



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



MICHAEL P. FLANAGAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

JENNIFER M. GRANHOLM
GOVERNOR

January 22, 2009

MEMORANDUM

TO: Intermediate School District Directors of Special Education
FROM: Jacquelyn J. Thompson, Ph.D. Director
Office of Special Education and Early Intervention Services
SUBJECT: Specific Learning Disabilities – Clarification

DISSEMINATE TO LEAs AND PSAs

Michigan’s Administrative Rule 340.1713, Specific Learning Disability Defined, Determination, was amended on September 11, 2008 (enclosed). A few components of the rule warrant clarification.

The Role of Severe Discrepancy

Rule 340.1713 of the Michigan Administrative Rules for Special Education (Rules) allows the use of three options for determining specific learning disability (SLD) eligibility. The rule allows a district to use severe discrepancy, but only as one part of a full and individual evaluation. Severe discrepancy may never be used alone to determine a student eligible as a student with a SLD.

Response to Scientific, Research-based Intervention Process

In determining eligibility under SLD, one of the options a school district may use is a process that is based on a student’s response to scientific, research-based intervention. Depending on the local district’s practice, this process may have a variety of names; e.g., Instructional Consultation Team, Response to Intervention, Michigan’s Integrated Behavior and Learning Support Initiative. The Michigan Department of Education (MDE) does not mandate any specific scientific, research-based intervention process.

OSE-EIS 09-02

STATE BOARD OF EDUCATION

KATHLEEN N. STRAUS – PRESIDENT • JOHN C. AUSTIN – VICE PRESIDENT
CAROLYN L. CURTIN – SECRETARY • MARIANNE YARED MCGUIRE – TREASURER
NANCY DANHOF – NASBE DELEGATE • ELIZABETH W. BAUER
REGINALD M. TURNER • CASANDRA E. ULBRICH

Memorandum
Page 2
January 22, 2009

A pattern of strengths and weaknesses is not the same as severe discrepancy.

At §300.309(a)(2)(ii), the Individuals with Disabilities Education Act regulations identify a pattern of strengths and weaknesses as an option in determining SLD eligibility. The Rules permit local districts to use this option. The MDE does **not** mandate any specific process to determine a pattern of strengths and weaknesses. Any determination of SLD requires a full comprehensive evaluation according to the evaluation procedures in the federal regulations at §300.301 – §300.311, including those particular to a student suspected of having a SLD in §300.307 – §300.311.

If you have any questions, please contact Dr. Joanne Winkelman, Coordinator, Program Accountability, Office of Special Education and Early Intervention Services, at (517) 373-1696, or via e-mail at winkelmanj@michigan.gov

JJT/JW/sfk

Enclosure

R 340.1713 Specific learning disability defined; determination.

Rule 13. (1) "Specific learning disability" means a disorder in 1 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. Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of cognitive impairment, of emotional impairment, of autism spectrum disorder, or of environmental, cultural, or economic disadvantage.

(2) In determining whether a student has a learning disability, the state shall:

(a) Not require the use of a severe discrepancy between intellectual ability and achievement.

(b) Permit the use of a process based on the child's response to scientific, research-based intervention.

(c) Permit the use of other alternative research-based procedures.

(3) A determination of learning disability shall be based upon a comprehensive evaluation by a multidisciplinary evaluation team, which shall include at least both of the following:

(a) The student's general education teacher or, if the student does not have a general education teacher, a general education teacher qualified to teach a student of his or her age or, for a child of less than school age, an individual qualified by the state educational agency to teach a child of his or her age.

(b) At least 1 person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, an authorized provider of speech and language under R 340.1745(d), or a teacher consultant.