

FACT SHEET



Specific Learning Disability

Evaluation for Special Education

The Individuals with Disabilities Education Act (IDEA), in 2004, includes important procedures which schools must use when evaluating eligibility for special education services. An initial evaluation involves the use of a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information to assist in determining if the child is eligible for special education. A two-pronged test for eligibility is used in making the determination: (1) whether the child is a child with an exceptionality (disability or giftedness) as defined in federal and state laws and regulations; and (2) by reason thereof, has a need for special education and related services. Having information, assessments, or diagnosis from sources external to the school is helpful but is not sufficient to determine eligibility for special education under IDEA.

A child must NOT be determined to be a child with an exceptionality if: (a) the determinant factor is: lack of appropriate instruction in reading, including the essential components of reading instruction (defined in the Elementary and Secondary Education Act as phonemic awareness, phonics, vocabulary development, reading fluency including oral reading skills, and reading comprehension strategies); lack of appropriate instruction in

math; or Limited English proficiency; and (b) the child does not otherwise meet the eligibility criteria as a child with an exceptionality.

Specific Learning Disability

Specific learning disability means a disorder in one of more of the basic psychological processes involved in understanding or using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. KAR 91-40-1 (mmm). The term shall not include learning problems that are primarily the result of any of the following: (1) Visual, hearing, or motor, disabilities; (2) Intellectual Disability; (3) emotional disability; or (4) environmental, cultural, or economic disadvantage. KAR 91-40-11 (b)(1).

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KAR 91-40-11

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

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

(B)(i) The child does not make sufficient progress to meet age or state-approved grade level standards in one of more of the areas identified in paragraph (b)(1)(A) when using a process based on the child's response to scientific, research-based intervention; or (ii) the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, grade

level standards, or intellectual development that is determined by the group conducting the evaluation to be relevant to the identification of a specific learning disability, using appropriate assessments.

There is no requirement for the administration of any specific test, including intelligence tests, tests of psychological processes, or norm referenced tests of achievement in order to identify a child as a child with a learning disability. "The [U.S.] Department [of Education] does not believe that an assessment of psychological or cognitive processing should be required in determining whether a child has an SLD. There is no current evidence that such assessments are necessary or sufficient for identifying SLD." Federal Register Vol 71, No. 156 / Monday August 14, 2006/ Rules and Regulations, page 46651.

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

More Information and Resources

[KSDE Kansas Special Education Process Handbook](#)

[KSDE Kansas Eligibility Indicators](#)

[KSDE Dyslexia Resources](#)

[International Dyslexia Association](#)

[National Center for Learning Disabilities](#)

For more information, contact:

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