

281—41.311(256B,34CFR300) Specific documentation for the eligibility determination.

41.311(1) Documentation required. For a child suspected of having a specific learning disability, the documentation of the determination that the child is an eligible individual, as required in paragraph 41.306(1) “b,” must contain a statement of:

- a. Whether the child has a specific learning disability;
- b. The basis for making the determination, including an assurance that the determination has been made in accordance with paragraph 41.306(3) “a”;
- c. The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child’s academic functioning;
- d. The educationally relevant medical findings, if any;
- e. The determination that:
 - (1) The child does not achieve adequately for the child’s age or to meet grade-level expectations or such grade-level standards the SEA may choose to adopt consistent with paragraph 41.309(1) “a”; and
 - (2) The child does not make sufficient progress for the child’s age or to meet grade-level expectations or such grade-level standards the SEA may choose to adopt consistent with subparagraph 41.309(1) “b”(1); or the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to the child’s age or to meet grade-level expectations, such grade-level standards the SEA may choose to adopt, or intellectual development consistent with subparagraph 41.309(1) “b”(2);
- f. 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
- g. If the child has participated in a process that assesses the child’s response to scientific, research-based intervention:
 - (1) The instructional strategies used and the student-centered data collected; and
 - (2) The documentation that the child’s parents were notified about:
 1. 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;
 2. Strategies for increasing the child’s rate of learning; and
 3. The parents’ right to request an evaluation.

41.311(2) Certification required. 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.

[ARC 7792C, IAB 4/17/24, effective 5/22/24]