

SPECIFIC LEARNING DISABILITY

Authorities: 20 USC §§ 1021, 7801; 34 CFR Part 300; 19 TAC Chapter 89; Response to Intervention Guidance Document

[Additional Resources](#)

DOCUMENT / PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
D	The child must be assessed in all areas of suspected disability.	300.304(c)(4)
P	The group must comply with the EVALUATION PROCEDURES framework.	
P	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	
P	<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 that is, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations:	89.1040(c)(9)(A) 300.8(c)(10)
P	<ul style="list-style-type: none"> The term includes conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia; and 	89.1040(c)(9)(A) 300.8(c)(10)(i)
P	<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 disturbance, or of environmental, cultural, or economic disadvantage. 	89.1040(c)(9)(A) 300.8(c)(10)(ii)
D	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:	89.1040(c)(9)(E) 300.308

DOCUMENT / PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
D	<ul style="list-style-type: none"> The child's regular teacher; or 	89.1040(c)(9)(E)(i) 300.308(a)(1)
D	<ul style="list-style-type: none"> If the child does not have a regular teacher, a regular classroom teacher qualified to teach children of this age; or 	89.1040(c)(9)(E)(ii) 300.308(a)(2)
D	<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 	89.1040(c)(9)(E)(iii) 300.308(a)(3)
D	<ul style="list-style-type: none"> At least one person qualified to conduct individual diagnostic examinations of children such as: <ul style="list-style-type: none"> A licensed specialist in school psychology; A speech-language pathologist; or A remedial reading teacher. 	89.1040(c)(9)(E) 300.308(b)
D	<ul style="list-style-type: none"> A licensed specialist in school psychology; 	89.1040(c)(9)(E) 300.308(b)
D	<ul style="list-style-type: none"> A speech-language pathologist; or 	89.1040(c)(9)(E) 300.308(b)
D	<ul style="list-style-type: none"> A remedial reading teacher. 	89.1040(c)(9)(E) 300.308(b)
Determinant Factors <u>OBSERVATION</u>		
P	<u>The local education agency must ensure that the child is observed in the child's learning environment, including the regular classroom setting, to document the child's academic performance and behavior in the areas of difficulty.</u>	89.1040(c)(9)(D) 300.310(a)
P	<u>In determining whether the child has an SLD, the admission, review, and dismissal committee must decide to either:</u>	89.1040(c)(9)(D) 300.310(b)
P	<ul style="list-style-type: none"> <u>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</u> 	89.1040(c)(9)(D) 300.310(b)(1)

DOCUMENT / PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
P	<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 regular classroom after the child has been referred for an evaluation and CONSENT is obtained from the PARENT. 	89.1040(c)(9)(D) 300.310(b)(2) 300.300(a)
D	<p><u>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.</u></p>	89.1040(c)(9)(D) 300.310(c)
D	<p><u>The documentation of the determination of an SLD eligibility must contain a statement of:</u></p>	300.311(a)
D	<ul style="list-style-type: none"> <u>The relevant behavior, if any, noted during the observation of the child; and</u> 	300.311(a)(3)
D	<ul style="list-style-type: none"> <u>The relationship of that behavior to the child's academic functioning.</u> 	300.311(a)(3)
<u>DETERMINANT FACTORS</u>		
P	<p>Prior to and asAs part of the evaluation, and in order to ensure that underachievement inby 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>	89.1040(c)(9)(A) 89.1040(c)(9)(C) 300.309(b)
P	<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 	89.1040(c)(9)(A)(i) 89.1040(c)(9)(C)(i) 300.309(b)(1) 20 USC 1021(7)
P	<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. <u>Data-based documentation of repeated assessments may include, but is not limited to:</u> 	89.1040(c)(9)(A)(ii) 89.1040(c)(9)(C)(ii) 300.309(b)(2)

DOCUMENT / PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
P	Data-based documentation of repeated assessments may include, but is not limited to:-	89.1040(c)(9)(A)(ii)
P	<ul style="list-style-type: none"> • <u>o</u> Response to intervention (RtI) progress monitoring results; 	89.1040(c)(9)(A)(ii) 89.1040(c)(9)(C)(ii)
P	<ul style="list-style-type: none"> • <u>o</u> In-class tests on grade-level curriculum; or 	89.1040(c)(9)(A)(ii) 89.1040(c)(9)(C)(ii)
P	<ul style="list-style-type: none"> • <u>o</u> Other regularly administered assessments. 	89.1040(c)(9)(A)(ii) 89.1040(c)(9)(C)(ii)
P	<ul style="list-style-type: none"> • <u>o</u> Intervals are considered reasonable if consistent with the assessment requirements of the child's specific instructional program. 	89.1040(c)(9)(A)(ii) 89.1040(c)(9)(C)(ii)
PARTICIPATION IN THE RTI PROCESS		
D	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:	300.311(a)(7)
D	<ul style="list-style-type: none"> • The instructional strategies used and the child-centered data collected; and 	300.311(a)(7)(i)
D	<ul style="list-style-type: none"> • The documentation that the parent of the child was notified about: 	300.311(a)(7)(ii)
D	<ul style="list-style-type: none"> o 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; 	300.311(a)(7)(ii)(A)
D	<ul style="list-style-type: none"> o Strategies for increasing the child's rate of learning; and 	300.311(a)(7)(ii)(B)

DOCUMENT / PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
D	<ul style="list-style-type: none"> ○ The parent's right to request an evaluation. 	300.311(a)(7)(ii)(C)
	<p><u>RtI Model</u> ELIGIBILITY CRITERIA</p>	
D	<p><u>A child with an SLD impairment is one:</u></p>	89.1040(c)(9)(B) 300.309(a)
D	<ul style="list-style-type: none"> • <u>Who has been determined through a variety of assessment tools and strategies to meet the criteria for the SLD stated above;</u> 	89.1040(c)(9)(B)(i)
D	<ul style="list-style-type: none"> • <u>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:</u> 	89.1040(c)(9)(B)(ii) 300.309(a)(1)
D	<ul style="list-style-type: none"> ○ <u>Oral expression;</u> 	89.1040(c)(9)(B)(ii)(I) 300.309(a)(1)(i)
D	<ul style="list-style-type: none"> ○ <u>Written expression;</u> 	89.1040(c)(9)(B)(ii)(III) 300.309(a)(1)(iii)
D	<ul style="list-style-type: none"> ○ <u>Listening comprehension;</u> 	89.1040(c)(9)(B)(ii)(II) 300.309(a)(1)(ii)
D	<ul style="list-style-type: none"> ○ <u>Basic reading skills;</u> 	89.1040(c)(9)(B)(ii)(IV) 300.309(a)(1)(iv)
D	<ul style="list-style-type: none"> ○ <u>Reading fluency skills;</u> 	89.1040(c)(9)(B)(ii)(V) 300.309(a)(1)(v)
D	<ul style="list-style-type: none"> ○ <u>Reading comprehension;</u> 	89.1040(c)(9)(B)(ii)(VI) 300.309(a)(1)(vi)
D	<ul style="list-style-type: none"> ○ <u>Mathematics calculation; or</u> 	89.1040(c)(9)(B)(ii)(VII) 300.309(a)(1)(vii)

DOCUMENT / PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
D	<ul style="list-style-type: none"> ○ <u>Mathematics problem-solving;</u> 	89.1040(c)(9)(B)(ii)(VIII) 300.309(a)(1)(viii)
P	<ul style="list-style-type: none"> • <u>Whose lack of adequate achievement is indicated by performance on multiple measures such as:</u> 	89.1040(c)(9)(B)(ii)
P	<ul style="list-style-type: none"> ○ <u>In-class tests;</u> 	89.1040(c)(9)(B)(ii)
P	<ul style="list-style-type: none"> ○ <u>Grade average over time (e.g., six weeks, semester);</u> 	89.1040(c)(9)(B)(ii)
P	<ul style="list-style-type: none"> ○ <u>Norm- or criterion-referenced tests;</u> 	89.1040(c)(9)(B)(ii)
P	<ul style="list-style-type: none"> ○ <u>Statewide assessments; or</u> 	89.1040(c)(9)(B)(ii)
P	<ul style="list-style-type: none"> ○ <u>A process based on the child's response to evidence-based intervention;</u> 	89.1040(c)(9)(B)(iii)(II)
P	<ul style="list-style-type: none"> • <u>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.</u> 	89.1040(c)(9)(B)(ii)
	<p><u>RTI MODEL</u></p>	
P	<p>When applying the RtI Model, a finding that the child meets the ELIGIBILITY CRITERIA for an SLD must include a determination that, <u>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</u> when provided a process based on the child's response to evidence-based intervention: <u>in one or more of these areas:</u></p>	89.1040(c)(9)(B)(ii)(I)-(VIII) 89.1040(c)(9)(B)(iii)(I) 300.309(a)(2)(i) 300.311(a)
PD	<ul style="list-style-type: none"> • As indicated by the child's performance relative to the performance of the child's 	89.1040(c)(9)(B)(ii)(I)-(VIII) 89.1040(c)(9)(B)(ii)

DOCUMENT / PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
	<p>peers on repeated, curriculum-based assessments of achievement at reasonable intervals, reflecting progress of the child during classroom instruction.<u>Oral expression;</u></p>	<p>)(I) 89.1040(c)(9)(B)(iii)(I)</p>
<u>D</u>	<ul style="list-style-type: none"> • <u>Observation</u><u>Listening comprehension;</u> 	<p>89.1040(c)(9)(B)(ii)(II) 89.1040(c)(9)(B)(iii)(I)</p>
<u>PD</u>	<ul style="list-style-type: none"> • The local educational agency must ensure that the child is observed in the child's learning environment, including the regular classroom setting, to document the child's academic performance and behavior in the areas of difficulty.<u>Written expression;</u> 	<p>300.310(a)89.1040(c)(9)(B)(ii)(III) 89.1040(c)(9)(B)(iii)(I)</p>
<u>PD</u>	<ul style="list-style-type: none"> • In determining whether the child has an SLD, the group of qualified professionals must decide to either:<u>Basic reading;</u> 	<p>300.310(b)89.1040(c)(9)(B)(ii)(IV) 89.1040(c)(9)(B)(iii)(I)</p>
<u>PD</u>	<ul style="list-style-type: none"> • <u>Reading fluency skills;</u>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>300.310(b)(1)89.1040(c)(9)(B)(ii)(V) 89.1040(c)(9)(B)(iii)(I)</p>
<u>PD</u>	<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 regular classroom after the child has been referred for an evaluation and <u>CONSENT</u> is obtained from the <u>PARENT</u>.<u>Reading comprehension;</u> 	<p>300.310(b)(2)89.1040(c)(9)(B)(ii)(VI) 89.1040(c)(9)(B)(iii)(I)</p>
<u>PD</u>	<ul style="list-style-type: none"> • <u>Mathematics calculation; or</u>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>300.310(c)89.1040(c)(9)(B)(ii)(VII) 89.1040(c)(9)(B)(iii)(I)</p>

DOCUMENT / PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
D	<ul style="list-style-type: none"> The documentation of the determination of an SLD eligibility must contain a statement of: <u>Mathematics problem solving.</u> 	300.311(a)89.1040(c)(9)(B)(ii)(VIII) 89.1040(c)(9)(B)(iii)(I)
D	<ul style="list-style-type: none"> <u>PATTERN OF STRENGTHS AND WEAKNESSES</u> The relevant behavior, if any, noted during the observation of the child; and 	300.311(a)(3)
D	<ul style="list-style-type: none"> The relationship of that behavior to the child's academic functioning. 	300.311(a)(3)
<u>Pattern of Strengths and Weaknesses Model</u>		
P	When applying the pattern of strengths and weaknesses model, to find that the child meets the <u>ELIGIBILITY CRITERIA</u> for an SLD, a determination must be made that:	89.1040(c)(9)(B)(ii)(II) 89.1040(c)(9)(B)(iii)(I)
P	<ul style="list-style-type: none"> The child exhibits a pattern of strengths and weaknesses in: 	89.1040(c)(9)(B)(ii)(II) 89.1040(c)(9)(B)(iii)(II) 300.309(a)(2)(ii)
P	<ul style="list-style-type: none"> Performance; 	89.1040(c)(9)(B)(ii)(II) 89.1040(c)(9)(B)(iii)(II) 300.309(a)(2)(ii)
P	<ul style="list-style-type: none"> Achievement; or 	89.1040(c)(9)(B)(ii)(II) 89.1040(c)(9)(B)(iii)(II) 300.309(a)(2)(ii)
P	<ul style="list-style-type: none"> Both; 	89.1040(c)(9)(B)(ii)(II) 89.1040(c)(9)(B)(iii)(II) 300.309(a)(2)(ii)
P	<ul style="list-style-type: none"> The pattern is relative to: 	89.1040(c)(9)(B)(ii)(II) 89.1040(c)(9)(B)(iii)(II) 300.309(a)(2)(ii)
P	<ul style="list-style-type: none"> Age; 	89.1040(c)(9)(B)(ii)(II) 89.1040(c)(9)(B)(iii)(II) 300.309(a)(2)(ii)

DOCUMENT / PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
P	<ul style="list-style-type: none"> ○ State-approved grade-level standards; or 	89.1040(c)(9)(B)(ii)(II) 89.1040(c)(9)(B)(iii)(II) 300.309(a)(2)(ii)
P	<ul style="list-style-type: none"> ○ Intellectual development; <u>and</u> 	89.1040(c)(9)(B)(ii)(II) 89.1040(c)(9)(B)(iii)(II) 300.309(a)(2)(ii)
P	<ul style="list-style-type: none"> ● The pattern is evident as indicated by significant variance: 	89.1040(c)(9)(B)(ii)(II)
P	<ul style="list-style-type: none"> ○ Among specific areas of cognitive function such as working memory and verbal comprehension; or 	89.1040(c)(9)(B)(ii)(II)
P	<ul style="list-style-type: none"> ○ Between specific areas of cognitive function and academic achievement; and 	89.1040(c)(9)(B)(ii)(II)
P	<ul style="list-style-type: none"> ● The pattern is relevant to the identification of an SLD using appropriate assessments. 	89.1040(c)(9)(B)(iii)(II) 300.309(a)(2)(ii)
EXCLUSIONARY FACTORS		
D	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:	89.1040(c)(9)(B)(iii)(II) 300.311(a)(6)
D	<ul style="list-style-type: none"> ● A visual, hearing, or motor disability; 	89.1040(c)(9)(B)(iv)(I) 300.311(a)(6)
D	<ul style="list-style-type: none"> ● An intellectual disability; 	89.1040(c)(9)(B)(iv)(II) 300.311(a)(6)
D	<ul style="list-style-type: none"> ● Emotional disturbance; 	89.1040(c)(9)(B)(iv)(III) 300.311(a)(6)
D	<ul style="list-style-type: none"> ● Cultural factors; 	89.1040(c)(9)(B)(iv)(IV) 300.311(a)(6)

DOCUMENT / PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
D	<ul style="list-style-type: none"> Environmental or economic disadvantage; or 	89.1040(c)(9)(B)(iv)(V) 300.311(a)(6)
D	<ul style="list-style-type: none"> Limited English proficiency. 	89.1040(c)(9)(B)(iv)(VI) 300.311(a)(6) 300.27 20 USC 7801(20)
D	The group of qualified professionals must determine that its findings are not primarily the result of:	89.1040(c)(9)(A) 300.309(a)(3)
D	<ul style="list-style-type: none"> A visual, hearing, or motor disability; 	89.1040(c)(9)(B)(iv)(I) 300.309(a)(3)(i)
D	<ul style="list-style-type: none"> An intellectual disability; 	89.1040(c)(9)(B)(iv)(II) 300.309(a)(3)(ii)
D	<ul style="list-style-type: none"> Emotional disturbance; 	89.1040(c)(9)(B)(iv)(III) 300.309(a)(3)(iii)
D	<ul style="list-style-type: none"> Cultural factors; 	89.1040(c)(9)(B)(iv)(IV) 300.309(a)(3)(iv)
D	<ul style="list-style-type: none"> Environmental or economic disadvantage; or 	89.1040(c)(9)(B)(iv)(V) 300.309(a)(3)(v)
D	<ul style="list-style-type: none"> Limited English proficiency. 	89.1040(c)(9)(B)(iv)(VI) 300.309(a)(3)(vi) 300.27 20 USC 7801(20)
ADDITIONAL DOCUMENTATION		
D	The documentation of the determination of eligibility must contain a statement of:	300.311(a)
D	<ul style="list-style-type: none"> Whether the child has an SLD; 	300.311(a)(1)
D	<ul style="list-style-type: none"> The basis for making the determination, including an assurance that the determination has been made in 	300.311(a)(2)

DOCUMENT / PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
	accordance with EVALUATION PROCEDURES ; and	
D	<ul style="list-style-type: none"> The educationally relevant medical findings, if any. 	300.311(a)(4)
D	Each member of the group of qualified professionals must certify in writing whether the report reflects the member's conclusion.	300.311(b)
D	If the report does not reflect a group member's conclusion, that group member must submit a separate statement presenting the member's conclusion.	300.311(b)
ELIGIBILITY CRITERIA		
P	A child with an SLD impairment is one:	89.1040(c)(9)(B) 300.309(a)
D	<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; 	89.1040(c)(9)(B)(i)
D	<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: 	89.1040(c)(9)(B)(ii) 300.309(a)(1)
D	<ul style="list-style-type: none"> Oral expression; 	89.1040(c)(9)(B)(ii) 300.309(a)(1)(i)
D	<ul style="list-style-type: none"> Written expression; 	89.1040(c)(9)(B)(ii) 300.309(a)(1)(iii)
D	<ul style="list-style-type: none"> Listening comprehension; 	89.1040(c)(9)(B)(ii) 300.309(a)(1)(ii)
D	<ul style="list-style-type: none"> Basic reading skill; 	89.1040(c)(9)(B)(ii) 300.309(a)(1)(iv)

DOCUMENT / PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
D	<ul style="list-style-type: none"> ○ Reading fluency skills; 	<p>89.1040(c)(9)(B)(ii) 300.309(a)(1)(v)</p>
D	<ul style="list-style-type: none"> ○ Reading comprehension; 	<p>89.1040(c)(9)(B)(ii) 300.309(a)(1)(vi)</p>
D	<ul style="list-style-type: none"> ○ Mathematics calculation; or 	<p>89.1040(c)(9)(B)(ii) 300.309(a)(1)(vii)</p>
D	<ul style="list-style-type: none"> ○ Mathematics problem-solving; 	<p>89.1040(c)(9)(B)(ii) 300.309(a)(1)(viii)</p>
P	<ul style="list-style-type: none"> ● Whose lack of adequate achievement is indicated by performance on multiple measures such as: 	<p>89.1040(c)(9)(B)(ii)</p>
P	<ul style="list-style-type: none"> ○ In-class tests; 	<p>89.1040(c)(9)(B)(ii)</p>
P	<ul style="list-style-type: none"> ○ Grade average over time (e.g., six weeks, semester); 	<p>89.1040(c)(9)(B)(ii)</p>
P	<ul style="list-style-type: none"> ○ Norm- or criterion-referenced tests; 	<p>89.1040(c)(9)(B)(ii)</p>
P	<ul style="list-style-type: none"> ○ Statewide assessments; or 	<p>89.1040(c)(9)(B)(ii)</p>
P	<ul style="list-style-type: none"> ○ A process based on the child's response to evidence-based intervention; 	<p>89.1040(c)(9)(B)(ii)</p>
P	<ul style="list-style-type: none"> ● Who does not make sufficient progress under the additional criteria of the <u>RTI Model</u> or the child meets the additional criteria under the <u>Pattern of Strengths and Weaknesses Model</u>; 	<p>89.1040(c)(9)(B)(ii)</p>
P	<ul style="list-style-type: none"> ● Whose lack of adequate performance is not primarily the result of <u>Exclusionary Factors</u>; and 	<p><u>300.309(a)(3)</u></p>

DOCUMENT / PRACTICE	FEDERAL AND STATE REQUIREMENTS	CITATIONS
P	<ul style="list-style-type: none">• Whose lack of adequate achievement is not due to <u>Determinant Factors</u>.	300.309(b)

| Last Updated: ~~Wednesday, March 28, 2018~~ Thursday, November 11, 2021