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Michigan Criteria for
Determining the Existence of a
Specific Learning Disability

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Berrien Regional Education Service Agency's

Special Education SENTINEL

A NEWSLETTER FOR SPECIAL EDUCATION STAFF IN BERRIEN COUNTY

Michigan Criteria for Determining the Existence of a Specific Learning Disability

The Michigan Department of Education (MDE), Office of Special Education and Early Intervention Services (OSE-EIS), produced a document in October of 2010 establishing the criteria that must be followed in Michigan to determine the existence of a specific learning disability (SLD) for a student suspected to have an SLD. The full document is available for download though the link provided under the additional resources sidebar of this article. This article reviews the key elements, but not all, of that document.

Consistent with the Individuals with Disabilities Education Act (IDEA) federal regulations at 34 CFR § 300.309 and the Michigan Administrative Rules for Special Education (MARSE) at R 340.1713, school must use the following processes for determining the existence of a specific learning disability (SLD):

- A student's response to scientific, research-based intervention.
- A pattern of strengths and weaknesses.

Each school district must determine which process or combination of processes, it will use to determine SLD eligibility and ensure that the education community and parents are informed of the district's processes. Each school must develop a systematic plan to operationalize the state criteria for the district's use. In making the decision each district must consider:

- If a school district does not have a process based on a student's

response to scientific, research-based intervention established in any of its schools, then the school district must utilize a pattern of strengths and weaknesses in determining the existence of an SLD.

- If a school in a district has a fully implemented response to a scientific, research-based intervention process in select grades, the school must use data from its response to scientific, research-based intervention process to document interventions and student progress for the purpose of determining the existence of an SLD. The other grades in that school, and the other schools in the district, who have not fully implemented a response to a scientific, research-based intervention process must use a pattern of strengths and weaknesses process until each grade is phased in to full implementation.
- If a school district is implementing response to scientific, research-based intervention process on a school-by-school basis, the district must use data from its response to scientific, research-based intervention process to document interventions and student progress for the purpose of determining the existence of an SLD in the schools where the process is fully implemented. In schools that have not fully implemented a response to scientific, research-based intervention process, a pattern of strengths and weaknesses process must be used.



Response to scientific, research-based intervention processes do not constitute a full and individual evaluation under the Michigan Administrative Rules for Special Education (MARSE) and the Individuals with Disabilities Education Act (IDEA) requirement for conducting evaluations and determining eligibility for special education programs and services.

When considering student results that rely on a student's response to scientific, research-based intervention, the MET needs to be able to ensure that:

- There was a research/evidence base for interventions implemented; and
- The interventions were implemented with fidelity (i.e., implemented as intended or prescribed with attention to the what, how, and intensity of instruction).

When considering student results that rely on student's pattern of strengths and weaknesses, the MET needs to be able to ensure that:

- They follow the district guidelines and decision rules for the analysis of strengths and weaknesses.

The following criteria apply to all methods used to determine SLD eligibility:

- A student must not be determined to be a student with a disability if the determinant factor for that determination is:
 - *Lack of appropriate instruction in reading, including the essential components of reading instruction, including explicit and systematic instruction in phonemic awareness, phonics, vocabulary development, reading fluency and oral reading skills, and reading comprehension strategies;*
 - *Lack of appropriate instruction in math; or*
 - *Limited English proficiency.*

- A full and individual evaluation is a process conducted by the MET. Evaluation means procedures used in accordance with 34 CFR §§ 300.301 through 300.311 to determine whether a student has an SLD and the nature and extent of the special education and related services that the student needs. Evaluation includes the review of information from parents, existing data, and the results of assessment procedures used.

Lack of Appropriate Instruction

The team needs to consider:

- The instruction that the student has been receiving;
- The qualifications and training of the person delivering the instruction; and
- The student's access to that instruction.

Since the determination of SLD eligibility requires documentation that a student demonstrates a skill deficit and insufficient progress, there should be evidence that appropriate instruction in the area(s) of concern has been provided, including fidelity of instruction and intervention implementation.

Required Documents to be Given to Parents

The school district must document that parents received specific information concerning their student's participation in any response to a scientific, research-based intervention process. The information provided to parents must meet all of the IDEA requirements. The information parents must receive includes:

- Amount and nature of student performance data that will be collected and general education services that will be provided.
- Strategies for increasing the student's rate of learning.
- Parent's right to request an evaluation.

Additional Resources

Michigan's Criteria for Determining the Existence of a Specific Learning Disability may be downloaded at:

http://www.michigan.gov/documents/mde/OSE-EIS_Memorandum_10-07_321440_7.pdf

A memorandum from MDE/ OSE-EIS delineating a district's requirement to make public school district process for determining the existence of a specific learning disability may be downloaded at:

http://www.michigan.gov/documents/mde/OSE-EIS_Memorandum_10-07_321440_7.pdf

A memorandum from MDE/ OSE-EIS clarifying the determination of specific learning disabilities in Michigan may be found at:

http://www.michigan.gov/documents/mde/OSE-EIS-Memo09-02_263815_7.pdf

A memorandum from MDE/ OSE-EIS clarifying the observation requirement for the reevaluation of students with Specific Learning Disabilities may be found at:

http://www.michigan.gov/documents/mde/OSE-EIS-Memo09-11_275174_7.pdf

