

General Education Requirements from New IDEA Regulation

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New LD Eligibility Criteria

1. **Inadequate achievement** for **age** or to meet State-approved **grade-level standards** when given learning experiences & instruction appropriate for age/State-approved grade-level standards

In one or more of following areas: Oral expression; listening comprehension; written expression; basic reading skill; reading fluency skills; reading comprehension; mathematics calculation; or mathematics problem solving.

AND

- 2a. **Insufficient progress** to meet age or State-approved grade-level standards (in 1 or more of 8 areas) based on **response to scientific, research-based intervention** (RTI)

OR

- 2b. Exhibits **pattern of strengths & weaknesses** in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development relevant to LD identification (using appropriate assessments)

AND

3. **Findings aren't primarily result of:**

- ✓ Lack of **appropriate instruction** in reading (explicit and systematic instruction in phonemic awareness; phonics; vocabulary development; reading fluency (including oral reading skills) and reading comprehension strategies) and/or math; (Required also for ALL other areas of disability eligibility)
- ✓ **Limited English proficiency** (Required also for ALL other areas of disability eligibility)
- ✓ Visual, hearing or motor disability; mental retardation; cultural factors; environmental or economic

Required Documentation

- A. **General:** To ensure **underachievement is not due to inappropriate reading or math instruction**

1. Prior to or during evaluation, show appropriate instruction provided in general education by qualified personnel
2. Evidence of:
 - **Repeated** assessments of achievement
 - At **reasonable** intervals
 - Reflecting **formal assessment** of student progress **during instruction**
 - **Provided to child's parents**

- B. **If Using an RTI Process:** In addition to A above, must **also document** that child's parents were notified 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;
- **Strategies for increasing the child's rate of learning;** and
- **Parent's right to request an evaluation.**

- C. **In addition:** Document that student met the 3 LD eligibility criteria in text box.

Referral Requirements: Must promptly **request parental consent for evaluation** if prior to a referral, a student has not made adequate progress after an appropriate period of time when provided appropriate instruction (as defined in A above)

LEARNING DISABILITY ELIGIBILITY WORKSHEET
to Ensure Underachievement Is Not Due To Lack of Appropriate Instruction in Reading or Math
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IDEA Regulatory Requirements	District Operational Standard	Documentation	Met
<p>Inadequate achievement for age or to meet State-approved grade-level standards when <u>given</u> learning experiences & instruction appropriate for age/State-approved grade-level standards in one or more of following areas: Oral expression; listening comprehension; written expression; basic reading skill; reading fluency skills; reading comprehension; mathematics calculation; or mathematics problem solving.</p>	<p><i>(Insert District standards)</i></p>		
<p>Insufficient progress to meet age or State-approved grade-level standards (in 1 or more of 8 areas) based on response to scientific, research-based intervention (RTI)</p> <p style="text-align: center;">OR</p> <p>Exhibits pattern of strengths & weaknesses in performance, achievement, or both, relative to <u>age</u>, State-approved <u>grade-level standards</u>, or <u>intellectual development</u> relevant to LD identification (using appropriate assessments)</p>			
<p>Appropriate instruction provided in reading (explicit and systematic instruction in phonemic awareness; phonics; vocabulary development; reading fluency (including oral reading skills) and reading comprehension strategies) and/or math.</p>			
<p>Qualified personnel provided appropriate instruction.</p>			
<p>PROGRESS MONITORING</p> <p>Formal assessment of student progress conducted during instruction</p>			
<p>Above assessments of achievement were repeated at reasonable intervals.</p>			

Assessment results were provided to child's parents			
OBSERVATION¹ in regular classroom²: Describe student's academic performance and behavior in the areas of difficulty.			
EXCLUSIONARY FACTORS: Poor performance is not primarily due to the student's Limited English proficiency, visual, hearing or motor disability; mental retardation; cultural factors; environmental or economic disadvantage			
IF USED RTI PROCESS, documentation shows the parent received information about: 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.	<i>(Not yet available in Illinois)</i>		
Strategies for increasing the child's rate of learning.			
Right to request an evaluation.			

All of the district's standards must be met in order for the Team to determine that a student has a learning disability.

¹ Observation must be conducted by at least one member of the evaluation team.

² If the child is less than school age, observe the child in an environment appropriate for a child of that age.