

# Considerations for Ruling Out Lack of Instruction for Specific Learning Disability (SLD) Evaluation and Identification

Given the unprecedented school closures, introduction to remote and virtual learning platforms, and often, variability in access to learning opportunities, school districts have been challenged with the implementation of rigorous and appropriate core instruction across all content areas. This document outlines some considerations for school teams to consider when referring, evaluating, and potentially identifying a student with an SLD in the current landscape.

## Referral Considerations

Because all students lacked instruction for extended periods of time, the pre-referral process should first ensure that all students have access to quality core Tier I instruction as well as [intensive Tier II and III](#) interventions, if appropriate. Always keep in mind, RTI<sup>2</sup> cannot be used to deny or delay a request for an evaluation [\[OSEP Memo 07-111\]](#). When considering a referral for SLD evaluation, the following questions should be discussed by the multi-disciplinary team:

- Was the student participating in tiered intervention prior to school closures? If so, what was the student's response to intervention?
- Is there any historical evidence that the student showed deficits prior to the extended closures (e.g., previous support team information, data team notes, etc.)?
- Did the student have any access to instruction during school closures or periods of quarantine? If so, how did the student respond?
- Did the student participate in any district summer learning programs? If so, how did the student perform based on collected data?
- How is the student responding to tiered intervention compared to same-aged peers?
- Does the student have a history of a documented educational eligibility?

## Evaluation Considerations

Any SLD evaluation requires the LEA to ensure that underachievement in a student suspected of having a Specific Learning Disability (SLD) is not due to a lack of appropriate instruction in the student's [State approved grade level standards](#). This requires multi-disciplinary teams to **begin** an evaluation by addressing the rule-out statements including lack of instruction, rather than concluding with it. Additional considerations:

- Analyze data on the student's historical growth both before and after extended school closure, periods of quarantine, or summer break.
- Ensure that inadequate achievement and lack of progress are not a function of ineffective instruction or intervention by considering a student's performance (Rate of Improvement/ROI) compared to culturally and linguistically similar peers whenever possible.
- Review class- and school-wide data (e.g., universal screenings, benchmark assessments) that may

indicate core instruction results and show important trends, especially in relation to when schools returned to in-person instruction.

- Consider the implications of the extended closures on student performance, with special consideration of standardized norming samples.
- Focus on the progress, not the points when conducting formal assessments. School-based teams should attempt to collect as much data from a variety of sources as possible in order to inform eligibility decisions ([Five Tips for Avoiding Procedural Violations within RTI<sup>2</sup>: RTI<sup>2</sup> Pitfalls \(tn.gov\)](#)).
- Request a timeline extension if permitted. Aside from the [State Board of Education Emergency Rule](#), local education agencies (LEAs) are still required to complete all initial evaluations within 60 calendar days from the time of initial consent. The IDEA only permits timeline extensions to the 60-day timeline for three student-specific reasons. Please refer to this [memo](#) to determine if submitting a timeline extension request would be appropriate.

## Eligibility Considerations

After conducting a comprehensive evaluation, the team will review the information and determine if the student met standards for SLD eligibility ([Specific Learning Disability Evaluation & Eligibility Standards \(tn.gov\)](#)). Keep in mind that a student who may not qualify at one point in time may continue to receive intensive interventions and may possibly need to be referred for an initial comprehensive evaluation in the future.