



State of Arizona
Department of Education

Hot TOPIC

October 2019

Alert to Special Education Directors and Program Administrators: Specific Learning Disability Eligibility Criteria

Arizona Department of Education/Exceptional Student Services (ADE/ESS) has received a large volume of questions around the determination of a specific learning disability. ADE/ESS has sought clarification from the Attorney General's office to ensure that ADE/ESS guidance can be provided in a manner consistent with all applicable regulations while also confining guidance to the authority given to the State Education Agency (SEA). ADE/ESS has sought feedback and information from a variety of other sources, including practitioners in the field, in providing this guidance.

The Individuals with Disabilities Education Act (IDEA), specifically 34 C.F.R. §300.306 - §300.311, outlines the criteria for determining a child eligible as a child with a specific learning disability. Arizona Revised Statute (ARS) gives specific learning disability the same meaning as it has in federal code (ARS 15-761).

Arizona Administrative Code (A.A.C.) R7-2-401 E. 7. D outlines the requirement for identification of a specific learning disability as follows: a determination of whether 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 meets the public education agency criteria through one of the following methods:

- i. A discrepancy between achievement and ability;
- ii. The child's response to scientific, research-based interventions; or
- iii. Other alternative research-based procedures.

The methodology(ies) for determining a child eligible as a child with a specific learning disability *are set forth by the public education agency* (PEA) using the criteria outlined in IDEA, ARS, and A.A.C. As outlined in A.A.C., the PEA sets forth its criteria for determining a child eligible as a child with a specific learning disability in the PEA's board-approved policies and procedures for special education. Criteria should include the methodology(ies) the PEA will utilize for eligibility.

Documentation for determining a child eligible as having a specific learning disability should include the basis for making the determination, criteria used, and both should match the PEA's board-approved policies and procedures. *Additionally, the documentation should be outlined in a manner that is*

understandable to anyone reading the document, most importantly the parent.

At this time, ADE/ESS does monitor for all of these requirements and provides technical assistance regularly. If you have further questions, please feel free to contact your assigned Program Support and Monitoring specialist.