

August 15, 2005

Troy R. Justesen, Ph.D.
Deputy Assistant Secretary
Office of Special Education and Rehabilitative Services
U.S. Department of Education
400 Maryland Avenue, S.W.
Potomac Center Plaza
Room 5126
Washington, D.C. 20202-2641

Dear Dr. Justesen:

On behalf of more than 400,000 parents, special educators, other special education professionals and related services personnel, the 2004 Learning Disabilities Roundtable (LD Roundtable) is pleased to comment upon the Notice of Proposed Rulemaking (NPRM) governing the implementation of the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004). These recommendations represent a consensus of 12 national organizations concerned with the identification and eligibility of students with specific learning disabilities — who represent almost half of all students currently receiving special education services under IDEA — and the effective delivery of special education and related services to those students. Our comments seek to support and build on the comprehensive recommendations provided to you and Secretary Spellings in February 2005.

First, we would like to thank the Department for including much of the language recommended by the LD Roundtable in proposed Sections 300.307 – 300.311: Additional Procedures for Evaluating Children with Specific Learning Disabilities. The proposed regulations reflect much of the LD Roundtable's effort and rationale and will provide a framework that permits States to move toward promoting early identification and effective intervention and services, both prior to and as part of a special education evaluation for Specific Learning Disabilities.

The national organizations that participated in the 2004 LD Roundtable have reviewed the proposed regulations for Sections 300.307 – 300.311 and respectfully request that the Department re-examine several key provisions of its original recommendations and make the changes to the final regulations as requested below.

NPRM	Proposed change	Rationale
§300.308 (B)(1) A special education teacher;	ADD: "with expertise in specific learning disabilities;"	Given the move toward use of a comprehensive evaluation approach, it is critical that the team includes a special education teacher who has explicit preparation and experience in specific learning disabilities, not merely in the much broader area of special education.
§300.308 (c) Other professionals, if appropriate, such	ADD: speech-language pathologist	Current regulations list speech-language pathologist at 300.540 (b) and the LD

<p>as a school psychologist, reading teacher, or educational therapist.</p>		<p>Roundtable recommended that new regulations preserve that language. Knowledge of speech-language disorders is frequently a critical element of determining the presence of a specific learning disability.</p>
<p>§300.309 (3) The group determines that its findings under paragraph (a)(1) and (2) of this section are not primarily the result of--</p> <ul style="list-style-type: none"> (i) A visual, hearing, or motor disability; (ii) Mental retardation; (iii) Emotional disturbance; (iv) Cultural factors; or (v) Environmental or economic disadvantage. 	<p>ADD: (vi) Limited English Proficiency</p>	<p>As stated in the NPRM discussion, exclusions listed in 300.309 are in addition to the special rule for eligibility determination in section 614 (b) of the Act and proposed 300.306 (b).</p> <p>The LD Roundtable recommended including Limited English Proficiency in 300.309 in addition to the provisions in the special rule.</p>
<p>§300.309 (b) For a child suspected of having a specific learning disability, the group must consider, as part of the evaluation described in §§300.304 through 300.306, data that demonstrates that-</p>	<p>ADD: "child's parents and" before "group"</p>	<p>This addition provides consistency with 300.308, which states that the determination must be made by the child's parents and the group described in 300.306 (a)(1).</p> <p>Without this addition, parents may be excluded from critical decision making regarding their child.</p>
<p>§300-311 (a)</p>	<p>ADD: (8) The determination of the team concerning the effects of cultural factors, limited English proficiency, environmental or economic disadvantage.</p>	<p>This language is necessary to ensure that the written report covers all elements of 300.309.</p>

We hope these additional recommendations will be used to further improve and enhance the IDEA 2004 regulations with respect to the unique needs of students with specific learning disabilities. We are available to answer questions and provide clarification on any issue related to our joint recommendations.

Thank you for this opportunity to help direct this important change in IDEA law related to the identification and eligibility of students suspected of having a specific learning disability.

Sincerely,

American Speech-Language-Hearing Association
Association for Higher Education and Disability
Association of Educational Therapists
Council for Exceptional Children's Division for Communicative Disabilities and Deafness
Council for Exceptional Children's Division for Council of Administrators of Special Education
Council for Learning Disabilities
Division for Learning Disabilities of the Council for Exceptional Children
International Dyslexia Association
International Reading Association
National Association of School Psychologists
National Association for the Education of African American Children with Learning Disabilities
National Center for Learning Disabilities