

Proposed Guideline Revision

The guidelines and standards for Specific Learning Disabilities are amended by adding the following, effective July 1, 2014:

EFFECTIVE JULY 1, 2014:

Specific Learning Disability

1. Definition: The term *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, which may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, and that adversely affects a child's educational performance. Such term includes conditions such as perceptual disabilities (e.g., visual processing), brain injury that is not caused by an external physical force, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific Learning Disability does not include a learning problem that is primarily the result of Visual Impairment; Hearing Impairment; Orthopedic Impairment; Intellectual Disability; Emotional Disturbance; Limited English Proficiency; or, Environmental or Cultural Disadvantage.

2. Evaluation: The characteristics as identified in the Specific Learning Disabilities definition are present to include:

A. Evaluation for Specific Learning Disabilities shall meet the following standards:

1. To ensure that underachievement in a student suspected of having a Specific Learning Disability is not due to a lack of appropriate instruction (i.e., empirically research-based instruction that is rigorous, systematic, and peer-reviewed) in the student's State approved grade level standards, the following must be obtained:
 - a. Data that demonstrate that prior to, or as a part of, the referral process, the student was provided appropriate instruction (i.e., empirically research-based instruction that is rigorous and systematic throughout all Tiers of instruction/intervention) in regular education settings, delivered by qualified and appropriately trained personnel; and
 - b. Data-based documentation of repeated assessments of achievement, reflecting formative assessment of student progress during intervention, which was provided to the student's parents at a minimum of once every four and one-half (4.5) weeks.
2. The LEA must ensure that the child is observed in the student's learning environment (including the regular classroom setting) to document the student's academic performance and behavior in the areas of difficulty. A pattern of strengths and weaknesses in performance shall be documented by two systematic observations in the area of suspected disability (one **must** be conducted by the certifying specialist and one may be conducted by the special education teacher):
 - a. Systematic observation of routine classroom instruction, and
 - b. Systematic observation during intensive, scientific research-based or evidence-based intervention.

In the case of a student who is in a placement outside of the local education agency, a team member must observe the student in an environment appropriate for a student of that age.

3. The student does not achieve adequately for the student's age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's age or State-approved grade level standards:
 - a. Basic Reading Skills
 - b. Reading Fluency Skills
 - c. Reading Comprehension
 - d. Written Expression
 - e. Mathematics Calculation
 - f. Mathematics Problem Solving

An evaluation of Oral Expression and Listening Comprehension shall be completed pursuant to the Speech or Language Impairment eligibility standards. If a student has been evaluated by a Speech Language Pathologist and does not qualify as Language Impaired, then the IEP team may consider a Specific Learning Disability in either Oral Expression or Listening Comprehension if either continues to be a suspected area of disability; however, the rigorous intervention and progress monitoring standards must be met.

In order to document inadequate achievement, an individual, standardized, and norm-referenced measure of academic achievement must be administered in the area(s) of suspected disability (i.e., Basic Reading Skills, Reading Fluency, Reading Comprehension, Written Expression, Mathematics Calculation, and Mathematics Problem Solving).

4. The student does not make sufficient progress to meet age or State-approved grade-level standards in one or more areas (i.e., Basic Reading Skills, Reading Fluency, Reading Comprehension, Written Expression, Math Calculation, Mathematics Problem Solving) when using a process based on the student's responsiveness to scientific, research-based intervention in each area of suspected delay. A lack of sufficient progress should be established by examining the student's Rate of Improvement (ROI) including a gap analysis and should be based on the following criteria:
 - The rate of progress or improvement is less than that of his/her same-age peers; or
 - The rate of progress is greater than his/her same age peers but will not result in reaching the average range of achievement within a reasonable period of time.
 5. The team must determine that underachievement is not **primarily** the result of Visual, Motor, or Hearing Disability, Intellectual Disability, Emotional Disturbance, Cultural Factors, Environmental or Economic Factors, Limited English Proficiency, or Excessive Absenteeism.
- B. A student whose characteristics meet the definition of a student having a Specific Learning Disability may be identified as a student eligible for special education services if:
- 1) All of the aforementioned eligibility criteria are met, and
 - 2) There is evidence, including observation and/or assessment, indicating how the Specific Learning Disabilities adversely impact the student's performance in or access to the general education curriculum.

C. Evaluation participants must include:

- 1) The parent or guardian;
- 2) The student's general education classroom teacher;
- 3) A licensed special education teacher;
- 4) A licensed School Psychologist; and
- 5) Other professional personnel as indicated (i.e., Speech Language Pathologist or Occupational Therapist).

3. Extension: Local education agencies may apply to the Tennessee Department of Education to extend the effective date for implementation of a research based instruction method until July 1, 2015 for grades 6 – 8. Approved local education agencies may continue to use a discrepancy method when determining whether a child in grades 6 – 8 has a specific learning disability until July 1, 2015, at which time a research based instruction method is mandatory for such grades. Local education agencies may apply to the Tennessee Department of Education to extend the effective date for implementation of a research based instruction method until July 1, 2016 for grades 9 - 12. Approved local education agencies may continue to use a discrepancy method when determining whether a child in grades 9 – 12 has a specific learning disability until July 1, 2016, at which time a research based instruction method is mandatory for such grades.