

## 511 IAC 7-41-12 Specific learning disability

“Specific learning disability” means a disorder in one (1) or more of the basic psychological processes involved in understanding or in using language, spoken or written, that adversely affect the student's educational performance, including conditions referred to, or previously referred to, as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. As follows, a specific learning disability:

- (1) Manifests itself when the student does not achieve adequately for the student's age or to meet state approved grade level standards in one (1) 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) Reading disability, which is a specific learning disability that is neurological in origin and has a continuum of severity. It is characterized by difficulties with accurate or fluent, or both, word recognition and by poor spelling and decoding abilities. A reading disability may be due to difficulties in the following:
    - (i) Basic reading skills.
    - (ii) Reading fluency skills.
    - (iii) Reading comprehension.
  - (B) Written expression disability, which is a specific learning disability that is neurological in origin and has a continuum of severity. Written expression is a complex domain that requires the integration of the following:
    - (i) Oral language.
    - (ii) Written language.
    - (iii) Cognition.
    - (iv) Motor skills.
  - (C) Math disability, which is a specific learning disability that is neurological in origin and has a continuum of severity. The ability to perform mathematical computations and reasoning requires multiple core cognitive processes. A math disability may be due to difficulties in the following:
    - (i) Mathematics calculation.
    - (ii) Mathematics problem solving.
  - (D) Oral expression disability, which is a specific learning disability that:
    - (i) is neurological in origin;
    - (ii) has a continuum of severity; and
    - (iii) is characterized by deficits in using expressive language processes to mediate learning of:
      - (AA) reading skills;
      - (BB) writing skills;
      - (CC) spelling skills; or
      - (DD) mathematics skills
  - (E) Listening comprehension disability, which is a specific learning disability that:
    - (i) is neurological in origin;
    - (ii) has a continuum of severity; and
    - (iii) is characterized by difficulties in using receptive language processes to mediate learning of:
      - (AA) reading;
      - (BB) writing;
      - (CC) spelling; or
      - (DD) mathematics;
- (2) Can be evidenced through either of the following:
- (A) Insufficient progress to meet age or state approved grade level standards in one (1) or more of the areas identified in subdivision (1) when using a process based on the student's response to scientific, research based intervention.
  - (B) A pattern of strengths and weaknesses in performance or achievement, or both, relative to:
    - (i) age;
    - (ii) state approved grade level standards; or
    - (iii) intellectual development;that is determined by the group to be relevant to the identification of a specific learning disability. The multidisciplinary team is prohibited from using a severe discrepancy between academic achievement and global cognitive functioning to meet this requirement.
- (3) Does not include learning problems that are primarily the result of any of the following (exclusionary factors):
- (A) A visual, hearing, or motor disability.
  - (B) A cognitive disability.
  - (C) An emotional disability.
  - (D) Cultural factors.
  - (E) Environmental or economic disadvantage.

(F) Limited English proficiency.

**(G) Lack of appropriate instruction in reading or math evidenced by the following:**

- (i) Data demonstrating that prior to, or part of, the referral process, the student was provided appropriate instruction in general education settings, delivered by qualified personnel.
- (ii) Data based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student's parents.

Eligibility for special education as a student with a specific learning disability shall be determined by the student's CCC. This determination shall be based on the multidisciplinary team's educational evaluation report which includes the following:

(1) An assessment of current academic achievement as defined at 511 IAC 7-32-2.

(2) An observation of the student in the student's learning environment, including the general classroom setting, to document the student's academic performance and behavior in the areas of difficulty. The multidisciplinary team may do either of the following:

- (A) Use information from an observation in routine classroom instruction and monitoring of the student's performance that was done before the student was referred for an educational evaluation.
- (B) Have at least one (1) member of the multidisciplinary team, other than the student's general education teacher, conduct an observation of the student's academic performance in the general education classroom after:
  - (i) the child has been referred for an educational evaluation; and
  - (ii) parental consent for the educational evaluation has been obtained.

(In the case of a student of less than school age or out of school, a team member must observe the student in an environment appropriate for a student of that age.)

(3) Available medical information that is educationally relevant.

(4) A social and developmental history that may include, but is not limited to, the following:

- (A) Communication skills.
- (B) Social interaction skills.
- (C) Responses to sensory experiences.
- (D) Relevant family and environmental information.
- (E) Patterns of emotional adjustment.

(5) An assessment of progress in the general education curriculum that includes an analysis of any interventions used to address the academic concerns leading to the referral for the educational evaluation.

(6) Any other assessments and information, collected prior to referral or during the educational evaluation, necessary to:

- (A) address the exclusionary factors listed earlier;
- (B) determine eligibility for special education and related services; and
- (C) inform the student's CCC of the student's special education and related services needs.

Other assessments and information, collected prior to referral or during the educational evaluation may pertain to the following:

(1) For difficulties with reading, the following:

- (A) Decoding.
- (B) Phonological awareness.
- (C) Phonological memory.
- (D) Phonological processing.
- (E) Orthographic processing.
- (F) Reading fluency (rate and accuracy).
- (G) Reading comprehension.

(2) For difficulties with written expression, the following:

- (A) Handwriting
- (B) Spelling
- (C) Composition

(3) For difficulties with math, the following:

- (A) Nonverbal problem solving.
- (B) Working memory.
- (C) Long-term memory.
- (D) Processing speed.
- (E) Attention.