

Iowa Special Education Eligibility and Evaluation—Questions and Answers

Issue 3: Specific Learning Disability (SLD) and/or the Academic Domain

Joint Guidance by Iowa Department of Education and Iowa AEA Special Education Directors

Overview

The below guidance is intended to dispel common myths pertaining to legal requirements for special education eligibility and evaluation. This joint guidance should be used in conjunction with Iowa Administrative Rules for Special Education (IAC § 281—41), Iowa Special Education Evaluation and Eligibility Standards (2015), and the AEA Special Education Procedures Manual (August, 2018). This guidance is part of a series. Topics included in the series scheduled to be released during the 2018-2019 school year include:

- Discrepancy Data & Disability Decisions
- Determining a Need for Special Education
- Eligibility on the Basis of Specific Learning Disability (SLD) and/or the Academic Domain
- Other Eligibility Questions

This guidance is issued by the Iowa Department of Education (IDE) and Iowa’s Area Education Agencies (AEA’s). The IDE has statutory authority to exercise “general supervision” over Iowa’s AEA’s and school districts. Iowa’s AEA’s have authority to provide this guidance as they are required to be involved in systematic problem solving and general education interventions, and are responsible for child find. Additionally, the AEA Directors of Special Education certify special education eligibility determinations.

Authority

- Iowa Administrative Code Rules § 256.1
- Iowa Administrative Code Rules 281—41.402(2), 281—41.407, 281—41.306(4), 281—41.312-13



Questions & Answers: Specific Learning Disability (SLD) and/or the Academic Domain

1. Question: Is an assessment of intellectual ability required if evaluating under the basis of Specific Learning Disability (SLD)?

Answer:

As part of an evaluation on the basis of SLD and/or the Academic Domain, teams are required to evaluate 'lack of adequate progress'. There are two alternative and independent methods of evaluating progress (A.W. vs Urbandale C.S.D., HAEA, IDOE, 2018):

- analysis of a pattern of strengths and weaknesses in performance, achievement, or both relative to age/grade expectations or intellectual development
- analysis of progress based on a child's response to scientific, research-based intervention or use of other alternative research-based procedures

Iowa requires use of a process based on a child's response to scientific, research-based intervention or use of other alternative research-based procedures. Thus, Iowa Administrative Code allows but does not require teams to determine if a child exhibits a pattern of strengths and weaknesses relative to expectations/intellectual development (41.307).

Teams must also determine that the concern is not primarily due to one or more exclusionary factors, one of those being mental disability (41.309). Evaluation teams are responsible for selecting the methods that best rule out this factor.

Specifically, the Office of Special Education Programs responded to comments on this in authoring the Federal Regulations. Specifically the comments to the Federal Regulations state:

"The Department does not believe that an assessment of psychological or cognitive processing should be required in determining whether a child has an SLD. There is no current evidence that such assessments are necessary or sufficient for identifying SLD. Further, in many cases, these assessments have not been used to make appropriate intervention decisions. However, § 300.309(a)(2)(ii) permits, but does not require, consideration of a pattern of strengths or weaknesses, or both, relative to intellectual development, if the evaluation group considers that information relevant to an identification of SLD. In many cases, though, assessments of cognitive processes simply add to the testing burden and do not contribute to interventions. ..." [Emphasis added] (34 C.F.R. 300).

2. Question: Are teams required to evaluate a child's achievement in relation to his/her potential ability?

Answer:

Iowa prohibits use of a severe discrepancy between intellectual ability and achievement for determining eligibility on the basis of SLD (41.307(1)(b)).

The appropriate point of comparison in regards to determining both a child's adequate achievement and adequate progress are the age/grade-level standards and expectations; not the child's potential (A.W. vs Urbandale C.S.D., HAEA, IDOE, 2018). State age/grade-level standards include such things as the Iowa Early Learning Standards, Iowa Core Standards, expectations included in student handbooks and unwritten classroom/school expectations.

3. Question: Is the Specific Learning Disability label now required in Iowa?

Answer: No. If a child is evaluated under the procedures for Specific Learning Disability as outlined in 41.307(1)-41.311(2) and found to be eligible and in need of special education in one of the academic areas related to Specific Learning Disability, the agency may classify the child as having a specific learning disability or as an eligible individual (41.307(3)).

Nothing in IDEA or Iowa's Rules for Special Education requires that children be classified by their disability so long as each child who has a disability listed in 34 CFR Section 300.8 and who, by reason of that disability, needs special education and related services is regarded as a child with a disability under Part B of the Act (34 C.F.R. 300.111(3); see also Letter from Ruth E. Ryder, Acting Director, Office of Special Education Programs, to Attorney David C. Roston (June 16, 2017)). As a condition for using a noncategorical system, Iowa's noncategorical system must be as broad as the mandate in federal law. While disability labels are not required, in very exceptional circumstances and given appropriate data, a team may decide that a child's special education program would benefit from identifying a child based on a label. See also Standard 6 of Iowa's Eligibility & Evaluation Standards.