

Exclusionary Clause Considerations

Listed below are key considerations for differentiating a specific learning disability from other causal factors, as much as possible:

1. When considering the existence of other handicapping conditions, if the challenges presented by the other handicapping conditions are addressed, would the student's academic skills improve?
2. Culture may refer to differences of heritage, values, or behaviors. Are the presenting concerns regarding student performance attributable to differences in heritage, values or behaviors, or are they indicators of a persistent learning deficit?
3. With respect to environmental or economic disadvantage, what does the school do to create access to learning opportunities for students from poverty? Is this a learning concern that may be addressed through compensatory education programs or is this a handicapping condition that cannot be ameliorated with exposures?
4. Is the student's learning difficulty explained by language acquisition factors?

The following chart summarizes the considerations and types of evidence that must be considered as part of eligibility determination for Specific Learning Disabilities.

Exclusionary Consideration Chart

| Disability is NOT due to: | Evidence | Judgement |
|---|---|---|
| <ul style="list-style-type: none"> <input type="checkbox"/> Hearing <input type="checkbox"/> Vision <input type="checkbox"/> Medical | <ul style="list-style-type: none"> <input type="checkbox"/> Observations of no sensory deficits <input type="checkbox"/> Family report, record, or pattern of normal sensory experience and good health <input type="checkbox"/> Does the student have ADHD? | <ul style="list-style-type: none"> <input type="checkbox"/> Absence of hearing impairment <input type="checkbox"/> Absence of vision impairment <input type="checkbox"/> Effective mitigating use of corrective lenses <input type="checkbox"/> Health status does not interfere with learning <input type="checkbox"/> Students with significant reading and learning deficits may also have ADHD. The team must consider the severity of the academic disability and the ADHD relative to extent of modifications and supports needed for the student to progress in learning to establish the primary disability. |

| Disability is NOT due to: | Evidence | Judgement |
|---|--|---|
| <ul style="list-style-type: none"> <input type="checkbox"/> English Language Proficiency | <ul style="list-style-type: none"> <input type="checkbox"/> Adequate English language proficiency <input type="checkbox"/> WIDA, CALP, or other English language proficiency score Above 3.0. <input type="checkbox"/> Are there indications of cognitive processing issues and other developmental markers of learning disability? | <ul style="list-style-type: none"> <input type="checkbox"/> See Wayne RESA Guidance for Working with Language Differences <input type="checkbox"/> See Language Acquisition resources <input type="checkbox"/> Academic patterns of English learners often mimic the academic deficits of students with specific learning disabilities, particularly in language loaded academic areas such as reading and writing. The team must determine if the learning is largely due to language acquisition , in which case the student is ineligible as SLD. |
| <ul style="list-style-type: none"> <input type="checkbox"/> Motor | <ul style="list-style-type: none"> <input type="checkbox"/> Observations of no motor deficits that interfere with learning in the academic areas <input type="checkbox"/> Family report, record, or pattern of normally developing motor skills | <ul style="list-style-type: none"> <input type="checkbox"/> Where motor skills present as the primary disability, the team will consider other eligibility areas. |
| <ul style="list-style-type: none"> <input type="checkbox"/> Cognitive Development | <ul style="list-style-type: none"> <input type="checkbox"/> Evidence of “Normal Ability Profile” <input type="checkbox"/> Family report of normal cognitive development and generally meeting age appropriate expectations for personal/adaptive skills | <ul style="list-style-type: none"> <input type="checkbox"/> The construct of SLD requires evidence of normal cognitive development with a specific deficit in one or more academic areas. <input type="checkbox"/> See Wayne RESA Guidance for documenting “Normal Ability Profile”. <input type="checkbox"/> See state eligibility criteria for Cognitive Impairment <input type="checkbox"/> When students do not meet the SLD or the CI criteria and do not have a pattern of strength and weakness and these individuals are not eligible for special education under the SLD category. |

| Disability is NOT due to: | Evidence | Judgement |
|--|--|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> Attendance | <ul style="list-style-type: none"> <input type="checkbox"/> Attendance is NOT an exclusionary factor according to State and Federal Rules <input type="checkbox"/> Caution to not set attendance policies for special education determination as a child may have a disability and not go to school | <ul style="list-style-type: none"> <input type="checkbox"/> District must comply with Child Find obligations even with students who have poor school attendance |
| <ul style="list-style-type: none"> <input type="checkbox"/> Culture and/or <input type="checkbox"/> Experience | <ul style="list-style-type: none"> <input type="checkbox"/> Evidence of cultural disadvantage <input type="checkbox"/> Evidence of challenges to learning as the result of social/economic factors <input type="checkbox"/> School records <input type="checkbox"/> Family report of culture and/or life experience disadvantage | <ul style="list-style-type: none"> <input type="checkbox"/> Consider compensatory education programs for students who present with challenges based on socio-economic status and/or cultural differences <input type="checkbox"/> The individual must present with a documented pattern of strengths and weaknesses and a comprehensive history of educational and developmental factors that would substantiate the presence of a learning disability as opposed to lack of learning due to lack of exposure. |
| <ul style="list-style-type: none"> <input type="checkbox"/> High Quality Instruction | <ul style="list-style-type: none"> <input type="checkbox"/> Enrollment in schools with highly qualified teachers and research-based curriculum/instructional practices <input type="checkbox"/> Evidence of a MTSS documenting tiers of instruction/intervention and methods of supporting diverse learners | <ul style="list-style-type: none"> <input type="checkbox"/> District must comply with obligations for timely Child Find using available and readily collected educational and diagnostic data <input type="checkbox"/> In those instances in which students have not had adequate educational experience, the team must explore compensatory education, interventions, and restitution before labeling a child. |