

**SLD Eligibility:** The major change to the SLD criteria was the addition of the option to qualify students as eligible for SLD using the response to Scientific, Research-Based Intervention (SRBI). The revision went into effect in September 2008. All initial SLD evaluations completed after that date must meet all the new criteria components regardless of model used. (MDE is conducting trainings on the new models now- should have local trainings by fall 2011.)

Under Minn R 3525.1341, subp. 2, districts have option of qualifying students based on Criteria A, B and C or A, B and D. We will continue to use severe discrepancy which is A, B, and C. There are changes to criteria even if using severe discrepancy model.

**SLD Definition:** 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, and spell or to do mathematical calculations.

**SEVERE UNDERACHIEVEMENT:**

- A. The child does not achieve adequately in one or more of the eight areas of SLD:
  - a. Oral expression
  - b. Listening comprehension
  - c. Math calculation
  - d. Mathematical problem solving
  - e. Written expression
  - f. Basic reading skills
  - g. Reading comprehension
  - h. Reading fluency

***AND***

The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development.

Documentation includes evidence of low achievement from the following sources:

- Cumulative record review;
- Class work samples;
- Anecdotal teacher records;
- Statewide and district-wide assessments;
- Formal, diagnostic, and informal tests;
- Curriculum based evaluation results;
- Results from targeted support programs in general education.

- Notes:*
- there is no legal definition of 'inadequate achievement';
  - there is no description of a pattern of strengths and weaknesses;
  - there are no criteria regarding how many there must be or how discrepant they must be;
  - measures used to verify this must be representative of the child's curriculum or useful in developing instructional goals and objectives,
  - documentation is required to verify Criteria A.

The child's underachievement is not primarily the result of visual, hearing, or motor impairment; developmental cognitive disabilities; emotional or behavioral disorders; environmental, cultural or economic influences; limited English proficiency; or lack of appropriate instruction in reading or math.

*Notes: Each of these factors must be considered and ruled out as the PRIMARY cause for underachievement. It is possible for some of these factors to be present, such as cultural or economic influences, yet determined not to contribute to the underachievement. It is possible for a student to have a secondary disability, such as an Emotional or Behavioral Disorder, and still meet the criteria for SLD. The SLD ER should document that the emotional or behavioral concerns are concurrent and one is not a result of the other.*

This must be verified by:

1. Data that demonstrates that prior to, or as part of, the referral process, the child was provided appropriate instruction in regular education settings delivered by qualified personnel; **and**
2. Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the child's progress during instruction, which was provided to the child's parents.

*Notes: There are no clear legal guidelines for either number 1 or number 2 above. One would look for documentation that the student has participated in a regular education program for #1. The data reference in #2 could include such things as MCA testing, NWEA tests, or any other formal assessment administered over time to gauge achievement.*

## **INFORMATION PROCESSING**

- B. The child has disorder in one or more of the basic psychological processes which includes an information processing condition that is manifested in a variety of settings. An information processing disorder could manifest itself in a variety of ways including:

- acquisition of information,
- organization,
- planning and sequencing,
- working memory,
- visual and auditory processing,
- speed of processing,
- verbal and nonverbal expression,
- transfer of information, or
- motor control for written tasks.

Documented by information from a variety of sources (at least one) including:

aptitude and achievement tests; parent input; teacher recommendations; or information about the child's physical condition, social or cultural background, and adaptive behavior.

## **SEVERE DISCREPANCY**

- C. The child demonstrates a severe discrepancy between general intellectual ability and achievement in one or more areas. This discrepancy shall not be based solely on standardized tests. There should be evidence from other sources to support the discrepancy. For initial placement, discrepancy must be equal to or greater than  $-1.75SD$ .

### **Additional requirements for SLD Eligibility:**

Must include an **observation** of the child in the child's learning environment, including the regular classroom setting that documents the child's academic performance and behavior in the areas of difficulty. The team can decide to use observational data from before the referral or after and would then be in the Eval Plan/PWN. There is no specification as to who must do the observation other than it has to be a qualified professional. Observation data must describe behavior relevant to the child's academic functioning.

Must contain a statement of the educationally relevant medical findings, if any. (There is no guidance on what are considered 'relevant medical findings'. There should be mention in the ER that possible medical influences have been considered.)

Must contain a statement of whether the child has a specific learning disability.

Information must be sought from parents for each criteria component A, B and C.

Data must confirm the effects of the disability occur in a variety of settings.

The child must receive 2 interventions prior to referral.

All team members must sign the ER, whether in agreement or not.

The criteria only:

**SEVERE UNDERACHIEVEMENT:**

- A. The child does not achieve adequately in one or more of the eight areas of SLD:
  - a. Oral expression
  - b. Listening comprehension
  - c. Math calculation
  - d. Mathematical problem solving
  - e. Written expression
  - f. Basic reading skills
  - g. Reading comprehension
  - h. Reading fluency

***AND***

The child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, state-approved grade-level standards, or intellectual development. Documentation includes evidence of low achievement from the following sources:

- Cumulative record review;
- Class work samples;
- Anecdotal teacher records;
- Statewide and district-wide assessments;
- Formal, diagnostic, and informal tests;
- Curriculum based evaluation results;
- Results from targeted support programs in general education.

Explain documented evidence of severe underachievement: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The child's underachievement is not primarily the result of visual, hearing, or motor impairment; developmental cognitive disabilities; emotional or behavioral disorders; environmental, cultural or economic influences; limited English proficiency; or lack of appropriate instruction in reading or math. This must be verified by:

1. Data that demonstrates that prior to, or as part of, the referral process, the child was provided appropriate instruction in regular education settings delivered by qualified personnel; ***and***
2. Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the child's progress during instruction, which was provided to the child's parents.

**INFORMATION PROCESSING**

B. The child has disorder in one or more of the basic psychological processes which includes an information processing condition that is manifested in a variety of settings. An information processing disorder could manifest itself in a variety of ways including:

- acquisition of information,
- organization,
- planning and sequencing,
- working memory,
- visual and auditory processing,
- speed of processing,
- verbal and nonverbal expression,
- transfer of information, or
- motor control for written tasks.

Documented by information from a variety of sources (at least one) including: aptitude and achievement tests; parent input; teacher recommendations; or information about the child's physical condition, social or cultural background, and adaptive behavior.

Explain documented evidence of information processing: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SEVERE DISCREPANCY**

A. The child demonstrates a severe discrepancy between general intellectual ability and achievement in one or more areas. This discrepancy shall not be based solely on standardized tests. There should be evidence from other sources to support the discrepancy. For initial placement, discrepancy must be equal to or greater than  $-1.75SD$ .

Full Scale IQ: \_\_\_\_\_ Regression Table #: \_\_\_\_\_ Qualifying Score/Area: \_\_\_\_\_

Must include an **observation** of the child in the child's learning environment, including the regular classroom setting that documents the child's academic performance and behavior in the areas of difficulty. Observation data must describe behavior relevant to the child's academic functioning.

Explain any educationally relevant medical findings:

Parent input on severe underachievement, information processing and severe discrepancy:

Data must confirm the effects of the disability occur in a variety of settings:

The child must receive 2 interventions prior to referral.

All team members must sign the ER, whether in agreement or not.

Must contain a statement of whether the child has a specific learning disability.