations.

Title 5 of the California Code of Regulations § 3030(b)(10)(A)-(C). Specific learning disability means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may have manifested itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The basic psychological processes include attention, visual processing, auditory processing, phonological processing, sensory-motor skills, cognitive abilities including association, conceptualization and expression.

- (A) Specific learning disabilities do not include learning problems that are primarily the result of visual, hearing, or motor abilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.
- (B) In determining whether a pupil has a specific learning disability, the public agency may consider whether a pupil has a severe discrepancy between intellectual disability and achievement in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning. The decision as to whether or not a severe discrepancy exists shall take into account all relevant material which is available on the pupil. No single score or product of scores shall be used as the sole criterion for the decisions of the IEP team as to the pupil's eligibility for special education. In determining the existence of a severe discrepancy, the IEP team shall use the following procedures:
 - 1. When standardized tests are considered to be valid for a specific pupil, a severe discrepancy is demonstrated by: first, converting into common standard scores, using a mean of 100 and standard deviation of 15, the achievement test score and the intellectual ability test score to be compared; second, computing the

difference between these two common standard scores; and third, comparing this computed difference to the standard criterion which is the product of 1.5 multiplied by the standard deviation of the distribution of computed differences of students taking these achievement and ability tests. A computed difference which equals or exceeds this standard criterion, adjusted by one standard error of measurement, the adjustment not to exceed 4 common standard score points, indicates a severe discrepancy when such discrepancy is corroborated by other assessment data which may include other tests, scales, instruments, observations and work samples, as appropriate.

2. When standardized tests are considered to be invalid for a specific pupil, the discrepancy shall be measured by alternative means as specified on the assessment plan.
 3. If the standardized tests do not reveal a severe discrepancy as defined in subdivisions 1 or 2 above, the IEP team may find that a severe discrepancy does exist, provided that the team documents in a written report that the severe discrepancy between ability and achievement exists as a result of a disorder in one or more of the basic psychological processes. The report shall include a statement of the area, the degree, and the basis and method used in determining the discrepancy. The report shall contain information considered by the team which shall include, but not be limited to:
 - (i) Data obtained from standardized assessment instruments;
 - (ii) Information provided by the parent;
 - (iii) Information provided by the pupil's present teacher;
 - (iv) Evidence of the pupil's performance in the regular and/or special education classroom obtained from observations, work samples, and group test scores;
 - (v) Consideration of the pupil's age, particularly for young children; and
 - (vi) Any additional relevant information.
 4. A severe discrepancy shall not be primarily the result of limited school experience or poor school attendance.
- (C) Whether or not a pupil exhibits a severe discrepancy as described in subdivision (b)(10)(b) above, a pupil may be determined to have a specific learning disability if:
1. The pupil does not achieve adequately for the pupil's age or to meet state-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the pupil's age or state-approved grade-level standards:
 - (i) Oral expression.
 - (ii) Listening comprehension.

- (iii) Written expression
 - (iv) Basic reading skill.
 - (v) Reading fluency skills.
 - (vi) Reading comprehension.
 - (vii) Mathematics calculation.
 - (viii) Mathematics problem solving, and
2. (i) The pupil does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the areas identified in subdivision (b)(10)(C)(1) of this section when using a process based on the pupil's response to scientific, research-based intervention; or
 - (ii) The pupil exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with Title 34 of the Code of Federal Regulations §§ 300.304 and 300.305; and
 3. The findings under subdivisions (b)(10)(C)(1) and (2) of this section are not primarily the result of:
 - (i) A visual, hearing, or motor disability;
 - (ii) Intellectual disability;
 - (iii) Emotional disturbance;
 - (iv) Cultural factors;
 - (v) Environmental or economic disadvantage; or
 - (vi) Limited English proficiency.
 4. To ensure that underachievement in a pupil suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group making the decision must consider:
 - (i) Data that demonstrate that prior to, or as a part of, the referral process, the pupil was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
 - (ii) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the pupil's parents.
 5. In determining whether a pupil has a specific learning disability, the public agency must ensure that the pupil is observed in the pupil's learning environment

in accordance with Title 34 of the Code of Federal Regulations § 300.310. In the case of a child of less than school age or out of school, a qualified professional must observe the child in an environment appropriate for a child of that age. The eligibility determination must be documented in accordance with Title 34 of the Code of Federal Regulations § 300.311.

Discrepancy Model

A severe discrepancy exists between the intellectual ability and achievement in one or more of the following academic areas:

- Oral expression
- Listening comprehension
- Written expression
- Basic reading skills
- Reading comprehension
- Mathematics calculation
- Mathematics reasoning

The discrepancy is due to a disorder in one or more of the basic psychological processes and is not a result of environmental, cultural, or economic disadvantages.

Basic psychological processes include attention, visual processing, auditory processing, sensory-motor skills, and cognitive abilities, including association, conceptualization, and expression.

Intellectual ability includes acquired learning potential and shall be determined by a systematic assessment of intellectual functioning.

The level of achievement includes the child's level of competence in materials and subject matter explicitly taught in school and shall be measured by standardized achievement tests.

Response to Intervention (RtI) Model

The IDEA (*Title 34 of the Code of Federal Regulations § 300.307*) requires states to adopt eligibility criteria for determining whether a child has a specific learning disability. States "must not require" the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability as defined in Title 34 of the Code of Federal Regulations § 300.8(c)(10) and must permit the use of a process based on the child's response to scientific, research-based intervention.

Alternative Method Model

States "must permit" other alternative research-based procedures for determining whether a child has a specific learning disability.

An IEP team may determine that a child has a specific learning disability if:

1. The child does not achieve adequately for his/her age or fails to meet state-approved grade-level standards in one of more of the following areas when provided with age-appropriate standards-based learning experiences and instruction:
 - Oral expression
 - Listening comprehension
 - Written expression
 - Basic reading skills
 - Reading fluency skills
 - Reading comprehension
 - Mathematics calculation
 - Mathematics problem-solving
2. The child does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the above areas when using a process based on the child's response to scientific, research-based intervention.
3. The team determines that the lack of achievement is not primarily the result of a visual, motor, or hearing disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.

The team must also consider data that demonstrates that the child was provided appropriate instruction in general education settings in order to ensure that underachievement is not a result of lack of appropriate instruction in reading or math. The team must also document that repeated assessments of achievement were administered at reasonable intervals reflecting formal assessment of student progress, and results were provided to the child's parents.

Section D - Dismissal from Special Education

Title 20 of the United States Code § 1414(c)(5). Evaluation before change in eligibility. A local educational agency shall evaluate a child with a disability in accordance with this section before determining that the child is no longer a child with a disability. This evaluation shall not be required before the termination of a child's eligibility due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for a free appropriate public education. For a child, whose eligibility terminates due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for FAPE, the local educational agency shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

The conditions under which a child is dismissed from special education are based upon the concept of LRE. A child with a disability is to be educated to the maximum extent possible with nondisabled children. Therefore, a special program or related services are needed only until the child is able to function independently in a general education class. The criteria for dismissal is agreement by the members of the IEP team that the child no longer meets the eligibility criteria based on the results of an evaluation and performance in the general education setting.

The process of dismissal may be initiated by the teacher, specialist, or parent. The individuals included in the IEP team would be the general education teacher, the special education teacher, administrator or designee, parent, and the child when appropriate. Others, such as related services providers will attend when applicable.

Exit from special education occurs when:

- The child graduates from high school or completes the calendar year when he/she reaches the age of 22, between the first day of school and December 31, or completes the school year when he/she reaches the age of 22, between January 1 and June 30 (Education Code § 56026).
- The child no longer meets the eligibility criterion as determined by the IEP team based upon the results of an assessment.
- The parents and/or the child, if 18 years or older, refuse continued special education services. However, if the IEP team determines that an eligible child continues to need special education services in order to receive FAPE, the LEA may pursue continued placement in special education through the procedures described in Title 20 of the United States Code § 1415 and in accordance with paragraph (3) of subdivision (a) of Education Code § 56501, and subdivision (e) of Education Code § 56506.

Legal References

California Education Code Sections

- 56026; 56031(a); 56320; 56337(b)-(c); 56341(b); 56361; 56501; 56506

Title 5 California Code of Regulations (CCR)

- 3030

Title 34 Code of Federal Regulations (CFR)

- 300.7; 300.8; 300.307

Title 20 United States Code

- 1414(c)(5); 1415

Appendix A: Specific Learning Disability (SLD)

Specific Learning Disability (SLD)

STUDENT INFORMATION

Student Name: _____ Date of Birth: _____ Gender: Male Female
 School Site: _____ Teacher Name: _____
 District of Attendance: _____ District of Residence: _____
 Parent/Guardian: _____
 Home Phone: _____ Work Phone: _____ Other Phone: _____
 Street Address: _____ City: _____ State: _____ Zip Code: _____
 Mailing Address: _____ City: _____ State: _____ Zip Code: _____

STATEMENT OF ELIGIBILITY DETERMINATION (REQUIRED BY 34 C.F.R. § 300.311)

Indicate whether or not a specific learning disability exists and state the sources of information considered in making the determination of SLD eligibility. Yes No (*explain*)

State the relevant behavior, if any, noted during the observation of the student and the relationship of that behavior to the student's academic functioning:

Date of observation: _____ Individual conducting observation: _____

List the educationally relevant medical findings, if any:

SLD RATIONALE (CHECK THE APPROPRIATE METHOD)

1. Response to Intervention (RTI) Method (*Complete items a through h below*)

- a. The assessment team has documented a disorder in the following area(s):
- | | | |
|--|--|--|
| <input type="checkbox"/> Attention | <input type="checkbox"/> Visual Processing | <input type="checkbox"/> Auditory Processing |
| <input type="checkbox"/> Sensory/Motor | <input type="checkbox"/> Cognitive (<i>including association, conceptualization, and expression</i>) | |
- b. The student does not achieve adequately for the student's age-level or meet State-approved grade-level standards in one or more of the following areas when provided with age-appropriate learning experiences and instruction: (*Please check each area as applicable*)
- | | | | |
|---|---|--|---|
| <input type="checkbox"/> Oral Expression | <input type="checkbox"/> Written Expression | <input type="checkbox"/> Listening Comprehension | <input type="checkbox"/> Reading Comprehension |
| <input type="checkbox"/> Basic Reading Skills | <input type="checkbox"/> Math Calculation | <input type="checkbox"/> Math Problem Solving | <input type="checkbox"/> Reading Fluency Skills |
- c. The student does not make sufficient progress to meet age-level or State-approved grade-level standards in one or more of the areas identified above when using a process based on the student's response to scientific, research-based intervention.
- d. The identified deficit in rate of learning or achievement or both is not primarily the result of visual, hearing or motor impairment; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.
- e. As part of, or prior to a referral for special education and related services, the student did not make adequate progress within an appropriate period of time in which:
- | |
|--|
| <input type="checkbox"/> The student was provided appropriate instruction in general education settings delivered by qualified personnel; AND |
| <input type="checkbox"/> The student's parents were provided with data-based documentation of repeated assessments of achievements at reasonable intervals, reflecting formal assessment of the student's progress during instruction. |
- f. Refer to the multi-disciplinary report dated _____ for additional information. This report documents the assessment team conclusions. If the report does not reflect the conclusions of a team member, the team member must submit a separate statement presenting his/her conclusions.
- g. The parent has been notified about 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.

h. List the strategies for increasing the student's rate of learning:

[Empty box for listing strategies]

2. Severe Discrepancy Method (Complete items a through e below)

- a. The assessment team has documented a disorder in the following area(s):
 - Attention
 - Sensory Motor
 - Visual Processing
 - Cognitive (including association, conceptualization, and expression)
 - Auditory Processing
- b. The IEP team finds that a severe discrepancy exists between cognitive ability and achievement in the following area(s):
 - Oral Expression
 - Basic Reading Skills
 - Written Expression
 - Math Calculation
 - Listening Comprehension
 - Math Problem Solving
 - Reading Comprehension
 - Reading Fluency Skills
- c. The documented discrepancy cannot be corrected through other regular or categorical services offered through the general instructional program.
- d. The discrepancy is not primarily a result of visual, hearing or motor impairment; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.
- e. Refer to the multi-disciplinary report dated _____ for additional information. This report documents the assessment team conclusions. If the report does not reflect the conclusions of a team member, the team member must submit a separate statement presenting his/her conclusions.

3. Severe Discrepancy Alternative Means (Complete items a through f below)

- a. The IEP team determined that standardized tests are invalid and the discrepancy shall be measured by alternative means, as specified in the assessment plan dated _____. Documentation of a severe discrepancy is included in a multi-disciplinary report dated _____.
- b. The assessment team has documented a disorder in the following area(s):
 - Attention
 - Sensory Motor
 - Visual Processing
 - Cognitive (including association, conceptualization, and expression)
 - Auditory Processing
- c. The IEP team finds that a severe discrepancy exists between cognitive ability and achievement in the following area(s):
 - Oral Expression
 - Basic Reading Skills
 - Written Expression
 - Math Calculation
 - Listening Comprehension
 - Math Problem Solving
 - Reading Comprehension
 - Reading Fluency Skills
- d. The IEP team determined that standardized tests do not reveal a severe discrepancy. A severe discrepancy has been documented by alternative means, as summarized in the multi-disciplinary report dated _____. This report documents the assessment team conclusions. If the report does not reflect the conclusion of a team member, the team member must submit a separate statement presenting his/her conclusions.
- e. The documented discrepancy cannot be corrected through other regular or categorical services offered within the general instructional program.
- f. The discrepancy is not primarily a result of visual, hearing or motor impairment; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.

THE FOLLOWING INDIVIDUALS CERTIFY THAT THE ABOVE DETERMINATION OF ELIGIBILITY FOR SLD REFLECTS THE MEMBER'S CONCLUSION:

LEA Representative	Date	Speech-Language Pathologist	Date
Special Education Teacher	Date	Psychologist	Date
General Education Teacher	Date	Parent/Guardian Surrogate	Date
Nurse	Date	Other Title	Date

ATTACHED IS A SEPARATE STATEMENT PRESENTING A DISSENTING MEMBER'S CONCLUSION AS TO WHY HIS/HER ASSESSMENT DIFFERS FROM THE ABOVE REPORT.

34 CFR 300.311(b) - Specific documentation for the eligibility determination. 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 conclusion.

CA Ed Code § 56327(b). The personnel who assess the pupil shall prepare a written report, or reports, as appropriate, of the results of each assessment. The report shall include, but not be limited to, all of the following... (b) The basis for making the determination.