

Determination of a Learning Disability

Specific Learning Disability ("SLD") means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written.

A PPT may determine that a student has a specific learning disability *if*:

1. The student does not achieve adequately for his or her age, or to meet 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 grade level standards):

- oral expression
- listening comprehension
- written expression
- basic reading skills
- reading fluency skills
- reading comprehension
- mathematics calculation
- mathematics problem solving

and,

2. The student does not make sufficient progress to meet age or grade level standards in one or more of the areas identified in number 1, above, when using a process based on the child's response to scientific, research-based intervention; or

3. The student exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, grade level standards, or intellectual development, that is determined by the team to be relevant to the identification of a specific learning disability, using appropriate assessments.

In addition, the PPT may not identify a student as having a specific learning disability if the suspected disability is primarily the result of:

- a visual, hearing or motor disability;
- intellectual disability;
- emotional disturbance;
- environmental, cultural or economic disadvantage;
- limited English proficiency; and
- lack of appropriate instruction in reading or math.

To ensure that underachievement in a child suspected of having a SLD is not due to a lack of appropriate instruction in reading or math, the team must also consider, as part of the evaluation:

- Data that demonstrates that prior to, or as a part of the referral process, the student was provided appropriate, research-based instruction in regular education settings, including that the instruction was delivered by qualified personnel; and
- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student's parents.

In determining whether a child has an SLD, our district may use a discrepancy model (i.e., discrepancy between intellectual ability and achievement) or a Response to Intervention model which determines the existence of a learning disability based upon the progress a student makes over an appropriate period of time when provided with high-quality instruction/intervention and frequent monitoring of progress. Either model is permissible.

No matter which method our district uses to identify a child with SLD (response to scientific, research based instruction, or discrepancy model of patterns of strengths and weaknesses) we will conduct a comprehensive evaluation of the student that will also include an observation of the student's academic performance in the regular classroom setting by at least one team member other than the student's regular education teacher. In the case of a student of less than school age or out of school, a team member will observe the student in an environment appropriate for a student of that age.

If the parent obtains an independent educational evaluation at private expense, our District in any decision made with respect to the provision of FAPE to the student will consider the results of the evaluation. The results of an independent educational evaluation obtained by the parent at private expense may be presented as evidence at a hearing under the provisions of IDEA.