



MEMORANDUM

Date: June 5, 2007

To: AEA Chief Administrators, AEA Directors (Educational Services, Media, Special Education), State of Iowa Administrative Law Judges

From: Martin Ikeda, Ph. D., Eric Neessen, & Thomas Mayes - Consultants, Iowa Department of Education, Bureau of Children, Family, and Community Services

RE: State of Iowa criteria for determination of Specific Learning Disabilities

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The purpose of this communication is to clarify the criteria for determination of a child with a Specific Learning Disability (SLD) and how those criteria fit within Iowa's existing system of identification.

The *Special Education Eligibility Standards* (Iowa Department of Education, 2006) describe a child find and special education identification process adopted by all area education agencies and endorsed by the Iowa Department of Education.

The response-to-intervention process in the *Special Education Eligibility Standards* allows IEP teams to identify a child as eligible for and in need of special education services if data from a variety of sources demonstrate the following: (a) summary of educational progress over time, (b) discrepancy from peers or other appropriate standards, and (c) the instruction needed for the child to reach age- or grade-level standards (or to positively impact the child's learning trajectory toward such standards) cannot be sustained without special education services. When following a response-to-intervention process, IEP teams most often identify eligible students as having a disability using the non-categorical designation of *Eligible Individual*.

Federal regulations require states to adopt criteria for determining whether a child qualifies for special education or related services using the categorical designation of *Specific Learning Disability* (34 C.F.R. § 300.307(a)). While the Iowa Department of Education continues to support IEP teams in identification of students with disabilities as *Eligible Individuals*, as expressly permitted by federal law (see 34 C.F.R. § 300.111(d)), the following information provides criteria for IEP teams in Iowa when determining if a child has a disability and if the child will be identified as a student with a disability using the categorical designation of *Specific Learning Disability*.

The use of the categorical designation *Specific Learning Disability* is permitted. The decision to use a categorical label is an IEP team decision. *Each* of the following items *must be addressed and documented* in order for IEP teams to identify a child as a child with a disability using the categorical designation of *Specific Learning Disability*:

- Scientific and/or alternative, research-based interventions will be used as a part of the response-to-intervention process.
- Discrepancies between student performance and accepted standards are quantified in one or more of the following academic performance domains: oral expression, listening comprehension, written expression, basic reading skill, reading fluency skill, reading comprehension, mathematics calculation, or mathematics problem-solving.
- The child does not make sufficient rate of progress to meet age- or grade-level standards when the child's response to intervention is measured OR when the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age- or grade-level standards or intellectual development.
- Lack of performance is determined not to be the result of a visual, hearing, or motor disability, mental retardation, emotional disturbance, cultural factors, environmental or economic disadvantage, or limited English proficiency.
- Observations must occur in the environment in which performance is impacted. Behavioral and academic performance in the areas of difficulty must be documented. IEP teams are permitted, with parent consent, to (a) summarize observations conducted as part of the general education intervention process prior to suspecting the child as a child with a disability, and/or (b) conduct an observation in the general education setting as part of the child's full and individual evaluation.
- The child received appropriate instruction in regular education settings prior to, or as a part of, the referral process.
- The parents of the child were informed of the instructional strategies used and the performance data that would be collected through repeated, formal assessments over reasonable periods of time.

This means that a child for whom the above *Specific Learning Disability* evaluation criteria were used, *and* who has demonstrated need for special education, can be identified by the IEP team as a child eligible for services using either (a) the categorical designation of *Specific Learning Disability* or (b) the non-categorical designation of *Eligible Individual*.

Children whose interventions were based on response-to-intervention processes described in the *Special Education Eligibility Standards*, but who lack data on *any* of the *Specific Learning Disability* evaluation criteria summarized above, may be found eligible for special education as a student with a disability using the non-categorical designation of *Eligible Individual*. If all SLD criteria are not addressed, the child *cannot* be designated as a child with a disability using *Specific Learning Disability*.

## *OTHER RELEVANT INFORMATION PERTAINING TO SLD EVALUATION*

*Parent Request for Evaluation.* AEA and LEAs are reminded that parents who request a Full and Individual Evaluation of their child are afforded the right to that evaluation. The AEA/LEA may deny that request if a disability is not suspected; however, written notice must be provided to the parents. The parents, in turn, may invoke their procedural safeguards.

*Use of Intelligence Tests and/or Published Tests of Achievement.* While the *State of Iowa Rules of Special Education* prohibit the use of a discrepancy between intelligence and achievement scores when determining the presence of a specific learning disability, an IEP team may use published, standardized, norm-referenced tests of aptitude or achievement as part of a child's Full and Individual Evaluation if (a) parents have consented to use of such tests and (b) the IEP team believes such instruments would yield instructionally relevant information not available from another source.

*Use of Multiple Sources of Data in Decision-Making.* IEP teams may not rely on sole sources of data for decision-making around eligibility and need for special education. Multiple sources (review, interview, observe, test) from multiple domains (instruction, curriculum, environment, learner) are needed to substantiate decisions.

*Timeline for Evaluation.* All data pertaining to eligibility of the child as a child with a disability, and need for individualized services that constitute special education, are gathered within sixty (60) calendar days of the date on which parent consent for evaluation was obtained by the AEA.

*Independent Educational Evaluation.* Parent requests for Independent Educational Evaluations must follow procedures described in the *State of Iowa Rules of Special Education*. Hence, independent evaluators are required by law to answer questions around performance discrepancy, educational progress, and instructional need. IEP teams are required to document how such Independent Educational Evaluations were used in decision-making, but are not required to adopt the recommendations of the Independent Educational Evaluation.

*Contact information.* Additional questions or clarification needs can be directed to Eric Neessen at (515) 281-0345 or Marty Ikeda at (515) 281-3954.