

SPECIFIC LEARNING DISABILITY

Authorities: 20 USC §§ 1021, 7801; 34 CFR Part 300; Texas Education Code; 19 TAC Chapter 74, 89

	Additional Resources
	FEDERAL AND STATE REQUIREMENTS
Practice	The child must be assessed in all areas of suspected disability. Citations: 300.304(c)(4)
Practice	The group must comply with the EVALUATION PROCEDURES framework.
Practice	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 ADMISSION, REVIEW, AND DISMISSAL COMMITTEE .
	EVALUATION PROCEDURES
Practice	<i>Specific learning disability (SLD)</i> 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: Citations: 89.1040(c)(9)(A) 300.8(c)(10)
Practice	<ul style="list-style-type: none"> The term includes conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia; and Citations: 89.1040(c)(9)(A) 300.8(c)(10)(i)
Practice	<ul style="list-style-type: none"> 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 disability, or of environmental, cultural, or economic disadvantage. Citations: 89.1040(c)(9)(A)

	FEDERAL AND STATE REQUIREMENTS
	300.8(c)(10)(ii)
Practice	<p>Dyslexia is an example of and meets the definition of a specific learning disability.</p> <p>Citations: TEC 29.0031</p>
Practice	<p><u>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.</u></p> <p>Citations: TEC 38.003(d)(1)</p>
Practice	<p><u>Related disorders include disorders similar to, or related to, dyslexia, such as developmental auditory imperceptions, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.</u></p> <p>Citations: TEC 38.003(d)(2)</p>
Document	<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>Citations: 89.1040(c)(9)(F) 300.308</p>
Document	<ul style="list-style-type: none"> • The child's general education teacher; or <p>Citations: 89.1040(c)(9)(F)(i) 300.308(a)(1)</p>
Document	<ul style="list-style-type: none"> • If the child does not have a general education teacher, a general education classroom teacher qualified to teach children of this age; or <p>Citations: 89.1040(c)(9)(F)(ii) 300.308(a)(2)</p>
Document	<ul style="list-style-type: none"> • 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

	FEDERAL AND STATE REQUIREMENTS
	Citations: 89.1040(c)(9)(F)(iii) 300.308(a)(3)
Document	<ul style="list-style-type: none"> At least one person qualified to conduct individual diagnostic examinations of children such as: Citations: 89.1040(c)(9)(F) 300.308(b)
Document	<ul style="list-style-type: none"> A licensed specialist in school psychology/school psychologist; Citations: 89.1040(c)(9)(F) 300.308(b)
	<ul style="list-style-type: none"> An educational diagnostician Citations: 89.1040(c)(9)(F) 300.308(b)
Document	<ul style="list-style-type: none"> A speech-language pathologist; or Citations: 89.1040(c)(9)(F) 300.308(b)
Document	<ul style="list-style-type: none"> A remedial reading teacher. Citations: 89.1040(c)(9)(F) 300.308(b)
Practice	<p><u>Testing a student for dyslexia or a related disorder, means a comprehensive evaluation as described in the EVALUATION PROCEDURES framework, and includes evaluation components as stated in the Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders, for the identification of dyslexia or a related disorder.</u></p> <p>Citations: 748.28(a)(2) TEC 38.003</p>

	FEDERAL AND STATE REQUIREMENTS
<u>Practice</u>	<p><u>Screening a student for dyslexia or a related disorder means the administration of a universal screening instrument required for students in Kindergarten and Grade 1.</u></p> <p>Citations: <u>74.28(a)(1)</u> <u>TEC 38.003</u></p>
<u>Practice</u>	<p>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 with specific knowledge regarding the reading process, dyslexia and related disorders, and dyslexia instruction who:</p> <p>Citations: <u>TEC 29.0031(a)</u> <u>TEC 29.0031(b)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> • Holds a licensed dyslexia therapist license; <p>Citations: <u>TEC 29.0031(b)(1)</u> <u>74.28</u> <u>89.1040(c)(9)(G)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> • 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 <p>Citations: <u>TEC 29.0031(b)(2)</u> <u>74.28</u> <u>89.1040(c)(9)(G)</u></p>
<u>Practice</u>	<ul style="list-style-type: none"> • 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. <p>Citations: <u>TEC 29.0031(b)(3)</u> <u>74.28</u> <u>89.1040(c)(9)(G)</u></p>

	FEDERAL AND STATE REQUIREMENTS
Document	<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>Citations: TEC 29.0031(c)</p>
Practice	<p><u>Unless otherwise provided by law, including as required by the EVALUATION PROCEDURES framework, a student determined to have dyslexia during screening or testing or accommodated because of dyslexia may not be rescreened or retested for dyslexia for the purpose of reassessing the student's need for accommodations until the LEA reevaluates the information obtained from previous screening or testing of the student, as required by the REVIEW OF EXISTING EVALUATION DATA framework.</u></p> <p>Citations: TEC 38.003(b-1) TEC 38.003(a)</p>
	OBSERVATION
Practice	<p>The LEA must ensure that the child is observed in the child's learning environment, including the general classroom setting, to document the child's academic performance and behavior in the areas of difficulty.</p> <p>Citations: 300.310(a) 89.1040(c)(9)(E)</p>
Practice	<p>In determining whether the child has an SLD, the multidisciplinary team must decide to either:</p> <p>Citations: 89.1040(c)(9)(E) 300.310(b)</p>
Practice	<ul style="list-style-type: none"> • 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 <p>Citations: 89.1040(c)(9)(E) 300.310(b)(1)</p>

	FEDERAL AND STATE REQUIREMENTS
Practice	<ul style="list-style-type: none"> Have at least one member of the group conduct an observation of the child's academic performance in the general education classroom after the child has been referred for an evaluation and CONSENT is obtained from the PARENT. <p>Citations: 89.1040(c)(9)(E) 300.310(b)(2) 300.300(a)</p>
Document	<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>Citations: 89.1040(c)(9)(E) 300.310(c)</p>
Document	<p>The documentation of the determination of an SLD eligibility must contain a statement of:</p> <p>Citations: 300.311(a)</p>
Document	<ul style="list-style-type: none"> The relevant behavior, if any, noted during the observation of the child; and <p>Citations: 300.311(a)(3)</p>
Document	<ul style="list-style-type: none"> The relationship of that behavior to the child's academic functioning. <p>Citations: 300.311(a)(3)</p>
DETERMINANT FACTORS	
Practice	<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>Citations: 89.1040(c)(9)(D) 300.309(b)</p>
Practice	<ul style="list-style-type: none"> Data that demonstrates the child was provided appropriate instruction in reading and/or math in the general education settings delivered by qualified personnel; and

	FEDERAL AND STATE REQUIREMENTS
	Citations: 89.1040(c)(9)(D)(i) 300.309(b)(1) 20 USC 1021(7)
Practice	<ul style="list-style-type: none"> • 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: Citations: 89.1040(c)(9)(D)(ii) 300.309(b)(2)
Practice	<ul style="list-style-type: none"> ◦ Intervention progress monitoring results and reports; Citations: 89.1040(c)(9)(D)(ii)
Practice	<ul style="list-style-type: none"> ◦ In-class tests on grade-level curriculum; or Citations: 89.1040(c)(9)(D)(ii)
Practice	<ul style="list-style-type: none"> ◦ Other regularly administered assessments. Citations: 89.1040(c)(9)(D)(ii)
Practice	<ul style="list-style-type: none"> • Intervals are considered reasonable if consistent with the assessment requirements of the child's specific instructional program. Citations: 89.1040(c)(9)(D)(ii)
PARTICIPATION IN THE RTI PROCESS	
Document	<p>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:</p> Citations: 300.311(a)(7)

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

	FEDERAL AND STATE REQUIREMENTS
	Citations: 89.1040(c)(9)(B)(ii) 300.309(a)(1)
Document	<ul style="list-style-type: none"> ○ Oral expression; Citations: 89.1040(c)(9)(B)(ii)(I) 300.309(a)(1)(i)
Document	<ul style="list-style-type: none"> ○ Written expression, which may include dysgraphia; Citations: 89.1040(c)(9)(B)(ii)(III) 300.309(a)(1)(iii)
Document	<ul style="list-style-type: none"> ○ Listening comprehension; Citations: 89.1040(c)(9)(B)(ii)(II) 300.309(a)(1)(ii)
Document	<ul style="list-style-type: none"> ○ Basic reading skills, which may include dyslexia; Citations: 89.1040(c)(9)(B)(ii)(IV) 300.309(a)(1)(iv)
Document	<ul style="list-style-type: none"> ○ Reading fluency skills, which may include dyslexia; Citations: 89.1040(c)(9)(B)(ii)(V) 300.309(a)(1)(v)
Document	<ul style="list-style-type: none"> ○ Reading comprehension; Citations: 89.1040(c)(9)(B)(ii)(VI) 300.309(a)(1)(vi)
Document	<ul style="list-style-type: none"> ○ Mathematics calculation; or Citations: 89.1040(c)(9)(B)(ii)(VII) 300.309(a)(1)(vii)
Document	<ul style="list-style-type: none"> ○ Mathematics problem-solving; Citations: 89.1040(c)(9)(B)(ii)(VIII) 300.309(a)(1)(viii)

	FEDERAL AND STATE REQUIREMENTS
Practice	<ul style="list-style-type: none"> Whose lack of adequate achievement is indicated by performance on multiple measures such as: <p>Citations: 89.1040(c)(9)(B)(ii)</p>
Practice	<ul style="list-style-type: none"> In-class tests; <p>Citations: 89.1040(c)(9)(B)(ii)</p>
Practice	<ul style="list-style-type: none"> Grade average over time (e.g., six weeks, semester); <p>Citations: 89.1040(c)(9)(B)(ii)</p>
Practice	<ul style="list-style-type: none"> Repeated performance on progress monitoring measures; <p>Citations: 89.1040(c)(9)(B)(ii)</p>
Practice	<ul style="list-style-type: none"> Norm- or criterion-referenced tests; <p>Citations: 89.1040(c)(9)(B)(ii)</p>
Practice	<ul style="list-style-type: none"> Statewide assessments; or <p>Citations: 89.1040(c)(9)(B)(ii)</p>
Practice	<ul style="list-style-type: none"> A process based on the child's response to evidence-based intervention; <p>Citations: 89.1040(c)(9)(B)(iii)(I)</p>
Practice	<ul style="list-style-type: none"> Who does not make sufficient progress under the additional criteria of the RTI Model or the child meets the additional criteria under the Pattern of Strengths and Weaknesses Model. <p>Citations: 89.1040(c)(9)(B)(ii)</p>
Practice	<p><u>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</u></p>

	FEDERAL AND STATE REQUIREMENTS
	<p><u>cognitive function and academic achievement is not required when determining whether a student has a significant learning disability.</u></p> <p>Citations: 89.1040(c)(9)(C)</p>
	RTI MODEL
Practice	<p>When applying the RTI Model, a finding that the child meets the Eligibility Criteria 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>Citations: 89.1040(c)(9)(B)(iii)(I) 300.309(a)(2)(i) 300.311(a)</p>
Document	<ul style="list-style-type: none"> • Oral expression; <p>Citations: 89.1040(c)(9)(B)(ii)(I) 89.1040(c)(9)(B)(iii)(I)</p>
Document	<ul style="list-style-type: none"> • Listening comprehension; <p>Citations: 89.1040(c)(9)(B)(ii)(II) 89.1040(c)(9)(B)(iii)(I)</p>
Document	<ul style="list-style-type: none"> • Written expression, which may include dysgraphia; <p>Citations: 89.1040(c)(9)(B)(ii)(III) 89.1040(c)(9)(B)(iii)(I)</p>
Document	<ul style="list-style-type: none"> • Basic reading skill, which may include dyslexia; <p>Citations: 89.1040(c)(9)(B)(ii)(IV) 89.1040(c)(9)(B)(iii)(I)</p>
Document	<ul style="list-style-type: none"> • Reading fluency skills, which may include dyslexia; <p>Citations: 89.1040(c)(9)(B)(ii)(V) 89.1040(c)(9)(B)(iii)(I)</p>

	FEDERAL AND STATE REQUIREMENTS
Document	<ul style="list-style-type: none"> • Reading comprehension; Citations: 89.1040(c)(9)(B)(ii)(VI) 89.1040(c)(9)(B)(iii)(I)
Document	<ul style="list-style-type: none"> • Mathematics calculation; or Citations: 89.1040(c)(9)(B)(ii)(VII) 89.1040(c)(9)(B)(iii)(I)
Document	<ul style="list-style-type: none"> • Mathematics problem solving. Citations: 89.1040(c)(9)(B)(ii)(VIII) 89.1040(c)(9)(B)(iii)(I)
PATTERN OF STRENGTHS AND WEAKNESSES	
Practice	<p>When applying the pattern of strengths and weaknesses model, to find that the child meets the ELIGIBILITY CRITERIA for an SLD, a determination must be made that:</p> Citations: 89.1040(c)(9)(B)(iii)(I)
Practice	<ul style="list-style-type: none"> • The child exhibits a pattern of strengths and weaknesses in: Citations: 89.1040(c)(9)(B)(iii)(II) 300.309(a)(2)(ii)
Practice	<ul style="list-style-type: none"> ◦ Performance; Citations: 89.1040(c)(9)(B)(iii)(II) 300.309(a)(2)(ii)
Practice	<ul style="list-style-type: none"> ◦ Achievement; or Citations: 89.1040(c)(9)(B)(iii)(II) 300.309(a)(2)(ii)
Practice	<ul style="list-style-type: none"> ◦ Both; Citations: 89.1040(c)(9)(B)(iii)(II) 300.309(a)(2)(ii)

	FEDERAL AND STATE REQUIREMENTS
Practice	<ul style="list-style-type: none"> The pattern is relative to: Citations: 89.1040(c)(9)(B)(iii)(II) 300.309(a)(2)(ii)
Practice	<ul style="list-style-type: none"> Age; Citations: 89.1040(c)(9)(B)(iii)(II) 300.309(a)(2)(ii)
Practice	<ul style="list-style-type: none"> State-approved grade-level standards; or Citations: 89.1040(c)(9)(B)(iii)(II) 300.309(a)(2)(ii)
Practice	<ul style="list-style-type: none"> Intellectual development; and Citations: 89.1040(c)(9)(B)(iii)(II) 300.309(a)(2)(ii)
Practice	<ul style="list-style-type: none"> The pattern is relevant to the identification of an SLD using appropriate assessments. Citations: 89.1040(c)(9)(B)(iii)(II) 300.309(a)(2)(ii)
EXCLUSIONARY FACTORS	
Document	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: Citations: 89.1040(c)(9)(B)(iii)(II) 300.311(a)(6)
Document	<ul style="list-style-type: none"> A visual, hearing, or motor disability; Citations: 89.1040(c)(9)(B)(iv)(I) 300.311(a)(6)
Document	<ul style="list-style-type: none"> An intellectual disability; Citations: 89.1040(c)(9)(B)(iv)(II)

	FEDERAL AND STATE REQUIREMENTS
	300.311(a)(6)
Document	<ul style="list-style-type: none"> Emotional disability; Citations: 89.1040(c)(9)(B)(iv)(III) 300.311(a)(6)
Document	<ul style="list-style-type: none"> Cultural factors; Citations: 89.1040(c)(9)(B)(iv)(IV) 300.311(a)(6)
Document	<ul style="list-style-type: none"> Environmental or economic disadvantage; or Citations: 89.1040(c)(9)(B)(iv)(V) 300.311(a)(6)
Document	<ul style="list-style-type: none"> Being emergent bilingual. Citations: 89.1040(c)(9)(B)(iv)(VI) 300.311(a)(6) 300.27 20 USC 7801(20)
Document	<p>The group of qualified professionals must determine that its findings are not primarily the result of:</p> Citations: 89.1040(c)(9)(A) 300.309(a)(3)
Document	<ul style="list-style-type: none"> A visual, hearing, or motor disability; Citations: 89.1040(c)(9)(B)(iv)(I) 300.309(a)(3)(i)
Document	<ul style="list-style-type: none"> An intellectual disability; Citations: 89.1040(c)(9)(B)(iv)(II) 300.309(a)(3)(ii)
Document	<ul style="list-style-type: none"> Emotional disability; Citations:

	FEDERAL AND STATE REQUIREMENTS
	89.1040(c)(9)(B)(iv)(III) 300.309(a)(3)(iii)
Document	<ul style="list-style-type: none"> Cultural factors; Citations: 89.1040(c)(9)(B)(iv)(IV) 300.309(a)(3)(iv)
Document	<ul style="list-style-type: none"> Environmental or economic disadvantage; or Citations: 89.1040(c)(9)(B)(iv)(V) 300.309(a)(3)(v)
Document	<ul style="list-style-type: none"> <u>Limited English proficiency.</u> <u>Being emergent bilingual.</u> Citations: 89.1040(c)(9)(B)(iv)(VI) 300.309(a)(3)(vi) 300.27 20 USC 7801(20)
<u>ADDITIONAL DOCUMENTATION OF ELIGIBILITY</u>	
Document	The documentation of the determination of eligibility must contain a statement of: Citations: 300.311(a)
Document	<ul style="list-style-type: none"> Whether the child has a an SLD; Citations: 300.311(a)(1)
Document	<ul style="list-style-type: none"> The basis for making the determination, including an assurance that the determination has been made in accordance with EVALUATION PROCEDURES; and Citations: 300.311(a)(2)
Document	<ul style="list-style-type: none"> The educationally relevant medical findings, if any. Citations: 300.311(a)(4)
Document	Each member of the group of qualified professionals must certify in writing whether the report reflects the member's conclusion. Citations:

	FEDERAL AND STATE REQUIREMENTS
	300.311(b)
Document	<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>Citations: 300.311(b)</p>
Practice	<ul style="list-style-type: none"> • Whose lack of adequate performance is not primarily the result of Exclusionary Factors; and <p>Citations: 300.309(a)(3)</p>
Practice	<ul style="list-style-type: none"> • Whose lack of adequate achievement is not due to Determinant Factors. <p>Citations: 300.309(b)</p>
	NOTIFICATIONS CONCERNING DYSPLEXIA & RELATED DISORDERS
Practice	<p>If an LEA suspects or has a reason to suspect that a student may have dyslexia, including after an evaluation or use of a reading diagnosis, the LEA must:</p> <p><u>Citations:</u></p> <p>TEC 29.0031(a)</p>
Practice	<ul style="list-style-type: none"> • Provide the student's parent or a person standing in parental relation to the student a form developed by the Texas Education Agency (TEA) explaining the rights available under the Individuals with Disabilities Education Act that may be additional to the rights available under Section 504, Rehabilitation Act of 1973; <p><u>Citations:</u> TEC 29.0031(a)(1)</p>
Practice	<ul style="list-style-type: none"> • Comply with all federal and state requirements, including <i>Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders</i>, as adopted by the SBOE, and its subsequent amendments, regarding any evaluation of the student; and <p><u>Citations:</u></p>

	<u>TEC 29.0031(a)(2)</u>
<u>Practice</u>	<ul style="list-style-type: none"> • <u>If the student is evaluated for dyslexia or a related disorder, also evaluate the student in any other areas in which the district suspects the student may have a disability.</u> <p><u>Citations:</u> <u>TEC 29.0031(a)(3)</u></p>
<u>Document</u>	<p><u>At least once each grading period, and more often if provided for in an individualized education program, an LEA must provide the parent of or person standing in parental relation to a student receiving dyslexia instruction with information regarding the student's progress as a result of the student receiving that instruction.</u></p> <p><u>Citations:</u> <u>TEC 29.0031(d)</u></p>

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