

Learning Disability

Student: _____

KAR 91-40-1

(mmm) "Specific learning disability" means a disorder in one of more of the basic psychological processes involved in understanding or using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term shall not include learning problems that are primarily the result of any of the following: (1) Visual, hearing, or motor, disabilities; (2) Intellectual Disability; (3) emotional disturbance; or (4) environmental, cultural, or economic disadvantage.

KAR 91-40-11

(b)(1) A group evaluating a child for a specific learning disability may determine that the child has such a disability only if the following conditions are met:

(A) The child does not achieve adequately for the child's age or meet state-approved grade-level standards, if any, in one or more of the following areas, when the child is provided with learning experiences and instruction appropriate for the child's age and grade level: (i) Oral expression; (ii) listening comprehension; (iii) written expression; (iv) basic reading skill; (v) reading fluency skills; (vi) reading comprehension; (vii) mathematics calculation; and (viii) mathematics problem solving; and

(B)(i) The child does not make sufficient progress to meet age or state-approved grade level standards in one of more of the areas identified in paragraph (b)(1)(A) when using a process based on the child's response to scientific, research-based intervention; or (ii) the child 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 group conducting the evaluation to be relevant to the identification of a specific learning disability, using appropriate assessments.

Exclusionary Criteria:	
A child must NOT be determined to be a child with an exceptionality if the determinant factor is:	
Exclusionary Factor	How to Evaluate
<ul style="list-style-type: none"> Lack of appropriate instruction in reading, including the essential components of reading instruction (defined in section 9215(c) of ESEA); 	<p>Evidence shows that the child's previous reading instruction and curriculum included explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency including oral reading skills and reading comprehension strategies. This evidence may come from; (a) an evaluation of the school's basal curriculum and supplemental materials, (b) that the child actually received instruction provided by highly qualified teachers using appropriate basal curriculum and supplemental materials, and (c) records of intervention and progress monitoring indicating appropriate instructional adjustments based on child data.</p> <p>For a child three to five years old, who is not yet enrolled in kindergarten, teams should consider "appropriate instruction" as the child's participation in appropriate activities. This evidence may come from interviews with family and other caregivers and through observation in the child's natural environment that indicates whether or not the child has been exposed to activities appropriate for his/her age.</p>
<ul style="list-style-type: none"> Lack of appropriate instruction in math; or 	<p>Evidence shows that the child's previous math instruction and curriculum addressed math calculation, problem solving, and conceptual understanding. This evidence may come from; (a) an evaluation of the school's basal curriculum and supplemental materials, (b) that the child actually received instruction provided by highly qualified teachers using appropriate basal curriculum and supplemental materials, and (c) records of intervention and progress monitoring indicating appropriate instructional adjustments based on child data.</p> <p>For a child three to five years old, who is not yet enrolled in kindergarten, teams should consider "appropriate instruction" as the child's participation in appropriate activities. This evidence may come from interviews with family and other caregivers and through observation in the child's natural environment that indicates whether or not the child has been exposed to activities appropriate for his/her age.</p>
<ul style="list-style-type: none"> Limited English proficiency; 	<p>If the child being evaluated is an English Learner, show evidence that the child was provided with appropriate accommodations and interventions to address it. Consider things such as proficiency in English and in the child's native language, amount of time in the country, level of education in the child's native country, etc. Also consider whether the child's rate of learning is different from those of similar language background and educational experience. If, in spite of appropriate accommodations and interventions, the child's learning difficulties persist, this factor is ruled out.</p>

<ul style="list-style-type: none"> and the child does not otherwise meet the eligibility criteria as a child with an exceptionality 	<p>Evidence shows that the child's learning difficulties are due to factors other than those associated with the criteria for disabilities as defined in IDEA. For example, frequent moves, incarceration, substance abuse, chronic absenteeism, etc.</p>
<p>The determinant factor for why the child does not achieve adequately for the child's age or does not make sufficient progress to meet age or State-approved grade level standards, or exhibits a pattern of strengths and weaknesses, is not primarily the result of:</p> <ul style="list-style-type: none"> A visual, hearing or motor disability; emotional disturbance; cultural factors; environmental or economic disadvantage; limited English proficiency; or intellectual disability 	<p>Evidence shows that child information does not match indicators for visual, hearing, or motor disability, intellectual disability, or emotional disturbance indicating the presence of another disability is not the primary cause of learning problems. However, it should be recognized that learning disabilities can co-exist with other types of disabilities (i.e., co-morbidity).</p> <p>If any other factors (cultural, environmental or economic disadvantage, or limited English proficiency) are an issue for the child being evaluated, provide evidence that the child was provided with appropriate accommodations and interventions to address them. If, in spite of appropriate accommodations and interventions, the child's learning difficulties persist, these factors are ruled out as the primary cause.</p>

Prong 1: Does the child exhibit an exceptionality?

Indicators

For meeting this prong of eligibility, the team must consider information and have data to support at least 1 indicator from each of the following numbered categories:

1. Observational Data

- Observation in the child's learning environment (which must include the general education classroom) provides evidence of the child's performance and behavior in the area of difficulty. [Note: This is required for all evaluations of children suspected of having a learning disability.]

2. The child does not achieve adequately for the child's age or meet state-approved grade-level standards.

- Progress monitoring data indicates the child exhibits both a (1) low level of performance (after appropriate interventions) when compared to peers and (2) low rate of growth/rate of improvement (after appropriate interventions) when compared to peers.
- Data indicates a pattern that show a consistent weakness in a process related to the achievement delay and a relative strength in a process unrelated to the achievement delay.
- Measures of achievement in basic reading skills, reading fluency skills, and/or reading comprehension is significantly below age or state-approved grade level standards.
- Measures of achievement in math calculation or math problem-solving are significantly below age or state-approved grade level standards.
- Measures of achievement in written expression are significantly below age or state-approved grade level standards.
- Measures of oral expression and/or listening comprehension indicate child performance is significantly below age or state-approved grade level standards.
- Interviews indicate child demonstrates a high level of understanding during oral discussions but lacks mastery of basic skills.
- Performance is significantly below age or state-approved grade level standards on one or more benchmark assessments, curricular objectives, or state assessments.

3. Evidence of provision of learning experiences and instruction appropriate for the child's age and grade level.

- Records of intervention indicate appropriate instructional decisions based on child data.
- Progress monitoring data displayed on charts or graphs show low rate of growth/improvement in at least one achievement domain despite provision of increasingly intense, explicit and systematic instructional interventions.

Other Supporting Information

Record reviews show *Diagnostic and Statistical Manual of Mental Disorders (DSM)* diagnosis (by an appropriately trained and qualified diagnostician) of learning disability or previous identification as having a learning disability or other diagnosis of perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, dyscalculia, dysgraphia, or developmental aphasia. A medical diagnosis should be considered as supporting information. However, a diagnosis is not required, nor necessarily

Prong 2: Does the child need special education [specially designed instruction] and related services?

Indicators

- Progress monitoring data indicate intense or sustained resources needed in order for child to demonstrate adequate progress.
- Despite modifications of instruction, curriculum, and environment, the child does not make sufficient progress to meet age or state-approved grade-level standards in one or more areas.
- Despite modifications of instruction, curriculum, and environment, progress monitoring data show variability across academic performance areas.
- The interventions needed to obtain an adequate level of performance or adequate learning rate are too demanding to be implemented with integrity without special education and related services.
- Progress monitoring data of increasingly customized and individually tailored instruction and intervention indicate that the child needs specially designed instruction to access the general curriculum.
- Despite implementation of intensive interventions, which include purposeful instructional design and delivery, prioritized content, protected time and grouping, and performance monitoring, the child does not make sufficient progress to meet age or state-approved grade-level standards in one or more areas.

For a child three to five years old, who is not yet enrolled in kindergarten.

- Data indicate that a need for intense or sustained resources exists across settings, people, or situations.
- Data indicate that the disability has a substantial negative impact on the child's ability to participate in age appropriate activities.

NOTE:

Dyslexia is a Specific Learning Disability

In recent years, much debate has occurred regarding dyslexia and whether or not it is disability covered under the IDEA and in Kansas. The IDEA as well as Kansas statute and regulations recognize dyslexia as a disability as stated within the definition of Specific Learning Disability.

There is no requirement for the administration of any specific test, including intelligence tests, tests of psychological processes, or norm referenced tests of achievement in order to identify a child as a child with a learning disability. "The [U.S.] Department [of Education] does not believe that an assessment of psychological or cognitive processing should be required in determining whether a child has an SLD. There is no current evidence that such assessments are necessary or sufficient for identifying SLD."

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KSDE's guidance is that the use of IQ-Achievement Discrepancy to identify a child as a child with a learning disability is an inappropriate practice.

Based on information from a variety of sources that have been documented and carefully considered, the IEP Team has determined:

Yes <input type="checkbox"/>	No <input type="checkbox"/>	The student meets criteria for one or more of the fourteen disabling conditions consistent with the definition
Yes <input type="checkbox"/>	No <input type="checkbox"/>	The disability has an adverse effect on educational performance; and
Yes <input type="checkbox"/>	No <input type="checkbox"/>	The disability requires specially designed instruction.

All three **must** be yes in order for the student to be eligible for special education and related services if required to benefit from special education.

The IEP Team has also concluded:

Yes <input type="checkbox"/>	No <input type="checkbox"/>	The determination <i>is not</i> the result of lack of appropriate instruction in reading, including the essential components of reading instruction. The term “essential components of reading instruction” means explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency (including oral reading skills), and reading comprehension strategies.
Yes <input type="checkbox"/>	No <input type="checkbox"/>	The determination <i>is not</i> the result of lack of appropriate instruction in math; and
Yes <input type="checkbox"/>	No <input type="checkbox"/>	The determination <i>is not</i> the result of Limited English proficiency of the student

All three **must** be yes in order for the student to be eligible for special education and related services if required to benefit from special education.

IEP Team Signatures	Position	Date of Meeting	SLD Only*	
			Agree <input type="checkbox"/>	Disagree <input type="checkbox"/>
			Agree <input type="checkbox"/>	Disagree <input type="checkbox"/>
			Agree <input type="checkbox"/>	Disagree <input type="checkbox"/>
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			Agree <input type="checkbox"/>	Disagree <input type="checkbox"/>
			Agree <input type="checkbox"/>	Disagree <input type="checkbox"/>

**For SLD only. If an IEP Team member disagrees he/she must submit a separate statement of their reason for disagreement.*