

Standards for Special Education Evaluation & Eligibility The following standards for special education evaluation and eligibility shall be effective July 1, 2017.

Specific Learning Disability

I. Definition

The term 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, which may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations and that adversely affects a child's educational performance. Such term includes conditions such as perceptual disabilities (e.g., visual processing), brain injury that is not caused by an external physical force, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific Learning Disability does not include a learning problem that is primarily the result of Visual Impairment; Hearing Impairment; Orthopedic Impairment; Intellectual Disability; Emotional Disturbance; Limited English Proficiency; or Environmental or Cultural Disadvantage.

II. Evaluation

The characteristics as identified in the Specific Learning Disabilities definition are present to include:

Evaluation Procedures

A comprehensive evaluation performed by a multidisciplinary team using a variety of sources of information that are sensitive to cultural, linguistic, and environmental factors or sensory impairments to include the following:

- (1) To ensure underachievement in a student suspected of having a Specific Learning Disability is not due to a lack of appropriate instruction (i.e., empirically research-based instruction that is rigorous, systematic, and peer-reviewed) in the student's State approved grade level standards, the following must be obtained:
 - (a) Data that demonstrate that prior to, or as a part of, the referral process the student was provided appropriate instruction (i.e., empirically research-based instruction that is rigorous and systematic) in regular education settings, delivered by qualified and appropriately trained personnel; and
 - (b) Data-based documentation of repeated assessments of achievement, reflecting formative assessment of student progress during intervention, which was provided to the student's parents ..
- (2) The LEA must ensure the child is observed in the student's learning environment (including the regular classroom setting) to document the student's academic performance and behavior in the areas of difficulty. The student's performance shall be documented by two systematic observations in the area of suspected disability (one must be conducted by the certifying specialist and one may be conducted by the special education teacher):

- (a) Systematic observation of routine classroom instruction; and
- (b) Systematic observation during intensive, scientific research-based or evidence-based intervention.

In the case of a student who is in a placement outside of the local education agency, a team member must observe the student in an environment appropriate for a student of that age.

(3) The student does not achieve adequately for the student'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 student's age or State-approved grade level standards:

- a) Basic Reading Skills;
- (b) Reading Fluency Skills;
- (c) Reading Comprehension;
- (d) Written Expression;
- (e) Mathematics Calculation;
- (f) Mathematics Problem Solving;
- (g) Oral Expression; and
- (H) Listening Comprehension.

An evaluation of Oral Expression and Listening Comprehension shall be completed pursuant to the Speech or Language Impairment eligibility standards if a SLD is suspected in either area. If a student has been evaluated by a Speech Language Pathologist and does not qualify as Language Impaired, then the IEP team may consider a Specific Learning Disability in either Oral Expression or Listening Comprehension if either continues to be a suspected area of disability.

(4) To document inadequate achievement, an individual, standardized, and norm-referenced measure of academic achievement must be administered in the area(s) of suspected disability

(5) The determination of inadequate achievement may be made through either a Response to Intervention model or a Pattern of Strengths and Weaknesses Model:

(a) **Response to Intervention:** The student makes inadequate progress to meet State-approved grade-level standards in one or more areas when using a process based on the student's responsiveness to scientific, research-based intervention, with fidelity, in each area of suspected delay. A lack of sufficient progress should be established by examining the student's Rate of Improvement (ROI) including a gap analysis and should be based on the following criteria:

- (i) The rate of progress or improvement is less than same-age peers; or
- (ii) The rate of progress is the same as or greater than t same age peers but will not result in reaching the average range of achievement within a reasonable period of time.

- (b) **Pattern of Strengths and Weaknesses:** 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 to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with 34 CFR, §300.304 and §300.305.

(6) The team must determine that underachievement is not **primarily** the result of Visual, Motor, or Hearing Disability, Intellectual Disability, Emotional Disturbance, Cultural Factors, Environmental or Economic Factors, Limited English Proficiency, or Excessive Absenteeism.

A student whose characteristics meet the definition of a student having a Specific Learning Disability may be identified as a student eligible for special education services if:

- (1) All of the aforementioned eligibility criteria are met; and
- (2) Documentation, including observation and/or assessment, of how the Specific Learning Disability adversely affects the child's educational performance in his/her learning environment and the need for specialized instruction and related services (i.e., to include academic and/or nonacademic areas).

Evaluation Participants Information shall be gathered from the following persons in the evaluation of a Specific Learning Disability:

- (1) The parent or guardian;
- (2) The student's general education classroom teacher;
- (3) A licensed special education teacher;
- (4) A licensed School Psychologist; and
- (5) Other professional personnel as indicated (i.e., Speech Language Pathologist or Occupational Therapist).