

## Specific Learning Disabilities & the Revised Eligibility Criteria

**Specific Learning Disability (SLD)** is an identifiable category of disability in both the federal law, *Individuals with Disabilities Education Act of 2004 (IDEA 2004)*, and Colorado law, *Exceptional Children's Educational Act (ECEA)*. This disability category was previously referred to in Colorado law as Perceptual/Communicative Disability or PCD.

### What is the timeline for implementation of the revised SLD eligibility criteria?

Colorado ECEA Rules, effective December 30, 2007, specify that Administrative Units (districts and BOCES) and state-operated programs may implement the revised criteria immediately, but all must be implementing these criteria no later than August 15, 2009. During this transition period, we recommend that inquiries as to the criteria currently in effect be directed to the district or agency's Special Education Director.

### Why is there a change in the eligibility criteria?

The SLD eligibility criteria in Colorado ECEA Rules have been revised to align with federal law (IDEA 2004) and federal regulations. The validity and reliability of basing SLD identification on a significant discrepancy between assessed ability (intelligence) and achievement has been seriously challenged for many years through extensive research. Identification processes that have operated in a "test, then determine eligibility, then provide intervention" manner have often resulted in what is referred to as a "wait-to-fail" phenomenon. This occurs when a student is having difficulties, but is not eligible for intervention (via special education) because the "discrepancy" is not yet large enough. This approach to addressing learning difficulties has now given way to one that provides interventions for any child as part of a Response to Intervention (RtI)/problem-solving process at the earliest indication of need. If both low achievement and insufficient progress are still evident, the student's response to those interventions, along with other relevant information, may lead to a special education referral and an SLD/special education determination.

### Summary of Eligibility Criteria & Determinations:

Special education eligibility in the category of a Specific Learning Disability is based upon evidence that the student does not achieve adequately for the student's age or to meet grade-level standards in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skill, reading fluency skills, reading comprehension, mathematical calculation, mathematics problem solving.

Specifically, the multidisciplinary team must determine through a body of evidence that ...

- 1) the student has one or more significant academic skill deficits as compared to age-level peers or grade-level benchmarks.
- 2) the student is making insufficient progress in response to scientific, research-based intervention.
- 3) the student's learning difficulties are not PRIMARILY the result of visual, hearing, or motor disabilities; significant limited intellectual capacity; significant identifiable emotional disability; cultural factors; environmental or economic disadvantage; or limited English proficiency.

In addition, as pertains to the identification of any disability, the findings cannot be the result of a lack of appropriate instruction, specifically in the essential components of reading and in math.

Eligibility for special education is based on final determinations that ...

- 1) the student has a Specific Learning Disability; and
- 2) the student cannot receive reasonable educational benefit from general education alone.

## How does a Response to Intervention/Problem-Solving process enter into the identification of a Specific Learning Disability?

The following is Colorado's definition of RtI: "Response to Intervention is a framework that promotes a well-integrated system connecting general, compensatory, gifted, and special education in providing high quality, standards-based instruction and intervention that is matched to students' academic, social-emotional, and behavioral needs. "

An integral component of RtI is the problem-solving process through which a team of professionals and a student's parents use student-centered data to inform the instruction/intervention to be provided.

It is essential that this process be implemented prior to or part of the evaluation for SLD in order to determine that "the child does not make sufficient progress to meet age or state-approved grade-level standards...when using a process based on the child's response to scientific, research-based intervention." In addition, implementation of this process may provide further evidence that the student's difficulties are not due to a lack of appropriate instruction.

## How has evaluation for special education changed?

Both the Colorado ECEA Rules and the federal regulations require a "full and individual evaluation" that must be conducted before the initial provision of special education and related services. This evaluation includes assessments in "all areas related to the suspected disability." In the past, the "comprehensive evaluation" was interpreted by most to mean a common battery of assessments for all students referred. Now a more focused, student-centered approach is indicated. It is anticipated that the variety of data gathered during the RtI/Problem-Solving process and the change in the eligibility criteria for a Specific Learning Disability should reduce the need for extensive formal assessment following a special education referral.

Even though it is more focused, it is specified in law that the evaluation must be "sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the primary disability category in which the child has been identified."

## What is the relationship between dyslexia and a Specific Learning Disability?

Although the definition of Specific Learning Disability (in both federal and state law) refers to dyslexia as one of the conditions that may be included, dyslexia is not a special education disability category in and of itself.

Dyslexia "is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities." (excerpted from the definition of dyslexia endorsed by the International Dyslexia Association). Specific Learning Disabilities that involve word level reading deficits as described in this definition of dyslexia have been cited by some leading researchers as the most common of all learning disabilities. Thus, it would be expected that there are students identified as eligible for special education in the category of SLD who have also been diagnosed as dyslexic.

However, there is some confusion between the identified educational disability category of SLD and a clinical diagnosis of dyslexia. An individual identified as having dyslexia may or may not be eligible for special education services. Eligibility is dependent on whether the SLD criteria are met and the other required determinations are made by the multi-disciplinary team.

For more information on dyslexia, a Fast Facts specifically addressing this topic has just recently been published and is available at:

<http://www.cde.state.co.us/cdesped/download/pdf/FF-Dyslexia.pdf> )

## Where do I find more comprehensive information concerning the revised SLD eligibility criteria and the identification process?

Colorado's *Guidelines for Identifying Students with Specific Learning Disabilities* (website link given at end of this document) addresses all important aspects of this process. Section titles are as follows:

- Section 1: Introduction & Laws
- Section 2: Overview of *Response to Intervention*
- Section 3: Referral & Evaluation
- Section 4: SLD Determination
- Section 5: Eight "Areas" of SLD
- Section 6: Special Considerations
- Section 7: Frequently Asked Questions Related to SLD Identification
- Glossary of Terms and Key Concepts
- Appendix
- References & Resources

## Summary of Major Shifts in the Identification of Specific Learning Disabilities

	THEN	NOW
Proactive Intervention	Waiting to intervene until criteria for special education are met and services can be provided	Intervening at first indication of learning difficulties, utilizing universal screening and progress monitoring of essential skills and concepts
	Within-child focus of problem; focus on internal, unalterable variables	Systems approach to problem-solving; emphasis on the effectiveness of core instruction for all students; focus on alterable variables (instruction and intervention varied as to time, intensity, and focus)
Problem-Solving	Student Study/Multidisciplinary Team often made up mostly of special educators; individual students typically referred to team by teachers with academic and behavioral concerns, frequently resulting in a special education referral	Problem-solving process as central to the work of school teams that include general and special educators; parents involved throughout the process and kept informed of instructional strategies and progress; collaborative educational decisions, including adjustments to instruction/intervention, are based on ongoing school, classroom and individual student data; increased focus on early detection and proactive response to difficulties
Assessment/Evaluation	Reliance on assessments largely external to the learning context for the purpose of disability identification	Reliance on direct measures of learning that inform instruction/intervention, as well as consideration for special education if appropriate
	Assessment data collected during a limited number of sessions used to make eligibility decisions	Multiple data points collected over time and in direct relationship to the instruction/intervention provided used to make important instructional decisions (including special education eligibility)
	Assessment/evidence of Perceptual-Communicative (PC) Indicative Behaviors (processing deficits) required for identification	Emphasis on diagnostic/prescriptive assessments in the area(s) of suspected disability and/or educational need that directly assist in the determination of instruction and intervention
SLD Construct	"Comprehensive evaluation" consisting mainly of formal assessments conducted by individual members of the multidisciplinary team; often the same battery of tests administered to all children referred during a limited number of sessions	"Full and individual evaluation" collaboratively planned and relying heavily on existing data collected throughout the RTI process; evaluation includes data gathered through universal screenings, observations, teacher checklists, progress monitoring, diagnostic assessments, etc.
	SLD construct of "unexpected underachievement" indicated by low achievement as compared to a measure of the child's ability (IQ/achievement discrepancy)	SLD construct of "unexpected underachievement" indicated by low achievement and insufficient response to empirically validated instruction/intervention that works with most students, even struggling ones

A more comprehensive version of this chart is provided at the end of Section 1 of the *Guidelines for Identifying Students with Specific Learning Disabilities (2008)*.

The following sites provide documents specific to Colorado as well as links to national resources:

Colorado *Guidelines for Identifying Students with Specific Learning Disabilities* and other related resources: <http://www.cde.state.co.us/cdesped/SD-PCD.asp>

Response to Intervention in Colorado:

<http://www.cde.state.co.us/RtI/>

