



## Specific Learning Disabilities (SLD) Under the New Federal Special Education Regulations

### Strategies for Advocates

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If the school says	An advocate may respond	Relevant resources
Based on the student's grades, we don't have to evaluate him/her.	Students may be eligible for services under the IDEA even if they have passing grades. The IDEA addresses more than just grades or academics.	34 CFR § 300.101(c); 20 USC § 1414(b)(3)(A); 34 CFR § 300.304(b)(1)
We always use the Woodcock Johnson III test to determine achievement and the WISC-III IQ test to determine ability	The IDEA requires evaluations to be full and individual and now requires information beyond what academic achievement and ability tests can provide. Must use a variety of variety of assessment tools and strategies to gather information. Can't rely on a single measure or assessment. Evaluations must be tailored to assess specific areas of educational need and not just a single intelligence quotient.	34 CFR § 300.301, 300.304, 300.305 SLD federal regulations and analysis of comments
The student is not eligible because he/she does not have a severe discrepancy	The law no longer mentions severe discrepancies as a requirement for SLD. Is the child achieving adequately? Has the child made sufficient progress? Or, does the child show a pattern or strengths and weaknesses.  Must use a variety of variety of assessment tools and strategies to gather information and make eligibility decision. Can't rely on a single measure or assessment. Evaluations must be tailored to assess specific areas of educational need and not just a single intelligence quotient.	34 CFR § 300.307-311 SLD federal regulations and analysis of comments
We don't understand RTI so we are going to stick with our discrepancy model	RTI is not required and cannot be used to delay the evaluation process.	34 CFR § 300.301, 300.303, 300.309(c) 34 CFR 300.307  SLD federal regulations and analysis of comments

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We can't evaluate yet as we want to implement an RTI program first and will not start that until next semester.	<p>There are a variety of resources to help explain RTI and how it works. It can have school wide benefits beyond special education. Discrepancy models have been largely discredited and the U.S. Dept. of Education has shown a clear preference to not use discrepancy models even though it has not prohibited them.</p> <p>What policies, regulations or laws has the state adopted about discrepancy and RTI or other methods?</p>	<ul style="list-style-type: none"> <li>• RTI &amp; SLD National Joint Comm. on LD</li> <li>• RTI Blueprint</li> <li>• The IRIS Center info on RTI</li> <li>• NASP: Response to Instruction in the Identification of Learning Disabilities: A Guide for School Teams</li> <li>• National Research Center on Learning Disabilities</li> <li>• SLD federal regulations and analysis of comments</li> </ul>
The student is not eligible for services because he/she performed in the average range on the Woodcock Johnson academic achievement test	<p>The IDEA now has a preference for instructional based assessments and grade level standards. Is the student achieving adequately to meet those standards? Has the child made sufficient progress towards them? Or, does the child show a pattern or strengths and weaknesses.</p> <p>Also, must use a variety of variety of assessment tools and strategies to gather information. Can't rely on a single measure or assessment. Evaluations must be tailored to assess specific areas of educational need and not just a single intelligence quotient.</p>	<p>34 CFR § 300.301, 300.304, 300.305 34 CFR § 300. 307-311</p> <p>SLD federal regulations and analysis of comments</p>
The student is not eligible because he/she did well on state achievement test	<p>Must use a variety of variety of assessment tools and strategies to gather information when evaluating and making eligibility decisions. Can't rely on a single measure or assessment.</p> <p>A child can be eligible even if meets state standards</p>	<p>34 CFR § 300.301, 300.304, 300.305 34 CFR § 300. 307-311</p> <p>SLD federal regulations and analysis of comments</p>

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