

TA Tuesday: Specific Learning Disability, March 15th, 2023

Purpose

Hello Special Education Directors,

Every Tuesday (due to technical difficulties this is being sent Wednesday), the AOE will be sending a technical assistance email to LEAs as a reminder and to provide any updates on available resources or professional development for a particular topic related to upcoming special education rule changes. Today's TA topic is the special education rule changes related to specific learning disabilities (SLD) and the removal of the discrepancy model.

An optional office hour has been scheduled on May 4th from 3:00 – 4:00 to support additional questions related to this topic. Please submit any questions in advance through this [form](#).

Specific Learning Disability (SLD)

SLD is one of the thirteen disability classifications in IDEA and is a disability that interferes with a student's ability to listen, think, speak, write, spell, or do mathematical calculations. Specific Learning Disability includes conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. SLD does not include a learning problem that is primarily the result of: visual, hearing, or other motor disabilities; intellectual disability; emotional disturbance; or environmental, cultural, or economic disadvantage.

Procedures for Identifying Children with SLD - The Transition Away from the Discrepancy Model

In making the determination that a student has a specific learning disability the LEA shall decide whether to use a model based on whether the student responds to scientific, research-based intervention or to use a model based on other alternative research-based procedures for determining whether a child has a specific learning disability.

Each LEA is responsible to identify the method for use in the LEA, which might include Multitiered System of Supports/Response to Intervention (MTSS/RTI), Assessment and Patterns of Strengths and Weaknesses (PSW) approaches or a combination of approaches.

It is expected that LEAs have assessment, intervention, monitoring progress and data collecting mechanisms in place which include the components as described in the [VTmtss Field Guide 2019](#).

Contact Information:

If you have questions about this document or would like additional information, please contact:
Cassandra Santo, Special Education Division, Cassie.Santo@Vermont.gov

Please see the following sections of the [K-12 Special Education Evaluation Implementation Guide](#) for more specific support: [Determining Next Steps](#), [Assessment Planning for Students Suspected of Having SLD](#), [Overview of Eligibility Criteria for SLD](#), [Disability Characteristic Checklist](#), [SLD Eligibility Checklist](#), [Example Special Education Eligibility Decisions](#), and [EPT Evaluation Plan and Report Checklist \(SLD\)](#).

Specific Learning Disability Eligibility Guidance

The process for determining SLD eligibility can be more easily understood through the lens of five elements. Each of these elements is represented throughout the process outlined above. See [IDEA: Identification of SLD](#).

Five Key Elements:

- The student **demonstrates a lack of adequate** achievement in one of the eight basic skill areas when provided with learning experiences and instruction appropriate for the student’s age or State-approved grade-level standards.
- The student **demonstrates a lack of progress** when provided with scientific research-based instruction and interventions.
- Underachievement is not the result of **exclusionary factors**, including visual, hearing or motor disability, intellectual disability, emotional disturbance, cultural factors environmental or economic disadvantage, limited English Proficiency, or lack of instruction in reading or math.
- **Observational data** reflect academic and behavioral performance within the classroom reflects area(s) of concern.
- Documented **parental notifications** and participation throughout the process.

For more information on each element, please see the [Specific Learning Disability Eligibility Guidance](#).

FAQ: SLD

Q: What model do we pick RTI/PSW? What guidance is available?

A: The option to select the eligibility model is up to the district. As long as it includes either a; “process based on the child's response to scientific, research-based intervention”... or, “other alternative research-based procedures for determining whether a child has a specific learning disability, as defined in [§300.8\(c\)\(10\)](#)”

For further supports on systems and approaches, resources related to RTI and PSW, literature and organizations related to this topic, and a plethora of additional topics, please visit the [General Resources](#) of the [Specific Learning Disability Eligibility Guidance](#).

If districts are looking for individualized systemic support related to systems of instruction and intervention, please consider the [State Systemic Improvement Plan](#) (SSIP) and the [Vermont State Personnel Development Grant](#) (SPDG). SSIP is a requirement for all states and territories receiving federal funds for IDEA programs. It includes comprehensive, ambitious, achievable,

multi-year plan for improving results for children with disabilities with stakeholder involvement in all phases. For more information on SSIP, please contact [Betty Roy](#). SPDG is a grant that was awarded to the AOE to address students' access to high-quality instruction and intervention delivery systems along the continuum from birth through age 21. For more information on SPDG, please contact [Meg Porcella](#).

Q: How do we determine Tier 1 has been delivered with fidelity and evidence-based practices?

A: Core instruction (tier 1) is ongoing for all students. It is the responsibility of the school administration to ensure that their coordinated curriculum is standards-based and delivered with fidelity. The LEA is also required to maintain a local comprehensive assessment system that will (among other things) measure student progress in a variety of ways over different timeframes to determine the effectiveness of instruction. Finally, each LEA is required to use evidence gathered to provide appropriate professional learning for staff to support their ability to deliver instruction.

The AOE has created several tools to support the documentation of evidence-based practices. The [Mathematics Worksheet](#), [Reading Worksheet](#), and [Written Expression Worksheet](#) are fillable forms that can be used to document that a student has received appropriate instruction and intervention in mathematics, reading, and writing. The [Systematic Observation of Learning](#) form is designed to collect relevant observational data regarding instruction, curriculum, and/or environmental observations.

Q: How does the SLD eligibility process consider functional skills?

A: Eligibility for SLD is based on the academic basic skill areas (functional skills is not listed as a basic skill under SLD). That means an academic area of concern which needs to be addressed could be supplemented by functional or motor skills information, but the functional or motor skills alone would not be enough to prove the eligibility. So, for example, a student identified with a deficit in reading comprehension using an RTI approach would need to demonstrate that progress had not been made in interventions. The eligibility information could include test scores and progress monitoring with additional support from functional skill information which may be related to either the student's focus, effort, or purposeful avoidance of tasks related to reading comprehension.

Please see the [Specific Learning Disability FAQs](#), for additional responses to questions related to this topic.

Resources

[Considerations for Appropriate Instruction](#): This fillable form is a self-assessment tool developed to aid Educational Support Teams (EST's) in the consideration of whether or not a student received appropriate instruction and whether or not a lack of appropriate instruction was the determinant factor in a student's lack of, or in maintaining, adequate progress.

[Determination of Eligibility: Specific Learning Disability](#): This fillable worksheet can be completed by EPTs during the evaluation process to support teams in documenting eligibility requirements for specific learning disability.

[Mathematics Worksheet](#): This fillable form is to document that a student has received appropriate instruction and intervention in mathematics.

[Reading Worksheet](#): This fillable form is to document that a student has received appropriate instruction and intervention in reading.

[Specific Learning Disabilities: Guidelines for Determining Eligibility](#): This document provides guidelines for adopting consistent state-wide practices of determining whether a student has a specific learning disability and to provide practical resources to educators as we move away from a discrepancy model to scientific, research-based intervention/instruction models that are in accordance with changes to State Board of Education Rule (SBE Rule) 2362.2.5, as well as alignment with IDEA Regulation 34 CFR §§300.307-300.311 to be in effect July 1, 2023.

[Specific Learning Disability: Multidisciplinary Evaluation Team Members and Responsibilities](#): This document outlines the required participants for an evaluation planning team meeting for students suspected of having a specific learning disability and highlights sample responsibilities of each team member.

[Systematic Observation of Learning – Core Instruction](#): This fillable form is designed to address appropriate instruction of all students and to collect relevant observational data related to instruction, curriculum, and/or environmental observations.

[Webinar: SLD Eligibility Determination](#) and [Slide deck](#): This webinar and slide deck reviews the special education rule changes related to specific learning disabilities and eligibility determination.

[Written Expression Worksheet](#): This fillable form is to document that a student has received appropriate instruction and intervention in written expression.

Happy Wednesday,

Special Education Program Team