

Proposed Wyoming Chapter 7 Rules:

The following will represent the current Wyoming Chapter 7 Rules, proposed adaptations to include a strengths and weaknesses model will be presented through underlined formatting.

(x) Specific Learning Disability Eligibility

Specific learning disability means “a disorder in one (1) or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Specific Learning Disabilities does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, cognitive disability, emotional disability, or of environmental, cultural or economical disadvantage”. [34 CFR 300.8(c)(10)]

(A) Specific Learning Disability eligibility criteria: Eligibility is established through a comprehensive evaluation in accordance with the requirements of these rules. The initial evaluation shall be conducted by a group of qualified professionals as determined appropriate by the school district or public agency. The initial evaluation process shall be comprehensive and address all areas of need resulting from the suspected disability. In accordance with these rules, a child is identified as a child with a Specific Learning Disability if the criteria in this section are satisfied.

(B) Consistent with 34 C.F.R. §300.308, the determination of whether a child suspected of having a Specific Learning Disability is a child with a disability as defined in 34 C.F.R. §300.8, must be made by a group, which includes the child's parents and qualified professionals, including:

(I) The child's regular teacher, or if the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or

(II) For a child of less than school age, an individual qualified by Wyoming to teach a child of his or her age; and

(III) At least one (1) person qualified to administer psychological assessments; and

(IV) Other qualified professionals as determined appropriate by the school district or public agency to conduct individual diagnostic examinations of children.

(C) With respect to the evaluation described in paragraph (A) above, and consistent with 34 C.F.R. §300.310, the school district or 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. In the case of a child of less than school age or out of school, a group member must observe the child in an environment appropriate for a child of that age. The group, in determining whether a child has a Specific Learning Disability, must decide to:

(I) Use information from an observation in a routine classroom instruction and monitoring of the child's performance that was done before the child was referred for evaluation; or

(II) Have at least one (1) member of the group conduct an observation of the child's academic performance in the regular classroom after the child has been referred for an evaluation and parental consent, consistent with 34 C.F.R. §300.300(a), is obtained.

(D) Consistent with 34 C.F.R. §300.309(a), the group determines that a child has a Specific Learning Disability if:

(I) The child does not achieve adequately for the child's age or Meet Wyoming grade-level standards in one (1) or more of the following areas, when provided with learning experiences and instruction appropriate for the child's age or Wyoming grade-level Standards:

- (1.) Oral expression;
- (2.) Listening comprehension;
- (3.) Written expression;
- (4.) Basic reading skill;
- (5.) Reading fluency skills;
- (6.) Reading comprehension;
- (7.) Mathematics calculation;

(8.) Mathematics problem solving; and

(E) The group shall use either a Response To Intervention process, AND/OR a consideration of Strengths and Weaknesses in psychological processing AND/OR Wyoming's Severe Discrepancy Formula, when determining whether a child is not making sufficient progress to meet age or Wyoming grade level standards.

(I) Response to intervention process: The group may determine that the child does not make sufficient progress to meet age or Wyoming grade-level standards in one (1) or more of the areas in paragraph (D)(I) of this section when using a process based on the child's response to scientific, research-based intervention.

(II) Consideration of Strengths and Weaknesses: The child presents with a pattern of strengths and weaknesses in psychological constructs that are linked to the failure to achieve adequately in the specific academic area(s) of suspected disability and must rely on standardized assessment measures. Such assessment measures may include, but are not limited to: tests of memory, phonological processing, processing speed, or other measures which explicitly test psychological constructs known through research to be connected to academic achievement or disabling conditions.

(III) Wyoming Severe Discrepancy Formula: The group may determine that the child demonstrates a severe discrepancy between current achievement level and expected achievement level of at least 22 points (taking into consideration confidence intervals) upon an initial evaluation, utilizing Appendix A of these rules. Expected achievement is based on the correlation between tests of the child's composite intellectual standard score compared to the child's composite achievement score in one (1) or more core achievement areas.

(1) The Wyoming Severe Discrepancy Formula in Appendix A of these rules must be utilized when making an eligibility determination based on a severe

discrepancy between intellectual ability and achievement

- (2) A severe discrepancy exists when application of the Wyoming Severe discrepancy Formula results in a difference between expected and actual achievement greater than or equal to 1.5 standard deviations (See Appendix A).

(F) Consistent with 34 C.F.R. §300.309, to ensure that underachievement in a child suspected of having a Specific Learning Disability is not due to lack of appropriate instruction in reading or math, as part of the evaluation the group must consider:

(I) Data that demonstrate that prior to, or as a part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel; and

(II) 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.

(G) Consistent with 34 C.F.R. §300.309, the group must determine that underachievement of a child suspected of having a Specific Learning Disability is not primarily the result of:

- (I) A visual, hearing, or motor disability;
- (II) Cognitive disability;
- (III) Emotional disability;
- (IV) Cultural factors;
- (V) Environmental or economic disadvantage; or
- (VI) Limited English proficiency.

(H) Consistent with 34 C.F.R. §300.309(c), a school district or public agency must promptly request parental consent to evaluate the child to determine if the child needs special education and related services, and must adhere to the timeframes in 34 C.F.R. §§300.301 through 300.303, unless extended by mutual written agreement of the child's parents and the group of qualified professionals under the following circumstances:

(I) If, prior to a referral, a child has not made adequate progress after an appropriate period of time when provided instruction described in (F) above, and

(II) Whenever a child is referred for an evaluation.

(I) Specific documentation required for the eligibility determination. Consistent with 34 C.F.R. §300.311, for a child suspected of having a Specific Learning Disability, the documentation of the determination of eligibility must contain a statement of each of the following:

(I) Whether the child has a Specific Learning Disability;

(II) The basis for making the determination, including an assurance that the determination has been made in accordance with 34 C.F. R. §300.306(c)(1); .

(III) The relevant behavior, if any, noted during the observation of the child and the relationship of that behavior to the child's academic functioning;

(IV) The educationally relevant medical findings, if any;

(V) Whether:

(1.) The child does not achieve adequately for the child's age or to meet Wyoming grade-level standards consistent with 34 C.F.R. §300.309(a)(1); and

(2.) The child does not make sufficient progress to meet age or Wyoming grade-level standards consistent with 34 C.F.R. §300.309(a)(2)(i).

(VI) The determination of the group concerning the effects of a visual, hearing, or motor disability; cognitive disability; emotional disability cultural factors; environmental or economic disadvantage; or limited English proficiency on the child's achievement level.

(VII) If the child has participated in a process that assesses a child's response to scientific, research-based intervention:

(1.) The instructional strategies used and the student-centered data collected; and

(2.) The documentation that the child's parents were notified about:

a. Wyoming's policies regarding the amount and nature of student performance data that would be collected and the general education services that would be provided;

b. Strategies for increasing the child's rate of learning; and

c. The parents' right to request an evaluation.

(VIII) Each group member must certify in writing whether the report reflects the member's conclusion. If it does not, the group member must submit a separate statement presenting the member's conclusion

Specific Guidance for Processing Approach: The student is found eligible under the SLD via a PSW approach if the follow criteria are met:

(1). Evidence must indicate performance that is significantly below the mean on a cluster, composite, or two (2) or more subtest scores of a norm-referenced, standardized achievement assessment in the specific academic area(s) of suspected disability.

And

(2.) Evidence must indicate that the child exhibits a normative weakness on validated, standardized assessments of psychological processing (scoring 1.5 or more standard deviations below the mean for the child's age in one area of psychological processing, or 1.0 or more standard deviations below the mean in two or more areas of psychological processing). The IEP team should strongly consider the impact that these deficits have on specific academic achievement performance in the area(s) of suspected disability.

(i) With regard to students who demonstrate flat cognitive scores (greater than 70, but less than 85), the school psychologist is strongly advised not to dismiss providing an SLD diagnosis, and to use their advanced training, skill, and judgment in considering the plethora of differences of potential common influences on cognitive assessment scores.