



**State of Vermont**  
**Vermont Department of Education**  
120 State Street  
Montpelier, VT 05620-2501

TO: Special Education Directors, Principals and Superintendents

FROM: Karin Edwards, Director, Student Support Team

RE: Specific Learning Disability Determination

DATE: May 27, 2008

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**Field Memo: FM#08-07**  
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In order to clarify information in the Vermont Department of Education Special Education Regulations adopted September 17, 2007, this memo further articulates federal regulations regarding the identification of a specific learning disability (SLD). Whether using a discrepancy model or responsiveness to instruction model to establish the existence of a specific learning disability, **all of the following conditions must be met:**

- All general requirements for evaluation delineated in section 2362.2.1 shall be adhered to during the comprehensive evaluation process.
- Data must be provided that demonstrates that the child was provided with appropriate instruction in the general education setting, delivered by qualified personnel;
- The student has been observed in his/her learning environment (including the general education classroom) to document the child's academic performance and behavior in the areas of difficulty.
- Data reflects repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction;
- Data must be provided to the child's parents;
- Parents are reminded of their right to request an evaluation for special education.

The following must also be a part of a comprehensive evaluation within a responsiveness to instruction/intervention (RtI) model of student support.

**Documentation must identify that:**

- A special education referral for evaluation begins upon consideration for tier III interventions after supplemental instruction in tier II has evidenced a lack of response to increasing levels of instruction. The evaluation timelines described in rule 2362.2.3(b) and (e) must be adhered to.
- The scientifically validated interventions/strategies utilized prior to referral were appropriate for the suspected basic skill area affected by the specific learning disability.

- The evaluation and planning team considered that underachievement was not due to a lack of appropriate instruction (prior to the referral process, the student was provided appropriate instruction in general education settings, delivered by qualified personnel).
- Assessments were administered that focus on specific features of the student's difficulty rather than global measures of functioning. Assessments shall be administered that are useful in diagnosing specific skill deficits and strengths and informing the instructional process for students with specific learning disabilities.
- The student has been observed in his/her learning environment (including the general education classroom) to document the child's academic performance and behavior in the areas of difficulty.
- The student has not made sufficient progress to meet age or State-approved grade level standards in one or more of the basic skill areas.
- The EPT determines that the student's difficulties are not primarily the result of the exclusionary factors delineated in 2362.1 (2) of Vermont Special Education Regulations
- The student's specific learning disability is having an adverse effect on at least one basic skill area (evidenced on three out of six different types of measures).
- The student demonstrates a lack of response to instruction that is not correctible without special education
- If the student is found eligible, the EPT must provide strategies for increasing the student's rate of learning