Eligibility Determination: Specific Learning Disability (Dual Discrepancy Model)

|  |  |
| --- | --- |
| Child Name: | DOB: |
| Gender: | Age: |
| School: | Grade: |
| Parent/Guardian: | Address: |
| Parent/Guardian: | Address: |
| Home Phone: | Work Phone: |
| Home Language: | Language Proficiency: |
| Primary Language: | Referral Date: |
| Test Dates: | Report Date: |

Specific learning disability means 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, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage. (34 CFR Sec. 300.8(c)(10))

SLD is a disability rooted in a neurological processing deficit (e.g., auditory processing, memory, processing speed, phonological processing, visual/perceptual processing, etc.) and results in significant academic underachievement following sustained, high-quality, scientific, research-based instruction and intervention. SLD may be manifested in the following areas:

* Basic reading skills
* Reading fluency skills
* Reading comprehension skills
* Written expression
* Mathematics calculation
* Mathematics problem solving
* Oral expression
* Listening comprehension

**The New Mexico Public Education Department (PED) highly recommends that the Eligibility Determination Team (EDT) use the following information in making an eligibility determination under the category of specific learning disability.**

**Document assessment and evaluation data.** The EDT must review and/or complete the following evaluations and/or assessments according to the requirements established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017):

screening data/previously conducted evaluation data (school-aged children); SAT file documentation (school aged children)

Date: \_\_\_\_\_\_\_\_\_\_

᷾ child’s history, including an interview with the parent(s)/guardian(s)

Date: \_\_\_\_\_\_\_\_\_\_

complete multiple direct observations in all areas of difficulty, across both structured and unstructured settings, including in the general education classroom, and at various times

Date: \_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_

assessment of cognitive abilities, including both verbal and nonverbal skills Date: \_\_\_\_\_\_\_\_\_\_

informal academic achievement data, including benchmark testing, progress monitoring, curriculum-based measures, running records, work samples, and criterion-referenced testing

Date: \_\_\_\_\_\_\_\_\_\_

formal individual academic achievement data in the area of suspected disability, including basic reading skills, reading fluency, reading comprehension, written expression, math calculation, math problem solving, oral expression, and/or listening comprehension

Date: \_\_\_\_\_\_\_\_\_\_

assessment of cognitive processing skills in the areas related to the suspected area(s) of disability

Date: \_\_\_\_\_\_\_\_\_\_

transition assessment, as appropriate

Date: \_\_\_\_\_\_\_\_\_\_

other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_

other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_

other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_

**Determine the presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child is a child with specific learning disability according to the requirements of IDEA (34 CFR Sec. 300.8(c)(10)). The questions below should be answered to help the EDT determine whether or not the child has a disability as defined by IDEA (2004).

1. Has the EDT determined and documented that the child was provided with high quality, scientific, research-based instruction and intervention by qualified personnel in general education settings?

᷾ YES  NO

Documentation:

√If answered NO, the child is not eligible under the specific learning disability category.

1. Has the EDT determined and documented that the child has been provided with learning experiences and instruction appropriate for the child’s age or State-approved grade-level standards?

᷾ YES  NO

Documentation:

√If answered NO, the child is not eligible under the specific learning disability category.

1. Has the EDT eliminated the possibility that the learning difficulties are the result of all of the following factors:

Lack of appropriate instruction in reading

᷾ YES  NO

Documentation:

Lack of appropriate instruction in math

᷾ YES  NO

Documentation:

Visual, hearing, or motor disability

᷾ YES  NO

Documentation:

Intellectual disability

᷾ YES  NO

Documentation:

Emotional disturbance

᷾ YES  NO

Documentation:

Cultural factors

᷾ YES  NO

Documentation:

Limited English proficiency

᷾ YES  NO

Documentation:

Environmental or economic factors

᷾ YES  NO

Documentation:

√If answered NO to any of the above questions, the child is not eligible under the specific learning disability category.

1. Has the EDT determined that no other eligibility category better describes this child’s disability?

᷾ YES  NO

Documentation:

√If answered NO, the child is not eligible under the specific learning disability category.

1. **Factor 1:** Using the triangulation of multiple data sources, has the EDT determined that the child demonstrates a pattern of performance that indicates the child does not achieve adequately for the child’s age or has not met State-approved grade-level standards (a) consistent with at least one of the specified SLD areas and (b) documented by data such as:
2. a 1.5 standard deviation difference between the child’s achievement scores and that of his/her same age or grade peers using local or national normative data; and/or
3. percentile ranks at or below the 6th percentile (e.g., DIBELS and other CBMs, short-cycle assessments, standards based assessments, etc.)?

Basic reading skills

᷾ YES  NO

Documentation:

Reading fluency skills

᷾ YES  NO

Documentation:

Reading comprehension skills

᷾ YES  NO

Documentation:

Written expression skills

᷾ YES  NO

Documentation:

Mathematics calculation

YES  NO

Documentation:

Mathematics problem solving

᷾ YES  NO

Documentation:

Oral expression

YES  NO

Documentation:

Listening comprehension

᷾ YES  NO

Documentation:

**Reminder:** EDTs must consider dyslexia for all students referred for an evaluation for potential eligibility under the category of SLD in the areas of reading and/or written expression.

√If answered NO to all of the above questions, the child is not eligible under the specific learning disability category.

1. Has the EDT determined that child demonstrates a basic neurological processing deficit(s) related to the area(s) of academic need?

᷾ YES  NO

Documentation:

√ If answered NO, the child is not eligible under the specific learning disability category.

1. Factor 2: Has the EDT determined and documented that the child’s rate of improvement (growth) and/or patterns of strengths and weaknesses support(s) an eligibility determination of specific learning disability:

Yes, as evidenced by at least one of the following:

Factor 2(a): the child’s frequent (at least bi-weekly, but ideally weekly or semi-weekly) progress-monitoring assessment data demonstrate a difference of 1.5 standard

deviations or more between the child’s progress monitoring growth and that of the rate of improvement of same grade peers; AND/OR

᷾Factor 2(b): the child demonstrates a highly consistent pattern of strengths and weaknesses (in performance, achievement, and/or cognitive abilities relative to age or State-approved grade level standards) as evidenced by the triangulation of multiple data points from a variety of sources using the process outlined in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017).

Documentation:

No, the child’s progress-monitoring growth does not indicate insufficient progress AND the child does not demonstrate a highly consistent pattern of strengths and weaknesses.

Documentation:

√If answered NO, the child is not eligible under the specific learning disability category.

1. Has the EDT determined that the assessment and evaluation demonstrate that the child is a child with a specific learning disability, as defined by IDEA (2004)?

᷾ YES  NO

Documentation:

√ If answered NO, the child is not eligible under the specific learning disability category.

**Determine need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child requires specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child requires specially designed instruction as defined by IDEA (2004).

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

YES  NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

YES  NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?

YES  NO

Rationale/Documentation:

√Answering “yes” to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

**Determination of continued eligibility for special education and related services.** The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

The child is eligible under the eligibility category of specific learning disability.

The results of the evaluation documents that the child is eligible for and in need of special education services under the eligibility category of specific learning disability as defined by IDEA (2004).

The child also demonstrates the characteristics of dyslexia. *(This question only needs to be answered for children with reading and/or written expression concerns)*.

The child is not eligible under the eligibility category of specific learning disability.

The results of the evaluation indicate that the child does not have specific learning disability as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.

The results of the evaluation indicate that the child does not have specific learning disability as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. (Complete appropriate eligibility determination form for that category.)

The results of the evaluation indicate that the child has specific learning disability as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (as defined by IDEA, 2004) better describes the child’s primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)

The results of the evaluation indicate that although the child has specific learning disability as defined by IDEA (2004), the EDT has determined that the child’s educational needs can be met without specially designed instruction.

The EDT is unable to determine eligibility under the eligibility category of specific learning disability. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

Additional information from:

Additional assessments in the following areas:

Other:

Eligibility Determination Team Participants

|  |  |  |  |
| --- | --- | --- | --- |
|  | Title/Name | Date | Signature |
|  | Parent/Guardian |  |  |
|  | Parent/Guardian |  |  |
|  | Child |  |  |
|  | Special Education Teacher |  |  |
|  | General Education Teacher |  |  |
|  | District Representative |  |  |
|  | Person Interpreting Evaluation Results |  |  |
|  | Educational Diagnostician |  |  |
|  | Speech Language Pathologist |  |  |
|  | Occupational Therapist |  |  |
|  | Physical Therapist |  |  |
|  | School Psychologist |  |  |
|  | Social Worker |  |  |
|  | Other |  |  |
|  | Other |  |  |
|  | Other |  |  |
|  | Other |  |  |

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.

Reevaluation Eligibility Determination: Specific Learning Disability

|  |  |
| --- | --- |
| Child Name: | DOB: |
| Gender: | Age: |
| School: | Grade: |
| Parent/Guardian: | Address: |
| Parent/Guardian: | Address: |
| Home Phone: | Work Phone: |
| Home Language: | Language Proficiency: |
| Primary Language: | Referral Date: |
| Test Dates: | Report Date: |

Specific learning disability means 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, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage. (34 CFR Sec. 300.8(c)(10))

Specific learning disability (SLD) is a disability rooted in a neurological processing deficit (e.g., auditory processing, memory, processing speed, phonological processing, visual/perceptual processing, etc.) and results in significant academic underachievement following sustained, high-quality, scientific, research-based instruction and intervention. SLD may be manifested in the following areas:

* + Basic reading skills
  + Reading fluency skills
  + Reading comprehension skills
  + Written expression
  + Mathematics calculation
  + Mathematics problem solving
  + Oral expression
  + Listening comprehension

**The PED highly recommends that the Eligibility Determination Team (EDT) use the following information in making a continued eligibility determination under the category of specific learning disability.**

**Review of evaluation data.** The EDT reviewed and/or completed the following evaluations and/or assessments as part of the reevaluation process according to the recommendations established in the New Mexico Technical Evaluation and Assessment Manual (NM TEAM 2017):

᷾ current classroom-based, short-cycle, and/or state assessments (including, but not limited to benchmark testing, progress monitoring, curriculum-based measures, running records, work samples, and criterion-referenced testing) Date: \_\_\_\_\_\_\_\_\_\_

᷾ classroom-based observations

Date: \_\_\_\_\_\_\_\_\_\_

᷾ observations and information provided by teachers and related service providers Date: \_\_\_\_\_\_\_\_\_\_

᷾ Date: \_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_

᷾ observations, information, and/or evaluations provided by the child’s parents Date(s): \_\_\_\_\_\_\_\_\_\_

Other assessment information included:

assessment of cognitive abilities, including both verbal and nonverbal skills

Date: \_\_\_\_\_\_\_\_\_\_

᷾ formal individual academic achievement data in the area of suspected disability, including basic reading skills, reading fluency, reading comprehension, written expression, math calculation, math problem solving, oral expression, and/or listening comprehension

Date: \_\_\_\_\_\_\_\_\_\_

᷾ assessment of cognitive processing skills in the areas related to the area(s) of academic concern

Date: \_\_\_\_\_\_\_\_\_\_

᷾᷾ transition assessment, as appropriate

Date: \_\_\_\_\_\_\_\_\_\_

᷾ other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_

other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_

᷾ other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_

**Determine the continued presence of a disability.** The assessment and evaluation data documented above must demonstrate that the child continues to be a child with specific learning disability according to the requirements of IDEA (34 CFR Sec. 300.8(c)(10)). The questions below should be answered to help the EDT determine whether or not the child continues to have a disability as defined by IDEA (2004).

1. Has the EDT determined that the assessment and evaluation data demonstrate that the child continues to be a child with specific learning disability as defined by IDEA (2004) in one or more of the following areas?

Basic reading skills

᷾ YES  NO

Documentation:

Reading fluency skills

᷾ YES  NO

Documentation:

Reading comprehension skills

᷾ YES  NO

Documentation:

Written expression skills

YES  NO

Documentation:

Mathematics calculation

᷾ YES  NO

Documentation:

Mathematics problem solving

᷾ YES  NO

Documentation:

Oral expression

᷾ YES  NO

Documentation:

Listening comprehension

YES  NO

Documentation:

√If answered NO, the child is not eligible under the specific learning disability category.

**NOTE:** Continued eligibility (no change in eligibility classification) is not dependent upon meeting initial eligibility criteria. For children eligible under the category of specific learning disability, this means that EDTs are not required to use the dual discrepancy or severe discrepancy models to determine that a child continues to have a specific learning disability.

1. Has the EDT determined that no other eligibility category better describes this child’s disability?

YES  NO

Documentation:

√If answered NO, the child is not eligible under the specific learning disability category.

**NOTE**: There are no specific reevaluation eligibility criteria; therefore, it is up to the EDT to determine whether or not the child continues to have a disability based on the REED (Review of Existing Evaluation Data) process. However, if upon review of existing and newly gathered evaluation data (as appropriate), there is consideration of a change or addition of eligibility, the EDT must follow the guidelines and procedures for initial eligibility for the newly considered eligibility category.

**Determine continued need for specially designed instruction.** The assessment and evaluation data documented above must demonstrate that the child continues to require specially designed instruction as a result of the disability according to the requirements of IDEA (34 CFR Sec. 300.39(b)(3)). The questions below should be answered to help the EDT determine whether or not the child continues to require specially designed instruction as defined by IDEA (2004).

To answer the following questions, the EDT should consider (a) the child’s present levels of academic achievement and functional performance, (b) the child’s educational needs, and (c) any necessary changes to the child’s educational program.

1. As a result of the disability, does the child require specially designed instruction in order to be involved in and make progress in the general education curriculum or developmentally appropriate activities, as appropriate?

YES  NO

Rationale/Documentation:

2. As a result of the disability, does the child require specially designed instruction in order to participate in extracurricular and other nonacademic activities?

YES  NO

Rationale/Documentation:

3. As a result of the disability, does the child require specially designed instruction in order to be educated and participate with other children with and without disabilities?

YES  NO

Rationale/Documentation:

√Answering “yes” to one or more of the above statements (1, 2, 3) indicates that the child needs specially designed instruction.

**Determination of continued eligibility for special education and related services.** The EDT has reviewed the referral and evaluation sources relevant to this child and has made the following determination:

᷾ The child is eligible under the eligibility category of specific learning disability.

᷾ The results of the evaluation documents that the child is eligible for and in need of special education services under the eligibility category of specific learning disability as defined by IDEA (2004).

The child also demonstrates the characteristics of dyslexia. *(This question only needs to be answered for children with reading and/or written expression concerns)*.

᷾ The child is not eligible under the eligibility category of specific learning disability.

᷾ The results of the evaluation indicate that the child does not have specific learning disability as defined by IDEA (2004), and the child is not eligible for special education and related services under any other eligibility category.

᷾ The results of the evaluation indicate that the child does not have specific learning disability as defined by IDEA (2004), but the child is eligible for special education and related services under the category of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. (Complete appropriate eligibility determination form for that category.)

᷾ The results of the evaluation indicate that the child has specific learning disability as defined by IDEA (2004); however, the EDT has determined that the eligibility category of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (as defined by IDEA, 2004) better describes the child’s primary disability that results in a need for specially designed instruction. (Complete appropriate eligibility determination form for that category.)

᷾ The results of the evaluation indicate that although the child has specific learning disability as defined by IDEA (2004), the EDT has determined that the child’s educational needs can be met without specially designed instruction.

᷾ The EDT is unable to determine eligibility under the eligibility category of specific learning disability. The following information is needed in order for the EDT to reconvene and make a final eligibility determination decision:

᷾ Additional information from:

᷾ Additional assessments in the following areas:

᷾ Other:

Reevaluation Eligibility Determination Team Participants

|  |  |  |  |
| --- | --- | --- | --- |
|  | Title/Name | Date | Signature |
|  | Parent/Guardian |  |  |
|  | Parent/Guardian |  |  |
|  | Child |  |  |
|  | Special Education Teacher |  |  |
|  | General Education Teacher |  |  |
|  | District Representative |  |  |
|  | Person Interpreting Evaluation Results |  |  |
|  | Educational Diagnostician |  |  |
|  | Speech Language Pathologist |  |  |
|  | Occupational Therapist |  |  |
|  | Physical Therapist |  |  |
|  | School Psychologist |  |  |
|  | Social Worker |  |  |
|  | Other |  |  |
|  | Other |  |  |
|  | Other |  |  |
|  | Other |  |  |

Required members of the EDT, as described in IDEA (2004), are parent(s), special education teacher, general education teacher, district representative, and an individual who can interpret evaluation results (this is not necessarily an additional member of the team).

Team members who are serving in more than one role (e.g., district representative and person interpreting evaluation results) should sign in all applicable places.