

# OPERATING PROCEDURES

## SPECIFIC LEARNING DISABILITY

Goose Creek CISD

101911

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Legal Framework: SPECIFIC LEARNING DISABILITY

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Broad Category: EVALUATION

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### PROCEDURES:

#### SPECIFIC LEARNING DISABILITY (SLD)

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#### **34 CFR §§ 300.8(c) (10), 300.307-300.311; 19 TAC § 89.1040(c) (9)**

*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 manifest itself in the imperfect 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.

*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 emotional disturbance, or of environmental, cultural, or economic disadvantage.

Prior to and part of the evaluation, and order 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 mathematics, the following must be considered:

1. Data that demonstrates the child was provided appropriate instruction in reading (as described in 20 USC, 6368 (3), and/or mathematics within general education settings delivered by qualified personnel; and
2. Data-based documentation of repeated assessments of achievement at reasonable intervals reflecting formal evaluation of student progress during instruction. Data-based documentation of repeated assessments may include, but is not limited to, Response to Intervention (RtI) progress monitoring results, in-class tests on grade level curriculum, or other regularly administered assessments. Intervals are considered reasonable if consistent with the assessment requirements of a

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student's specific instructional program.

3. A student with a specific learning disability is one who:
  - a. Has been determined through a variety of assessment tools and strategies to meet the criteria for a specific learning disability and
  - b. Does not achieve adequately for the child's age or meet state-approved grade level standards in oral expression, listening comprehension, written expression, basic reading skills, reading fluency, reading comprehension, mathematics calculation or mathematics problem solving when provided appropriate instruction, as indicated by performance on multiple measures such as in class tests; grade average over time; norm or criterion referenced tests, statewide assessments; or a process based on the child's response to scientific, research based intervention and
    - (I) does not make sufficient progress when provided a process based on the child's response to scientific, research based intervention (as defined in 20 USC, 7801 (37), as indicated by the child's performance relative to the performance of the child's peers on repeated, curriculum based assessments of achievement at reasonable intervals, reflecting student progress during classroom instruction or
    - (II) exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, grade-level standards, or intellectual ability, as indicated by significant variance among specific area of cognitive function, such as working memory and verbal comprehension, or between specific areas of cognitive function and academic achievement.

#### Goose Creek CISD Criteria for Specific Learning Disabilities

Goose Creek CISD has adopted the "Dual Discrepancy/Consistency Model" of SLD (featured in Flanagan, D.P., Ortiz, S.O., & Alfonso, V.C. (2013) Essentials of Cross Battery Assessment 3<sup>rd</sup> edition, Wiley and Sons). This model is widely accepted as a best practice in the identification of SLD and is based on multiple sources of literature and research (e.g., Kavale & Forness, 2000; Kavale et al., 2009; Berninger. 2001; Feifer 2012; Fletcher - Janzen & et al., 2001; Geary, Hoard, & Bailey, 2001); Hale & Fiorello, 2004; Hale et al., 2011; McClosky et al., 2012; Naglieri, 2011; Reynlods & Shaywitz, 2009; Siegal, 199; Stanovich, 1999; Vellutino, Scanlon, & Lyon, 2000).

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There are six (6) diagnostic markers for SLD. Each one of the following markers needs to be present to make a SLD edibility determination.

1. **A significant academic impairment.** The student needs to have significant difficulties in an academic area of eligibility based on multiple sources. While a deficient standardized REED is necessary, other supporting data is necessary to corroborate the difficulty (grades, STAAR, CBA, data from supplemental interventions etc.).
2. **A significant cognitive impairment.** According to IDEA, SLD is defined as “A disorder in one or more of the basic psychological processes” (300.8(c) (10) (i)). According to the CHC Theory of Human Cognitive Abilities, there are seven (7) broad cognitive areas (Gs): Fluid Reasoning, Long Term Retrieval, Short Term Retrieval, Processing Speed, Crystallized Intelligence, Visual- Spatial, and auditory processing.
3. **Generally average ability to think and reason.** Individuals with SLD are of average or better overall cognitive ability, but have a “specific” area of disability. SLD is not an appropriate eligibility for those students who have learning difficulties for reasons other than specific cognitive dysfunction. Global Learning Deficit has never been an eligibility category in Texas. A student with SLD should be able to perform academically at a level close to her/his typically achieving peers when provided with individualized instruction, as well as appropriate accommodations and instructional modification. Additionally, students with SLD should possess the ability to learn compensatory strategies and apply them independently, which often requires higher level thinking and reasoning. Specific software tools are utilized for the process of determining this marker. Overall, it must be determined that the student has a generally average ability to think and reason. This also could be evidenced by typical performance in areas outside of those under consideration for SLD.
4. **Consistency between academic and cognitive impairments.** This is where the determination is made that the cognitive impairment (marker #2) is likely the primary cause of the academic impairment (marker #1). For example, Ga (phonetic coding) links to a disability in basic reading but not math calculation. However, a deficit in auditory processing could be a likely cause of impairment in Basic Reading Skills, as research and data strongly support a linkage between those two areas. This consistency would be further supported by classroom data and evidence pointing

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towards the primary cause.

5. **The cognitive impairment is domain specific.** SLD is a vertical problem, not horizontal. The cognitive impairment (marker #2) is different from the other cognitive areas and stands out. We must determine whether the cognitive impairment is significantly different from the intact abilities and if the degree of the difference is rare and unusual.
6. **Evidence of unexpected underachievement.** The area of academic impairment is significantly different from what would be expected considering the overall cognitive ability of the student.

#### Exclusionary Criteria

The educational diagnostician is required to take into consideration the effects of what are commonly referred to as “exclusionary” factors.

Federal Regulations, require that the multidisciplinary team determine that its findings (that address the criteria for SLD) are not PRIMARILY the result of – “visual, hearing, or motor disabilities; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency.”

Some factors to consider are the student’s attendance history, the impact of the student’s language/culture, sociological factors, trauma, and behaviors.

#### Role of the Evaluation Staff

Diagnostician/LSSP/SLP: trained to interpret test results. While tests provide a lot of necessary information, they are not the only factor in determining eligibility. Teachers: provide ecological data and information not again from standardized measures.

#### STAFF RESPONSIBLE:

**District Level:** Coordinator for Evaluation and Initial Evaluation Team

**Campus Level:** Campus Based Evaluators

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### TIMELINES FOR IDENTIFYING DISABILITY CONDITIONS:

- Initial evaluations timelines apply
- Reevaluations – REED meeting should be held no earlier than 60-75 days prior to the three-year re-evaluation due date.

### EVIDENCE OF PRACTICE:

- eSped Forms
- List of qualified evaluators with appropriate licenses and certifications
- Copies of evaluations