



## **Identification of Specific Learning Disabilities**

### **What the 2006 IDEA Part B Final Regulations Say**

The 2006 IDEA Part B final regulations, consistent with IDEA 2004 statute, made some changes related to identifying children with specific learning disabilities (SLD). Following are the points most relevant for ASHA members who work in school settings.

### **Procedures for Identifying Children with SLD**

The most significant change involves procedures for identifying children with SLD. According to the regulations, a state:

- Must 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 §300.8(c)(10);
- Must permit the use of a process based on the child's response to scientific, research-based intervention; and
- May permit the use of other alternative research-based procedures for determining whether a child has a specific learning disability, as defined in §300.8(c)(10).

Although the regulations do not indicate that states may prohibit the use of a discrepancy model, the U.S. Department of Education (ED) indicated in the Analysis of Comments and Changes section of the regulations that states are free to prohibit the use of a discrepancy model.

The statement that reads, "must permit the use of a process based on the child's response to scientific, research-based intervention," means that LEAs may use a response-to-intervention (RTI) approach to determine if a child is suspected of having SLD. ED indicated that an RTI process does not replace the need for a comprehensive evaluation. A public agency must use a variety of data-gathering tools and strategies and cannot rely on any single procedure (e.g., RTI) as the sole criterion for determining eligibility for special education and related services. This requirement applies to all children suspected of having a disability, including those suspected of having SLD. Models or procedures that claim to assist in identifying a child with SLD, but are not based on sound scientific research, are not appropriate.

When RTI is being used to determine if a child is suspected of having SLD, the parents must be notified (consent is not required) about: (A) 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; (B) strategies for increasing the child's rate

of learning; and (C) the parents' right to request an evaluation (§300.311(a)(7)). This notification must be documented in the eligibility determination. Thus, the state education agency (SEA) must have clear state policies pertaining to RTI that can be communicated to parents by the LEA. Furthermore, RTI must not be used to delay identification. Section 300.309(c) requires the school to promptly request parental consent to evaluate a child suspected of SLD who has not made adequate progress under RTI.

### **Team Determining SLD**

The 2006 final regulations retain the 1999 provision that the determination of whether a child suspected of having SLD must be made by the child's parents and a team of qualified professionals, which must include:

- The child's regular teacher, or if the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age, or for a child of less than school age, an individual qualified by the SEA to teach a child of his or her age; and
- At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.

### **Criteria for Determining SLD**

It is determined that a child has SLD if:

- The child does not achieve adequately for the child'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 child's age or state-approved grade-level standards:
  - Oral expression
  - Listening comprehension
  - Written expression
  - Basic reading skills
  - Reading fluency skills
  - Reading comprehension
  - Mathematics calculation
  - Mathematics problem solving
- The child does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the areas above when using a process based on the child's response to scientific, research-based intervention; or 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.
- The findings are not primarily the result of:
  - a visual, hearing, or motor disability;
  - mental retardation;
  - emotional disturbance;
  - cultural factors;

- o environmental or economic disadvantage; or
- o limited English proficiency.

### **Required Observation**

The school must ensure that the child is observed in his or her learning environment (including the regular classroom setting) to document academic performance and behavior in the areas of difficulty. In the case of a child of less than school age or out of school, the child must be observed in an environment appropriate for a child of that age.

### **Implications for ASHA Members**

Elimination of the requirement of the use of a discrepancy formula is being viewed positively by ASHA, as this practice (often referred to as cognitive referencing) has often resulted in the denial of needed services to students whose achievement in certain areas may be commensurate with overall IQ scores. There are serious theoretical and statistical flaws in the practice of comparing results of standardized tests in order to identify a disability and determine eligibility for services.

Because of their expertise in language and learning, ASHA members play a critical role in RTI processes. In addition, they are important members of the building teams for determining if a child has a SLD.

### **What Members Can Do**

ASHA members should become familiar with RTI processes as a means of identifying children with disabilities and should advocate for the use of RTI in the schools where they work. Resources are available at [www.asha.org/members/slp/schools/prof-consult/cog-ref.htm](http://www.asha.org/members/slp/schools/prof-consult/cog-ref.htm), at [www.asha.org/members/slp/schools/prof-consult/Rtol.htm](http://www.asha.org/members/slp/schools/prof-consult/Rtol.htm), and at the U. S. Department of Education's website on IDEA at <http://idea.ed.gov>. As policies can vary from state-to-state, ASHA members must be familiar with their state's policies pertaining to RTI.