



## CHICAGO PUBLIC SCHOOLS PROCEDURES AND GUIDELINES - SPECIFIC LEARNING DISABILITY (SLD)

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### PURPOSE

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A specific learning disability (SLD) is a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the 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. In order for students to be eligible for an SLD, IEP teams must ensure qualitative and quantitative data indicates a lack of student achievement as well as a lack of progress following the implementation of appropriate research-based interventions by qualified professionals. Tiered supports and interventions (i.e., MTSS or other response to intervention) data is required when a student is suspected of having a specific learning disability. MTSS or other response to intervention data is NOT required when determining whether a student is eligible for special education and related services under any other IDEA-recognized disability. However, even for students suspected of having a specific learning disability, the lack of MTSS or other responsive intervention data is not, by itself, a reason to deny or delay an evaluation.

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### CONTENTS

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This packet includes the following documentation:

- Procedures - Step-by-step detail of how to determine SLD eligibility throughout the District
- Roles and Responsibilities - Breakdown of roles and responsibilities for all parties involved in the process of determining SLD eligibility
- Eligibility Criteria - Criteria detailing how a student is found eligible for SLD



## PROCEDURES

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### PRIOR TO ELIGIBILITY MEETING

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1. For students suspected of having a specific learning disability, tiered supports and interventions<sup>1</sup> (i.e., MTSS or other response to intervention) have been implemented with fidelity and the student has demonstrated an insufficient response to interventions in one or more of the following areas:
  - Oral expression
  - Listening comprehension
  - Written expression
  - Basic reading skill
  - Reading fluency skills
  - Reading comprehension
  - Mathematics calculation
  - Mathematics problem-solving
2. A team member (staff member or parent/guardian) refers the student for a special education evaluation.

**NOTE:** The lack of tiered interventions (i.e., MTSS or other response to intervention) is not, by itself, a reason to deny a referral.
3. Within 14 school days after receipt of the referral, the local school district representative must provide a written response using the *Parent/Guardian Notification of Decision Regarding a Request for an Evaluation* form in SSM. If the referral is denied, the process stops here.
4. If the referral is accepted, a team of individuals, including the parent/guardian, convene within the same 14-school-day period to complete the Assessment Planning process to determine assessment(s) to be conducted and other relevant information to be collected in connection with the special education evaluation.
  - a. If the parent/guardian provides written consent to the special education evaluation, move to Step 5.
  - b. If the parent/guardian does not provide written consent to the special education evaluation, move to Step 11a.
5. The team completes all assessments/collects all information as set forth on the *Parent/Guardian Consent For Evaluation* form.
6. If tiered interventions (i.e., MTSS or other response to intervention) have not been implemented when the school receives parental written consent for a special education evaluation for a suspected learning disability, staff should immediately and concurrently gather MTSS or other response to intervention data as part of the 60-school-day time frame.
7. If tiered intervention (i.e., MTSS or other response to intervention) data has not been obtained prior to the eligibility meeting and the IEP team requires additional time to implement tiered supports and interventions (i.e., MTSS or other response to intervention), the local school district representative (also known as the case manager) requests parental written consent for an extension of the 60-school-day time frame for no more than an additional 20 school days.

**NOTE:** Requesting up to an additional 20 school days is to be used only in extraordinary circumstances.

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<sup>1</sup> For students already determined to have a specific learning disability, progress monitoring data toward IEP goal achievement must also be considered as part of the reevaluation process.



- a. If the parent/guardian does not provide written consent for an extension, school personnel complete as many required evaluation activities as possible and convene an FIE/IEP meeting within the existing time frame.
  - b. If the parent/guardian provides written consent for an extension, identified team members begin/continue MTSS or other response to interventions and collect documentation within the newly agreed-upon-time frame.
8. A classroom teacher completes the *Learning Environment Interventions* (LEI) document in SSM.
  9. A school-based IEP team member completes the *Learning Environment Screening* (LES) document in SSM.

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## ELIGIBILITY MEETING

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10. The IEP team reviews all qualitative and quantitative data<sup>2</sup> and information collected in connection with the special education evaluation and determines the student's eligibility as detailed in the Eligibility Criteria.
11. If the Eligibility Criteria is not met, the student is determined to be ineligible for a special education and related services due to a specific learning disability, but the team may consider eligibility under another disability classification or Section 504 of the Rehabilitation Act, where appropriate.  
**NOTE:** For Section 504 purposes, prior written notice of the Section 504 meeting must be given to the parents before this discussion can occur. If it is mutually convenient for the parent/guardian and other Section 504 team members to move forward with a Section 504 meeting at the conclusion of the FIE meeting, school staff should ask the parent/guardian if he/she agrees to waive the prior written notice. If the parent/guardian agrees, the waiver must be in writing and uploaded into SSM.
12. If the student is determined to be ineligible, the student may be referred for an evaluation at a later date if there continues to be a suspicion that the student may have SLD or another disability.

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<sup>2</sup> Qualitative and quantitative data in this context means data that describes the types of scientifically or evidence-based interventions utilized with the student which are directly linked to the area of deficit; (2) the interventions were delivered with integrity; (3) the expected outcome of those interventions; (4) the student's actual responses to the interventions and rate of progress; (5) how often the student's progress was monitored; and (6) the amount of time the intervention was provided to demonstrate sufficient time was allowed for change to occur in the student's skill level (e.g., two different interventions for a minimum of five weeks each).



## ROLES AND RESPONSIBILITIES

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### SCHOOL MEMBERS OF THE IEP TEAM

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*General education teacher(s), special education teacher(s), Related Service Provider(s), local school district representative*

- Implement and document the implementation of the MTSS/Response to Intervention framework and tiered supports with fidelity.
- Submit referral for a special education evaluation, if applicable.
- If an extension is needed and agreed to, begin interventions and collect documentation within the newly agreed upon time frame.
- Complete the *Learning Environment Interventions (LEI)* document in SSM.
- Complete the *Learning Environment Screening (LES)* document in SSM.
- Evaluate the student as specified on the *Parent/Guardian Consent for Evaluation* form.
- Participate in the IEP team's determination of the student's eligibility for special education and related services based on the Eligibility Criteria.
- If the student is found eligible, participate in the development of an IEP.

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### SCHOOL ADMINISTRATOR

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- Ensure that the MTSS/Response to Intervention framework is being implemented with fidelity to address student learning needs and detailed qualitative and quantitative data is being collected and maintained by staff.

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### LOCAL SCHOOL DISTRICT REPRESENTATIVE

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- If tiered supports and interventions (i.e., MTSS or other response to intervention) data has not been submitted prior to the eligibility meeting, request parental written consent for an extension of the 60-school-day time frame for no more than 20 additional school days.

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### PARENT(S)/GUARDIAN(S)

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- Request, or provide written consent or deny consent for, a special education evaluation.
- Provide written consent for or deny an extension request, if applicable.
- Participate in the IEP team's determination of the student's eligibility for special education and related services based on the Eligibility Criteria.
- If the student is found eligible, participate in the development of an IEP.



## ELIGIBILITY CRITERIA

Prior to an initial or reevaluation to determine SLD eligibility, a Learning Environment Interventions (LEI) must be completed by having a teacher complete the first section of the LEI and another school-based IEP team member conduct an observation and complete the Learning Environment Screening (LES) section of the LEI.

Prior to or during a student's evaluation to determine SLD eligibility, documentation must show that the student's low achievement is NOT due to the lack of high quality Tier 1 instruction, or a lack of targeted and appropriate Tier 2 and Tier 3 interventions that were provided and progress-monitored with fidelity, consistent with the MTSS/Response to Intervention framework. For students already determined to have a specific learning disability, progress monitoring data must also be included in the reevaluation process.

If appropriate MTSS or other response to intervention procedures were not implemented with fidelity for the student and/or sufficient qualitative and quantitative data was not collected to consider the student's response to the interventions, the local school district representative and the parent/guardian may agree to an extension of the evaluation time frame. An extension of no more than 20 school days should only be agreed upon in extraordinary circumstances. If the parent/guardian does not consent to an extension, the District must complete as many evaluation activities as possible and convene an FIE/IEP meeting within the existing time frame.

An IEP team may decide that a student has a specific learning disability only if documentation and a required classroom observation, either before or after a referral for special education evaluation, shows that **ALL** of the following criteria are met:

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### CRITERIA 1: LACK OF ADEQUATE ACHIEVEMENT

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The student falls significantly below age or State-approved grade level standards in one of the following areas: (i) oral expression; (ii) listening comprehension; (iii) written expression; (iv) basic reading skills; (v) reading fluency skills; (vi) reading comprehension; (vii) mathematics comprehension; and/or (viii) mathematics problem solving. This criteria is supported when **ALL** of the following exist:

- A. Qualitative and quantitative data from a variety of sources show the gap between the student's current performance and age- or grade-level standards in reading, math, written expression, oral expression and/or listening comprehension, as applicable. The selected and administered assessment tools are linguistically and culturally appropriate;
- B. For an English Learner (EL), the student's limited English language proficiency (if applicable) has been ruled out as the primary cause for the student's lack of adequate achievement (as further described in Criteria 3 and 4 below);<sup>3</sup>
- C. Appropriate curriculum-based assessment measures document the student's performance in reading, math and/or written expression, as applicable. The measure was aligned with learning expectations at the student's grade level and uses content-controlled materials. There must be evidence that scores were reliable and valid estimates of the student's performance and predict future success at that grade;

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<sup>3</sup> For ELs, the IEP team must include at least one person who is knowledgeable about: (i) the development of English language skills; (ii) related achievement skills for the student's age and language/cultural background; and (iii) analyzing data relevant to EL students suspected of having a SLD.



- D. Data based on standard administration procedures, and the validity of the administration and scores were verified;
- E. Data aligned with the student's learning expectations for the relevant point in the school year; and
- F. Consideration of differences in the student's culture or language when interpreting their assessment data.

Based on all of the above considerations, is the student performing significantly below grade level peers in one or more of the above-listed areas on (1) State assessments and (2) District grade level norms from universal screening after receiving scientific research-based intervention? Typically, the "average range" on a norm-referenced assessment is considered to be between the 25th and 75th percentile. Students who perform at or below the 10<sup>th</sup> percentile are considered to be significantly below their grade level peers.

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### **CRITERIA 2: LACK OF SUFFICIENT PROGRESS**

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The student demonstrates a lack of sufficient progress, to meet age or State-approved grade level standards in one or more of the above areas, after receiving scientific, research-based interventions. This criterion is met through the provision of MTSS or other response to intervention, and documenting the implementation of the MTSS/Response to Intervention framework. This criterion is supported when either: (i) evidence that prior interventions have not sufficiently improved the student's progress; or (ii) evidence that prior interventions have sufficiently improved the student's progress, but are so intensive that they cannot be implemented long-term except through the special education process.

If appropriate interventions were not implemented with fidelity for the student and/or sufficient data was not collected to consider the student's response to the interventions, the school administrator meets with relevant IEP team members to consider the need to ask the parent/guardian to agree to an extension of the evaluation time frame.

**NOTE:** In determining whether a student has a specific learning disability, CPS does not use "pattern of strengths and weaknesses" and/or "severe discrepancy" (i.e., IQ vs. achievement) models.

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### **CRITERIA 3: LACK OF ACHIEVEMENT AND PROGRESS NOT PRIMARILY DUE TO OTHER FACTORS**

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As relevant to the student, the IEP team must review the qualitative and quantitative data and conclude that the student's lack of adequate achievement and lack of sufficient progress is NOT primarily<sup>4</sup> the result of:

- A. A visual, hearing or motor disability;**
- B. An intellectual disability;**
- C. An emotional disability;**
- D. Environmental or economic disadvantage, or cultural factors** (e.g., communication patterns, behavioral expectations and/or prescribed cultural factors). To consider these factors, the IEP team considers information such as the following:
  - Socio-economic status;

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<sup>4</sup> "Primarily" means the predominant basis.



- Family mobility;
- Number of schools attended;
- School attendance;
- Family change such as divorce or death;
- Substandard housing;
- Inadequate nutrition and food insecurity;
- Severe physical/psychological trauma; or
- Exposure to violence in the community.

**E. A student's limited English language proficiency.** As noted above, the IEP team must include at least one person knowledgeable about: (i) the development of English language skills; (ii) related achievement skills for the student's age and language/cultural background; and (iii) analyzing data relevant to students suspected of having a SLD. Further, all assessments conducted must be linguistically and culturally appropriate in order to ensure an appropriate determination that a student's limited English language proficiency is not the primary cause of his or her lack of adequate achievement/sufficient progress.

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#### **CRITERIA 4: LACK OF APPROPRIATE INSTRUCTION IN READING OR MATH**

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The student's lack of adequate achievement and lack of sufficient progress is not due to the lack of appropriate instruction from qualified personnel in reading or math. In order to demonstrate that appropriate instruction from qualified personnel in reading and math has been provided, the IEP team must provide the following qualitative and quantitative data:

**A. Data demonstrating the provision of appropriate instruction from qualified personnel**

Qualitative and quantitative data documenting satisfaction of the following requirements: (i) use of a scientifically-based curriculum; (ii) implementation with integrity; and (iii) assessment for impact on outcomes for all students.

**NOTE:** When the student is an English Learner, the team must also document: (i) provision of appropriate language acquisition programming; (ii) delivery by teacher(s) knowledgeable regarding language acquisition and competence; and (iii) effectiveness of core curriculum for EL students.

**B. Data documenting repeated assessments**

Qualitative and quantitative data documenting repeated assessments of achievement at reasonable intervals as follows: (i) local universal screening/benchmarking collected on all students at multiple times throughout the school year; and (ii) repeated progress monitoring to determine the effectiveness of interventions.

**NOTE:** When the student is an English Learner, the team must also document appropriateness of assessments in light of any limitations in the student's English language proficiency, including assessment of the student's English language proficiency, assessment in the student's primary language to degree appropriate and measurement based on State standards for EL students.

**C. Evidence that both universal screening/benchmarking data and progress monitoring data have been provided to the student's parent/guardian**



## SLD Frequently Asked Questions

**1. How does the local school district representative document parent consent to an extension of the 60-school-day evaluation timeline?**

Parent consent to extend the evaluation timeline must be documented within SSM using the *Mutual Written Agreement to Extend Evaluation Timeline* document.

**2. If a staff person becomes aware from a parent or other source that a student has or may have dyslexia, what should s/he do?**

Complete the referral process as soon as possible after receiving this information. Under Illinois regulations and CPS procedures, the referral must be determined warranted and the special education evaluation process begun.

**3. What steps need to be taken if a student is referred and there is no MTSS or other response to intervention data?**

If the student is suspected of having a SLD and an evaluation is warranted, the local school district representative should initiate the Assessment Planning process and request parental written consent for an evaluation and concurrently gather MTSS or other response to intervention data as part of the 60-school-day time frame. If the student is NOT suspected of having a SLD, MTSS or other response to intervention data is not required to determine eligibility under the IDEA.

**NOTE:** School staff should remember that interventions (i.e., MTSS or other response to intervention) should be implemented at the initial stages of a student struggling in school.

**4. Can a referral for a special education evaluation be denied if MTSS or other response to intervention data is not available?**

No; the fact that MTSS or other response to intervention has not been initiated and the lack of MTSS data is not, by itself, a reason to deny a request for an evaluation if there is reason to suspect that a student may have a SLD and be in need of special education.

**5. Can a student be determined eligible for a SLD without MTSS or other response to intervention data?**

No, MTSS or other response to intervention data must be collected as part of the determination of SLD eligibility.

**6. Where can I find support for targeted research-based interventions?**

Visit the MTSS page on the Knowledge Center for specific information regarding tiered support resources (research-based interventions) as well as progress monitoring resources.

**7. Who is responsible for completing the *Learning Environment Interventions (LEI)* and the *Learning Environment Screening (LES)* in SSM?**

The *Learning Environment Interventions (LEI)*, must be completed by the classroom teacher. The *Learning Environment Screener (LES)*, must be completed by the screener. The screener can be any team member other than the classroom teacher, e.g., special education teacher, Related Service Provider, or local school district representative.

**8. Is an IQ test required when determining SLD eligibility?**

No, an IQ test is not required to determine SLD eligibility. CPS does not use the “severe discrepancy” (i.e., IQ vs. achievement) model.





**9. How should MTSS or other response to intervention documentation be recorded?**

All MTSS interventions will be entered into an MTSS Intervention Logging Tool in Gradebook. Other response to intervention data may be documented as directed by the intervention program, if applicable, or the teacher.