

# Missouri Office of Special Education Compliance Standards & Indicators

## 1400-ELIGIBILITY CRITERIA: Specific Learning Disabilities

| Legal Requirement  | Indicator   | Documentation            |
|--|---|--------------------------|
| <p><b>1400.10</b><br/>Areas of inadequate achievement:</p> <p>34 C.F.R. §300.8(c)(10); 34 C.F.R. §300.309(a)(1); SP (III)</p>                        | <p><b>A comprehensive evaluation report is present and documents:</b></p> <p>The child does not achieve adequately for the child’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 child’s age or State-approved grade-level standards:</p> <p><b>1400.10.a.</b> Basic Reading Skill<br/> <b>1400.10.b.</b> Reading Comprehension<br/> <b>1400.10.c.</b> Reading Fluency Skills<br/> <b>1400.10.d.</b> Written Expression<br/> <b>1400.10.e.</b> Mathematics Calculation<br/> <b>1400.10.f.</b> Mathematics Problem Solving<br/> <b>1400.10.g.</b> Listening comprehension<br/> <b>1400.10.h.</b> Oral Expression</p>  | <p>Evaluation report</p> |
| <p><b>1400.20</b><br/>Methods of eligibility determination:</p> <p>34 C.F.R. §300.309 (a)(2)(i)(ii); 34 C.F.R. §300.311(a)(1)(2)(5)(7); SP (III)</p> | <p><b><u>RESPONSE TO SCIENTIFIC RESEARCH-BASED INTERVENTION METHOD</u></b></p> <p>The child does not make sufficient progress to meet age or State approved grade-level standards in one or more of the areas identified above when using a process based on the child’s response to scientific, research-based interventions.</p> <p>Documentation must include:</p> <p><b>1400.20.a.</b> Documentation is present that agency procedures for identification of a child with Specific Learning Disabilities were followed.<br/> <b>1400.20.b.</b> Instructional strategies used and the student-centered data collected.<br/> <b>1400.20.c.</b> Documentation that the child’s parents were notified about:<br/>           <b>1400.20.c.(1)</b> 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;<br/>           <b>1400.20.c.(2)</b> Strategies for increasing the child’s rate of learning, and;<br/>           <b>1400.20.c.(3)</b> The parents’ right to request an evaluation.</p> <p style="text-align: center;"><b>OR</b></p> | <p>Evaluation report</p> |

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|  | <p><b><u>DISCREPANCY METHOD</u></b></p> <p>1.) 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.</p> <p>Documentation must include:</p> <p><b>1400.20.d.</b> Evidence of pattern of strengths and weaknesses</p> <p style="text-align: center;"><b>AND</b></p> <p><b>1400.20.e.</b> Discrepancy of at least 1.5 standard deviations between achievement and intellectual ability.</p> <p style="text-align: center;"><b>OR</b></p> <p><b><u>PROFESSIONAL JUDGMENT</u></b></p> <p><b>1400.20.f.</b> A child who exhibits a pattern of strengths and weaknesses as noted above but does not display a discrepancy of at least 1.5 standard deviations as defined above, may be deemed to have a specific learning disability through the use of professional judgment.</p> <p><b>1400.20.g.</b> Documentation must include evidence that the child is not achieving adequately or making sufficient progress based on a review of formal and informal assessments.</p>   |                   |
| <p><b>1400.30</b><br/>Observation:</p> <p>34 C.F.R. §300.310; 34<br/>C.F.R. §300.311(a)(3); SP (III)</p> | <p>The public agency must ensure that the child is observed 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. Documentation should include:</p> <p><b>1400.30.a.</b> Information from an observation in routine classroom instruction and monitoring of the child’s performance done <u>before</u> the child was referred for an evaluation; or</p> <p><b>1400.30.b.</b> Observation by a qualified professional in the regular classroom <u>after</u> the child has been referred for an evaluation and parental consent is obtained.</p> <p><b>1400.30.c.</b> Relevant behavior noted during the observation related to the subcategory of Specific Learning Disability suspected and the relationship of that behavior to the child’s academic functioning.</p> <p><b>1400.30.d.</b> The observation report must contain the name and title of the qualified professional conducting the observation.</p> <p>NOTE: In the case of a child of less than school age or out of school, an observation must be done in an environment appropriate for a child of that age.</p> | Evaluation report |
| <p><b>1400.40</b><br/>Additional group members:</p>  | <p>The determination of the existence of a specific learning disability must be made by the child’s parents and a team of qualified professionals, which must include:</p> <p><b>1400.40.a.</b> The child’s regular education teacher.</p>  | Evaluation report |

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| <p>34 C.F.R. §300.308; SP (III)</p>   | <p><b>OR</b></p> <p><b>1400.40.b.</b> If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his/her age.</p> <p><b>OR</b></p> <p><b>1400.40.c.</b> For a child of less than school age, an individual qualified to teach a child of his/her age.</p> <p><b>AND</b></p> <p><b>1400.40.d.</b> At least one person qualified to conduct individual diagnostic examinations of children such as a school psychologist, school psychological examiner, speech/language pathologist, special education teacher, or remedial reading teacher.</p>   |                          |
| <p><b>1400.50</b><br/>Evaluation Report:</p> <p>34 C.F.R. §300.306; 34 C.F.R. § 300.311(a)(4)(b)(5); SP (III)</p>   | <p>In interpreting evaluation data for the purpose of determining if a child is a child with a specific learning disability:</p> <p><b>1400.50.a.</b> The public agency must document relevant medical findings.</p> <p style="text-align: center;"><b>OR</b></p> <p>If no relevant medical findings, this must be noted in the evaluation report.</p> <p><b>1400.50.b. Each team member must certify in writing whether the report reflects her/his conclusion(s).</b> If it does not, the group member must submit a separate statement presenting the member’s conclusions.</p> <p><b>NOTE: This requirement is not applicable to parent(s) of a child.</b></p> <p>The report includes a statement that the group considered as part of the evaluation:</p> <p><b>1400.50.c.</b> 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</p> <p><b>1400.50.d.</b> Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child’s parents.</p> | <p>Evaluation report</p> |
| <p><b>1400.60</b><br/>Learning disability is not primarily the result of specific factors:</p> <p>34 C.F.R. §300.309(a)(3)(i-vi); 34 C.F.R. §300.309(b); 34 C.F.R. §300.311(a)(6); SP (III)</p> | <p>The team determines that its findings of a Specific Learning Disability are not primarily the result of:</p> <p><b>1400.60.a.</b> A visual, hearing, or motor disability;</p> <p><b>1400.60.b.</b> Intellectual Disability;</p> <p><b>1400.60.c.</b> Emotional disturbance;</p> <p><b>1400.60.d.</b> Cultural factors;</p> <p><b>1400.60.e.</b> Environmental or economic disadvantage;</p> <p><b>1400.60.f</b> Limited English proficiency;</p> <p><b>1400.60.g</b> Lack of appropriate instruction in reading, including the essential components of comprehensive literacy instruction (as defined in Section 2221(b)(1) of the ESEA); and</p> <p><b>1400.60.h</b> Lack of appropriate instruction in math.</p>  | <p>Evaluation report</p> |