

Students

**SUBJECT: ADDITIONAL PROCEDURES FOR IDENTIFYING STUDENTS WITH LEARNING DISABILITIES**

In accordance with Regulations of the Commissioner of Education, the District will follow all applicable procedures for referral and evaluation of students suspected of having a learning disability, including the additional requirements enumerated in Commissioner's Regulations Section 200.4(j) for identifying students with learning disabilities and determining eligibility for special education.

Per Commissioner's Regulations, *learning disability* means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which manifests itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, as determined in accordance with Section 200.4(j). The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include learning problems that are primarily the result of visual, hearing or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural or economic disadvantage.

The individual evaluation must include information from an observation of the student in routine classroom instruction and monitoring of the student's performance that was either done before the student was referred for an evaluation or from an observation of the student's academic performance in the regular classroom after the student has been referred for an evaluation and parental consent is obtained.

The determination of eligibility for special education for a student suspected of having a learning disability must be made by the Committee on Special Education (CSE), which shall include the student's regular education teacher and at least one person qualified to conduct individual diagnostic examinations of students (such as a school psychologist, teacher of speech and language disabilities, speech/language pathologist or reading teacher).

To ensure that underachievement in a student suspected of having a learning disability is not due to lack of appropriate instruction in reading or mathematics, the CSE must, as part of the evaluation procedures, consider whether the student has received appropriate instruction in reading and mathematics in the regular education setting by qualified personnel. The CSE must also consider data-based documentation of repeated assessments of achievement at reasonable intervals.

A student may be determined to have a learning disability if, when provided with learning experiences and instruction appropriate for the student's age or State-approved grade-level standards, the student does not achieve adequately in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skills, reading fluency skills, reading comprehension, mathematics calculation, mathematics problem solving; and the student either does not make sufficient progress when using a process based on the student's response to scientific, research-based intervention (Response to Intervention) or the student exhibits a pattern of strengths and weaknesses in performance, achievement, or both as determined by the CSE using appropriate assessments in accordance with Commissioner's Regulations.

**Written Report/Written Certification by CSE**

When determining eligibility for a student suspected of having a learning disability, the CSE shall prepare a written report containing a statement of all the factors enumerated in Commissioner's Regulations.

(continued)

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Each CSE member must certify in writing whether the above referenced written report reflects the member's conclusion regarding the eligibility determination. If the report does not reflect the member's conclusion, the CSE member must submit a separate statement presenting his/her conclusions.

8 New York Code of Rules and Regulations (NYCRR)  
Sections 100.2(ii), 200.1(pp), 200.1(zz)(6), 200.4(b),  
200.4(c), 200.4(j), and 200.5(b)