

Policies Governing Services for Children With Disabilities

This document contains the proposed policy changes for the identification of Specific Learning Disability. The reader should note the current policy citation will be listed first with the proposed changes following. The headings correlate with the format of the current *Policies Governing Services for Children with Disabilities: Amended – July 2014*. ***If approved, the proposed definitions and policies will go into effect July 1, 2020.***

CURRENT DEFINITION

NC 1500-2.4 Child with a disability

- (11) **Specific learning disability.**
- (i) General. Means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the impaired ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.
- (ii) Disorders not included. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of serious emotional disturbance, or of environmental, cultural, or economic disadvantage.

PROPOSED DEFINITION

NC 1500-2.4 Child with a disability

- (11) **Specific learning disability.**
- (i) General. Means a disability in one or more of the basic learning processes that result in academic underachievement following sustained, high quality instruction and scientific research-based intervention. Associated conditions may include, but are not limited to dyslexia and dyscalculia.
- (ii) Disorders not included. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of serious emotional disturbance, or of environmental, cultural, or economic influences.

CURRENT DEFINITION

NC 1500-2.11 Evaluation

- (13) **Progress monitoring**
- Progress monitoring refers to a systematic, frequent collection of individual performance data. The measures are repeated over time and charted for the purposes of documenting and quantifying rates of improvement, and to evaluate the effectiveness of the instruction.

PROPOSED DEFINITION

NC 1500-2.11 Evaluation

- (13) **Progress monitoring**
- Progress monitoring refers to a scientific research-based practice used to assess students'*

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academic and/or behavioral performance and evaluate the effectiveness of instruction. Progress monitoring can be implemented with individual students, groups of students, or an entire class. Progress monitoring is also a process used to monitor implementation of specific interventions. Measures for use in progress monitoring should be brief, reliable, and valid. Progress monitoring may include discrete skills and general outcome measures.

CURRENT DEFINITION

NC 1500-2.11 Evaluation

(15) **Social/Developmental History**

A social history documents normal and abnormal developmental and/or medical events and includes a review of information gathered during the screening process. For preschool children, a social history must include an assessment of family composition, support systems, stressors and environment as they correlate with the child's need or special services. The history also must include the family's or caregiver's perspective about the child and the need for special services. The history may be obtained by a licensed social worker, special educator, school psychologist, counselor, nurse, teacher or other appropriate persons.

PROPOSED DEFINITION

NC 1500-2.11 Evaluation

(15) **Social/Developmental History**

A social history documents normal and abnormal developmental and/or medical events and includes a review of information gathered during the screening process and/or systematic problem-solving process including mobility and attendance rates. For preschool children, a social history must include an assessment of family composition, support systems, stressors, and environment as they correlate with the child's need or special services. The history also must include the family's or caregiver's perspective about the child and the need for special services. The history may be obtained by a licensed social worker, special educator, school psychologist, counselor, nurse, teacher or other appropriate persons.

NEW DEFINITIONS (ADDITIONS-ONLY)

NC 1500-2 Definitions

NC 1500-2.xx Multi-tiered system of support (MTSS)

MTSS is a multi-tiered framework which promotes school improvement through engaging, research-based academic and behavioral practices. MTSS employs a systems approach using data-driven problem-solving to maximize growth for all.

NC 1500-2.xx Responsiveness to instruction/responsiveness to intervention

Practice of providing high-quality instruction and interventions matched to student need, monitoring progress frequently to make changes in instruction or goals, and applying child response data to important educational decisions.

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NC 1500-2.xx

Systematic problem-solving process

A systematic problem-solving process is a structured, methodical approach to determine and address student needs to promote growth. Required steps include:

- *Problem identification and analysis;*
- *Solution development; and*
- *Evaluation of impact.*

The process for gathering information includes reviewing, interviewing, observing, and testing across the domains of curriculum, instruction and environment.

CURRENT POLICY

NC 1503-2.5

Evaluation procedures

(11) **Specific Learning Disability.**

The are two methods for determining eligibility in the disability category of Specific Learning Disability. One method is the use of a discrepancy, which may result in the use of an alternative to the discrepancy analysis*, obtained by calculating a discrepancy between achievement (as measured by the educational evaluation) and measured ability (as measured by the intellectual evaluation) of at least 15 points. Subscale, subtest, factor or other scores used to estimate intellectual functioning may not be used to determine a discrepancy. The other method is the use of a process based on scientific research-based interventions (RtI) and the evaluation of data (i.e. progress monitoring data) documenting the child's response to scientific researched-based instruction. Based on a preponderance of the data, including the child's achievement level and rate of progress, the IEP Team must determine that the child needs resources beyond what can reasonably be provided in general education.

*When the parent and team of qualified professionals, including at least one person qualified to conduct individual diagnostic examinations, determine that a discrepancy of fewer than 15 points is not an accurate reflection of the student's academic functioning; the team must document other sources of evidence to support an eligibility determination. These sources of evidence may include, but are not limited to, the following: other formal or informal assessment measures; classroom performance; pre- and post-data from required research-based interventions; or a pattern of strengths and weaknesses not reflected in the student's performance on standardized cognitive and/or achievement measures.

(i) Required screenings and evaluations using either method.

- (A) Hearing screening;
- (B) Vision screening (far and near acuity);
- (C) Speech/language screening;
- (D) Two scientific research-based interventions to address academic skill deficiencies and documentation of the results of the interventions, including progress monitoring data;
- (E) Summary of conference(s) with parents or documentation of attempts to conference with parents;
- (F) Review of existing data (for RtI, include documentation of problem-solving process);
- (G) Social/developmental history;
- (H) Observation across settings to assess academic and functional skills;
- (I) Educational evaluation, including nationally normed and criterion-referenced

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assessments, as appropriate when using RtI; and

(J) Psychological evaluation, to include an intellectual evaluation, as appropriate when using RtI.

(ii) In order to be eligible in the disability category of specific learning disability, the criteria in subsections (A), (B), (C) and (D) below must be met:

(A) The child does not achieve adequately for the child's age, intellectual development 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 child's age or State-approved grade-level standards:

- a. Listening comprehension.
- b. Oral expression.
- c. Written expression.
- d. Basic reading skills.
- e. Reading fluency skills.
- f. Reading comprehension.
- g. Mathematics calculation.
- h. Mathematics problem solving.

(B)(i) The child does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified above in paragraph (A) when using a process based on the child's response to scientific, research-based intervention; **or**

(ii) 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, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with NC 1503-2.5(d)(11)(i).

(C) The disability must not be the primary result of:

1. Sensory deficits;
2. Motor deficits;
3. Intellectual disability;
4. Serious emotional disability;
5. Environmental influences;
6. Cultural factors;
7. Economic influences;
8. Lack of appropriate instruction in reading or math; and/or
9. Limited English proficiency.

(D) The disability must have an adverse effect on educational performance, and require specially designed instruction.

PROPOSED POLICY

NC 1503-2.5

Evaluation procedures

(11) *Specific Learning Disability*

The method for determining eligibility in the disability category of Specific Learning Disability is the use of a systematic problem-solving process based on the child's response to instruction and scientific research-based interventions (RtI/MTSS) and the evaluation of data (i.e. progress monitoring data) documenting the child's response to scientifically-based research instruction.

A child's responsiveness to instruction and scientifically research-based intervention is not, when considered alone, a comprehensive evaluation. Teams must draw upon information from

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multiple sources to conduct a full and individual evaluation, and may not rely on any single procedure or source of data for determining eligibility for special education and related services.

**When using a child's responsiveness to instruction and scientifically research-based intervention as the basis for eligibility decisions for children with Specific Learning Disabilities, the following essential components must be in place:*

- 1. A system of high-quality core instruction and scientific research-based intervention;*
- 2. Multiple tiers of instruction, that vary in intensity, matched to student need;*
- 3. A systematic process of problem solving/data-based decision making; and*
- 4. A comprehensive, balanced assessment system that includes: common formative assessments, interim/benchmark assessments, outcome assessments, and universal screening and progress-monitoring.*

Determination of Eligibility

Determination of a specific learning disability includes all of the following conditions:

- 1. academic underachievement;*
- 2. insufficient rate of progress; and*
- 3. adverse effect on educational performance that requires specially designed instruction.*

(i) A comprehensive evaluation includes the following required screenings and evaluations.

- (A) Hearing screening;*
- (B) Vision screening (far and near acuity);*
- (C) Speech/language screening;*
- (D) Summary of conference(s) with parents or documentation of attempts to conference with parents;*
- (E) Review of existing data, to include documentation of the systematic problem solving process and observation data of core instruction;*
- (F) Social/developmental history, including any educationally relevant medical findings and a review of mobility rates and attendance/tardy rates;*
- (G) Observations across settings, including in core instruction and the setting in which intervention is delivered, to assess academic and functional skills;*
- (H) Multiple sources of educational assessment data, which must include, but are not limited to: universal screening, interim/benchmark assessments and data from progress monitoring. Student performance must be compared against multiple groups, which include the peer subgroup, classroom, school, district, state and/or national level comparison groups. When available, sources of data must include state and districtwide assessments. Data must be relevant to the area of concern(s) (e.g., critical components of reading, math, writing, listening comprehension, oral expression, etc.).*
- (I) At least two identified scientific research-based interventions which align to the academic area of concern(s) (e.g., critical components in reading, math, writing, listening comprehension, oral expression, etc.) and documentation of the results of the interventions, including progress monitoring data.*

(ii) In order to be eligible in the disability category of Specific Learning Disability, the criteria in subsections (A), (B), (C) and (D) below must be met:

- (A) The disability must not be the primary result of:*
 - 1. A visual, hearing or motor disability;*
 - 2. Intellectual disability;*
 - 3. Emotional disturbance;*

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4. *Cultural factors;*
5. *Environmental or economic influences; and/or*
6. *Loss of instructional time due to factors that include, but are not limited to absences, tardies, high mobility rates, and suspensions.*

A child must not be determined to have a specific learning disability if the determinant factor for that determination is any of the following:

7. *Limited English Proficiency;*
8. *Lack of appropriate instruction and scientific research-based intervention in reading, including the essential components of reading instruction as defined in section 1208(3) of the ESEA (i.e., phonemic awareness, phonics, vocabulary, fluency and comprehension); and/or*
9. *Lack of appropriate instruction and scientific research-based intervention in math.*

(B) ***Academic underachievement:** Underachievement is based on inadequate response to high-quality instruction and scientific research-based intervention implemented over time. Evidence from multiple sources of data indicate the child's academic achievement and functional performance is significantly below expectancies for the age or grade level standards in which the child is enrolled in one or more of the following areas:*

1. *Basic reading skills;*
2. *Reading fluency skills;*
3. *Reading comprehension;*
4. *Written expression;*
5. *Mathematics calculation;*
6. *Mathematics problem solving;*
7. *Listening comprehension;*
8. *Oral expression*

These measures must include, but are not limited to: universal screening, interim/benchmark assessments and data from progress monitoring. When available, sources of data must include state and districtwide assessments. Student performance must be compared against multiple groups, which must include comparison to state and/or national level comparison groups. Student performance may be compared against culturally and linguistically similar peers, classroom, school, and/or comparison groups. These data must be relevant to the area(s) of concern (e.g., reading, math, writing, listening, and oral language).

**(When the area of concern includes Listening Comprehension and/or Oral Expression, additional measures that directly assess these areas should also be collected to supplement these data.)*

(C) ***Insufficient rate of progress:** The child does not make sufficient progress to meet age or State-approved grade-level standards when provided high quality core instruction and scientific research-based interventions matched to student need in one or more of the areas identified above in paragraph (a) when using a process based on the child's response to scientific, research-based intervention (RtI/MTSS) and data collected through universal screening, interim/benchmark assessments and data from progress monitoring*

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An insufficient rate of progress is determined by progress that is:

- 1. the same or less than that of the child's same-age or grade peers which will not result in closing the achievement gap in a reasonable period of time; or*
- 2. greater than the child's same-age or grade peers, but will not result in closing the achievement gap.*

** Valid and reliable measures of progress-monitoring may not be available for the areas of Listening Comprehension and Oral Expression. In these cases, teams may use valid and reliable measures of other academic skills that are impacted by the Listening Comprehension and/or Oral Expression deficits (i.e., reading, math, written language measures of progress monitoring) to assess a student's rate of progress and the impact of the scientific research-based intervention on these academic areas. Additional measures that directly assess progress in Listening Comprehension and/or Oral Expression should also be collected to supplement these data.*

(D) Demonstrated educational need: The disability must have an adverse effect on academic achievement and functional performance, and require specially designed instruction.

CURRENT POLICY

NC 1503-3 Additional Procedures for Evaluating Children with Specific Learning Disabilities

NC 1503-3.1 Specific Learning Disabilities

- (a) General. The State has adopted, consistent with NC 1503-3.3, criteria for determining whether a child has a specific learning disability as defined in NC 1500-2.4(c) (11). The criteria –
- (1) Does 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 NC 1500-2.4(c) (11).
 - (2) Permits the use of a process based on the child's response to scientific, research-based intervention.
- (b) Consistency with State criteria. LEAs must use the State criteria adopted pursuant to paragraph (a) of this section in determining whether a child has a specific learning disability.

(Authority: 20 U.S.C. 1221e-3; 1401(30); 1414(b) (6); 34 CFR 300.307)

PROPOSED POLICY

NC 1503-3 Additional Procedures for Evaluating Children with Specific Learning Disabilities

NC 1503-3.1 Specific Learning Disabilities

- (a) General. The State has adopted, consistent with NC 1503-3.3, criteria for determining whether a child has a specific learning disability as defined in NC 1500-2.4(c) (11). The criteria –
- (1) Permits the use of a systematic, problem-solving process based on the child's response to scientific, research-based Intervention (RtI/MTSS).

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- (b) *Consistency with State criteria. LEAs must use the State criteria adopted pursuant to paragraph (a) of this section in determining whether a child has a specific learning disability.*

(Authority: 20 U.S.C. 1221e-3; 1401(30); 1414(b) (6); 34 CFR 300.307)

CURRENT POLICY

NC 1503-3.2 Additional Group Members

The determination of whether a child suspected of having a specific learning disability is a child with a disability as defined in NC 1500-2.4, must be made by the child's parents and a team of qualified professionals, which must include--

- (a) (1) The child's regular teacher; or
(2) If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or
(3) For a child of less than school age, an individual qualified by the SEA to teach a child of his or her age; and
- (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.

(Authority: 20 U.S.C. 1221e-3; 1401(30); 1414(b) (6); 34 CFR 300.308)

PROPOSED POLICY

NC 1503-3.2 Additional Group Members

The determination of whether a child suspected of having a specific learning disability is a child with a disability as defined in NC 1500-2.4, must be made by the child's parents and a team of qualified professionals, which must include--

- (a) (1) *The child's regular teacher; or*
(2) *If the child does not have a regular teacher, a regular classroom or teacher qualified to teach a child of his or her age; or*
(3) *For a child of less than school age, an individual qualified by the SEA to teach a child of his or her age; and*
- (b) *At least one person qualified to conduct individual diagnostic examinations of children.*

(Authority: 20 U.S.C. 1221e-3; 1401(30); 1414(b) (6); 34 CFR 300.308)

CURRENT POLICY

NC 1503-3.3 Determining the Existence of a Specific Learning Disability

- (a) The group described in NC 1503-2.6 may determine that a child has a specific learning disability, as defined in NC 1500-2.4(b) (11), if the child meets the criteria described previously in section NC 1503-2.5(d) (11).

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- (b) To ensure that underachievement in a child 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 described in NC 1503-2.4 through NC 1503-2.6 -
 - (1) Data that demonstrates that prior to, or as a part of the referral process, the child 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, was provided to the child's parents.
- (c) Following a referral from school personnel or a parent, if additional data is sought for determining a child's eligibility, parental consent must be obtained and the public agency must adhere to the timeframes described in NC 1503-2.1 and NC 1503-2.3 unless extended by mutual written agreement of the child's parents and a group of qualified professionals, as described in NC 1503-2.6(a) (1) –
 - (1) If, prior to a referral, the child has not made adequate progress after an appropriate period of time, when provided instruction as described in paragraphs (b) (1) and (b) (2) of this section; and
 - (2) Whenever a child is referred for evaluation.

(Authority: 20 U.S.C. 1221e-3; 1401(30); 1414(b) (6); 34 CFR 300.309)

PROPOSED POLICY

NC 1503-3.3 Determining the Existence of a Specific Learning Disability

- (a) *The group described in NC 1503-2.6 may determine that a child has a specific learning disability, as defined in NC 1500-2.4(b) (11), if the child meets the criteria described previously in section NC 1503-2.5(d) (11).*
- (b) *To ensure that underachievement in a child 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 described in NC 1503-2.4 through NC 1503-2.6 -*
 - (1) *Data that demonstrates that prior to, or as part of the referral process, the child was provided high-quality core instruction delivered by qualified personnel;*
 - (2) *Documentation that scientific, research-based interventions addressing the identified area(s) of concern were delivered by qualified personnel; and*
 - (3) *Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting the child's progress and changes in intervention, during scientific research-based intervention, which was provided to the child's parent(s).*
- (c) *Following a referral from school personnel or a parent, if additional data is sought for determining a child's eligibility, parental consent must be obtained and the public agency must adhere to the timeframes described in NC 1503-2.1 and NC 1503-2.3 unless extended by mutual written agreement of the child's parents and a group of qualified professionals, as described in NC 1503-2.6(a)(1) –*
 - (1) *If, prior to a referral, the child has not made adequate progress after an appropriate period of time, when provided instruction as described in sections (b) (1) (2) and (3); and*
 - (2) *Whenever a child is referred for evaluation.*

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(Authority: 20 U.S.C. 1221e-3; 1401(30); 1414(b) (6); 34 CFR 300.309)

CURRENT POLICY

NC 1503-3.4 Observation

- (a) The LEA must ensure that the child is observed in the child's learning environment (including the regular classroom setting) to document the child's academic performance and behavior in the areas of difficulty.
- (b) The group described in NC 1503-2.7(a) (1), in determining whether a child has a specific learning disability, must decide to –
 - (1) Use information from an observation in routine classroom instruction and monitoring of the child's performance that was done before the child was referred for an evaluation; or
 - (2) Have at least one member of the group described in NC 1503-2.7(a) (1) conduct an observation of the child's academic performance in the regular classroom after the child has been referred for an evaluation and parental consent, consistent with NC 1503-1(a), is obtained.
- (c) In the case of a child of less than school age or out of school, a group member must observe the child in an environment appropriate for a child of that age.

(Authority: 20 U.S.C. 1221e-3; 1401(30); 1414(b) (6); 34 CFR 300.310)

PROPOSED POLICY

NC 1503-3.4 Observation

- (a) *The LEA must ensure that systematic observational data is collected in the child's learning environment (including core instruction and the setting in which the child receives intervention), in order to*
 - (1) *Document the child's academic achievement, functional performance and behavior in the area(s) of difficulty.*
 - (2) *Assist in the documentation that appropriate instruction was provided, and that scientific research-based interventions were delivered.*
- (b) *The IEP team described in NC 1503-2.7(a) (1), in determining whether a child has a specific learning disability must decide to use -*
 - (1) *Information from at least one systematic observation conducted during routine classroom instruction and monitoring of the child's performance that was done before the child was referred for an evaluation; or*
 - (2) *Information from at least one systematic observation conducted within the setting in which the child receives scientific research-based intervention that was completed before the child was referred for an evaluation. The person(s) responsible for collecting the observational data of scientific research-based intervention must have specific content knowledge of the curriculum and/or behavioral area that is targeted for the intervention.*
 - (3) *Information from at least one systematic observation that was conducted by a member of the group described in NC 1503-2.7(a)(1), of the child's academic performance during routine classroom instruction after the child has been referred for an evaluation and parental consent, consistent with NC 1503-1(a), is obtained.*

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- (c) *For English Language Learners (ELLs), at least one of the individuals conducting the observation(s) must be a person knowledgeable about instruction for ELLs, as well as any pertinent cultural and/or linguistic characteristics of the individual child.*
- (d) *In the case of a child of less than school age, a team member must observe the child in an environment appropriate for a child of that age.*
- (e) *In the case of school-age child who is in a placement outside of the local education agency (LEA), a team member must observe the child in the child's current educational environment.*

CURRENT POLICY

NC 1503-3.5 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 NC 1503-2.7(a) (2), must include a statement of--
 - (1) Whether the child has a specific learning disability;
 - (2) The basis for making the determination, including an assurance that the determination has been made in accordance with NC 1503-2.7(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, intellectual development or to meet State-approved grade-level standards consistent with NC 1503-3.3(a); and
 - (ii) (A) The child does not make sufficient progress to meet age or State-approved grade level standards consistent with NC 1503-3.3(a); or
 - (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 NC 1503-3.3(a).
 - (6) The determination of the group concerning the effects of a visual, hearing, or motor disability; intellectual disability; emotional disability; 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 collected and the general education services that would be provided;
 - (B) Strategies for increasing the child's rate of learning; and
 - (C) The parent's right to request an evaluation.
- (b) Each group member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the group member must submit a separate statement presenting his or her conclusions.

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PROPOSED POLICY

NC 1503-3.5 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 NC 1503-2.7(a) (2), must include a statement of--
- (1) Whether the child has a specific learning disability;
 - (2) The basis for making the determination, including an assurance that the determination has been made in accordance with NC 1503-2.7(c) (1);
 - (3) The determination of the group concerning the effects of a visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic influences; or loss of instructional time due to factors such as absences, tardies, high mobility rates, and suspensions, on the child's achievement level;
 - (4) The determination of the group concerning the effects of limited English proficiency or lack of appropriate instruction in reading or math on the child's achievement level;
 - (5) The relevant academic, functional and behavioral data collected during the observations of the child in relationship to the child's academic functioning;
 - (6) The educationally relevant medical findings, if any;
 - (7) Whether –
 - (i) The child does not achieve adequately for the child's age or to meet State-approved grade-level standards consistent with NC 1503-3.3(a); and
 - (ii) The child does not make sufficient progress to meet age or State-approved grade-level standards consistent with NC 1503-3.3(a)
 - (8) Within the assessment of 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 collected and the general education services that would be provided;
 - (B) Strategies for increasing the child's rate of learning; and
 - (C) The parent's right to request an evaluation.
- (b) Each group member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the group member must submit a separate statement presenting his or her conclusions.

(Authority: 20 U.S.C. 1221e-3; 1401(30); 1414(b) (6); 34 CFR 300.311)