Guidance for the Comprehensive Evaluation of Specific Learning Disabilities

TEA | **Texas SPED Support**
Texas Education Agency

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The Texas Education Agency has developed this document to provide technical assistance to local education agencies (LEAs). The intention of this document is to provide helpful, general information. It does not constitute legal advice nor is it a substitute for consulting with a licensed attorney. The information should not be relied upon as a comprehensive or definitive response to all specific legal situations. This document may not include a complete rendition of federal or state law.

NOTE: Throughout this guide when the term "parent or parents" is used, the term includes the definition aligned to 34 CFR § 300.30. That definition includes biological or adoptive parent, foster parent, guardian, an individual acting in the place of a biological parent with whom the child lives or is legally responsible for the child's welfare, or a surrogate parent as defined in 34 CFR § 300.519.

The federal language currently used to describe students as Limited English Proficient or English Language Learner is different from Texas regulations and language, which uses "a student identified as emergent bilingual" or Emergent Bilingual (EB). Throughout this guide the term "a student identified as emergent bilingual or emergent bilingual" will be used.

INTRODUCTION AND PURPOSE

The Individuals with Disabilities Education Act (IDEA) identifies thirteen educational disability conditions for which a student may be considered eligible to receive special education and related services. A specific learning disability (SLD) is one of the most identified educational disability conditions. A multidisciplinary team (MDT) conducts an evaluation and completes a written report that identifies the presence or absence of a disability condition, while the admission, review, and dismissal (ARD) committee determines the student's eligibility for special education and related services.

Disability Condition	Count	Percent
Specific Learning Disability	236,687	**33.6%**
Speech/Language Impairment	131,772	18.7%
Autism	108,477	15.4%
Other Health Impairment	90,662	12.9%
Intellectual Disability	68,733	9.8%
Emotional Disturbance	40,137	5.7%
Noncategorical Early Childhood	11,094	1.6%
Auditory Impairment	7,567	1.1%
Blind/Visual Impairment	3,699	
Orthopedic Impairment	3,208	< 1%
Traumatic Brain Injury	1,232	
Deaf/Blind	443	
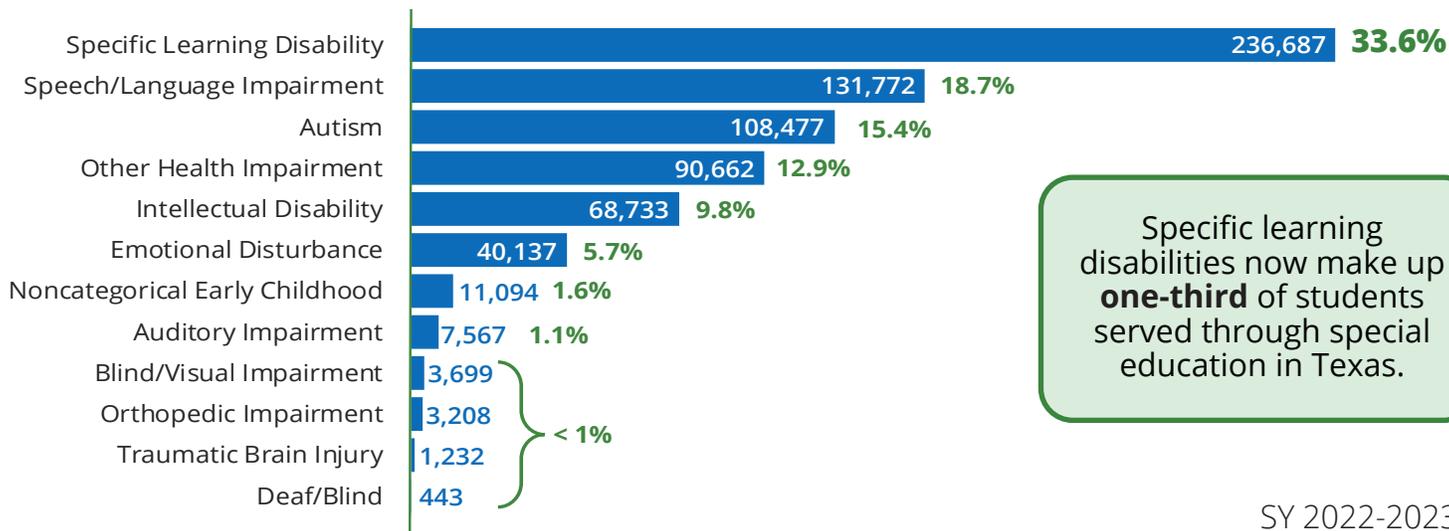
> Specific learning disabilities now make up **one-third** of students served through special education in Texas.

SY 2022-2023

Source data from a. Speced_dis_student23f by unique student id total and Windham submission. Dataset was collected as Enrollment in Oct Fall, 2022.

> **To be eligible for special education as a student with an SLD, a student must:**
> - ◆ meet the criteria for the condition of SLD; and
> - ◆ demonstrate an educational need for special education and related services because of the disability.

This guidance document serves as a resource for local education agencies (LEAs) and MDTs as they work collaboratively to evaluate students suspected of having an SLD, including dyslexia and dysgraphia. An overview of relevant regulations, educational disability condition elements, best practices, and special considerations related to the identification of an SLD is provided. This resource is best used in conjunction with the TEA Technical Assistance Guide: Child Find & Evaluation.

The primary goals of this document are to assist LEAs in:

- ◆ Conducting comprehensive educational evaluations of students suspected of having an SLD;
- ◆ Understanding the two methods of SLD identification; and
- ◆ Providing information in the full and individual evaluation (FIE) that will assist ARD committees in their decision-making process.

A section specific to dyslexia and dysgraphia is included. Additional evaluation considerations for students who are identified as emergent bilingual is also included.

There are designated representatives at each regional education service center (ESC) available to assist LEAs with procedures for evaluation.

For a glossary of special education terms and common acronyms, please see The Texas Legal Framework for the Child-Centered Special Education Process.

CHILD FIND

As required by IDEA, each Texas public school district and open enrollment charter school (when we use the term LEA, it applies to both school district and charter school) is required to ensure that all children who live within the LEA's boundaries and who require special education and related services because of a disability - regardless of severity - are identified, located, and evaluated. This obligation is known as child find.

Child Find Duty-Everyone's Responsibility

Self-Paced Online Course

Student Data Review Guide When Considering a Referral to Special Education

Student Data Review Guide Tools
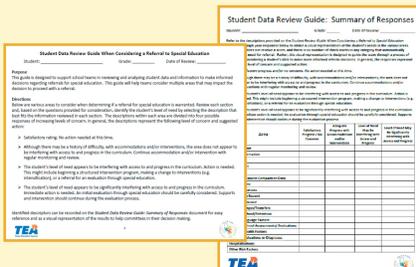
Special Education Referral for Initial Evaluation Quick Guide

Quick Guide
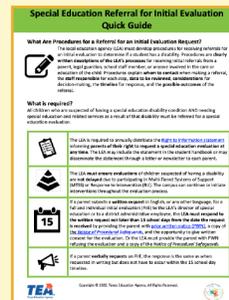
A student's parents, school personnel, and other persons involved in the education or care of the student can make a referral for a special education evaluation.

For more information and resources about child find and referral for initial evaluations, please visit the Texas Sped Support website and search for child find resources:

REQUIRED DOCUMENTATION TO PARENTS

Notification of Intervention

When students are struggling in school, they are frequently provided additional supports or interventions. The LEA must provide parents with notice whenever their child begins to receive intervention strategies. The notice must contain specific requirements. TEA has a frequently asked questions document as well as a student handbook statement to support LEAs in meeting this statutory requirement.

NOTE: An LEA may not delay or deny an evaluation of a child suspected of having a disability because of the implementation of an intervention process.

Prior Written Notice Quick Guide
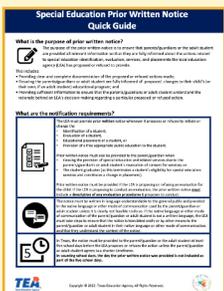
Prior Written Notice

The LEA must provide the student's parents with prior written notice (PWN) when it proposes to evaluate the student for possible special education eligibility and services or reevaluate the student to determine continuation of special education services and supports.

The TEA Texas Sped Support website has a quick guide related to prior written notice.

Notice of Procedural Safeguards

Upon initial referral or when a parent requests an evaluation (among other times), the LEA must provide the parents with the Notice of Procedural Safeguards: Rights of Parents of Students with Disabilities (NPS). It must be provided in their native language or other mode of communication unless it is clearly not feasible to do so. The Notice of Procedural Safeguards explains the parents' specific rights under the IDEA. The Special Education Information Center (SPEDTex) has the Notice of Procedural Safeguards available in multiple languages.

Notice of Procedural Safeguards

Special Education Informed Consent Quick Guide
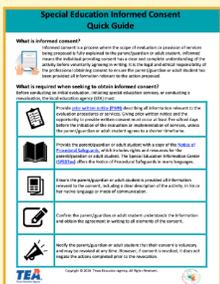
Informed Consent

The LEA must obtain informed consent in writing from the parent before conducting an initial evaluation or reevaluation.

TEA's Texas Sped Support website has a quick guide related to informed consent for evaluation.

Explanation of Rights Under IDEA

If a student is suspected of having dyslexia and may be a child with a disability, including when data supports a suspicion after the reading diagnostic assessments or screening, an LEA must distribute to parents an Overview of Special Education for Parents form, developed by TEA, explaining the rights under IDEA that may be additional to those under Section 504 of the Rehabilitation Act of 1973. The NPS meets the federally required notice of IDEA rights and is part of the process of seeking informed parental consent for evaluation, but the state requirement is a specific form summarizing the rights that might be additional to those offered under Section 504. The form is available in both English and Spanish, and many other languages found at SpedTex.org.

In regard to the form, LEA responsibilities include the following when an initial special education evaluation has been requested by a parent, or the LEA has referred the student for an initial evaluation:

◆ When dyslexia is suspected, the LEA must distribute the form when the LEA issues to parents the prior written notice of its proposal to conduct an evaluation, a copy of the NPS, and the opportunity to consent to the evaluation [19 TAC §89.1011(b)(1)], or when the LEA issues to parents the prior written notice of its refusal to conduct an evaluation and a copy of the NPS [19 TAC §89.1011(b)(2)];

◆ TEA expects LEAs to incorporate the distribution of this form in the same circumstances as above to every parent, regardless of the disability that is suspected.

◆ Parents need to be asked to acknowledge receipt of the form by signing and dating the last page. Each LEA will need to retain evidence of the parent's signature or documentation that the parent refused to provide a signature.

FULL AND INDIVIDUAL INITIAL EVALUATION PROCEDURES

The full and individual initial evaluation (FIIE) conducted for any suspected disability will assist in determining:

◆ Whether the student is a student with a disability in need of special education and related services,

◆ The impact of the disability on the student's access to and progress in the general curriculum, and

◆ The content of the student's individualized education program (IEP), including information related to enabling the child to be involved in and progress in the general education curriculum.

When conducting a comprehensive evaluation, IDEA requires the MDT to:

Use a **variety** of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent	**Not** use any **single measure or assessment** as the sole criterion	Utilize **technically sound** instruments	Ensure the student is **assessed in all areas** related to the suspected disability

The assessments and other evaluation materials must be:

- **Nondiscriminatory** based on race or culture;
- Administered in the student's **native language** or mode of communication;
- Likely to yield accurate data on what the student knows and can do **academically, developmentally, and functionally**;
- Used for the purposes for which they are **valid** and **reliable**;
- Administered by **trained** and **knowledgeable** personnel;
- Administered according to **instrument instructions**;
- Aligned to specific areas of **educational need**; and
- Reflective of the student's **aptitude** and **achievement**.

The evaluation must be adequately comprehensive to identify all the student's special education and related service needs, regardless of whether those needs are commonly linked to the disability or not (34 CFR §300.304).

PRINCIPLES FOR AN APPROPRIATE AND COMPREHENSIVE SLD EVALUATION

To set the stage for an appropriate and comprehensive evaluation for a suspected SLD, the National Center for Learning Disabilities, in collaboration with other organizations, outlined eight joint principles.

Principle 1

All students should have access to general education that includes rigorous, differentiated, universally designed core instruction, as well as supplemental, evidence-based interventions designed to respond to students' individual needs.

Principle 2

Education professionals - working as a team - should have the preparation, ongoing training, and resources required to: collect and use universal screening information; select and administer assessments to measure student learning and monitor progress; and provide evidence-based instruction and interventions to support students in accessing the core general education curriculum.

Principle 3

Teams of education professionals should establish and maintain clear lines of communication with families to gain valuable input related to a student's strengths as well as academic, social, behavioral, and health needs to ensure that families, students, and service providers can participate in collaborative decision making about future instruction.

Principle 4

An evaluation must lead to a clear, unbiased, and timely decision regarding special education eligibility and inform future instruction, whether the student requires special education or not.

Principle 5

Policies for determining student eligibility for special education services under the SLD classification should require the use of valid and reliable measures and ensure consistency across LEAs.

Principle 6

Comprehensive evaluations for special education eligibility under the SLD category must include data from targeted, valid, and reliable measures that are tailored to the unique learning and behavioral profile of each student. The selection of measures and an eligibility determination must consider both best practice and professional judgment.

Principle 7

Assessments that measure aspects of cognitive functioning may be used to rule out intellectual disabilities or to inform educational decisions by documenting areas in which the student is struggling or excelling.

Principle 8

Teams of education professionals should use the data collected on how a student responds to evidence-based interventions as an essential part of the evaluation. School personnel must not use response to intervention (RTI) procedures to delay a comprehensive evaluation and the determination of eligibility for special education services.

National Center for Learning Disabilities, Eligibility for Special Education Under a Specific Learning Disability Classification. Washington, D.C.: September 30, 2019.

SPECIFIC LEARNING DISABILITY ELIGIBILITY

Federal and State Definition

An SLD is a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

34 CFR 300.8(c)(10) and 19 TAC 89.1040(c)(9)(A)

NOTE: Dyslexia is an example of and meets the definition of an SLD under the IDEA. 19 TEC §29.0031

Key Elements of Texas SLD Identification

This graphic summarizes the required elements in identifying the eligibility condition of SLD as specified in 19 TAC 89.1040(c)(9). Each of the required elements will be described in greater detail on the following pages of this document.

1 Determination by a **MDT**.

2 **Observation** in the student's learning environment in the areas of difficulty.

3 Documentation of **inadequate achievement** based on multiple sources of data.

4 Verification of **appropriate instruction** in reading and math.

5 Examination of **exclusionary factors**.

6 Confirmation of insufficient progress based on **response** to scientific, **research-based intervention OR a pattern of strengths and weaknesses**.

1 MULTIDISCIPLINARY TEAM (MDT)

Once consent to evaluate the student is received from the parent, an MDT is formed, and this team assumes the responsibility of following all evaluation procedures. The MDT members may vary due to suspected areas of disability and the need for specific skill sets.

The Texas SLD eligibility criteria (19 TAC 89.1040(c)(9)(E)) states that the determination of whether a student suspected of having an SLD is a student with a disability must be made by:

◆ The student's parents;

◆ A team of qualified professionals (including a school psychologist, an educational diagnostician, a speech-language pathologist, or a remedial reading teacher). When evaluating for dyslexia, the team must include at least one person who has specific knowledge of dyslexia and related disorders, the reading process, and dyslexia instruction; and

◆ The student's regular teacher. If the student does not have a regular teacher, then a regular classroom teacher qualified to teach a student of his or her age or, for a student of less than school age, an individual qualified by the Texas Education Agency to teach a student of his or her age must be included.

PARENTS/
GUARDIANS

EVALUATION
PERSONNEL

MDT FOR SLD

STUDENT'S
REGULAR TEACHER

OTHER INDIVIDUALS
WITH SPECIAL EXPERTISE
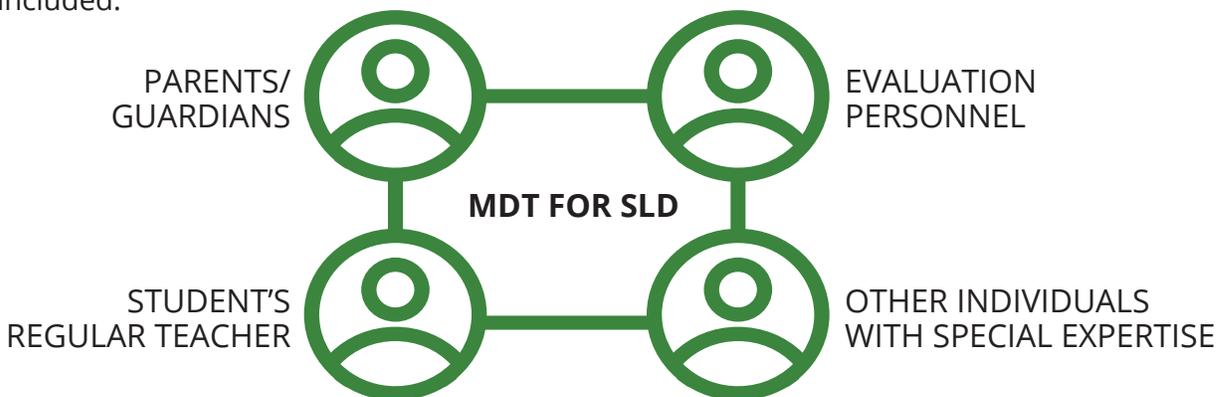
Each group member must confirm in writing whether the report aligns with the team member's interpretation. If it does not align with the team member's conclusion, the team member must submit a separate statement presenting the team member's interpretations and conclusions (34 CFR §300.311(b)).

Requirements for Member of the MDT With Dyslexia and Reading Knowledge

When dyslexia is suspected, a person with specific knowledge in the reading process, dyslexia and related disorders, and dyslexia instruction must serve on the LEA's MDT and any ARD committee that is convened to determine eligibility for special education and related services. TEC §29.0031, lists three means to satisfy this membership requirement:

- ◆ Be a licensed dyslexia therapist (LDT);

- ◆ Be an individual who holds the most advanced dyslexia-related certification issued by an association recognized by the State Board of Education (SBOE), and identified in, or substantially similar to an association identified in, either the rules or Handbook adopted by the SBOE; or

- ◆ If neither of the first two is available, be an individual who meets applicable training requirements adopted by the SBOE.

Because the SBOE must decide on certain qualifications and training requirements by June 2024, each LEA should analyze the current credentials and qualifications of existing staff and determine who is most appropriately trained to meet the specific knowledge required.

Best Practices for SLD MDT

- • Include individuals with knowledge of the student, instructional practices, and instructional options.
- • Include the interventionist(s) as part of the team, if the student receives intervention.
- • Work to ensure active contributions and integration of information and data from all team members.
- • Collaborate frequently as the evaluation progresses, as new assessment results may uncover additional suspected areas of disability.
- • Work together to review the multiple sources of data to identify consistent and inconsistent findings and draw conclusions about strengths and needs.
- • Develop recommendations that address the student's individual needs, as a team.

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2 ➤ OBSERVATION

As part of the data collection and educational disability criteria for an SLD, the MDT must ensure the student is observed in the student's learning environment, including the regular classroom setting, to document the student's academic performance and behavior **in the areas of difficulty**.

Information from an observation during routine classroom instruction and monitoring of the student's performance must be included that was either:

- ◆ Conducted before the student was referred for an evaluation, or

- ◆ Conducted by at least one of the members of the team after the student has been referred for an evaluation and the LEA has obtained parent consent.

In the case of a student of less than school age or out of school, a member of the MDT must observe the student in an environment appropriate for a student of that age.

> **Best Practices for Observation**
> - Conduct observations prior to individual student assessment to reduce the impact of the evaluator's presence in the classroom on the student's behavior.
> - Complete multiple observations of different tasks and activities related to the area of difficulty. Ask teachers if the observation that day represented the student's typical performance and behavior.
> - Observe the student in a learning environment where the student exhibits strengths as well as needs.
> - Consider observing the student during the implementation of an intervention that targets a skill being evaluated.
> - Use information from the observations to inform the overall analysis of other sources of data and to inform recommendations.
> - Include a description of the activities and the student's behaviors while performing the tasks. How does the target student's participation in the task compare to peers in the classroom?

3 ⟶ INADEQUATE ACHIEVEMENT

Our state eligibility determination for SLD states a student with an SLD is one who, when provided with learning experiences and instruction appropriate for the student's age or state-approved grade-level standards as indicated by performance on multiple measures, does not achieve adequately for the student's age or does not meet state-approved grade-level standards in one or more of the eight areas of achievement described below.

The MDT must gather and review data to determine if, when provided learning experiences and instruction appropriate for their age or grade-level standards, the student is not achieving adequately. In other words, the student demonstrates inadequate achievement in one or more of the following eight areas.

Eight Areas of Inadequate Achievement

The eight specific areas of achievement that are considered for SLD are: oral expression; listening comprehension; written expression; basic reading skill; reading fluency skills; reading comprehension; mathematics calculation; and mathematics problem solving. While not specifically defined or described in statute or rule, below are generally understood descriptions for each area.

1 Oral Expression

Oral expression is the ability to express wants, needs, thoughts, and ideas in a meaningful way. It includes how well someone can communicate ideas, describe his/her thinking, retell stories, compare and contrast concepts, and problem solve orally. Often, a speech-language pathologist is involved in helping to assess achievement in this area.

2 Listening Comprehension

Listening comprehension is the ability to understand the meanings of words and sentences of spoken language. This includes following directions, comprehending questions, listening and understanding in order to learn, and making connections to previous learning. Often, a speech-language pathologist is involved in helping to assess achievement in this area.

3 Written Expression

Written expression is the ability to communicate thoughts and ideas through writing. Written expression includes the generation of ideas, the production of writing, including handwriting and spelling, application of grammar, text fluency, sentence construction and planning, and overall execution of the writing process. This is an area where students with dysgraphia typically demonstrate underachievement.

4 Basic Reading Skill

Basic reading is reflective of a student's ability to read at the word level. It includes skills such as phonemic awareness, phonics, word decoding, and word recognition. This is an area where students with dyslexia typically demonstrate underachievement.

5 Reading Fluency Skills

Reading fluency refers to the ability to read connected text accurately (accuracy), at an appropriate speed (rate), and with appropriate phrasing and expression (prosody). Reading fluency facilitates reading comprehension. This is an area where students with dyslexia typically demonstrate underachievement.

6 Reading Comprehension

Reading comprehension refers to the ability to understand and make meaning of written text. Reading comprehension is considerably impacted by basic reading skills and reading fluency, as well as by language skills (e.g., vocabulary knowledge).

7 Mathematics Calculation

Math calculation is the knowledge and retrieval of mathematical facts and the application of computation knowledge. Math calculation includes number sense or numerical knowledge (including counting, addition, subtraction, multiplication, and division), measurement, spatial sense and geometry, patterning and algebra, and data management & probability.

8 Mathematics Problem Solving

Math problem solving is the ability to use decision-making skills to apply mathematical concepts and understandings to real world situations. It is impacted by calculation skills, but also requires students to understand and apply problem solving steps and processes. It is the application of math knowledge and skills to solve problems.

NOTE: Dyslexia is a specific learning disability (SLD). TEC §29.0031 states dyslexia is an example of and meets the definition of a SLD under IDEA. This is in conformity with IDEA's federal regulations at 34 CFR §300.8(c)(10), which specifically lists dyslexia as an example of an SLD. TEA provides the following guidance associated with an evaluation for dyslexia:

The condition of dyslexia, if identified, must be documented and used in a student's evaluation and any resulting IEP. However, for purposes of the Public Education Information Management System (PEIMS), 34 CFR §300.311 requires specific documentation of a child's eligibility determination as a child with an SLD. TEA anticipates that each LEA will add dyslexia to its list of SLD areas. In other words, dyslexia would be added to the existing eight areas so that ARD committees can simply select "dyslexia" to indicate the type of SLD identified.

OSERS's October 23, 2015 Dear Colleague letter on dyslexia clarifies that there is nothing in the IDEA that would prohibit the use of the terms dyslexia, dyscalculia, and dysgraphia in IDEA evaluation, eligibility determinations, or IEP documents.

Multiple Measures to Determine Achievement

INFORMAL
- Referral Data
- Record Review
- Vision/Hearing Screening
- Work Samples
- Parent Information/Interview
- Teacher Information/Interview
- Observations - School/Home

CURRICULUM-BASED
- Teacher-made/Textbook Quiz
- District Benchmarks
- Curriculum Based Measurement (CBM)
- Running Records
- Progress Monitoring
- Universal Screeners

NORM-REFERENCED
- Standardized Measures:
  - Achievement Tests
  - Cognitive Tests
- Developmental Measures
- Specialized Measures

CRITERION-REFERENCED
- State of Texas Assessments of Academic Readiness (STAAR®) and STAAR Alternate (ALT) 2
- Universal Screeners
- Iowa Test of Basic Skills (ITBS
- Brigance Test
- TELPAS and TELPAS ALT
- Advanced Placement Tests
- SAT and ACT

Determining the student's achievement is accomplished by using multiple measures, such as in-class tests, grade average over time (e.g., six weeks or semester), norm- or criterion-referenced tests, and statewide assessments (19 TAC 89.1040(c)(9)(B)(ii)). Data collection and analysis from multiple sources, including informal, curriculum-based, criterion-referenced, and norm-referenced, is necessary to determine if the student is failing to achieve in one or more areas connected to SLD. Using multiple measures involves looking at more than just scores. Qualitative data, such as observations, teacher input, and parent interviews, yields important information. The graphic above is not exhaustive but provides examples of different types of data sources.

Informal data identifies the student's strengths and needs without norms. **Curriculum-based data** identifies the student's performance level within the taught curriculum. **Criterion-referenced data** identifies the student's performance level in relation to specific tasks or expectations. **Norm-referenced data** identifies the student's strengths and weaknesses compared to groups of students their same age or grade.

Why is the use of multiple measures so important?

When making high stakes decisions multiple measures need to be considered to avoid using one cut off score. For example, the guide titled, The Identification of Specific Learning Disabilities: A Summary of Research on Best Practices, shows an example, listed below, of the importance of using multiple measures.

All SLD identification methods have problems with reliability. If a formula or firm threshold is used, a student identified with one method may not be identified with SLD using another method or even another

set of tests. The issue of low agreement is a universal concern when identifying learning disabilities using psychometric tests with fixed cut points. In addition, different measures are correlated, and the measures themselves are slightly unreliable, so it becomes difficult to assess exactly where an individual resides relative to a fixed cut point. This is true whether the cut point is the score on an achievement test, such as everyone who reads below the 15th percentile has SLD. It is also true if we use a 16-point IQ-achievement discrepancy or a threshold of 60 words read correctly on an oral reading probe in an RTI method. Our ability to assess precisely where the student's true score is relative to this firm threshold is not reliable. Even with the same student, different tests or the same tests on different measurement occasions will generate a range of scores around the 15th percentile, a 16-point discrepancy, or reading 60 words per minute. If we have multiple tests of the same type of achievement and they are consistently below these thresholds, we can be more confident that the student's true score is below the threshold. Even better, we could express the unreliability of the test as the standard error of measurement and specify a confidence interval, so that a range of scores could indicate the presence of SLD. We could also incorporate other data supports that might inform the judgment of the ARD team, such as previous academic and classroom performance, grades, observations of the child, and the parents' and teacher's perceptions of the student's performance.

Review of Existing Evaluation Data (REED) Resources

Review of Existing Evaluation Data (REED)

An important source of information about the student's achievement comes from a review of the student's records, also called a review of existing evaluation data (REED). A REED is the process of looking at a student's existing data to determine what, if any, additional data are needed.

It can be helpful for the MDT to collaborate during a planning meeting to conduct a REED and identify additional data that needs to be collected. This helps to focus the evaluation and determine which achievement areas (e.g., basic reading, math calculations, oral expression) will require additional data to determine if the student is achieving adequately or not.

Examples of Existing Evaluation Data:

Previous school evaluation(s)	Existing outside evaluations and other information provided by parents	Teacher information, report cards, and comments from previous school years	Curriculum based, local benchmark and screenings, and state assessments

Additional Sources of Data

Once the MDT has reviewed existing data, they begin collecting new data to help identify if the student is not achieving adequately and potential causes.

It is important to gather information and data from several sources to ensure the evaluation is comprehensive and to provide evidence to support conclusions. Identifying if the student is underachieving in one or more areas is based on **the preponderance of data** rather than a single score or piece of information.

Data from standardized, norm-referenced instruments that are valid and reliable can be helpful in the determination of SLD and provide valuable data that assist with understanding the student's learning and performance. However, evaluators must consider standardized scores in light of other data, the student's behavior and affect during the testing session, the normative population, and any other variables that may have influenced scores obtained during an isolated assessment.

When there is inconsistency between sources of data, evaluators should take a diagnostic approach to identify reasons for the differing sets of data. Error analysis of the student's performance should be conducted, and the construct of the task compared to the student's curriculum should be examined. **Evaluators should not rely on interpretative models or processes that exclude evidence of a disability based on predetermined score profiles or cut-off scores.**

Best Practices for Assessing Achievement

- Review existing data before administering new assessments to help focus areas where additional data is necessary.
- Focus time and energy on directly assessing areas of academic concern to help identify where a student's skills break down and inform potential interventions.
- Carefully consider all data (e.g., criterion referenced, curriculum-based, norm referenced, informal) to identify areas of adequate and inadequate achievement.
- Collaborate with teachers and other curriculum specialists when interpreting the implications of a student's performance on curriculum-based measures, universal screeners, district benchmarks and other criterion-referenced assessments.
- Review data, both formal and informal, in the context of the student's performance in the classroom. When data indicates that the student's performance is atypical compared to peers, evaluators should investigate all possible underlying causes including disability-related factors.

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4 APPROPRIATE INSTRUCTION IN READING AND MATH

To ensure a student's underachievement is not due to lack of appropriate instruction in reading or math, the MDT must consider as part of the evaluation:

- ◆ Data that demonstrates the student was provided appropriate instruction in reading and/or math in the general education settings delivered by qualified personnel; and

- ◆ Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal evaluation of progress of the student during instruction, which was provided to the parent of the child. Data-based documentation of repeated assessments may include, but is not limited to, RtI progress monitoring results, in-class tests on grade-level curriculum, or other regularly administered assessments. Intervals are considered reasonable if consistent with the assessment requirements of a student's specific instructional program. ([19 TAC 89.1040(c)(9)(C)](#)).

In addition to reviewing school records, it can be helpful to interview the parents or adult student about the student's school history and access to reading and math instruction. It is helpful to know, for example, if the student participates in any outside tutoring or other academic supports provided by the family.

When analyzing whether a student has received appropriate instruction, it can be helpful to review district, school, and grade-level data from benchmark or universal screening in reading and math. Other school wide data sources such as the State of Texas Assessments of Academic Readiness (STAAR®) are also informative for this purpose. Including school and grade level data as part of the evaluation report can help teams analyze the student's performance in comparison to peers at the campus, school, and district level. Multiple sources of data (e.g., academic records, intervention access and progress, school history, family and teacher information, and classroom observations) will need to be considered. Other relevant data sources might include student attendance records, student mobility information, and discipline records.

Students may have experienced extended school closures or other disruptions to instruction due to pandemics, natural disasters, or other events. Unfortunately, learning loss is often the result. MDTs are challenged to distinguish between learning loss and learning disabilities. A careful review of performance prior to the disruption, comparisons with peer performance, and consideration of any intervention data will help teams determine if the student received appropriate instruction.

5 EXCLUSIONARY FACTORS IN SLD IDENTIFICATION

Students may display underachievement for various reasons. Not every student with inadequate achievement has an SLD. As part of the process of identifying a student with an SLD, the MDT must determine whether specific factors (listed below) are the **primary** reason for the student's difficulties in learning and academic performance (19 TAC 89.1040(c)(9)(B)(iv)).

A visual, hearing, or motor disability

Vision and hearing screenings are routinely conducted in Texas schools and are required by Texas regulations. Health records should be reviewed to determine if the screening results indicate a possible vision and/or hearing problem. If there are lingering concerns about vision and/or hearing, the student can be re-screened. When screening results suggest a possible vision and/or hearing concern, a referral to an optometrist, ophthalmologist, otolaryngologist and/or audiologist may be necessary.

Assessment observations, interviews, and record reviews may reveal concerns with motor skills. The school nurse or other professionals (e.g., occupational or physical therapist) might conduct motor skill screenings. If there are concerns with motor skills, a referral to a physical or occupational therapist or a medical practitioner may be necessary.

If a student's vision, hearing, or motor disability is the primary cause of the student's academic underachievement, then the student is not identified as having an SLD. However, a common misconception is that the mere presence of a sensory or motor disability automatically rules out an SLD. This is not true. A sensory or motor impairment can coexist with an SLD. MDTs need to consider this possibility, particularly when students are not progressing as expected despite having appropriate supports and services in place to meet the needs that result from the sensory or motor impairment. Please see TEA's Sensory Impairments and Specific Learning Disabilities document for more information.

NOTE: When the LEA discovers that additional evaluation by an outside provider is necessary (e.g., audiological or medical evaluation), the LEA is responsible for ensuring those evaluations occur at no cost to the family within the evaluation timeline.

Intellectual disability

If there are concerns about a student's overall intellectual and adaptive behavior functioning, the student's cognitive functioning and adaptive behavior should be formally assessed. If the student is determined to meet the criteria of a student with an intellectual disability, then the student is not identified as having an SLD.

Emotional disturbance

Some students with academic difficulties may also display internalizing (e.g., worrying, sadness) or externalizing (e.g., verbally or physically aggressive) behaviors. For these students, assessment of how behaviors have and are impacting academic achievement and access to instruction is necessary. For example, students who engage in challenging behavior may have missed significant amounts of instructional time. If an emotional disturbance is suspected or already identified, the team must gather and analyze data to determine if the primary reason for the student's academic difficulty is emotional and behavioral disability rather than an SLD. If an emotional disturbance is determined to be the primary cause of the student's academic difficulties, an SLD is not identified. However, it is possible for a student to have both an emotional disturbance and an SLD. A comprehensive team evaluation that carefully considers the student's history, onset and development of academic and behavioral concerns, access to instruction and intervention, and behavior and academic needs across subjects, settings, and environments can help with proper identification.

Environmental, cultural, or economic disadvantage

The MDT must also assess whether issues regarding environmental, cultural, or economic disadvantage are the primary source of a child's academic underachievement. Situations such as homelessness, frequent moves, child abuse, poor nutrition, and other factors may adversely affect a student's ability to acquire academic skills. Students may also display academic difficulties related to their acculturation experience in the United States. Thorough record reviews, interviews with the family and caregivers, and developmental histories are critical tools to assess these issues. If environmental, cultural, or economic factors are the primary cause of the student's academic underachievement, then SLD is not identified. MDTs must also remember that it is possible, for example, for a student to experience homelessness and have an SLD. The central question comes down to whether the environmental, cultural, or economic disadvantage factor(s) are the primary cause(s) of the academic issues.

Language proficiency

Student should not be identified as eligible for special education when the cause of their academic difficulties is related to their level of English proficiency. All students must be screened to determine if their primary home language is not English. If so, the student's proficiency in the English language (listening, speaking, reading, and writing) must be assessed by school personnel. Research has indicated that students who are emergent bilingual may take two years or more to acquire basic interpersonal communication skills (BICS) and five to seven years, or more, to acquire cognitive academic language proficiency (CALP) that is required to function effectively in content subjects. Students who are in the process of learning English may display academic deficits, especially if their education has been disrupted. However, MDTs must be careful to not automatically assume that student with a home language other than English cannot have learning disabilities. A student can be both emergent bilingual and have an SLD. There are risks to both over and under identification with this population of students.

Special considerations are needed when evaluating children who are emergent bilingual. Professionals involved in the evaluation process need specialized training and knowledge in areas such as second language acquisition, cross-linguistic interpretation, and bilingual or English as a Second Language (ESL) program models. Collaboration between the MDT, the child's ESL or bilingual teachers, and language proficiency assessment committee (LPAC) members is crucial. These professionals should share information and collaborate on the interpretation of any data collected for children identified as emergent bilingual.

Language proficiency is a key component of the evaluation process for emergent bilingual children and should include data on both social language skills and academic language proficiency. Evaluators should remember that language proficiency is developed through both exposure and use, so detailed documentation should be gathered on the child's history of language development and language(s) of instruction. Assessment instruments should be chosen based on the child's language proficiency

and in accordance with the instructional programming they receive (e.g., ESL, dual language, bilingual). Interpretation of evaluation data should also be guided by these same factors. The Dyslexia Handbook includes guidance specific to the evaluation of emergent bilingual children when dyslexia is suspected. TEA's Bilingual and English as a Second Language Education Programs webpage provides information on supports and services for emergent bilingual students.

> **Best Practices for Considering Exclusionary Factors**
>
> - Consider the student's progress in comparison to like peers whenever possible (e.g., other emergent bilingual students).
> - Review and analyze student progress across time and content areas. For example, is the student only struggling in one subject area when multiple areas would likely be impacted by the exclusionary factor(s)?
> - Review the student's history to analyze how academic difficulties correspond to any changes with the students environmental, cultural, or economic experiences or events.
> - Gather necessary data early in the evaluation process to ensure there is time for any follow up screenings or assessment to take place.

6 — RESPONSE TO INTERVENTION (RTI) OR A PATTERN OF STRENGTHS AND WEAKNESSES (PSW)

IDEA specifies that criteria adopted by a state for determining whether a child has an SLD must not require the use of severe discrepancy between intellectual ability and achievement; 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.

In Texas, the student **must** either demonstrate an insufficient response to scientific, research-based intervention or exhibit a pattern of strengths and weaknesses (PSW) as one of the components considered to determine whether the child meets the eligibility criteria of SLD. LEAs may use either method as part of evaluating and identifying an SLD. The use of a severe discrepancy between IQ and achievement method is not used to determine the presence of an SLD in Texas.

Regardless of the method used, the identification of an SLD should:

- Utilize data sources within the context of the student's performance in the classroom. If the data indicates that the student's performance is atypical compared to peers, evaluators investigate all possible causes including disability-related factors.
- Be based on multiple reliable and valid data sources that provide information about the learner and the learning environment across settings and over time.
- Assist in understanding both why the student is having difficulties and how the school should intervene.

Response to Scientific, Research-Based Intervention (RTI) Method

LEAs may choose to use an RTI method as part of the evidence for determining the presence of an SLD. An RTI method is used to determine whether the child "does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the eight academic achievement areas based on the child's response to scientific, research-based intervention" (19 TAC 89.1040(c)(9)(B)(iii)(I)).

> "While the Department of Education does not subscribe to a particular RTI framework, the core characteristics that underpin all RTI models are: (1) students receive high quality research-based instruction in their general education setting; (2) continuous monitoring of student performance; (3) all students are screened for academic and behavioral problems; and (4) multiple levels (tiers) of instruction that are progressively more intense, based on the student's response to instruction."

(Office of Special Education Programs. Memo 11-07 A Response to Intervention (RTI) Process Cannot Be Used to Delay-Deny an Evaluation for Eligibility under the Individuals with Disabilities Education Act (IDEA))

Research-based instruction and intervention are generally effective for most students. In an RTI method, research-based interventions are implemented with fidelity, progress is monitored, and interventions are adjusted. In this method, student data demonstrating a lack of response to scientifically research-based interventions is part of the evidence for the identification of an SLD and potential need for specially designed instruction. At its core, an RTI method analyzes data to determine how a student has responded over time to high quality instruction and intervention. Students who fail to respond or demonstrate an inadequate response (i.e., the rate of improvement is not sufficient to allow them to close gaps) may be identified as having an SLD (assuming they meet all other criteria).

OSERS has clarified **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 even if an RTI process is used. The results of an RTI process may be one component of the information reviewed as part of the evaluation procedures required under 34 CFR §§300.304 and 300.305"** (OSERS Questions and Answers on RTI and Early Intervening Services (EIS), January 2007).

One way to conceptualize the components of an evaluation that uses an RTI method is to engage in a data gathering and analysis process that ensures three criteria are met:

1. There are multiple sources of evidence that demonstrate low achievement in academic area(s) (i.e., one or more of the eight areas of academic underachievement).

2. There is documented evidence and data that demonstrates inadequate response to instruction and research-based intervention.

3. There is not another primary cause of academic underachievement or failure to respond (e.g., intellectual disability, sensory impairment, lack of instruction, social or cultural factors).

Low achievement is established using a variety of sources such as norm-referenced assessment, curriculum-based measures, and others, as discussed earlier in this document.

Determining an inadequate instructional response requires implementation of evidence-based interventions, delivered with fidelity, and reliable progress monitoring data collection processes to analyze the child's rate of improvement. Throughout the intervention period, the student is regularly administered progress monitoring assessments (e.g., curriculum-based measures for oral reading fluency) that are used to monitor growth in relation to student goals and expectations when compared to local or national norms and benchmarks (i.e., progress is measured against a criterion). The student's performance during and after intervention helps identify how the student has responded and where they currently stand in relation to grade level expectations. Federal and state regulations do not indicate how inadequate a rate of improvement must be to qualify for special education under the SLD designation. Rigid cut points or scores are not recommended. Instead, all the data is reviewed collectively to help identify if the student's response and rate of improvement is indicative of a learning disability. Analyzing the rate at which skill gaps are closing is critical. A key question is if the student will need specially designed instruction to access and progress in the general curriculum.

As with any method of SLD identification, the reason for the student's lack of achievement (or lack of response if using RTI method) may be due to factors other than a learning disability. Thorough assessment and consideration of other factors (e.g., intellectual disability, sensory impairment, social or cultural factors, lack of appropriate instruction) are critical in SLD evaluations.

TEA's Tiered Interventions Using Evidence Based Research (TIER) technical assistance network provides training and resources on key components used in an RTI method including screening, progress monitoring, and research-based interventions.

TIER Resources

Additional information regarding the use of RTI in determining SLD eligibility is available in a question-and-answer format from the Office of Special Education Programs (OSEP).

NOTE: LEAs may not have policies, procedures, or practices that require a student to receive or complete tiers of intervention prior to seeking consent for a special education evaluation. Students who are suspected of having a disability and needing special education must be referred for evaluation. If using an RTI method for identification, the evaluation and interventions may need to occur simultaneously. In cases where intervention has already started, they should continue during the evaluation process.

Also note that if a student has participated in a scientific, research-based intervention, then the evaluation must include documentation that the student's parents were notified about the student's participation, the instructional strategies utilized to increase the student's rate of learning, the data collected during progress monitoring, and the right to request an evaluation (34 CFR §300.311(a)(7)).

Recommended Best Practices When Using an RTI Method

- Communicate regularly with parents about the type and intensity of interventions needed for their child to succeed.
- Ensure that strong screening procedures are in place to identify students at risk early so that interventions can begin before there is suspicion of a disability and need for special education. Intervening early prevents skill gaps from widening and problems becoming intractable.
- Use strong evidence-based interventions implemented with fidelity, but also high-quality core curricular instruction. Intervention layers on top of already strong instruction. To learn more about high-quality instructional materials, including available TEA resources and the Texas Resource Review, please visit the TEA Instructional Materials webpage.
- Ensure that implementation of interventions and data collection for progress monitoring continue throughout the evaluation process.
- Validate that staff have received training to implement instruction and intervention programs and that they have been implemented with fidelity.
- Strong RTI methods avoid the use of firm thresholds or cut-points for determining intervention response. Multiple sources of data are needed.

Pattern of Strengths and Weaknesses (PSW) Method

LEAs may choose to use a PSW method as part of the evidence for determining the presence of a specific learning disability. A PSW method is defined as "exhibiting 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 to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with 34 CFR 300.304 and 300.305" (19 TAC 89.1040(c)(9)(B)(iii)(II).

A PSW method uses multiple sources of data comprised of both informal and formal assessment information. It is a way of organizing data across multiple areas, including academics, intellectual functioning, language/communication, and emotional/behavioral/social behaviors to complete a comprehensive evaluation.

Although Texas allows PSW as a method of SLD criteria and identification, it does not specify that a particular model for analyzing and interpreting data (i.e., pattern seeking) must be used. There are different ways that a PSW approach can be conceptualized. TEA does not endorse nor recommend a specific model of PSW.

If using a specific PSW model for data analysis, teams cannot rely on single scores or calculations to make determinations. Formula-based decisions are often unreliable and should not be used as the primary or sole basis for determination. Predetermined cut scores (boundaries of proficiency or categories) should not be used as the sole source for determining strengths and weaknesses. Regardless of the assessment tools, confidence intervals should be used and take into account the measurement error of the tests and permit the expression of a range of scores, not a set cut-point.

The MDT should examine the data for characteristics of a disability displayed repeatedly across data sets and over time. The MDT should consider the following:

◆ Does the data present a PSW in performance, achievement, or both that is atypical compared to age, grade-level standards, or intellectual development? Is that pattern relevant to the identification of SLD? Does the pattern appear to be attributable to disability?

◆ When assessing cognitive processes and academic skills, are there deficits in academic areas that correlate with processing deficits? For example, weaknesses in word reading may correspond to deficits in phonological processing. Note, however, that while these types of correlations may be present and can be helpful to consider in the overall analysis of data, it is not required that a student demonstrate a specific normative cognitive weakness on standardized assessments as demonstrated by achieving below a certain threshold to otherwise display a PSW relevant to the identification of an SLD. For example, some students with SLD in basic reading, including with the condition of dyslexia, may not demonstrate a normative deficit in cognitive processing testing but rather within their academic performance and achievement data.

NOTE: Significant variance (i.e., discrepancies) among specific areas of cognitive function (e.g., working memory and verbal comprehension) or between specific areas of cognitive function and academic achievement is not part of the PSW method described in state rule. Applying a requirement for such a variance would result in excluding students who might otherwise qualify with an SLD.

There are no requirements specifying that a student demonstrates a specific number of strengths and weaknesses within their data, however a pattern of strengths and weaknesses in performance, achievement, or both is necessary. The pattern is relative to age, grade-level standards, or intellectual development. Evaluators must select, administer, and interpret norm-referenced instruments in conjunction with other relevant data from the student's performance. Consider all data collectively and ensure that one score or calculation is not superseding the preponderance of data gathered when determining if there is a PSW relevant to the identification of an SLD.
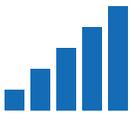
Strengths in skills and abilities in areas of performance and/or achievement, including academics, intellectual functioning, behavior/social/emotional, and language/communication.

Recommended Best Practices When Using a PSW Method

- Interpretations should be described in plain language that explain the student's results accurately and clearly to the parents or guardians and the rest of the ARD committee.
- Cautiously use interpretations generated from computer scoring systems, as these may not take into account other data or individual performance.
- MDTs use corroborating data and information to aid in score interpretation.
- MDTs should examine and categorize each piece of data/information (e.g. informal, norm-referenced) when identifying patterns of strength and weakness.
- Whenever possible, use tests with the same normative samples. Be aware of profile differences that are a consequence of using tests with different normative samples.

DYSLEXIA AND DYSGRAPHIA

In this section we will discuss two conditions, dyslexia and dysgraphia, that may qualify a student as a student with an SLD under the IDEA. TEC Sec. 29.0031(a) states that dyslexia is an example of and meets the definition of an SLD under the IDEA. In addition, OSEP provided clarification and guidance on the use of these terms by MDTs.

> "There could be situations where the child's parents and the team of qualified professionals responsible for determining whether the child has a specific learning disability would find it helpful to include information about the specific condition (e.g., dyslexia, dyscalculia, or dysgraphia) in documenting how that condition relates to the child's eligibility determination."

OSEP Dear Colleague Letter on Individuals with Disabilities Education Act (IDEA) / Individual Education Program (IEP) Terms, 2015.

In Texas, we have additional state rules and regulations specific to dyslexia and dysgraphia that help MDTs know when these terms apply. Therefore, these terms should be used throughout evaluation reports and IEPs as appropriate when describing these specific forms of learning disabilities.

Dyslexia

The Texas Education Code (TEC) §38.003 defines dyslexia and related disorders in the following way: "'Dyslexia' means a disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity. 'Related disorders' include disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability."

There are specific evaluation domains and questions outlined in the Dyslexia Handbook that must be used when determining the presence of dyslexia. There is no single instrument, score, or formula that will automatically rule in or rule out dyslexia. It is not required that a student demonstrate a specific cognitive weakness on standardized assessments as demonstrated by achieving below a certain threshold to otherwise display a pattern of strengths and weakness relevant to the identification of dyslexia. Dyslexia identification is based on the preponderance of evidence. The ARD committee must interpret evaluation test results in light of the student's educational history, linguistic background, environmental or socioeconomic factors, and any other pertinent factors that affect learning.

The team must first look for a pattern of evidence reflective of the primary characteristics of dyslexia, i.e., unexpectedly low performance in some or all of the following areas:

◆ reading words in isolation,

◆ decoding unfamiliar words accurately and automatically,

◆ reading fluency for connected text (rate and/or accuracy and/or prosody), and

◆ spelling (an isolated difficulty in spelling would not be sufficient to identify dyslexia).

Teams should keep in mind that a deficit in one area of phonological awareness can limit reading progress and consider discreet skills (vs. composite scores), when drawing conclusions. Teams should also keep in mind that the presence of a sensory impairment, such as visual impairment, deaf-blindness, or being deaf or hard of hearing does not rule out the possibility of the presence of an SLD, including dyslexia. If the ARD committee determines that the student exhibits weaknesses in reading and spelling, the committee will then examine the student's data to determine whether these difficulties are unexpected in relation to the student's other abilities, sociocultural factors, language difference, irregular attendance, or lack of appropriate and effective instruction. It is not one single indicator but a preponderance of data (both informal and formal) that provides the committee with evidence for whether these difficulties are unexpected. In other words, the following questions must be considered when making a determination regarding dyslexia:

◆ Do the data show the following characteristics of dyslexia?

  • Difficulty with accurate and/or fluent word reading
  • Poor spelling skills
  • Poor decoding ability

◆ Do these difficulties (typically) result from a deficit in the phonological component of language? (Be mindful that average phonological scores alone do not rule out dyslexia.)

◆ Are these difficulties unexpected for the student's age in relation to the student's other abilities and provision of effective classroom instruction?
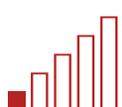
As documented in The Dyslexia Handbook Procedures Concerning Dyslexia and Related Disorders:

"Difficulties in the areas of letter knowledge, word decoding, and fluency (rate, accuracy, and prosody) may be evident depending upon the student's age and stage of reading development. In addition, many students with dyslexia may have difficulty with reading comprehension and written composition. Difficulties in phonological and phonemic awareness are typically seen in students with dyslexia and impact a student's ability to learn letters and the sounds associated with letters, learn the alphabetic principle, decode words, and spell accurately. Rapid naming skills may or may not be weak, but if deficient, they are often associated with difficulties in automatically naming letters, reading words fluently, and reading connected text at an appropriate rate. Memory for letter patterns, letter sequences, and the letters in whole words (orthographic processing) may be selectively impaired or may coexist with phonological processing weaknesses."
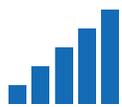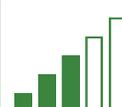
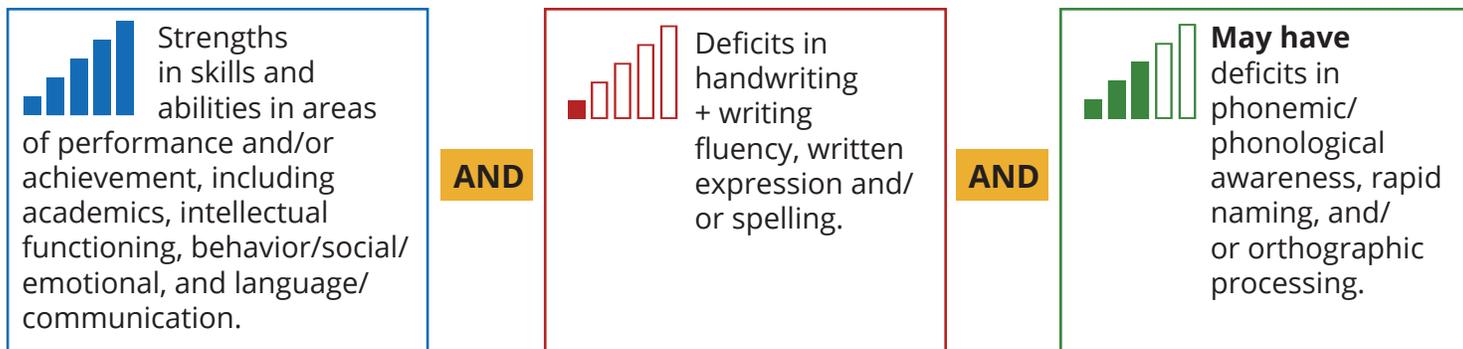| Strengths in skills and abilities in areas of performance and/or achievement, including academics, intellectual functioning, behavior/social/ emotional, and language/ communication.	**AND**	Deficits in reading words in isolation [basic reading], decoding unfamiliar words [basic reading], and/ or reading fluency and spelling.	**AND**	**May have** deficits in phonemic/ phonological awareness, rapid naming, and/ or orthographic processing.

In order to identify a student with dyslexia, the MDT will have assessment data in domains specific to dyslexia as required by the Dyslexia Handbook.

Dysgraphia

The Dyslexia Handbook states that:

"Dysgraphia is best defined as a neurodevelopmental disorder manifested by illegible and/or inefficient handwriting due to difficulty with letter formation. This difficulty is the result of deficits in graphomotor function (hand movements used for writing) and/or storing and retrieving orthographic codes (letter forms) (Berninger, 2015)."

A pattern of evidence would indicate unexpectedly low performance in handwriting, writing fluency, written expression, and/or spelling related to orthographic processing deficits in comparison to the student's other skills and abilities. It is important to note that a determination is based on a preponderance of data.

Strengths in skills and abilities in areas of performance and/or achievement, including academics, intellectual functioning, behavior/social/emotional, and language/communication.	**AND**	Deficits in handwriting + writing fluency, written expression and/or spelling.	**AND**	**May have** deficits in phonemic/phonological awareness, rapid naming, and/or orthographic processing.

As documented in The Dyslexia Handbook:

"Difficulties in the areas of letter formation, orthographic awareness, and general handwriting skills may be evident dependent on the student's age and writing development. Additionally, many students with dysgraphia may have difficulty with spelling and written expression. Memory for letter patterns, letter sequences, and the letters in whole words may be selectively impaired or may coexist with phonological processing weaknesses. When spelling, a student must not only process both phonological and orthographic information, but also apply their knowledge of morphology and syntax (Berninger & Wolf, 2009)."

It is important to note that individuals demonstrate differences in degree of impairment and may not exhibit all the characteristics listed above.

As documented in The Dyslexia Handbook:

If, through the evaluation process, it is established that the student has the condition of dysgraphia, then the student meets the first prong of eligibility under the IDEA (identification of condition). In other words, the identification of dysgraphia meets the criterion for the condition of an SLD in written expression. To identify a student with dysgraphia, the MDT will have assessment data in domains specific to dysgraphia as required by the Dyslexia Handbook.

For more information, please visit the TEA Dyslexia and Related Disorders webpage.

NOTE: Dyscalculia is a term used to describe a learning disability in math. Students identified with dyscalculia may be eligible to receive special education services for a specific learning disability in math calculation and/or math problem-solving skills. Dyscalculia is not one of the dyslexia related conditions identified in TEC §38.003(d)(1)-(2). However, dyscalculia can co-occur with dyslexia or other learning disabilities.

SPECIFIC DOCUMENTATION FOR THE ELIGIBILITY DETERMINATION OF SLD

IDEA requires specific documentation for a student suspected of having an SLD (see 34 CFR §300.311(a)).

The documentation of the determination of eligibility must contain a statement of:

Whether the child has an SLD.

The basis for making the determination is drawn upon information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the child's physical condition, social or cultural background, and adaptive behavior; and ensures that information obtained from all these sources is documented and carefully considered.

The relevant behavior, if any noted during the observation of the child, and the relationship of that behavior to the child's academic functioning.

The educationally relevant medical findings, if any.

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

Whether the child does not make sufficient progress to meet age or state-approved grade-level standards; 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.

The determination of the team concerning the effects of a visual, hearing, or motor disability; an intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the child's achievement level.

If the child has participated in a process that assesses the child's response to scientific, research-based intervention -

◆ The instructional strategies used and the student-centered data collected; and

◆ The documentation that the child's parents were notified about -

♦ 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;

♦ Strategies for increasing the child's rate of learning; and

♦ The parents' right to request an evaluation.

IMPACT ON ACCESS AND PROGRESS IN THE GENERAL CURRICULUM

The purpose of the FIE extends beyond identification of an SLD. There should be clear evidence within the FIE of **how the disability affects the student's access to and progress in the general curriculum**. The ARD committee needs this information to use in determining if the student is eligible for special education and, when eligible, for developing the IEP. The FIE should also include helpful data and information that is used to develop the present levels of academic achievement and functional performance (PLAAFP) and annual goals for the student, if they are determined eligible for special education and related services.

The MDT should also keep in mind the impact that an SLD has on additional content areas, such as science and social studies. In addition, the student's SLD may affect communication, such as communicating thoughts or comprehending conversations.

NOTE: A statement of how the student's disability impacts the student's access and progress in the general curriculum is required as part of the IEP. Including descriptions of how the disability impacts access to and progress within the general curriculum within the FIE will help ensure that the ARD committee has the necessary information to meet this IEP requirement.

For more information, see the Writing Effective Impact and Need Statements in the Full and Individual Evaluation recorded webinar.

RECOMMENDATIONS

After completing a comprehensive evaluation, the MDT should have much information and a strong understanding of the student's skills and needs. Regardless of whether a student meets federal and state criteria for an SLD, recommendations about the types of evidence-based interventions and other supports (e.g., accommodations, modifications) to assist the student are critical.

Evidence-based Interventions

The Every Student Succeeds Act (ESSA) emphasizes the use of evidence-based activities, strategies, and interventions. ESSA defines 'evidence-based' as an intervention that demonstrates a statistically significant effect on improving, or high-quality research findings likely to improve, student outcomes (ESSA Definition of Evidence-Based).

> **Best Practice:**
>
> The MDT should make recommendations in the FIE that address the student's need for evidence-based interventions. These recommendations will be based on data obtained after administering curriculum-based measurements in reading, math, and/or writing. The FIE should also recommend how these interventions will be progress monitored.

TEA's TIER network provides educators with resources on evidence-based interventions. Teachers and other professionals can receive training on intervention best practices from certified TIER trainers. Online courses are also available, with more being developed. The TIER website also includes intervention resources specific to reading, writing, and math.

Additional evidence-based intervention resources can be accessed through the What Works Clearinghouse. The Practice Guides cover a variety of content and grade levels.

Reading

Foundational Skills to Support Reading for Understanding in Kindergarten through 3rd Grade

Improving Reading Comprehension in Kindergarten through 3rd Grade

Improving Adolescent Literacy: Effective Classroom and Intervention Practices

Writing

Teaching Elementary School Students to Be Effective Writers

Teaching Secondary Students to Write Effectively

Math

Assisting Students Struggling with Mathematics: Intervention in the Elementary Grades

Improving Mathematical Problem Solving in Grades 4 Through 8

Teaching Strategies for Improving Algebra Knowledge in Middle and High School Students

REEVALUATION WHEN SLD IS SUSPECTED

For any student currently receiving special education services under another eligibility category, reevaluation procedures must be followed when the child's teachers, parents, or any other individuals with an educational interest in the child suspects that the child may have an SLD.

- ◆ The ARD committee and other qualified professionals, as appropriate, review existing evaluation data for the student.

- ◆ Based upon that review, including input from the student's parents, the ARD committee identifies what additional data, if any, are needed to make an informed decision regarding the identification of an SLD, including dyslexia and/or dysgraphia.

- ◆ If additional data is necessary, the LEA provides the parent PWN of reevaluation and requests written parent consent according to the IDEA requirements.

- ◆ A timeline for completing the evaluation will be determined by the ARD committee (unless it is the three-year reevaluation due date), and all evaluation procedures should be followed.

- ◆ When dyslexia is suspected, a person with specific knowledge in the reading process, dyslexia and related disorders, and dyslexia instruction must serve on the LEA's multidisciplinary team and any ARD committee that is convened to determine eligibility for special education and related services.

NOTE: The emphasis in a reevaluation may not be the continued identification of a disability condition. The emphasis may shift to a detailed description of how the student's disability continues to impact his access to and progress in the general curriculum. There should be a summary of IEP progress since the last evaluation including the effectiveness of interventions, accommodations, and/or modifications.

CONCLUSION

As noted by the National Association of School Psychologists (NASP), "SLDs are among the most challenging developmental disorders to identify, as evidenced by the continuing debate in the literature regarding best practices in this area."

SLD identification is an evolving area. Hopefully this guide will inspire others to continue to learn more. Practitioners are encouraged to continue reviewing the literature and seeking relevant professional development in the pursuit of continuous improvement.

There are designated representatives at each regional education service center (ESC) available to assist LEAs with procedures for evaluation.

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