

Kentucky Definition of Specific Learning Disability (SLD)

According to the Kentucky Administrative Regulations (KARs), [707 KAR 1:002, Section 1 \(59\)](#), “‘Specific learning disability’ [SLD] or ‘LD’ means a disorder that adversely affects the ability to acquire, comprehend, or apply reading, mathematical, writing, reasoning, listening, or speaking skills to the extent that specially designed instruction is required to benefit from education. The specific learning disability... may include dyslexia, dyscalculia, dysgraphia, developmental aphasia, and perceptual/motor disabilities. The term does not include deficits that are the result of other primary determinant or disabling factors such as vision, hearing, motor impairment, mental disability, emotional-behavioral disability, environmental or economic disadvantage, cultural factors, limited English proficiency, or lack of relevant research-based instruction in the deficit area.”

This non-regulatory guidance is intended to answer frequently asked questions related to the evaluation and eligibility determination of SLD. This document is a companion resource to the [Specific Learning Disability Guidance Document](#).

Questions and Answers Related to Specific Learning Disability (SLD)

1. What is the district’s responsibility when a parent refers a student to be evaluated for dyslexia, dyscalculia and dysgraphia?

A local school district must have in effect policies and procedures that plan and implement a child find system to locate, identify and evaluate students who may need special education and related services. Anyone may make a referral for an evaluation to determine if a student has a disability and the district must follow referral and evaluation requirements outlined in [707 KAR 1:300, Section 3](#).

The KARs, in alignment with federal regulations, includes dyslexia, dyscalculia and dysgraphia under the eligibility category of specific learning disability.

According to the United States Department of Education, Office of Special Education Programs (OSEP), “regardless of whether a child has... any other condition explicitly included in the definition of ‘specific learning disability,’... the LEA [local education agency] must conduct an evaluation in accordance with 34 CFR §§300.304-300.311 to determine whether that child meets the criteria for specific learning disability or any of the other disabilities listed in 34 CFR §300.8, which implements IDEA’s [Individuals with Disabilities Education Act] definition of ‘child with a disability’... **There is nothing in the IDEA that would prohibit the use of the terms dyslexia, dyscalculia, and dysgraphia in IDEA evaluation, eligibility determinations or IEP documents**” [[Office of Special Education Programs \(OSEP\) Dear Colleague Letter October 23, 2015](#)].

“In determining whether a student has a disability under the IDEA, including a specific learning disability, and is eligible to receive special education and related services because of that disability, the LEA [local education agency] must conduct a comprehensive evaluation under §300.304, which requires the use of a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child” [[OSEP Dear Colleague Letter October 23, 2015](#)].

2. Is a medical diagnosis for dyslexia, dyscalculia or dysgraphia from a specific medical professional required to determine eligibility for an Individual Education Program (IEP) or 504 plan?

No. Eligibility for special education and related services under the IDEA is determined by the Admissions and Release Committee (ARC).

Local school districts must ensure that a full and individual evaluation is conducted for each child considered for special education and related services ([707 KAR 1:300, Section 4](#)). Once the evaluation components are complete, the ARC must review all data to make a determination of whether the child is a child with a disability. If the child has an SLD, the ARC must then determine whether the disability adversely impacts the student’s educational performance. “‘Adverse effect’ means that the progress of the child is impeded by the disability to the extent that the educational performance is significantly and consistently below the level of similar age peers” [[707 KAR 1:002, Section 1 \(2\)](#)].

To qualify for a 504 plan, the district must determine “whether the physical or mental impairment results in a substantial limitation of one or more major life activities” [[The Civil Rights of Students With Hidden Disabilities and Section 504](#)].

3. What assessment measures may be used to determine eligibility for SLD?

Specific assessment measures are not identified in the IDEA or KARs when determining eligibility for SLD. However, the evaluation must be comprehensive [[707 KAR 1:300, Section 4 \(11\)](#)] and must include multiple data sources [[707 KAR 1:310, Section 2 \(3\)\(a\)\(2\)](#)].

[707 KAR 1:300, Section 4](#) states, “(1) An LEA shall ensure that a full and individual evaluation is conducted for each child considered for specially designed instruction and related services prior to the provision of the services. The results of the evaluation shall be used by the ARC in meeting the requirements on developing an IEP as provided in 707 KAR 1:320.

(2) Tests and other evaluation materials used to assess a child shall be:

- (a) Selected and administered so as not to be discriminatory on a racial or cultural basis; and
- (b) Provided and administered in the child's native language or other mode of communication most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so."

As indicated above, reliability and validity of the test measures, as well as the cultural bias, must be considered when determining what assessment measures will be used as part of an evaluation for each individual student.

"To avoid inappropriately identifying EL [English Learner] students as students with disabilities because of their limited English proficiency, EL students must be evaluated in an appropriate language based on the student's needs and language skills" [[Ensuring English Learner Students Can Participate Meaningfully and Equally in Educational Programs; OCR-00086](#)]. Providing and administering the assessments in the student's native language will ensure the assessment measures the extent to which the student needs specially designed instruction and related services, rather than measuring the student's English language skills [[707 KAR 1:300, Section 4 \(4\)](#)].

4. How does the ARC decide which method to use to determine SLD eligibility?

A district must use the criteria outlined in [707 KAR 1:310, Section 2](#) for SLD. Concerning the use of the severe discrepancy model or response to intervention (RTI), each school district must have policies and procedures in place regarding evaluation and eligibility determination. The specific method (RTI or severe discrepancy) used in the evaluation must be based on district policies and procedures and the specific referral questions the ARC seeks to address for each individual student.

5. Must the specific assessment measures identified and paired in the SLD Reference Tables be used to determine eligibility for an SLD?

No. Some achievement tests may not sufficiently measure the specific challenges of the student. At the referral meeting, the ARC should discuss how the student will be assessed and the student's impairments that may impact the validity of those tests.

6. What if a student does not show a severe discrepancy according to the SLD reference tables?

The procedure of using the SLD reference tables is one source of information for the ARC to consider in the comprehensive evaluation. However, according to [707 KAR 1:300, Section 4 \(9\)](#), "A single procedure shall not be used as the sole criterion for

determining whether a child is a child with a disability and for determining an appropriate educational program for the child.” The ARC is required to use a variety of sources when determining eligibility [[707 KAR 1:310, Section 1 \(3\)](#)].

If the ARC has concerns regarding the validity of the standardized normative measure results, supporting data sources may be used to determine if “the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to ability level or intellectual development...” [[707 KAR 1:310, Section 2](#)].

7. Does the discrepancy method require using the SLD Reference Tables when determining eligibility upon reevaluation?

No. The [SLD Guidance Document](#) states, “For reevaluation purposes, the ARC may use the aptitude/achievement discrepancy tables, although it is not required for continuing eligibility for an SLD.” However, “the evaluation shall be sufficiently comprehensive to identify all the child’s special education and related services needs, whether commonly linked to the disability category in which the child has been classified” [[707 KAR 1:300, Section 4 \(11\)](#)].

Consistent with [707 KAR 1:310, Section 1](#), in making eligibility determinations:

- An LEA shall draw upon a variety of sources;
- The LEA shall ensure that information obtained from these sources, as appropriate for each student, is documented and carefully considered; and
- Upon analysis of intervention and assessment data, the ARC must determine whether the child is a child with a disability to the extent that specially designed instruction is required for the child to benefit from education.

8. May the ARC use additional data to determine eligibility for SLD if the ARC has concerns regarding the results of the discrepancy model or RTI methods?

Yes. Concerning the use of the severe discrepancy model or RTI, each school district must have policies and procedures regarding evaluation and eligibility determination. [707 KAR 1:310, Section 2](#) outlines two possible methods for making an eligibility determination for SLD; however, if the ARC has concerns regarding the results of the method used, additional data sources may be used to determine if the student has an SLD. It is the ARC, “a group of qualified professionals and the parent of the child who determine whether the child is a child with a disability, as defined in 34 CFR 300.8, rather than an LEA” [[OSEP Policy Letter to Prifitera, March 1, 2007](#)].

For example, “an RTI process does not replace the need for a comprehensive evaluation. A public agency must use a variety of data gathering tools and strategies even if an RTI process is used. The results of an RTI process may be one component of the information

reviewed as part of the evaluation procedures required under 34 CFR §§300.304 and 300.305. As required in 34 CFR §300.304(b), consistent with section 614(b)(2) of the Act, an evaluation must include a variety of assessment tools and strategies and cannot rely on any single procedure as the sole criterion for determining eligibility for special education and related services” [[Questions and Answers on Response to Intervention \(RTI\) and Early Intervening Services \(EIS\)](#)].

9. What other assessments and data should the ARC consider when determining eligibility, in addition to using the discrepancy model and RTI?

Regardless of the evaluation method used, the ARC may use additional assessments and supporting data to determine if the student has an SLD. The variety of sources the ARC shall consider “may include:

- (a) Response to scientific, research-based interventions;
- (b) Vision, hearing, and communication screenings;
- (c) Parental input;
- (d) Aptitude and achievement tests;
- (e) Teacher recommendations;
- (f) Physical condition;
- (g) Social or cultural background;
- (h) Adaptive behavior; or,
- (i) Behavioral observations” [[707 KAR 1:310, Section 1 \(3\)](#)].

The ARC may also consider progress-monitoring data, classroom performance and observations or other norm-referenced or standardized assessments as “multiple sources of documentation (triangulation of data) when analyzing an individual student's performance and rate of growth” [[SLD Guidance Document](#)].

Additional Resources

[OSEP Policy Letter: December 11, 2008, to Lehigh University Professor Perry A. Zirkel](#) Includes guidance on Independent Education Evaluations (IEE) for determining eligibility for SLD.

[Guidance for IEP Development](#) Provides instructions, examples and resources to assist ARCs with developing IEPs.

[Inclusion of Special Populations in the State-Required Assessment and Accountability Programs](#) Provides guidance on requirements for accommodations used during assessments and as part of routine instruction.

[Questions and Answers on Response to Intervention \(RTI\) and Early Intervening Services \(EIS\) \(OSERS January 2007\)](#) Provides additional guidance on complying with the requirements regarding RTI and EIS to identify students with disabilities, including students with a specific learning disability.

[Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions, OSEP Q&A 22-02](#) Provides information from the Office of Special Education and Rehabilitative Services (OSERS) regarding the IDEA requirements relating to behaviors and discipline.

[Specific Learning Disability Guidance](#) Provides guidance and resources to assist ARCs in evaluation and eligibility determination for students suspected of having an SLD.

[OSEP Dear Colleague Letter, October 23, 2015](#) Provides guidance and resources related to evaluation and eligibility determinations for students with dyslexia, dyscalculia and dysgraphia, which are conditions that could qualify a child as a child with a specific learning disability under the IDEA.

[The Identification of Specific Learning Disabilities: A Summary of Research on Best Practices](#) Provides information regarding what constitutes a comprehensive evaluation, methods for SLD identification and recommendations for best practices.

[Ensuring English Learner Students Can Participate Meaningfully and Equally in Educational Programs; OCR-00086](#) Provides guidance and resources on legal obligations to ensure EL students can participate meaningfully and equally in educational programs.

[Dyslexia Toolkit, 2019](#) Provides educators and families with information, teaching strategies and resources to meet the needs of students with dyslexia.