

## **PART III – EVALUATION & ELIGIBILITY**

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- I. includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.
  - II. does not include children who have learning problems that are primarily the result of a visual disability; motor disability; hearing disability; cognitive impairment; emotional disturbance; environmental, cultural or economic disadvantage.
- B. The group of qualified professionals and a parent of the child must show that:
- I. The child demonstrates limited academic achievement for his or her age and ability levels in one or more of the following areas when provided with learning experiences appropriate for the child's age and ability levels: oral expression; listening comprehension; written expression; basic reading skills; reading comprehension; reading fluency; mathematics calculation; mathematical problem solving. As evidenced by:
    - a. The child does not make sufficient progress to meet age or State approved grade level standards in one or more areas identified above when using a process based on the child's response to scientific research-based intervention.
    - b. 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 that is determined by the group using approved assessments.

**Note:** LEAs are not required to consider whether a child has a severe discrepancy between achievement and intellectual ability when determining whether a child has a learning disability and permitting LEAs to use a response to research-based intervention as part of an evaluation process and may permit the use of the other alternative research-based procedures for determining whether a child has a specific learning disability.

- C. The team must also ensure the following:
- I. At least one team member, other than the child's regular teacher, must observe the child's academic performance in the regular classroom setting;
  - II. In the case of a child who is of less than school age or is out of school, a team member must observe the student in an environment appropriate for a child that age; and,

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- III. The observation report must document the name and title of the observer, as well as the date and place of the observation. This report must also be attached to the Evaluation Summary and Eligibility Report (Appendix C).
- D. The group of qualified professionals and a parent of the child must prepare a written report of the evaluation results that includes statements of:
  - I. Whether the child has a specific learning disability;
  - II. The basis for making the determination;
  - III. The relevant behavior(s) noted during the observation of the child;
  - IV. The relationship of the behavior(s) to the child's academic functioning;
  - V. Medical information, if any, related to the child's educational functioning,
  - VI. The nature of the severe discrepancy between intellectual ability and academic achievement or lack of response to intervention which is not correctable without special education and related services; and,
  - VII. The determination of the team regarding the effects of environmental, cultural, or economic factors on the child's academic performance.

The report must be dated and team members must indicate their agreement or disagreement with the report's conclusions, and then sign the report. A team member who disagrees with the conclusions of this report must submit a separate statement of his or her own conclusions.

- E. The student must require special facilities, equipment, or methods to make his or her education program effective.
- F. The student must be certified by a group consisting of qualified professionals and a parent of the student as qualifying for and needing special education services.

### **8. Cognitive Impairment**

*To be eligible for special education and related services as a child with a cognitive impairment, a child must:*

- A. score two or more standard deviations below the national norm on an individual standardized test of intelligence; and
- B. exhibit deficits in adaptive behavior manifested during the developmental period that adversely affect the child's educational performance; and

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- C. require special facilities, equipment or methods to make his or her educational program effective; and
- D. be diagnosed as mentally retarded by a psychiatrist or psychologist; and
- E. be certified by a group of qualified professionals and a parent of the child as qualifying for and needing special education services.

### **9. Multiple Disabilities**

*To be eligible for special education and related services as a child with multiple disabilities, a child must:*

- A. exhibit two or more of the impairments described in this section, the combination of which causes such severe education problems that he or she cannot be accommodated in a special education program for solely one of the conditions; and
- B. require special facilities, equipment, or methods to make his or her educational program effective; and
- C. be diagnosed as described in this section for each condition; and
- D. be certified by a group consisting of qualified professionals and a parent of the child as qualifying for and needing special education services that cannot be provided in a program for a single condition set out in this section.

**Note:** The term multiple disabilities does not include deaf-blindness. Children with multiple disabilities exhibit two or more severe disabilities that are likely to be life-long, significantly interfere with independent functioning, and necessitate environmental modifications to enable the individual to participate in school and society. A learning disability and speech or language impairment does not constitute a multiple disability. Likewise, a child with a cognitive impairment who receives speech therapy as a related service would not be found eligible under this category.

### **10. Orthopedic Impairment**

*To be eligible for special education and related services as a child with an orthopedic impairment, a child must:*

- A. exhibit a severe orthopedic impairment, including impairments caused by a congenital anomaly, disease or other causes, that adversely affects educational performance; and
- B. require special facilities, equipment, or methods to make his or her educational program effective; and
- C. be diagnosed by a physician as orthopedically impaired; and
- D. be certified by a group consisting of qualified professionals and a parent of the child as qualifying for and needing special education services.