

Kansas Administrative Regulations

State Department of Education

Article 40.—Special Education

91-40-11. Evaluation for specific learning disability; use of response to intervention process.

(a) If a child is suspected of having a specific learning disability and believed to need special education services because of that disability, the agency shall ensure that the evaluation of the child is made by the child's parent and a group of qualified professionals, including the following individuals:

(1)(A) The child's regular education teacher or, if the child does not have a regular education teacher, a regular classroom teacher qualified to teach a child of the child's age; or

(B) for a child of less than school age, an individual who is qualified to teach a child of the child's age; and

(2) at least one person qualified to conduct individual diagnostic examinations of children, including a school psychologist, speech-language pathologist, or remedial reading teacher.

(b)(1) A group evaluating a child for a specific learning disability may determine that the child has that disability only if the following conditions are met:

(A) The child does not achieve adequately for the child's age or meet state-approved grade-level standards, if any, in one or more of the following areas, when the child is provided with learning experiences and instruction appropriate for the child's age and grade level:

- (i) Oral expression;
- (ii) listening comprehension;
- (iii) written expression;
- (iv) basic reading skill;
- (v) reading fluency skills;
- (vi) reading comprehension;

- (vii) mathematics calculation; and
- (viii) mathematics problem solving; and

(B)(i) The child does not make sufficient progress to meet age or state-approved grade-level standards in one or more of the areas identified in paragraph (b)(1)(A) when using a process based on the child's response to scientific, research-based intervention; or

(ii) the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both, relative to age, grade-level standards, or intellectual development that is determined by the group conducting the evaluation to be relevant to the identification of a specific learning disability, using appropriate assessments.

(2) A child shall not be determined to be a child with a specific learning disability unless the group evaluating the child determines that its findings under paragraphs (b)(1) (A) and (B) are not primarily the result of any of the following:

- (i) A visual, hearing, or motor disability;
- (ii) mental retardation;
- (iii) emotional disturbance;
- (iv) cultural factors;
- (v) environmental or economic disadvantage; or
- (vi) limited English proficiency.

(c) (1) The group evaluating the child shall ensure that the child is observed in the child's learning environment, including the regular classroom setting, to document the child's academic performance and behavior in the areas of difficulty.

(2) In conducting the observation, the group may employ either of the following procedures:

(A) Use information from an observation in routine classroom instruction and monitoring of the child's performance that was done before the child was referred for an evaluation; or

(B) have at least one member of the group conduct an observation of the child's academic performance in the regular classroom after the child has been referred for an evaluation and parental consent is obtained.

(Authorized by K.S.A. 2007 Supp. 72-963; implementing K.S.A. 2007 Supp. 72-986;
effective May 19, 2000; amended March 21, 2008.)

***** Authenticated Kansas Administrative Regulation *****