

DETERMINANT FACTORS – ALL DISABILITIES

When determining eligibility for special education services, regardless of the type of disability suspected, the IEP team must apply the Special Rule for Eligibility Determination prescribed at 34 CFR 300.306(b), which states:

(b) A child may not be determined to be a child with a disability under this part –

(1) If the determinant factor for that determination is –

(i) Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in section 1208(3) of the ESEA [Elementary and Secondary Education Act]);

(ii) Lack of appropriate instruction in math; or

(iii) Limited English proficiency

In order to rule out each of the factors listed above as the **primary** reason a student is experiencing difficulty, it is important that the IEP team examine data-based evidence, as discussed below.

LACK OF APPROPRIATE INSTRUCTION IN READING AND MATH & LIMITED ENGLISH PROFICIENCY

To rule out lack of appropriate instruction in reading and math, three key factors are examined: a) the degree to which the curriculum is scientifically-based, b) the degree to which the curriculum is implemented with integrity, and c) the impact of instruction on student outcomes.

This is a determination of the appropriateness of Math instruction, Reading instruction, Both for:

(classroom, teacher, date)

A) Scientifically-Based Curriculum:

Scientifically-based is a term used to describe practices and programs that have been thoroughly and rigorously reviewed to determine whether they produce positive educational results in a predictable manner. This determination is made based on objective, external validation.

1 - The CORE curriculum includes essential components of Reading instruction (phonemic awareness, Yes No phonics, fluency, vocabulary, and comprehension) or Math instruction (conceptual understanding, procedural fluency, strategic competence, adaptive reasoning, and productive response). (evidence available upon request)

2 - The practices and programs of the CORE curriculum have been thoroughly and rigorously reviewed to determine whether they produce positive educational results in a predictable manner based on objective, external validation from multiple sources. (evidence available upon request) Yes No

Both of the above criteria have been met. The CORE curriculum is scientifically research-based. Yes No

B) Implementation Integrity:

To assess the integrity with which the curriculum has been implemented, the factors listed below should be examined through existing mechanisms such as the district leadership process, district improvement process, curriculum review and adoption process, professional development plans, integrity checklists, school and classroom walk-throughs, etc.

1 - The Principal has conducted regular observations of teacher performance through classroom visits Yes No during the instructional period for the targeted content/subject area. These observations support that the curriculum has been implemented with integrity and fidelity.

2 - The staff carrying out the supplemental instruction is adequately trained and demonstrates proficiency Yes No with the interventions. (evidence available upon request)

3 - The curriculum and supplemental instruction is delivered with a high degree of fidelity, with sufficient Yes No intensity, and for a sufficient length of time, as evidenced by progress monitoring data. Specific information about the frequency and intensity of the interventions delivered should be documented. (evidence available upon request)

Evidence could include but is not limited to:

- Checklists of integrity of instruction completed by teachers as self-check measures.
- Checklists of integrity of instruction completed among teachers or the problem solving team as peer-check measures.
- Checklists of integrity of instruction completed by content specialists or curriculum supervisors working with teachers (coaching support).

The above 3 criteria have been met. The reading curriculum is implemented with integrity and fidelity Yes No

C) Student Outcomes:

To assess the impact of instruction on outcomes for students, data from a variety of sources must be examined to show how all students are responding to curriculum, interventions and instruction; how groups of students (L.E.P., low income, ethnic minority, etc.) are responding and how individual students are responding.

1 – A minimum of 75% of all students are meeting grade level benchmarks in the specified area as Yes No determined by either state testing or local Curriculum Based Measurement (CBM) assessments.

2 - If the student is a part of a subgroup (i.e. , L.E.P., ethnic minority, low income, etc.) a minimum of 75% of Yes No the students within the subgroup must be meeting grade level benchmarks as determined by either state testing or local CBM assessment in addition to the above requirement.

3 – Data that demonstrate prior to, or as a part of, the referral process, the student was provided appropriate instruction in regular education settings delivered by qualified personnel. As evidenced by: Yes No

- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formative assessment of student progress during instruction, which was provided to the child's parents.
- Evidence of local universal screening/benchmark data that are collected on all students at multiple times during the year.
- Evidence of progress monitoring data collected to determine the effectiveness of interventions that were delivered.
- Evidence that universal screening/benchmark data and progress monitoring data have been provided to the student's parents.

The above 3 criteria have been met. The curriculum shows positive student outcomes

Yes No

DETERMINANT FACTORS

If any of the three Determinant Factors are not present or validating evidence is not able to be provided, students cannot be made eligible for services under IDEA.

It has been determined that the primary reason the student is experiencing learning difficulties is:

Lack of appropriate instruction in Reading

Yes No

Lack of appropriate instruction in Math

Yes No

Limited English proficiency

Yes No

ADDITIONAL NOTES
