

## SPECIFIC LEARNING DISABILITY

Authorities: 20 USC §§ 1021, 7801; 34 CFR Part 300; [Texas Education Code](#), and 19 TAC Chapter 89

|  | Additional Resources |
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|                          | FEDERAL AND STATE REQUIREMENTS   |
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| <a href="#">Practice</a> | The child must be assessed in all areas of suspected disability.<br><b>Citations:</b><br><a href="#">300.304(c)(4)</a>   |
| <a href="#">Practice</a> | The group must comply with the <a href="#">EVALUATION PROCEDURES</a> framework.  |
| <a href="#">Practice</a> | In Texas, the group of qualified professionals that determines whether the child is a child with a disability and the educational needs of the child is the child's <a href="#">ADMISSION, REVIEW, AND DISMISSAL COMMITTEE</a> .   |
|                          | EVALUATION PROCEDURES  |
| <a href="#">Practice</a> | <i>Specific learning disability</i> (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:<br><b>Citations:</b><br><a href="#">89.1040(c)(9)(A)</a><br><a href="#">300.8(c)(10)</a> |
| <a href="#">Practice</a> | <ul style="list-style-type: none"><li>The term includes conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia; and</li></ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(A)</a><br><a href="#">300.8(c)(10)(i)</a>   |
| <a href="#">Practice</a> | <ul style="list-style-type: none"><li>The term does not include a learning problem that is primarily the result of visual, hearing, or motor disabilities, of an intellectual disability, or emotional <del>disturbance</del> disability, or of environmental, cultural, or economic disadvantage.</li></ul> <b>Citations:</b>   |

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|                          | <b>FEDERAL AND STATE REQUIREMENTS</b>   |
|                          | <a href="#">89.1040(c)(9)(A)</a><br><a href="#">300.8(c)(10)(ii)</a>  |
| <a href="#">Practice</a> | <p>Dyslexia is an example of and meets the definition of a specific learning disability.</p> <p><b>Citations:</b></p> <p><a href="#">TEC 29.0031</a></p>  |
| <a href="#">Document</a> | <p>The group of qualified professionals that collects or reviews evaluation data in connection with the determination of the child's eligibility based on an SLD must include:</p> <p><b>Citations:</b></p> <p><del><a href="#">89.1040(c)(9)(E)</a></del></p> <p><del><a href="#">89.1040(c)(9)(F)</a></del></p> <p><a href="#">300.308</a></p>  |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>The child's <del>regular</del> <a href="#">general education</a> teacher; or</li> </ul> <p><b>Citations:</b></p> <p><del><a href="#">89.1040(c)(9)(E)(i)</a></del></p> <p><del><a href="#">89.1040(c)(9)(F)(i)</a></del></p> <p><a href="#">300.308(a)(1)</a></p>  |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>If the child does not have a <del>regular</del> <a href="#">general education</a> teacher, a <del>regular</del> <a href="#">general education</a> classroom teacher qualified to teach children of this age; or</li> </ul> <p><b>Citations:</b></p> <p><del><a href="#">89.1040(c)(9)(E)(ii)</a></del></p> <p><del><a href="#">89.1040(c)(9)(F)(ii)</a></del></p> <p><a href="#">300.308(a)(2)</a></p> |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>For a child whose age is less than school age, an individual qualified by the Texas Education Agency to teach children of this age; and</li> </ul> <p><b>Citations:</b></p> <p><del><a href="#">89.1040(c)(9)(E)(iii)</a></del></p> <p><del><a href="#">89.1040(c)(9)(F)(iii)</a></del></p>  |

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|                          | <b>FEDERAL AND STATE REQUIREMENTS</b>   |
|                          | <a href="#">300.308(a)(3)</a>   |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>At least one person qualified to conduct individual diagnostic examinations of children such as:</li> </ul> <p><b>Citations:</b></p> <p><del>89.1040(c)(9)(E)</del></p> <p><del>89.1040(c)(9)(F)</del></p> <p><a href="#">300.308(b)</a></p> |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>A licensed specialist in school psychology/<del>school psychologist</del>;</li> </ul> <p><b>Citations:</b></p> <p><del>89.1040(c)(9)(E)</del></p> <p><del>89.1040(c)(9)(F)</del></p> <p><a href="#">300.308(b)</a></p>                       |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>An educational diagnostician;</li> </ul> <p><b>Citations:</b></p> <p><del>89.1040(c)(9)(F)</del></p> <p><del>300.308(b)</del></p>  |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>A speech-language pathologist; or</li> </ul> <p><b>Citations:</b></p> <p><del>89.1040(c)(9)(E)</del></p> <p><del>89.1040(c)(9)(F)</del></p> <p><a href="#">300.308(b)</a></p>  |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>A remedial reading teacher.</li> </ul> <p><b>Citations:</b></p> <p><del>89.1040(c)(9)(E)</del></p> <p><del>89.1040(c)(9)(F)</del></p> <p><a href="#">300.308(b)</a></p>  |
| <a href="#">Practice</a> | If a local education agency (LEA) suspects or has a reason to suspect that a child may have dyslexia, the multidisciplinary evaluation team must include at least one member  |

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|                          | <b>FEDERAL AND STATE REQUIREMENTS</b>   |
|                          | <p>with specific knowledge regarding the reading process, dyslexia and related disorders, and dyslexia instruction who:</p> <p><b>Citations:</b></p> <p><a href="#">TEC 29.0031(a)</a></p> <p><a href="#">TEC 29.0031(b)</a></p>  |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li>• Holds a licensed dyslexia therapist license;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">TEC 29.0031(b)(1)</a></p> <p><a href="#">74.28</a></p> <p><a href="#">89.1040(c)(9)(G)</a></p>   |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li>• 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; or</li> </ul> <p><b>Citations:</b></p> <p><a href="#">TEC 29.0031(b)(2)</a></p> <p><a href="#">74.28</a></p> <p><a href="#">89.1040(c)(9)(G)</a></p> |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li>• If a member is not available with those credentials, the multidisciplinary evaluation team must include a member who meets the applicable training requirements adopted by the SBOE.</li> </ul> <p><b>Citations:</b></p> <p><a href="#">TEC 29.0031(b)(3)</a></p> <p><a href="#">74.28</a></p> <p><a href="#">89.1040(c)(9)(G)</a></p>                 |
| <a href="#">Document</a> | <p>The member of the multidisciplinary evaluation team with specific knowledge regarding the reading process, dyslexia and related disorders, and dyslexia instruction must sign a document describing the member's participation in the evaluation of the child.</p> <p><b>Citations:</b></p> <p><a href="#">TEC 29.0031(c)</a></p>  |

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|          | <b>FEDERAL AND STATE REQUIREMENTS</b>   |
|          | <b>OBSERVATION</b>  |
| Practice | <p>The LEA must ensure that the child is observed in the child's learning environment, including the <del>regular-general</del> classroom setting, to document the child's academic performance and behavior in the areas of difficulty.</p> <p><b>Citations:</b></p> <p><del>89.1040(c)(9)(D)</del></p> <p><del>89.1040(c)(9)(E)</del></p> <p><a href="#">300.310(a)</a></p>   |
| Practice | <p>In determining whether the child has an SLD, the <del>admission, review, and dismissal committee</del><a href="#">multidisciplinary team</a> must decide to either:</p> <p><b>Citations:</b></p> <p><del>89.1040(c)(9)(D)</del></p> <p><del>89.1040(c)(9)(E)</del></p> <p><a href="#">300.310(b)</a></p>   |
| Practice | <ul style="list-style-type: none"> <li>Use information from an observation in routine classroom instruction and monitoring of the child's performance that was done before the child was referred for an evaluation; or</li> </ul> <p><b>Citations:</b></p> <p><del>89.1040(c)(9)(D)</del></p> <p><del>89.1040(c)(9)(E)</del></p> <p><a href="#">300.310(b)(1)</a></p>  |
| Practice | <ul style="list-style-type: none"> <li>Have at least one member of the group conduct an observation of the child's academic performance in the <del>general regular-education</del> classroom after the child has been referred for an evaluation and <a href="#">CONSENT</a> is obtained from the <a href="#">PARENT</a>.</li> </ul> <p><b>Citations:</b></p> <p><del>89.1040(c)(9)(D)</del></p> <p><del>89.1040(c)(9)(E)</del></p> <p><a href="#">300.300(a)</a></p> <p><a href="#">300.310(b)(2)</a></p> |

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|                          | <b>FEDERAL AND STATE REQUIREMENTS</b>   |
| <a href="#">Document</a> | <p>For the child less than school age or out of school, a member of the group of qualified professionals must observe the child in an environment appropriate for a child of that age.</p> <p><b>Citations:</b></p> <p><del>89.1040(c)(9)(D)</del></p> <p><del>89.1040(c)(9)(E)</del></p> <p><a href="#">300.310(c)</a></p>   |
| <a href="#">Document</a> | <p>The documentation of the determination of an SLD eligibility must contain a statement of:</p> <p><b>Citations:</b></p> <p><a href="#">300.311(a)</a></p>   |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>The relevant behavior, if any, noted during the observation of the child; and</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.311(a)(3)</a></p>   |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>The relationship of that behavior to the child's academic functioning.</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.311(a)(3)</a></p>  |
|                          | <b>DETERMINANT FACTORS</b>  |
| <a href="#">Practice</a> | <p>As part of the evaluation, and in order to ensure that underachievement by the child suspected of having an SLD is not due to lack of appropriate instruction in reading or math, the group of qualified professionals must consider:</p> <p><b>Citations:</b></p> <p><del>89.1040(c)(9)(C)</del></p> <p><del>89.1040(c)(9)(D)</del></p> <p><a href="#">300.309(b)</a></p> |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li>Data that demonstrates the child was provided appropriate instruction in reading and/or math in the general education settings delivered by qualified personnel; and</li> </ul> <p><b>Citations:</b></p>   |

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|                          | <b>FEDERAL AND STATE REQUIREMENTS</b>   |
|                          | <del>89.1040(c)(9)(C)(i)</del><br><del>89.1040(c)(9)(D)(i)</del><br><a href="#">300.309(b)(1)</a><br><a href="#">20 USC 1021(7)</a>   |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li>Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal evaluation of progress of the child during instruction, which was provided to the parent of the child. Data-based documentation of repeated assessments may include, but is not limited to:</li> </ul> <b>Citations:</b><br><del>89.1040(c)(9)(C)(ii)</del><br><del>89.1040(c)(9)(D)(ii)</del><br><a href="#">300.309(b)(2)</a> |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li><del>Response to intervention (RtI)</del> progress monitoring results <u>and reports</u>;</li> </ul> </li> </ul> <b>Citations:</b><br><del>89.1040(c)(9)(C)(ii)</del> <del>89.1040(c)(9)(D)(ii)</del>  |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>In-class tests on grade-level curriculum; or</li> </ul> </li> </ul> <b>Citations:</b><br><del>89.1040(c)(9)(C)(ii)</del> <del>89.1040(c)(9)(D)(ii)</del>   |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>Other regularly administered assessments.</li> </ul> </li> </ul> <b>Citations:</b><br><del>89.1040(c)(9)(C)(ii)</del> <del>89.1040(c)(9)(D)(ii)</del>  |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li>Intervals are considered reasonable if consistent with the assessment requirements of the child's specific instructional program.</li> </ul> <b>Citations:</b><br><del>89.1040(c)(9)(C)(ii)</del> <del>89.1040(c)(9)(D)(ii)</del>  |
|                          | <b>PARTICIPATION IN THE RTI PROCESS</b>   |
| <a href="#">Document</a> | If the child suspected of having an SLD participated in a process that assesses the child's response to evidence-based intervention, the documentation of the determination of eligibility must contain a statement of:   |

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|                          | <b>FEDERAL AND STATE REQUIREMENTS</b>   |
|                          | <b>Citations:</b><br><a href="#">300.311(a)(7)</a>  |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>The instructional strategies used and the child-centered data collected; and</li> </ul> <b>Citations:</b><br><a href="#">300.311(a)(7)(i)</a>  |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>The documentation that the parent of the child was notified about:</li> </ul> <b>Citations:</b><br><a href="#">300.311(a)(7)(ii)</a>   |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>The state's policies regarding the amount and nature of performance data of the child that would be collected, and the general education services that would be provided;</li> </ul> <b>Citations:</b><br><a href="#">300.311(a)(7)(ii)(A)</a> |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>Strategies for increasing the child's rate of learning; and</li> </ul> <b>Citations:</b><br><a href="#">300.311(a)(7)(ii)(B)</a>   |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>The parent's right to request an evaluation.</li> </ul> <b>Citations:</b><br><a href="#">300.311(a)(7)(ii)(C)</a>  |
|                          | <b>ELIGIBILITY CRITERIA</b>   |
| <a href="#">Document</a> | A child with an SLD impairment is one:<br><br><b>Citations:</b><br><a href="#">89.1040(c)(9)(B)</a><br><a href="#">300.309(a)</a>   |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>Who has been determined through a variety of assessment tools and strategies to meet the criteria for the SLD stated above;</li> </ul> <b>Citations:</b>   |



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|                          | <b>FEDERAL AND STATE REQUIREMENTS</b>   |
|                          | <a href="#">89.1040(c)(9)(B)(i)</a>   |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>Who does not achieve adequately for the child's age or to meet state-approved grade-level standards, in one or more of the following areas:</li> </ul> <p><b>Citations:</b></p> <p><a href="#">89.1040(c)(9)(B)(ii)</a></p> <p><a href="#">300.309(a)(1)</a></p> |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>Oral expression;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">89.1040(c)(9)(B)(ii)(I)</a></p> <p><a href="#">300.309(a)(1)(i)</a></p>  |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>Written expression, <b>which may include dysgraphia</b>;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">89.1040(c)(9)(B)(ii)(III)</a></p> <p><a href="#">300.309(a)(1)(iii)</a></p>  |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>Listening comprehension;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">89.1040(c)(9)(B)(ii)(II)</a></p> <p><a href="#">300.309(a)(1)(ii)</a></p>  |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>Basic reading skills, <b>which may include dyslexia</b>;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">89.1040(c)(9)(B)(ii)(IV)</a></p> <p><a href="#">300.309(a)(1)(iv)</a></p>  |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>Reading fluency skills, <b>which may include dyslexia</b>;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">89.1040(c)(9)(B)(ii)(V)</a></p> <p><a href="#">300.309(a)(1)(v)</a></p>  |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>Reading comprehension;</li> </ul>  |

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|                          | <b>FEDERAL AND STATE REQUIREMENTS</b>  |
|                          | <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(ii)(VI)</a><br><a href="#">300.309(a)(1)(vi)</a>   |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>○ Mathematics calculation; or</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(ii)(VII)</a><br><a href="#">300.309(a)(1)(vii)</a>                       |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>○ Mathematics problem-solving;</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(ii)(VIII)</a><br><a href="#">300.309(a)(1)(viii)</a>                    |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li>• Whose lack of adequate achievement is indicated by performance on multiple measures such as:</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(ii)</a> |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li>○ In-class tests;</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(ii)</a>  |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li>○ Grade average over time (e.g., six weeks, semester);</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(ii)</a>   |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li>○ Repeated performance on progress monitoring measures;</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(ii)</a>  |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li>○ Norm- or criterion-referenced tests;</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(ii)</a>   |

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|                          | <b>FEDERAL AND STATE REQUIREMENTS</b>  |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li>○ Statewide assessments; or</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(ii)</a>  |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li>○ A process based on the child's response to evidence-based intervention;</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(iii)(I)</a>  |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li>• Who does not make sufficient progress under the additional criteria of the <del>RtI Model</del><a href="#">RTI Model</a> or the child meets the additional criteria under the <a href="#">Pattern of Strengths and Weaknesses Model</a>.</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(iii)(II)</a>  |
| <a href="#">Practice</a> | <p><del>When considering whether the child meets eligibility the Eligibility Criteria for an SLD, the presence of a significant variance among specific areas of cognitive function or between specific areas of cognitive function and academic achievement is not required when determining whether a student has a significant learning disability.</del></p> <p><b>Citations:</b></p> <p><del>89.1040(c)(9)(C)</del></p>   |
|                          | <b>RTI MODEL</b>   |
| <a href="#">Practice</a> | <p>When applying the <del>RtI</del><a href="#">RTI</a> Model, a finding that the child meets the <a href="#">Eligibility Criteria</a> for an SLD must include a determination that, when provided a process based on the child's response to evidence-based intervention, the child did not make sufficient progress to meet age or state-approved grade-level standards in one or more of these areas:</p> <p><b>Citations:</b></p> <p><a href="#">89.1040(c)(9)(B)(iii)(I)</a></p> <p><a href="#">300.309(a)(2)(i)</a></p> <p><a href="#">300.311(a)</a></p> |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>• Oral expression;</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(ii)(I)</a>  |

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|                          | <b>FEDERAL AND STATE REQUIREMENTS</b>   |
|                          | <a href="#">89.1040(c)(9)(B)(iii)(I)</a>  |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>Listening comprehension;</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(ii)(II)</a><br><a href="#">89.1040(c)(9)(B)(iii)(I)</a>                                  |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>Written expression, <b>which may include dysgraphia</b>;</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(ii)(III)</a><br><a href="#">89.1040(c)(9)(B)(iii)(I)</a> |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>Basic reading <b>skills, which may include dyslexia</b>;</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(ii)(IV)</a><br><a href="#">89.1040(c)(9)(B)(iii)(I)</a>  |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>Reading fluency skills, <b>which may include dyslexia</b>;</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(ii)(V)</a><br><a href="#">89.1040(c)(9)(B)(iii)(I)</a> |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>Reading comprehension;</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(ii)(VI)</a><br><a href="#">89.1040(c)(9)(B)(iii)(I)</a>                                    |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>Mathematics calculation; or</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(ii)(VII)</a><br><a href="#">89.1040(c)(9)(B)(iii)(I)</a>                              |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>Mathematics problem solving.</li> </ul> <b>Citations:</b>  |

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|                          | <b>FEDERAL AND STATE REQUIREMENTS</b>   |
|                          | <a href="#">89.1040(c)(9)(B)(ii)(VIII)</a><br><a href="#">89.1040(c)(9)(B)(iii)(I)</a>  |
|                          | <b>PATTERN OF STRENGTHS AND WEAKNESSES</b>  |
| <a href="#">Practice</a> | <p>When applying the pattern of strengths and weaknesses model, to find that the child meets the <a href="#">ELIGIBILITY CRITERIA</a> for an SLD, a determination must be made that:</p> <p><b>Citations:</b></p> <p><a href="#">89.1040(c)(9)(B)(iii)(I)</a></p> |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li>The child exhibits a pattern of strengths and weaknesses in:</li> </ul> <p><b>Citations:</b></p> <p><a href="#">89.1040(c)(9)(B)(iii)(II)</a></p> <p><a href="#">300.309(a)(2)(ii)</a></p>                                 |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li>Performance;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">89.1040(c)(9)(B)(iii)(II)</a></p> <p><a href="#">300.309(a)(2)(ii)</a></p>   |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li>Achievement; or</li> </ul> <p><b>Citations:</b></p> <p><a href="#">89.1040(c)(9)(B)(iii)(II)</a></p> <p><a href="#">300.309(a)(2)(ii)</a></p>  |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li>Both;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">89.1040(c)(9)(B)(iii)(II)</a></p> <p><a href="#">300.309(a)(2)(ii)</a></p>  |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li>The pattern is relative to:</li> </ul> <p><b>Citations:</b></p> <p><a href="#">89.1040(c)(9)(B)(iii)(II)</a></p> <p><a href="#">300.309(a)(2)(ii)</a></p>  |

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|                          | <b>FEDERAL AND STATE REQUIREMENTS</b>  |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li>○ Age;</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(iii)(II)</a><br><a href="#">300.309(a)(2)(ii)</a>   |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li>○ State-approved grade-level standards; or</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(iii)(II)</a><br><a href="#">300.309(a)(2)(ii)</a>   |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li>○ Intellectual development; and</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(iii)(II)</a><br><a href="#">300.309(a)(2)(ii)</a>  |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li>• The pattern is relevant to the identification of an SLD using appropriate assessments.</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(iii)(II)</a><br><a href="#">300.309(a)(2)(ii)</a>   |
|                          | <b>EXCLUSIONARY FACTORS</b>  |
| <a href="#">Document</a> | <p>The documentation of an SLD eligibility must contain a statement of the determination of the group of qualified professionals concerning the effects on the child's achievement level of:</p> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(iii)(II)</a><br><a href="#">300.311(a)(6)</a> |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>• A visual, hearing, or motor disability;</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(iv)(I)</a><br><a href="#">300.311(a)(6)</a>  |

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|                          | <b>FEDERAL AND STATE REQUIREMENTS</b>  |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>An intellectual disability;</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(iv)(II)</a><br><a href="#">300.311(a)(6)</a>   |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>Emotional <del>disturbance</del> disability;</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(iv)(III)</a><br><a href="#">300.311(a)(6)</a>   |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>Cultural factors;</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(iv)(IV)</a><br><a href="#">300.311(a)(6)</a>   |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>Environmental or economic disadvantage; or</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(iv)(V)</a><br><a href="#">300.311(a)(6)</a>   |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li><del>Limited English proficiency.</del></li> <li>Being emergent bilingual.</li> </ul> <b>Citations:</b><br><a href="#">89.1040(c)(9)(B)(iv)(VI)</a><br><a href="#">300.27</a><br><a href="#">300.311(a)(6)</a><br><a href="#">20 USC 7801(20)</a> |
| <a href="#">Document</a> | <p>The group of qualified professionals must determine that its findings are not primarily the result of:</p> <b>Citations:</b><br><a href="#">89.1040(c)(9)(A)</a>  |

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|                          | <b>FEDERAL AND STATE REQUIREMENTS</b>   |
|                          | <a href="#">300.309(a)(3)</a>   |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>• A visual, hearing, or motor disability;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">89.1040(c)(9)(B)(iv)(I)</a></p> <p><a href="#">300.309(a)(3)(i)</a></p>   |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>• An intellectual disability;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">89.1040(c)(9)(B)(iv)(II)</a></p> <p><a href="#">300.309(a)(3)(ii)</a></p>   |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>• Emotional <del>disturbance</del> disability;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">89.1040(c)(9)(B)(iv)(III)</a></p> <p><a href="#">300.309(a)(3)(iii)</a></p>  |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>• Cultural factors;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">89.1040(c)(9)(B)(iv)(IV)</a></p> <p><a href="#">300.309(a)(3)(iv)</a></p>   |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>• Environmental or economic disadvantage; or</li> </ul> <p><b>Citations:</b></p> <p><a href="#">89.1040(c)(9)(B)(iv)(V)</a></p> <p><a href="#">300.309(a)(3)(v)</a></p>  |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>• <del>Limited English proficiency.</del></li> <li>• <u>Being emergent bilingual.</u></li> </ul> <p><b>Citations:</b></p> <p><a href="#">89.1040(c)(9)(B)(iv)(VI)</a></p> <p><a href="#">300.309(a)(3)(vi)</a></p> <p><a href="#">300.27</a></p> |



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|                          | <b>FEDERAL AND STATE REQUIREMENTS</b>   |
|                          | <a href="#">20 USC 7801(20)</a>   |
|                          | <b>ADDITIONAL DOCUMENTATION</b>   |
| <a href="#">Document</a> | <p>The documentation of the determination of eligibility must contain a statement of:</p> <p><b>Citations:</b></p> <p><a href="#">300.311(a)</a></p>  |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>Whether the child has an SLD;</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.311(a)(1)</a></p>   |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>The basis for making the determination, including an assurance that the determination has been made in accordance with <a href="#">EVALUATION PROCEDURES</a>; and</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.311(a)(2)</a></p> |
| <a href="#">Document</a> | <ul style="list-style-type: none"> <li>The educationally relevant medical findings, if any.</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.311(a)(4)</a></p>  |
| <a href="#">Document</a> | <p>Each member of the group of qualified professionals must certify in writing whether the report reflects the member's conclusion.</p> <p><b>Citations:</b></p> <p><a href="#">300.311(b)</a></p>  |
| <a href="#">Document</a> | <p>If the report does not reflect a group member's conclusion, that group member must submit a separate statement presenting the member's conclusion.</p> <p><b>Citations:</b></p> <p><a href="#">300.311(b)</a></p>  |
| <a href="#">Practice</a> | <ul style="list-style-type: none"> <li>Whose lack of adequate performance is not primarily the result of <a href="#">Exclusionary Factors</a>; and</li> </ul> <p><b>Citations:</b></p> <p><a href="#">300.309(a)(3)</a></p>   |

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|                          | <b>FEDERAL AND STATE REQUIREMENTS</b>   |
| <a href="#">Practice</a> | <ul style="list-style-type: none"><li>• Whose lack of adequate achievement is not due to <a href="#">Determinant Factors</a>.</li></ul> <b>Citations:</b><br><a href="#">300.309(b)</a> |

Last Updated : ~~Mon, Apr 01, 2024~~ Wed, May 21, 2025