

581-015-2170 revisions (SB 16 and IDEA compliance)

**IDEA Language**

Formatted: Font: Not Bold, Highlight

Formatted: Font: Not Bold

**Specific Learning Disability**

(1) 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, dyslexia, and developmental aphasia, that adversely affects a child's developmental progress (age 3 through 5) or educational performance (age 5 through 21). 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.

Formatted: Font: (Default) Arial, 10 pt

Formatted: Font: (Default) Arial, 10 pt, Highlight

Formatted: Font: (Default) Arial, 10 pt, Highlight

Formatted: Font color: Auto

(+2) If a child is suspected of having a specific learning disability, the following evaluation must be conducted: a comprehensive evaluation must be conducted, including the following:

- (a) Academic assessment. An assessment of the child's academic achievement toward Oregon-grade-level standards;
- (b) Review. A review of cumulative records, previous IEPs or IFSPs and teacher collected work samples;
- (c) Observation. An observation of the child in the child's learning environment (including the regular classroom setting) to document the child's academic performance and behavior in the areas of difficulty, which must consist of:
  - (A) Information from an observation by a qualified professional in routine classroom instruction and monitoring of the child's performance before the child was referred for an evaluation; or
  - (B) An observation conducted by a qualified professional (who is a member of the evaluation team) of the child's academic performance in a regular classroom after the child has been referred for an evaluation and parent consent obtained; or
  - (C) For a child who is less than school age or out of school, an observation in an age-appropriate environment.
- (d) Progress monitoring data, including:
  - (A) Data that demonstrate that before, or as part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
  - (B) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress that is directly linked to instruction.
- (e) For a student evaluated using a response to intervention model as part of a comprehensive evaluation process to determine if the child has a specific learning disability, the evaluation must include documentation of:
  - (A) The type, intensity, and duration of scientific, research-based instructional intervention(s) provided in accordance with the district's response to intervention model;
  - (B) The student's rate of progress during the instructional intervention(s);
  - (C) A comparison of the student's rate of progress to expected rates of progress.
  - (D) Progress monitoring on a schedule that:
    - (i) Allows a comparison of the student's progress to the performance of peers;
    - (ii) Is appropriate to the student's age and grade placement;
    - (iii) Is appropriate to the content monitored; and
    - (iv) Allows for interpretation of the effectiveness of intervention.

(f) For a student evaluated using a model that is based on the student's strengths and weaknesses, the evaluation must include an assessment of the student's strengths and weaknesses in classroom performance and academic achievement, relative to age, Oregon grade-level standards, or intellectual development.

(g) Other:

(A) If needed, a developmental history;

(B) If needed, an assessment of cognition, fine motor, perceptual motor, communication, social or emotional, and perception or memory if the child exhibits impairment in one or more these areas;

~~(C) If needed, a medical statement or health assessment indicating whether there are any physical factors that may be affecting the child's educational performance. A medical examination is not required, but may be completed if the evaluation team determines that it is necessary. The purpose of a medical examination is to ensure consideration of other health and/or physical factors. The medical examination must be conducted by:~~

~~(i) A physician licensed under ORS chapter 677 or by the appropriate authority in another state;~~

~~(ii) A naturopathic physician licensed under ORS chapter 685 or by the appropriate authority in another state;~~

~~(iii) A nurse practitioner licensed under ORS 678.375 to 678.390 or by the appropriate authority in another state; or~~

~~(iv) A physician assistant licensed under ORS 677.505 to 677.525 or by the appropriate authority in another state; and~~

(D) Any other assessments required to determine the impact of the suspected disability:

~~(i) On the child's developmental progress for a preschool child (age 3 through 5), or~~

~~(ii) On the child's educational performance for a school-age child (age 5 through 21); or,~~

~~(iii) On the child's developmental progress for a preschool child.~~

(23) For consideration of eligibility in the area of specific learning disabilities, the eligibility team must include:

(a) A group of qualified professionals and the parent;

(b) The child's regular classroom teacher or, if the child does not have a regular classroom teacher, a regular classroom teacher qualified to teach a child of his or her age, or, for a child of less than school age, a preschool teacher; and

(c) A person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or other qualified professional.

(34) To be eligible as a child with a specific learning disability, the child must meet the following minimum criteria:

(a) The child does not achieve adequately for the child's age or to meet Oregon grade-level standards in one or more of the following areas when provided with learning experiences and instruction appropriate for the child's age or Oregon grade-level standards:

(A) Basic reading skills;

(B) Reading fluency skills;

(C) Reading comprehension;

(D) Mathematics calculation;

(E) Mathematics ~~problem-solving~~problem solving;

(F) Written Expression;

(G) Oral expression; or

(H) Listening comprehension.

Formatted: Indent: Left: 1"

Formatted: Indent: Left: 1.5", First line: 0"

Formatted: Indent: Left: 1"

Formatted: Indent: Left: 1.5"

(b) For a student evaluated using a response to intervention model, in relation to one or more of the areas in subsection (34)(a), the student does not make sufficient progress to meet age or Oregon-grade-level standards based on the student's response to scientific, research-based intervention.

(c) For a student evaluated using a model that is based on the student's strengths and weaknesses, in relation to one or more of the areas in subsection (34)(a), the student exhibits a pattern of strengths and weaknesses in classroom performance, academic achievement, or both, relative to age, Oregon-grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability.

(d) The child's rate of progress in subsection (34)(b) or pattern of strengths and weaknesses in subsection (34)(c) is not primarily the result of:

- (A) A visual, hearing, or motor impairment; intellectual disability or emotional disturbance;
- (B) Cultural factors;
- (C) Environmental or economic disadvantage; or
- (D) Limited English proficiency.

(45) For a child to be eligible for special education services as a child with a specific learning disability, the eligibility team must also determine that:

~~(a) The child's disability has an adverse impact on the child's educational performance; and~~

~~(b) The child needs special education services as a result of the disability.~~

~~(a) The child has a specific learning disability as defined in this rule; and~~

~~(b) The child is eligible for special education services in accordance with OAR 581-015-2795 and/or OAR 581-015-2120.~~

(56) The eligibility team must prepare an evaluation report and written statement of eligibility documenting its findings, including:

- (a) The evaluation data considered in determining the child's eligibility;
- (b) A determination of whether the child meets the minimum criteria for a specific learning disability;
- (c) The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning;
- (d) The educationally relevant medical findings, if any;
- (e) If the child participated in a response to intervention process, documentation that the parents were notified in a timely manner about: the state's policies regarding the amount and nature of student performance data that would be collected, and the general education services that would be provided, as part of the response to intervention process; strategies for increasing the child's rate of learning; and the parent's right to request an evaluation.
- (f) The determination of the team concerning the effects of a visual, hearing, or motor disability; intellectual disability; emotional disturbance; cultural factors; environmental or economic disadvantage; or limited English proficiency on the child's achievement level; and
- (g) A determination of whether the primary basis for the suspected disability is:
  - (A) A lack of appropriate instruction in reading or math; or
  - (B) Limited English proficiency;
- (h) A determination of whether the child's disability has an adverse impact on the child's educational performance;
- (i) A determination of whether, as a result of the disability, the child needs special education services; and
- (j) The signature of each member of the team indicating agreement or disagreement with the eligibility determination.

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Indent: Left: 0.5", First line: 0"

Formatted: Not Highlight

Formatted: Not Highlight

Formatted: Not Highlight

**Statutory/Other Authority:** ORS 343.035(1), 343.045, 343.146 & 343.157;

**Statutes/Other Implemented:** ORS 343.035(1), 343.045, 343.146, 343.157, 34 CFR 300.8 & 300.306

**History:**

ODE 12-2011, f. & cert. ef. 10-31-11

Renumbered from 581-015-0051, ODE 10-2007, f. & cert. ef. 4-25-07

ODE 2-2003, f. & cert. ef. 3-10-03

ODE 8-2001, f. & cert. ef. 1-29-01

ODE 11-2000, f. 5-3-00, cert. ef. 7-1-00

EB 22-1995, f. & cert. ef. 9-15-95

EB 16-1992, f. & cert. ef. 5-13-92

EB 25-1991(Temp), f. & cert. ef. 11-29-91

1EB 7-1986, f. & ef. 2-24-86

Reverted to 1EB 29-1978, f. & ef. 7-20-78

1EB 18-1983(Temp), f. & ef. 12-20-83

1EB 29-1978, f. & ef. 7-20-78

**Formatted:** Font: (Default) Arial, 10 pt