

# FLORIDA DEPARTMENT OF EDUCATION



DPS: 2010-179

Date: December 1, 2010

Dr. Eric J. Smith  
Commissioner of Education



## Technical Assistance Paper

### Exceptional Student Education Eligibility for Students with Language Impairments

**Summary:**

The purpose of this technical assistance paper (TAP) is to provide guidance regarding the recent approval of State Board of Education Rule 6A-6.030121, Florida Administrative Code, *Exceptional Student Education Eligibility for Students with Language Impairments and Qualifications and Responsibilities for the Speech-Language Pathologists Providing Language Services*, effective July 1, 2010. Formerly known as *Special Programs for Students Who Are Speech and Language Impaired*, this rule revision includes changes in the definition, references to updated general education intervention procedures and activities, evaluation requirements, eligibility criteria, documentation of determination of eligibility, and language services.

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**Status:**

New Technical Assistance Paper

Issued by the  
Florida Department of Education

Division of Public Schools  
Bureau of Exceptional Education and Student Services  
<http://www.fldoe.org/ese>

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## **A. Introduction and General Information**

### **A-1. What is the purpose of this technical assistance paper (TAP)?**

The State Board of Education (SBE) Rule 6A.6.03012, Florida Administrative Code (F.A.C.), formerly known as *Special Programs for Students Who Are Speech and Language Impaired*, was revised effective July 1, 2010. The revision resulted in two rules—one reflecting the requirements related to speech impairments (revised Rule 6A-6.03012, F.A.C., *Exceptional Student Education Eligibility for Students with Speech Impairments and Qualifications and Responsibilities for the Speech-Language Pathologists Providing Speech Services*) and the other reflecting the requirements related to language impairments (new Rule 6A-6.030121, F.A.C., *Exceptional Student Education Eligibility for Students with Language Impairments and Qualifications and Responsibilities for the Speech-Language Pathologists Providing Language Services*). This TAP outlines the major changes and requirements as specified in the rule regarding language impairments and provides further clarification of key topics to aid school districts in rule implementation.

### **A-2. What are the major changes that have resulted from the rule revision process?**

The major changes that have resulted from the rule revision include:

- The rule title is changed from *Special Programs for Students Who Are Speech and Language Impaired* to *Exceptional Student Education Eligibility for Students with Language Impairments and Qualifications and Responsibilities for the Speech-Language Pathologists Providing Language Services*.
- Rule text regarding speech impairments has been revised and remains in Rule 6A-6.03012, F.A.C., *Exceptional Student Education Eligibility for Students with Speech Impairments and Qualifications and Responsibilities for the Speech-Language Pathologists Providing Speech Services*, effective July 1, 2010.
- Minimum evaluation components for language evaluations are provided, including the review of data documenting the student’s response to intervention (RtI) during instruction for students in kindergarten through grade twelve.
- Eligibility criteria to determine whether prekindergarten children and students in kindergarten through grade twelve qualify as students with a language impairment are updated.

The general application of problem-solving and response to instruction/intervention (PS-RtI) as school-wide practices has been increasingly supported since the Reauthorization of the Individuals with Disabilities Education Act (IDEA) in 2004. Since then, several SBE rules in Florida have been revised to reflect these practices, including the general education intervention rule and the eligibility rules for students with language impairments, specific learning disabilities (SLD), emotional/behavioral disabilities (E/BD), and intellectual disabilities (InD).

### **A-3. What is a language impairment?**

The IDEA defines a speech or language impairment as “a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child’s educational performance” (34 Code of Federal Regulations [CFR] § 300.8(c)). Rule 6A-6.030121(1), F.A.C., specifies that a language impairment interferes with

communication, adversely affects performance and/or functioning in the student's typical learning environment, and results in the need for exceptional student education (ESE). A language impairment is a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

- **Phonology:** the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning;
- **Morphology:** the system that governs the internal structure of words and the construction of word forms;
- **Syntax:** the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence;
- **Semantics:** the system that governs the meanings of words and sentences; and
- **Pragmatics:** the system that combines language components in functional and socially appropriate communication.

A language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

## **B. Evaluation**

### **B-1. What is a comprehensive evaluation?**

A comprehensive evaluation comprises of all the existing information regarding the student (e.g., observations, reports, parent input, local, state, and district assessments, etc.), including data collected prior to obtaining parental consent for evaluation, and any additional assessments conducted after parental consent was received. A comprehensive evaluation employs a variety of assessment tools and strategies to provide relevant information that directly assists the team in determining the educational needs of the student. While it may involve administration of one or more standardized evaluation instruments, a comprehensive evaluation is not a test or battery of tests administered in a single snapshot of the student's performance.

Rule 6A-6.0331(5)(g), F.A.C., requires that an evaluation be sufficiently comprehensive to identify all of a student's ESE and related services needs. Furthermore, a comprehensive evaluation uses a variety of assessment tools and strategies, does not rely on a single measure or assessment, and assesses the student in all areas related to the suspected disability. A comprehensive evaluation for language, in addition to the evaluation procedures outlined in Rule 6A-6.0331(5), F.A.C., will consist of the evaluation components as specified for language evaluations in Rule 6A-6.030121, F.A.C. (see B-2 and B-3).

### **B-2. What are the minimum requirements for language evaluations for children in prekindergarten?**

In addition to the evaluation procedures identified in Rule 6A-6.0331(5), F.A.C., the minimum evaluation components for prekindergarten language evaluations are:

- Information gathered from the child’s parent(s) or guardian(s) and others as appropriate, such as teacher(s), service providers, and caregivers regarding the concerns and description of language skills;
- Documented and dated observation(s) of the child’s language skills conducted by the speech-language pathologist (SLP) in one or more setting, which must include the child’s typical learning environment, or an environment or situation appropriate for a child of that chronological age; and
- Administration of one or more standardized, norm-referenced instruments or a scientific, research-based alternative instrument, when appropriate, designed to measure language skills, administered and interpreted by the SLP to determine the nature and severity of the language deficits.

**B-3. What are the minimum requirements for language evaluations for students in kindergarten through grade twelve?**

In addition to the evaluation procedures identified in Rule 6A-6.0331(5), F.A.C., the minimum language evaluation components are outlined below. General education activities and interventions conducted prior to initial evaluation may be used to satisfy the evaluation requirements.

- Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings;
- Data-based documentation, which was provided to the student’s parent(s) or guardian(s), of repeated measures of performance and/or functioning at reasonable intervals, communicated in an understandable format, reflecting the student’s response to intervention during instruction;
- Information gathered from the student’s parent(s) or guardian(s) and teacher(s), and when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires;
- Documented and dated observation(s) of the student’s language skills must be conducted by the SLP in one or more setting(s);
- Administration of one or more standardized, norm-referenced instrument(s), or a scientific, research-based alternative instrument, when appropriate, designed to measure language skills; the instrument(s) must be administered and interpreted by an SLP to determine the nature and severity of the language deficits.

**B-4. Are certain tests recommended or required for evaluation of language?**

No. The required evaluation components that must be administered for language evaluations include one or more standardized, norm-referenced instrument(s) designed to measure language skills. There is not a requirement to use specific instruments or tests during language evaluations. However, when selecting an appropriate instrument, professionals are encouraged to consider specific features of the individual instrument: validity, reliability, sensitivity, specificity, normative referencing, and appropriateness for the purpose of the evaluation. For example, when selecting standardized, norm-referenced measures of language, important factors to consider are the test’s suitability to document the suspected areas of deficit and relative linguistic strengths (reflecting the purpose of the evaluation); appropriateness given the student’s age, developmental

level, culture, ethnicity, and English proficiency; and appropriateness given the suitability of the normative sample considering the student's socioeconomic status, living environment, and cultural, linguistic, and ethnic background (Hegde & Maul, 2006).

The *Exceptional Student Education Policies and Procedures* (SP&P) document includes a representative list of some of the individually administered, standardized instruments available for conducting comprehensive evaluations and diagnostic assessments. The SP&P is accessible via the following link: <http://www.fldoe.org/ese/ppd.asp>. The assessment instruments listed were selected based on technical adequacy, appropriateness of standardization, and recency of test development. The list includes suggested language measures but is not an exhaustive list. Additional instruments may be selected based upon careful consideration of the features, integrity of the measure, and the purpose of the evaluation.

**B-5. What is recommended in the event that the speech-language pathologist (SLP) is unable to administer a norm-referenced instrument for the evaluation of language?**

Rule 6A-6.030121(3)(c) and (6)(b), F.A.C., state that a scientific, research-based alternative instrument may be used to measure the student's language skills. In this case, the evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations. For example, criterion-referenced assessment tools can provide appropriate alternatives to norm-referenced measures that are either unavailable or inappropriate for a particular student. Criterion-referenced measures are designed to assess a student's performance in comparison to performance standards, and help determine the student's level of performance and whether this level is functional for the student (Hegde & Maul, 2006). When selecting alternative measures of language, many of the same important factors apply as for selection of standardized, norm-referenced measures: the measure's suitability to document the suspected area(s) of deficit and relative linguistic strengths, sensitivity to cultural and linguistic differences, and overall appropriateness for the given student.

**B-6. What are some examples of how information may be gathered from the child's parent(s) or guardian(s) and others?**

Gathering information about the student's language skills from others assists the team in noting and describing any problems the student is experiencing in his or her typical learning environment, and helps address possible reasons for and factors contributing to the problem. Family members, especially a parent/guardian, can provide information about the student's communication skills in the home. Family members can offer insight into various familial, cultural, and linguistic factors affecting a particular student. With an understanding of curricular demands, teachers can assist in providing information about how a student's language skills affect what he/she can do academically and socially.

Information may be gathered through multiple methods, including, but not limited to, interviews, case histories, checklists, or questionnaires. Appropriate methods should focus on documenting any concerns and descriptions regarding the student's language skills. It is important to consider the role of this information in helping to establish the significance, adverse effect, and educational relevance of the language impairment.

**B-7. For students who are not yet enrolled in school or are in an alternate setting, what is meant by “typical learning environment” and “environment or situation appropriate for a student of that chronological age”?**

Rule 6A-6.030121, F.A.C., specifies that observation(s) are to be conducted in the student’s “typical learning environment.” For prekindergarten children, the rule additionally states “or an environment or situation appropriate for a child of that chronological age.”

The goal is to observe the student in a setting where evidence of the disability would manifest itself. For children who are of preschool age and not attending preschool, or for students who attend home school, their typical learning environment may vary from that of a traditional school-age student. The student’s ability to perform and/or function in his or her typical learning environment is a key aspect of exceptional student education eligibility determination for students with a language impairment. The use of the terms “typical learning environment” and “environment or situation appropriate for a child of that chronological age” are specific to the individual child and allow flexibility in the setting selected for observation (e.g., school setting, preschool or daycare, home, Child Find evaluation setting).

**B-8. How does the team determine that the student’s language difficulties are not primarily due to one or more of the following factors: chronological age, gender, culture, ethnicity, or limited English proficiency, as specified in Rule 6A-6.030121(1)(b), F.A.C.?**

As part of the process for documenting that the eligibility criteria have been met, the group of qualified professionals determining eligibility must determine that its findings are not primarily the result of the factors listed above. It is the group’s responsibility to identify the data sources necessary to rule these factors out as the primary cause of language and learning difficulties. This can be accomplished through a variety of methods including review of records, information gathered, observations, classroom performance, problem-solving/response to intervention progress monitoring data, and rating scales. In some cases, additional evaluation information may be necessary if there is insufficient information to rule out a particular factor. For example, additional formal and/or informal assessment may be indicated if there are questions about the impact of limited English proficiency on language comprehension and/or production.

These factors should be considered when planning a comprehensive evaluation (see B-1). The evaluation requirements expressed in Rule 6A-6.0331(5), F.A.C., provide important guidelines in this regard. In conducting an evaluation, the school district must use a variety of assessment tools and strategies to gather the appropriate information about the student to assist in determining whether the student is eligible for ESE, and the content of the individual educational plan (IEP) should include information related to enabling the student with a disability to be involved in and progress in the general curriculum (or for a preschool child to participate in appropriate activities). The school district must not use any single measure or assessment as the sole criterion for determining whether a student is eligible for ESE, or for determining the appropriate educational program for the student. Technically sound instruments must be used that measure the relative contribution of cognitive and behavioral factors in addition to physical or developmental factors.

Furthermore, assessments and other evaluation materials should be:

- Selected and administered so as not to be discriminatory on a racial or cultural basis
- Administered in the student's native language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so
- Used for the purposes for which the assessments or measures are valid and reliable
- Administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments
- Selected and administered so as to best ensure that if an assessment is administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors the test purports to measure
- Selected to ensure they provide relevant information that directly assists persons in determining the educational needs of the student

Response to Intervention (RtI) does not replace the requirement to rule out other causes of a language impairment. However, in many cases the data gathered during the PS-RtI process may be sufficient to rule out chronological age, gender, environmental, cultural, or economic factors, and limited English proficiency if there is documentation that the majority of students from similar demographics are meeting expectations. A student should not be considered disabled unless there is empirical evidence that instruction/interventions are effective for their peer group. A PS-RtI approach provides empirical evidence of the effectiveness of core instruction and both small group and individual interventions.

#### **B-9. Who can conduct evaluations and interpret language evaluations?**

Manuals for standardized language evaluation instruments outline the qualifications required for personnel administering a given measure. Rule 6A-6.0331(5), F.A.C., notes that districts are responsible for ensuring that assessments and other evaluation materials used to assess a student are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessment.

Rule 6A-6.030121, F.A.C., states that an SLP must conduct the required observation(s) and administer and interpret one or more standardized, norm-referenced instruments designed to measure language skills. Other professionals may contribute to the information gathered, conduct additional observations in the educational setting, and/or administer formal and informal assessments. A multidisciplinary approach to evaluation may involve professionals in addition to the SLP when completing additional evaluation components deemed necessary for an individual student.

Rule 6A-6.030121(9)(a), F.A.C., indicates that a group of qualified professionals determining eligibility must include an SLP, and that an SLP shall be involved in the development of the IEP for students eligible for language services. Involvement may include consulting, reporting and interpreting evaluation results, providing information related to the student's present levels of performance, and assisting in the development of goals and objectives to address the student's communication needs.

**B-10. What consideration must be given to private, outside, and/or medical evaluations of language functioning?**

A group of qualified professionals and the parent(s) of a student being considered for eligibility as a student with a disability must draw on information from a variety of sources when determining eligibility and student need (Rule 6A-6.0331(6), F.A.C.) including evaluations and other information provided by the parents/guardians. Schools should consider any medically relevant information that is available for a particular student. Rule 6A-6.0331(1)(c),(2)(a), F.A.C., specifies that the general education intervention and procedural requirements include a review of existing data, which may involve review of available medical data.

**B-11. Are there specific criteria for dismissal?**

No. Section (2)(c) of the SP&P states that a student must be dismissed from ESE if, upon reevaluation, the student is no longer determined to be a student with a disability in need of ESE and related services, or the parent of the student revokes consent for services. There are no dismissal criteria specific to individual disability categories included in the state rules and regulations. The IEP team for an individual student must determine, based on reevaluation data reviewed, whether the student continues to be a student with a language impairment in need of ESE and related services. For example, if the student no longer has a language impairment, or continues to have a language impairment but no longer needs ESE and related services, then the student must be dismissed. Dismissal is a determination to be made on a case-by-case basis by the student's IEP team. This would be considered a change of a free appropriate public education (FAPE) and requires prior written notice.

**C. Criteria for Eligibility**

**C-1. How is eligibility determined?**

A group of qualified professionals determines whether the student is an exceptional student in accordance with this rule and Rule 6A-6.0331, F.A.C., as well as the educational needs of the student. The parents of a student being considered for eligibility as a student with a disability shall be invited and encouraged to participate as equal members of the group. The school district must provide a copy of the evaluation report and the documentation of the determination of eligibility at no cost to the parent. If a determination is made that a student is a student with a disability in need of exceptional student education and related services, then an IEP must be developed in accordance with these rules.

**C-2. What criteria must be met to determine whether a prekindergarten child qualifies as a child with a language impairment in need of exceptional student education?**

A prekindergarten child is eligible as a child with a language impairment in need of exceptional student education if **all** of the following criteria are met:

- Evaluation results reveal evidence of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:
  - Listening comprehension
  - Oral expression
  - Social interaction

- Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts)
- One or more documented and dated behavioral observation(s) reveal significant language deficits that interfere with performance and/or functioning in the typical learning environment.
- Results of standardized norm-referenced instrument(s) reveal significant language deficits in one or more of the areas listed above, as evidenced by standard score(s) significantly below the mean.
- Information gathered from the child’s parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted.
- The language impairment must have an adverse effect on the child’s ability to perform and/or function in the typical learning environment, thereby demonstrating the need for exceptional student education.
- The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

**C-3. What criteria must be met to determine whether a student in kindergarten through grade twelve qualifies as a student with a language impairment in need of exceptional student education?**

A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if **all** of the following criteria are met:

What criteria must be met in order for an eligible student in k-12 to be identified as a student with a language impairment in need of ESE?

- Due to deficits in the student’s language skills, the student does not perform and/or function adequately for the student’s chronological age or meet grade-level standards in **one or more** of the following areas, when provided with learning experiences and instruction appropriate for the student’s chronological age or grade:
  - Oral expression
  - Listening comprehension
  - Social interaction
  - Written expression
  - Phonological processing
  - Reading comprehension
- Due to deficits in the student’s language skills, the student does not make sufficient progress to meet chronological age or grade-level standards in one or more areas listed above when using a process based on the student’s response to scientific, research-based intervention.
- Evidence of a language impairment is documented based on a comprehensive language evaluation, including all minimal evaluation components as specified in the rule. There must be documentation of **all** of the following:
  - Documented and dated observations show evidence of significant language deficits that interfere with the student’s performance and/or functioning in the educational environment
  - Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in paragraph (1)(a) of this rule, as evidenced by standard score(s) significantly below the mean

- Information gathered from the student’s parent(s) or guardian(s), teacher(s), and when appropriate, the student, must support the results of the standardized instruments and observations conducted
- At least one additional observation is conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). In this case, the language impairment may be established through the results of the information gathered, observations conducted as minimal evaluation components, and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group’s rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student’s parent(s) or guardian(s), teacher(s), and when appropriate, the student, must support the results of the observation(s) conducted;
- The group determines that the language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

**C-4. Is a medical prescription for language therapy sufficient to determine eligibility?**

No. Clinical diagnosis of a language impairment and a medical prescription for language therapy are reflective of requirements based in a medical setting (e.g., private clinics and independent contract service providers, hospitals, inpatient and outpatient therapy providers). Diagnoses of communication disorders by a health care provider can be important information for the school to review when considering all factors relevant to the student’s educational needs. Diagnoses such as these are helpful for access to research, advocacy, and support networks. However, a medical or clinical diagnosis of a language impairment or medical prescription for language therapy alone is not sufficient to establish ESE eligibility. The student must meet all of the eligibility criteria in the rule and need services that can only be provided through ESE.

**C-5. How does the group determine that the student “does not perform and/or function adequately” in one or more of the following areas: oral expression, listening comprehension, social interaction, written expression, phonological processing, or reading comprehension?**

Multiple measures should exist from a range of assessment instruments and procedures (e.g., standardized assessment batteries and curriculum-based, progress-monitoring instruments), establishing the level of performance discrepancy in each area of concern. Progress-monitoring measures are needed to assess the student’s response to intervention, to measure the rate of progress, and to document that inadequate achievement persists with appropriate instruction and intervention over time. The student’s level of performance and rate of progress are significantly discrepant from age- or grade-level standards/expectations and from the performance of peers using a combination of curriculum-based screening measures and progress-monitoring measures (e.g., Florida Assessments for Instruction in Reading, Florida Writes), individual and group norm-referenced tests, and both district and state assessments.

**C-6. Why was the requirement for a discrepancy between total language performance and non-verbal cognitive performance, as well as the discrepancy between receptive and expressive language, eliminated?**

Cognitive referencing involves comparing intelligence (IQ) scores and language scores as a factor in identification of language impairment and a criterion for determining eligibility for exceptional student education for students with a language impairment (National Joint Committee for the Communication Needs of Persons with Severe Disabilities, 2002). This practice is based on the assumption that language performance cannot exceed cognitive functioning. However, ample evidence exists that some language abilities can surpass cognition and thus undermines the utility of using cognitive performance as a prognostic indicator for language development. In consideration of evidence-based practices for evaluation and eligibility determination, the practices of determining eligibility for exceptional student education for students with a language impairment via methods of cognitive referencing and discrepancy formulas were removed from the Florida rule for language impairment.

The federal regulations have no requirement to assess nonverbal cognition or to ascertain a receptive-expressive gap when determining the existence of a language impairment. Furthermore, the American Speech, Language, and Hearing Association (ASHA) does not support the use of cognitive referencing for determination of eligibility for language impairment, a position reflected in their support of the report by the National Joint Committee for the Communication Needs of Persons with Severe Disabilities (2002) regarding the use of restrictive eligibility practices. The report emphasized that eligibility for communication services and supports should be based on an individual's specific communication needs.

Below is a summary of evidence contrary to the use of cognitive referencing in determining existence of a language impairment:

- IQ scores reflect current abilities, not the student's potential for language learning (Krassowski & Plante, 1997).
- The notion that cognition limits language development so that language cannot exceed cognitive performance levels is unfounded (Kamhi, 1998; Lahey, 1996).
- There is evidence of children with commensurate language and cognitive abilities benefiting from language intervention at least as much as children with the discrepancy between language and cognition (Cole, Dale, & Mills, 1990; Dale & Cole, 1991; Notari, Cole, & Mills, 1992) and in some cases, more so (Cole, Coggins, & Vanderstoep, 1999; Fey, Long, & Cleave, 1994).
- The relationship between language and cognition is dynamic and complicated (ASHA, 2000; Casby, 1992; Cole, 1996; Notari, Cole, & Mills, 1992).
- Correlational data suggest multidirectional relationships between language and cognition (Casby, 1992; Kamhi, 1998).
- Scores on IQ tests can fluctuate across and within tests over time, so discrepancies between nonverbal cognitive performance and language performance can be unstable and unpredictable.
- Some comparisons of cognitive and language scores may yield discrepancies when others do not (Aram, Morris, & Hall, 1992; Cole, Mills, & Kelley, 1994; Nelson, 2000).
- Some comparisons vary across different points in development over time (Cole, Dale, & Mills, 1992; Cole, Schwartz, Notari, Dale, & Mills, 1995).

- Cognitive tests likely reflect language difficulties (Francis, Fletcher, Shaywitz, Shaywitz, & Rourke, 1996; Nelson, 2000).
- There are no pure measures of either verbal or nonverbal abilities; children with language difficulties exhibit problems with nonverbal tasks that could affect their IQ scores, thereby leading to a convergence of test scores (ASHA, 1989; 2000).
- There are problems psychometrically with comparing scores across tests that have varying standardization populations and theoretical bases (ASHA, 1989; Whitmire, 2000).

**C-7. Why is there an option to conduct an additional observation to document a pragmatic language impairment?**

Pragmatics refers to a complex language system that combines multiple linguistic components in functional and socially appropriate communication. The purpose of the pragmatic language system is to coordinate an interaction of these components, pieces of the communication system that must shift and change to meet the varying demands of different communication contexts. The nature and complexity of pragmatic language makes it difficult to standardize sampling procedures. Hence, there is a lack of standardized, norm-referenced measures designed to comprehensively evaluate pragmatic aspects of language development and performance (Abdelal, 2009). Many of the pragmatic language measures that are currently available assess narrow aspects of pragmatics; represent restricted age ranges within their normative samples; and do not always capture the true nature, severity, and adverse effect of a pragmatic language impairment. Another challenge occurs when many norm-referenced measures for pragmatics do not sample language in “real-life” contexts. Consequently, it is possible for a student to perform well on a norm-referenced pragmatic language test but not utilize language effectively in academic or social settings (Apel & Shulman, 2002). Therefore, an additional option was built into the revised eligibility criteria for exceptional student education for students with a language impairment to allow problem-solving teams the flexibility to adequately document a pragmatic language impairment more specifically among students in kindergarten through grade twelve during the language evaluation.

**C-8. What evaluation components are required in the case of a suspected pragmatic language impairment?**

The response to question B-3 outlined the minimal evaluation components required for language evaluations for students in kindergarten through grade twelve. The same requirements apply in the case of a suspected pragmatic language impairment with an additional observation required in some circumstances. Rule 6A-6.030121(7)(c)(4), F.A.C., specifies that when the language impairment is due to a deficit in pragmatic language that cannot be verified by the use of standardized instrument(s), then the team may determine that at least one additional observation, to be conducted by the SLP, is necessary to document the nature and severity of the impairment. This additional observation must be conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. In this case, the presence and adverse effect of a language impairment could be established based on the results of the information gathered and observations conducted. The evaluation report must document the evaluation procedures used, including the group’s rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. As with all other types of evaluation, a pragmatic language evaluation should be comprehensive enough to determine whether an impairment exists as well as identify the special education needs of the student. In this way, the evaluation should provide sufficient information to inform intervention.

### **C-9. How is the severity and significance of a language impairment determined?**

The evaluation procedures identified in Rule 6A-6.0331(5), F.A.C., as well as the minimum evaluation components required for language evaluations (e.g., B-2, B-3), are intended to provide the evaluation framework through which the group of qualified professionals can determine whether the student is an eligible student with a disability and reveal the educational needs of the student. For language impairment, the severity and significance can be evident when the group reviews multiple sources of data, including that which is obtained through completion of the required evaluation components. At a minimum, evaluation components will include review of data reflecting the student's response to intervention during instruction; information gathered from the student's parents, teachers, and others regarding their concerns and descriptions of the student's language skills; observation(s) of the student's language skills in the educational environment; and results of standardized, norm-referenced language measure(s).

There are multiple levels of severity, traditionally defined as mild, moderate, and severe/profound. A language impairment may be severe enough to adversely affect a student's performance and/or functioning in his or her typical learning environment. Groups making the eligibility determination are encouraged to consider what each of the evaluation components reveals about the severity and significance of the language impairment. Furthermore, the relations among significance, severity, and educational relevance warrant consideration. According to Apel and Shulman (2002, p. 15): "Severity is not the sole determinant of whether a condition adversely affects educational performance." Therefore, severity in and of itself is not enough to determine eligibility but is to be considered in concert with the other eligibility criteria, including documented adverse effect.

### **C-10. How will eligibility be determined for English Language Learners (ELL)?**

Rule 6A-6.0331(6), F.A.C., requires that a student may not be determined eligible as a student with a disability if the determinant factor is limited English proficiency. Furthermore, Rule 6A-6.030121(1)(2)(7), F.A.C., states that "a language impairment is not primarily the result of factors related to . . . limited English proficiency."

When students who are ELL are struggling academically, the challenge for the problem solving team is to determine whether the difficulties observed are manifestations of the normal process of acquiring a second language or potentially indicative of a language or learning problem not primarily attributed to language acquisition. Therefore, considerations for evaluation and eligibility should include (Genesee, Paradis, & Crago, 2004; Roseberry-McKibbin, 2009):

- Normal processes of second language acquisition
- Simultaneous versus sequential bilingual acquisition
- Types of language proficiency (e.g., social language versus academic language acquisition)
- General assessment considerations for students from culturally and linguistically diverse backgrounds
- Limitations of formal, standardized assessment measures
- Utility of informal, nonstandardized assessment (e.g., dynamic assessment)

When conducting evaluations and interpreting the results, professionals are encouraged to take the following measures:

- Use tools that are culturally and linguistically sensitive
- Administer evaluation materials in the student’s native language when feasible and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally
- Consider whether the standardization/normative samples for a given measure included ELL (and if so, which subgroups)

A PS-RtI approach to identification of language impairment holds promise as a more culturally fair practice for ELL by focusing on evaluating the effectiveness of core instruction for ELL as a group prior to examining deficits in the level of performance of an individual English language learner. Core instruction and targeted interventions must be effective for ELL as a group. Students who are ELL would not be considered as being disabled unless there is empirical evidence that instruction is effective for other ELL with similar exposure to English and the performance of the particular student in question is discrepant from expectations and ELL peer performance in both rate of progress and level of performance. Because ELL are subject to the same academic performance expectations as other students, their performance should be measured with the same progress monitoring tools. However, it is important to select monitoring tools that are sensitive to academic growth in ELL. *Learning Disability Quarterly* published a special issue on ELL and RtI in the Summer 2007, (Vol. 30), which addresses many instructional and research issues surrounding implementation of PS-RtI with students who are ELL.

A multitude of relevant resources exist for speech-language pathologists and related professionals through the American Speech-Language-Hearing Association (<http://www.asha.org>). For example, the ASHA journal *Language, Speech, and Hearing Services in Schools* published a clinical forum in the July 2005 issue (Vol. 36, No. 3), addressing the current knowledge base regarding selected aspects of speech, language, and hearing in students who are developing bilinguals.

**C-11. How does PS-RtI impact initial eligibility for students with language impairment and services for children entering kindergarten who were previously identified as developmentally delayed?**

Children identified as developmentally delayed (DD) must be evaluated by their sixth birthday to determine whether they meet the initial eligibility criteria under another ESE program. Some of these children as prekindergarten children with disabilities, may have received speech or language services as a related service. However, if at the time of exit from DD, the initial eligibility criteria are not met, whether for language impairment or another disability category, the student is considered to be an ineligible student and must be dismissed from ESE and related services. It is important to note, however, that all students must be provided effective instruction to meet their needs, whether they are eligible for ESE services or not. It may be that a student previously identified as DD is dismissed from ESE services at age six but is subsequently determined eligible for ESE as a student with a language impairment if it is found through the PS-RtI process that the level of support the student needs represents special education services.

The impact of PS-RtI on initial language impairment eligibility for students in kindergarten also will depend on the students’ specific educational experiences prior to entering kindergarten.

Students cannot be determined eligible for ESE services as a student with a language impairment if the determinant factor is lack of appropriate instruction. This is difficult to determine for students who have not had access to instruction in a structured educational setting. Most children entering kindergarten who were previously identified as DD in prekindergarten have received structured educational services through the school district's ESE program. Those services may have been provided in inclusive prekindergarten settings with typically developing peers or may have been provided in an ESE prekindergarten classroom. If so, some amount of progress monitoring, observational data, and other relevant information will be available from those sources.

Students entering kindergarten must be given access to instruction in grade level standards in the least restrictive environment (LRE). This is most often the general education setting with the support necessary for the student to progress toward grade level benchmarks. Problem-solving teams should consider any data available from previous educational settings when developing and implementing instructional strategies that generate the appropriate learning gains for the student. For example, if a student responds positively to general education resources, continue to provide the effective instruction/interventions and monitor the student's progress. If the student is not making adequate progress, the supports should be reviewed, revised, and/or intensified. For some students, ample information to inform an eligibility decision will be available early in the kindergarten year. For students turning six later in the school year, there should be sufficient time to obtain appropriate progress monitoring information to make an informed eligibility decision.

**C-12. Is a global language standard score or a language component standard score required to fulfill the eligibility criterion of having a standard score significantly below the mean on a standardized measure of language?**

Among the minimal evaluation components reflected in Rule 6A-6.030121, F.A.C., is administration by the SLP of one or more standardized, norm-referenced instruments designed to measure language skills for determining the nature and severity of the language deficits. Furthermore, Rule 6A-6.030121, F.A.C., states that the results of standardized, norm-referenced instrument(s) must indicate a significant language deficit in one or more of the five language domains (i.e., phonology, morphology, syntax, semantics, pragmatics).

Specific measures, or types of tests, are not mentioned in the rule, and the SP&P document includes a representative list of standardized language instruments (see B-4). However, Rule 6A-6.0331, F.A.C., specifies that an evaluation must be sufficiently comprehensive to identify all of a student's ESE and related services needs. When planning evaluations, speech-language pathologists are encouraged to consider the appropriateness of various evaluation tools to align with the purpose of the evaluation. The purpose of global language measures is to determine a student's general language ability, whereas component language measures focus on particular aspects of language development more specifically (e.g., receptive or expressive vocabulary, phonological awareness, syntax). Global measures can yield global language quotient scores as well as standard scores derived from various component subtests. Component language scores also may be obtained via individual component language tests that are not included as subtests within global measures. Both global and component language tests/subtests may have diagnostic utility when used appropriately as part of a comprehensive language evaluation.

As specified in B-1, a comprehensive evaluation uses a variety of assessment tools and strategies, does not rely on a single measure or assessment, assesses the student in all areas related to the suspected disability, and identifies the student's ESE needs. In planning a comprehensive language evaluation, the problem-solving team should reflect on all of the data documented throughout the problem-solving process that indicate the suspected areas of language deficiency.

Each of the basic components of language outlined in the rule (i.e., phonology, morphology, syntax, semantics, pragmatics) is part of the overall language system; they are all interrelated in language functioning (Catts & Kamhi, 2005; Bernstein, 2009). As such, it would be insufficient to examine one aspect of language in isolation from the others. Instead, the effects of one component on another should be examined. This is important to consider given that linguistic trade-offs among various components of language exist both in children exhibiting typical language development and in children exhibiting a language impairment (Masterson & Kamhi, 1992). Determining these relations and patterns in a student's language profile is essential for informing intervention (Reed, 2005).

Any standardized instruments that are administered as part of a language evaluation need to be considered in light of all of the other pieces of data that indicate the student's language skills (e.g., information gathered, observations, data obtained during the problem-solving process reflecting the student's response to intervention). The results of norm-referenced instruments alone do not capture the entire picture of the student's language skills (Merrell & Plante, 1997; Reed, 2005).

#### **D. Documentation of Determination of Eligibility**

##### **D-1. What is required for documenting the determination of eligibility for a student in kindergarten through grade twelve with a language impairment in need of exceptional student education?**

Section (8) of Rule 6A-6.030121, F.A.C., specifies the requirements for documentation of determination of eligibility for ESE as a student in kindergarten through grade twelve with a language impairment. The documentation must include a written summary of the group's analysis of the data, including the basis for making the determination, observations relating behavioral to academic functioning, educationally relevant medical findings, data confirming existence of a language impairment including performance and/or functioning discrepancies, rate of progress, and educational need. The summary must also document the group's determination of the effect of other factors (e.g., chronological age, gender, culture, ethnicity, limited English proficiency, patterns of irregular attendance), PS-Rtl information reflecting the intervention plan, student-centered data collected, parent involvement, and required signatures.

Specific decisions regarding who is responsible for writing the summary are made at the district or school level. The written summary must reflect the group's analysis of the body of evidence, not solely that of one individual, and be written in such a way that is clear and understandable to someone who was not part of the group conducting the analysis. The written summary serves as the recording of the group's overall discussion and decision. Moreover, the documentation collected over time substantiates the discussion and the decision. There is not a statewide requirement for any additional formal reports, and districts may develop procedures locally for

documenting and reporting the problem-solving process, the student's response to intervention, and eligibility determinations.

To help guide districts in completing written summaries and documenting the eligibility decision process, a sample cover sheet for organizing the collected documentation is attached in Appendix B. **The sample cover sheet does not replace the written summary itself but provides an example of one way to organize the documentation for the group's written summary.** The suggested cover sheet form was created based on the requirements outlined in Rule 6A-6.030121, F.A.C. (regarding eligibility determination for ESE for students with a language impairment in kindergarten through grade twelve), and adapted from a sample cover sheet previously offered as an appendix to the technical assistance paper (DPS 2009-177) *Questions and Answers: State Board of Education Rule 6A-6.03018, F.A.C., Exceptional Student Education Eligibility for Students with Specific Learning Disabilities*, issued by the Florida Department of Education, Bureau of Exceptional Education and Student Services. As such, the cover sheet may be used for organizing the collected documentation required by Rule 6A-6.030121, F.A.C. as well as Rule 6A-6.03018, F.A.C.

## **E. Language Services**

### **E-1. What is the difference between language services as special education versus as a related service for an otherwise eligible student with a disability, as referred to in section (9)(b) of the rule?**

Section 1003.01(3)(b), Florida Statutes, defines special education services as specially designed instruction and such related services as are necessary for an exceptional student to benefit from education. The current federal regulations found at Title 34, Section 300.34, Code of Federal Regulations (CFR), define related services as services that are required to assist a student with a disability to benefit from special education.

Speech and language services are unique in that state rules and regulations define speech/language pathology services as a related service but also include speech and language impairments among the exceptionality categories under which students may be found eligible for ESE. The technical assistance paper (DPS 2009-099) *Questions and Answers Regarding Speech/Language as a Related Service*, issued by the Florida Department of Education, Bureau of Exceptional Education and Student Services, provides the most recent guidance on this topic. The TAP is accessible via the following link:

<http://info.fldoe.org/docushare/dsweb/Get/Document-5423/dps-2009-099.pdf>.

An IEP or EP team may consider the need for speech or language support as a related service for any student who has been identified as an exceptional student who needs the service to benefit from education. However, speech/language service as a related service, as with any other related service, is not automatically provided. The team must determine a need for the related service based on data such as the student's present levels of academic achievement and functional performance, annual goals, and other services and supports to be provided. Students with disabilities do not need to meet ESE eligibility criteria for students with language impairments to receive language as a related service. Students continue to receive the related service until the team determines that language support as a related service is no longer needed and makes the decision to remove the related service from the IEP/EP. (Discontinuation of related service

would be considered a change of FAPE and requires prior written notice.) If a student is dismissed from ESE, then he/she is also dismissed from related services.

In contrast, a student must meet eligibility criteria as established in Rule 6A-6.030121, F.A.C., in order for language impairment to be considered a primary or secondary exceptionality. Once a student is determined eligible for ESE as a student with a language impairment, he or she will continue to be an eligible student until the IEP team determines, based on a reevaluation process, that the student is no longer a student with a language impairment in need of special education and related services. Note: Discontinuation or dismissal from language impairment as a primary or secondary exceptionality would be considered a change of FAPE and requires prior written notice. Furthermore, section (9)(b) of this rule specifies that an SLP shall be involved in the development of the IEP for students who need language services, whether the student meets criteria as a student with a language impairment eligible for exceptional student education, or if the student needs language services as a related service as an otherwise eligible student with a disability.

There are similar options for the intensity, frequency, and/or location of service regardless of whether language services are provided as a related service or the student meets eligibility criteria for ESE as a student with a language impairment. There are no separate requirements set forth in Rule 6A-6.03028, F.A.C., *Provision of Free Appropriate Public Education (FAPE) and Development of Individual Educational Plans for Students with Disabilities*, regarding the type, frequency, or location of specially designed instruction or related services that may be provided. Moreover, both language impairment as a primary or secondary disability and provision of language therapy or other type of language support as a related service are coded as “G” for data reporting.

## **E-2. What is a Speech/Language Associate?**

A speech/language associate is an individual who has been issued the speech-language impaired associate certificate pursuant to Rule 6A-4.01761, F.A.C., *Specialization Requirements for Certification in the Area of Speech-Language Impaired Associate – Academic Class*. This certification was created as a result of the recommendations from a task force appointed by the Commissioner of Education to address the critical shortage of speech-language pathologists with master’s degrees available to provide services to students with speech and language impairments. This certification option allows bachelor’s level speech-language personnel to provide services to school districts that qualify for the sparsity supplement. Only districts that qualify for the sparsity supplement and file an associate plan with the Florida Department of Education, including the components as outlined in section (9)(d) of this rule, are eligible to use the speech-language associate certification option.

The sparsity supplement is part of the Florida Education Finance Program (FEFP) and is designed to mitigate the higher per student costs of providing services in sparsely populated districts. The number of districts eligible for the sparsity supplement varies each school year and can be found on the Florida Department of Education website, <http://www.fldoe.org/fefp/pdf/fefpdist.pdf>.

Additional information regarding the speech/language associate certificate is available in the technical assistance paper (K12: 2007-137), *Questions and Answers Regarding Speech-*

*Language Impaired Associate Certification.* The TAP is accessible via the following link:  
<http://info.fldoe.org/docushare/dsweb/Get/Document-4662/TAP2007-137.pdf>.

**E-3. If a toddler with disabilities receives language therapy services through Early Steps, will he/she automatically be deemed eligible for services under the Part B preschool program?**

No. By the third birthday of a child participating in the early intervention program for infants and toddlers with disabilities, an IEP consistent with Rule 6A-6.03028, F.A.C., or an individualized family support plan (IFSP) consistent with Rule 6A-6.03029, F.A.C., must be developed and implemented pursuant to Rule 6A-6.03028, F.A.C., and Title 34, CFR, § 300.124(b). Children transitioning from Part C to Part B must meet initial eligibility criteria for Part B services.

Specifically in regard to exceptional education eligibility for students with a language impairment, Rule 6A-6.030121, F.A.C., specifies the minimal evaluation components and initial eligibility criteria for prekindergarten students (see B-2 and C-2). Therefore, students who are exiting services provided through Early Steps must meet the criteria for eligible prekindergarten children to be identified as a child with a language impairment in need of exceptional student education under Part B. To determine eligibility for Part B services, transition teams will review all available data, including the current IFSP; previous provision of services; and recent screenings, evaluations, and assessments. Interagency agreements exist to enable school districts and local Early Steps to ensure a smooth transition from Part C to Part B.

**E-4. If a prekindergarten child meets the criteria as an eligible child with a language impairment in need of exceptional student education, do the services identified on the IEP continue when the student enters kindergarten?**

Yes. For a prekindergarten child who met the criteria as an eligible child with a language impairment in need of exceptional student education pursuant to Rule 6A-6.030121, F.A.C., he/she will continue to be eligible as a kindergarten child with a language impairment in need of exceptional student education and related services unless the student is dismissed from exceptional student education, or if language services are discontinued, prior to entrance to kindergarten. Regardless of grade level, once a student with a language impairment is determined to be an eligible student with a disability in need of exceptional student education, he/she will remain eligible until determined no longer to be a student with a disability in need of ESE and related services, or if the parent revokes consent for services. (For more information regarding dismissal, please see the response to question B-11).

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## **Appendix A: Rule 6A-6.030121, Florida Administrative Code**

**6A-6.030121** Exceptional Student Education Eligibility for Students with Language Impairments and Qualifications and Responsibilities for the Speech-Language Pathologists Providing Language Services.

(1) Language impairments are disorders of language that interfere with communication, adversely affect performance and/or functioning in the student's typical learning environment, and result in the need for exceptional student education.

(a) A language impairment is defined as a disorder in one or more of the basic learning processes involved in understanding or in using spoken or written language. These include:

1. Phonology. Phonology is defined as the sound systems of a language and the linguistic conventions of a language that guide the sound selection and sound combinations used to convey meaning;

2. Morphology. Morphology is defined as the system that governs the internal structure of words and the construction of word forms;

3. Syntax. Syntax is defined as the system governing the order and combination of words to form sentences, and the relationships among the elements within a sentence;

4. Semantics. Semantics is defined as the system that governs the meanings of words and sentences; and

5. Pragmatics. Pragmatics is defined as the system that combines language components in functional and socially appropriate communication.

(b) The language impairment may manifest in significant difficulties affecting listening comprehension, oral expression, social interaction, reading, writing, or spelling. A language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

(2) Procedures prior to initial evaluation for prekindergarten children. Prior to initial evaluation, the requirements of subsection 6A-6.0331(2), F.A.C., must be met.

(3) Evaluation procedures for children in prekindergarten. In addition to the procedures identified in subsection 6A-6.0331(5), F.A.C., the minimum evaluation for a prekindergarten child shall include all of the following:

(a) Information gathered from the child's parent(s) or guardian(s) and others as appropriate, such as teacher(s), service providers, and caregivers regarding the concerns and description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires;

(b) One or more documented and dated observation(s) of the child's language skills must be conducted by the speech-language pathologist in one or more setting(s), which must include the child's typical learning environment or an environment or situation appropriate for a child of that chronological age; and

(c) Administration of one or more standardized norm-referenced instruments designed to measure language skills. The instrument must be administered and interpreted by a speech-language pathologist to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

(4) Criteria for eligibility for prekindergarten children. A prekindergarten child is eligible as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

(a) There is evidence, based on evaluation results, of significant deficits in language. The impairment may manifest in significant difficulties affecting one or more of the following areas:

1. Listening comprehension;
2. Oral expression;
3. Social interaction; or

4. Emergent literacy skills (e.g., vocabulary development, phonological awareness, narrative concepts).

(b) One or more documented and dated behavioral observation(s) reveals significant language deficits that interfere with performance and/or functioning in the typical learning environment;

(c) Results of standardized norm-referenced instrument(s) reveal a significant language deficit in one or more of the areas listed in paragraph (1)(a) of this rule, as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in paragraph (1)(a) of this rule. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes;

(d) Information gathered from the child's parent(s) or guardian(s), teacher(s), service providers, or caregivers must support the results of the standardized instruments and observations conducted;

(e) The language impairment must have an adverse effect on the child's ability to perform and/or function in the typical learning environment, thereby demonstrating the need for exceptional student education; and

(f) The language impairment is not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

(5) General education intervention procedures and activities for students in kindergarten through grade twelve. Prior to obtaining consent for initial evaluation, the requirements of subsection 6A-6.0331(1), F.A.C., related to general education procedures for kindergarten through grade twelve students, must be met.

(6) Evaluation procedures for students in kindergarten through grade twelve.

(a) The school district must promptly request parental or guardian consent to conduct an evaluation to determine if the student needs exceptional student education in the following circumstances:

1. Prior to obtaining consent for evaluation, the student has not made adequate progress after an appropriate period of time when provided appropriate instruction and intense, individualized interventions; or

2. Prior to obtaining consent for evaluation, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of exceptional student education; or

3. Whenever a referral is made to conduct an evaluation to determine the student's need for exceptional student education and the existence of a disability.

(b) To ensure that the decreased performance and/or functioning of a student suspected of having a language impairment is not due to lack of appropriate instruction, the minimum evaluation procedures must include all of the following:

1. Review of data that demonstrate the student was provided well-delivered scientific, research-based instruction and interventions addressing the identified area(s) of concern and delivered by qualified personnel in general or exceptional education settings;

2. Data-based documentation, which was provided to the student's parent(s) or guardian(s), of repeated measures of performance and/or functioning at reasonable intervals, communicated in an understandable format, reflecting the student's response to intervention during instruction;

3. Information gathered from the student's parent(s) or guardian(s) and teacher(s), and when appropriate, the student, regarding the concerns and a description of language skills. This may be completed through a variety of methods including interviews, checklists, or questionnaires;

4. Documented and dated observation(s) of the student's language skills must be conducted by the speech-language pathologist in one or more setting(s); and

5. Administration of one or more standardized norm-referenced instrument(s) designed to measure language skills. The instrument(s) must be administered and interpreted by a speech-language pathologist

to determine the nature and severity of the language deficits. If the speech-language pathologist is unable to administer a norm-referenced instrument, a scientific, research-based alternative instrument may be used. The evaluation report must document the evaluation procedures used, including the rationale for use of an alternative instrument, the results obtained, and the basis for recommendations.

(c) With the exception of the observation required by subparagraph (7)(c)4. of this rule, general education activities and interventions conducted prior to initial evaluation in accordance with subsection 6A-6.0331(1), F.A.C., may be used to satisfy the requirements of paragraph (6)(b) of this rule.

(7) Criteria for eligibility for students in kindergarten through grade twelve. A student meets the eligibility criteria as a student with a language impairment in need of exceptional student education if all of the following criteria are met:

(a) Due to deficits in the student's language skills, the student does not perform and/or function adequately for the student's chronological age or to meet grade-level standards as adopted in Rule 6A-1.09401, F.A.C., in one or more of the following areas, when provided with learning experiences and instruction appropriate for the student's chronological age or grade:

1. Oral expression;
2. Listening comprehension;
3. Social interaction;
4. Written expression;
5. Phonological processing; or
6. Reading comprehension.

(b) Due to deficits in the student's language skills, the student does not make sufficient progress to meet chronological age or State-approved grade-level standards pursuant to Rule 6A-1.09401, F.A.C., in one or more of the areas identified in paragraph (7)(a) of this rule when using a process based on the student's response to scientific, research-based intervention;

(c) Evidence of a language impairment is documented based on a comprehensive language evaluation, including all evaluation components as specified in paragraph (6)(b) of this rule. There must be documentation of all of the following:

1. Documented and dated observations show evidence of significant language deficits that interfere with the student's performance and/or functioning in the educational environment;
2. Results of standardized norm-referenced instrument(s) indicate a significant language deficit in one or more of the areas listed in paragraph (1)(a) of this rule, as evidenced by standard score(s) significantly below the mean. If the evaluator is unable to administer a norm-referenced instrument and an alternative scientific, research-based instrument is administered, the instrument must reveal a significant language deficit in one or more areas listed in paragraph (1)(a) of this rule. Significance of the deficit(s) must be determined and based on specifications in the manual of the instrument(s) utilized for evaluation purposes;
3. Information gathered from the student's parent(s) or guardian(s), teacher(s), and when appropriate, the student, must support the results of the standardized instruments and observations conducted; and
4. At least one additional observation conducted by the speech-language pathologist when the language impairment is due to a deficit in pragmatic language and cannot be verified by the use of standardized instrument(s). The language impairment may be established through the results of subparagraphs (6)(b)3. and 4. of this rule and the additional observation(s) conducted subsequent to obtaining consent for evaluation as part of a comprehensive language evaluation. The evaluation report must document the evaluation procedures used, including the group's rationale for overriding results from standardized instruments, the results obtained, and the basis for recommendations. The information gathered from the student's parent(s) or guardian(s), teacher(s), and when appropriate, the student, must support the results of the observation(s) conducted; and

(d) The group determines that its findings under paragraph (7)(a) of this rule are not primarily the result of factors related to chronological age, gender, culture, ethnicity, or limited English proficiency.

(8) Documentation of determination of eligibility. For a student suspected of having a language impairment, the documentation of the determination of eligibility must include a written summary of the group's analysis of the data that incorporates all of the following information:

(a) The basis for making the determination, including an assurance that the determination has been made in accordance with subsection 6A-6.0331(6), F.A.C.;

(b) Noted behavior during the observation of the student and the relationship of that behavior to the student's academic functioning;

(c) The educationally relevant medical findings, if any;

(d) Whether the student has a language impairment as evidenced by response to intervention data confirming the following:

1. Performance and/or functioning discrepancies. The student displays significant discrepancies, for the chronological age or grade level in which the student is enrolled, based on multiple sources of data when compared to multiple groups, including to the extent practicable the peer subgroup, classroom, school, district, and state level comparison groups; and

2. Rate of progress. When provided with effective implementation of appropriate research-based instruction and interventions of reasonable intensity and duration with evidence of implementation fidelity, the student's rate of progress is insufficient or requires sustained and substantial effort to close the gap with typical peers or expectations for the chronological age or grade level in which the student is currently enrolled; and

3. Educational need. The student continues to demonstrate the need for interventions that significantly differ in intensity and duration from what can be provided solely through educational resources and services currently in place, thereby demonstrating a need for exceptional student education due to the adverse effect of the language impairment on the student's ability to perform and/or function in the educational environment.

(e) The determination of the student's parent(s) or guardian(s) and group of qualified professionals concerning the effects of chronological age, culture, gender, ethnicity, patterns of irregular attendance, or limited English proficiency on the student's performance and/or functioning; and

(f) Documentation based on data derived from a process that assesses the student's response to well-delivered scientific, research-based instruction and interventions including:

1. Documentation of the specific instructional interventions used, the intervention support provided to the individuals implementing interventions, adherence to the critical elements of the intervention design and delivery methods, the duration of intervention implementation (e.g., number of weeks, minutes per week, sessions per week), and the student-centered data collected; and

2. Documentation that the student's parent(s) or guardian(s) were notified about the state's policies regarding the amount and nature of student performance and/or functioning data that would be collected and the educational resources and services that would be provided; interventions for increasing the student's rate of progress; and the parental or guardian right to request an evaluation.

(9) Language services.

(a) A group of qualified professionals determining eligibility under requirements of this rule and subsection 6A-6.0331(6), F.A.C., must include a speech-language pathologist.

(b) A speech-language pathologist shall be involved in the development of the individual educational plan for students eligible for language services, whether as special education or as a related service for an otherwise eligible student with a disability.

(c) Language therapy services shall be provided by a certified speech-language pathologist pursuant to Rule 6A-4.0176, F.A.C., or a licensed speech-language pathologist pursuant to Section 468.1185, F.S., or a speech-language associate pursuant to Rule 6A-4.01761, F.A.C.

(d) Speech-language associate.

1. Language therapy services provided by a speech-language associate as specified in Rule 6A-4.01761, F.A.C., must be under the direction of a certified or licensed speech-language pathologist with a

master's degree or higher in speech-language pathology. Services under this subsection can be provided for a period of three (3) years as described in Section 1012.44, F.S., in districts that qualify for the sparsity supplement as described in Section 1011.62(7), F.S.

2. Districts shall submit a plan to the Department of Education for approval before implementation of Rule 6A-4.01761, F.A.C. The components of the plan must include a description of:

- a. The model, specifying the type and amount of direction including, but not limited to, direct observation, support, training, and instruction;
- b. The rationale for using this model;
- c. The manner in which the associate will be required to demonstrate competency;
- d. The process for monitoring the quality of services;
- e. The process for measuring student progress; and
- f. The manner in which the speech-language associate will meet the requirements of the annual district professional development plan for instructional personnel.

*Rulemaking Authority 1003.01(3), 1003.57, 1003.571, 1012.44 FS. Law Implemented 1003.01(3), 1003.57, 1003.571, 1012.44 FS. History--  
New 7-1-10.*

## Appendix B: Sample Cover Sheet for Specific Learning Disabilities and/or Language Impairment

The purpose of this sample cover sheet is to help districts organize the collected documentation needed in the eligibility decision process.

<b>Meeting Date:</b>		<b>Date of Receipt of Parental Consent:</b>					
<b>Demographic Information</b>							
<b>Student Name:</b>		<b>ID#:</b>	<b>Subgroup(s):</b>				
<b>School:</b>		<b>Grade:</b>	<b>Retention History:</b>				
<b>Previous Eligibilities/Ineligibilities:</b>			<b>DOB:</b>				
<b>Identified Area(s) of Concern:</b>							
<b>Relevant Medical Findings:</b>							
<b>Observations (Attach observation reports):</b>							
	<b>Summary of Behavioral Observations</b>	<b>Relationship to Academic Functioning</b>					
<b>Observation:</b>							
<b>Observation:</b>							
<b>Observation:</b>							
<b>Diagnostic Assessment(s) Results:</b>							
<b>Standardized Norm-referenced Instrument(s) and Results:</b>							
<b>Intervention Summary</b>							
				<b>RtI Response</b>			
<b>Instruction/Intervention</b>		<b>Implementer</b>	<b>Duration/Frequency</b>	<b>Evidence of Fidelity</b>	<b>+</b>	<b>?</b>	<b>-</b>
<b>Core</b>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Targeted</b>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Intensive</b>					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Analysis of Response to Intervention Data</b> (See attached, which includes graphs and documentation of parent involvement.)							
<b>Performance discrepancy</b> (Attach graphed data.): <input type="checkbox"/> District <input type="checkbox"/> School <input type="checkbox"/> Class <input type="checkbox"/> AYP Sub Group <input type="checkbox"/> Tier II Peer Group							
<b>Rate of Progress</b> (Attach graphed data representing intervention intensity, rate of progress, expected rate of progress.)							
<b>Instructional Details of Educational Need:</b>							

**Consideration of factors affecting student's performance.** Indicate whether student's level of performance and/or rate of progress are primarily the result of any of the following factors. Specify documentation supporting the group's conclusion for each.

Yes	No	Factor:	Supporting Documentation:
		Lack of appropriate instruction	
		Environmental or economic factors	
		Limited English proficiency	
		Ethnicity and/or cultural factors	
		Classroom behavior	
		Patterns of irregular attendance	
Yes	No	Factor (SLD only)	Supporting Documentation:
		Emotional/behavioral disability	
		Intellectual disability	
		Vision, hearing, or motor deficits	
Yes	No	Factor (LI only)	Supporting Documentation:
		Chronological age, gender	

**Summary of student performance**

**Yes**  **No**  Student does not achieve adequately for age or does not meet grade-level standards in one or more of the following areas. (Check all that apply.) Attach evidence and summarize the team's analysis that reflects the convergence of data used.

SLD Requirements: (Check all that apply.)		LI Requirements: (Check all that apply.)	
<input type="checkbox"/>	Reading comprehension	<input type="checkbox"/>	Reading comprehension
<input type="checkbox"/>	Written expression	<input type="checkbox"/>	Written expression
<input type="checkbox"/>	Oral expression	<input type="checkbox"/>	Oral expression
<input type="checkbox"/>	Listening comprehension	<input type="checkbox"/>	Listening comprehension
<input type="checkbox"/>	Basic reading skills	<input type="checkbox"/>	Phonological processing
<input type="checkbox"/>	Reading fluency skills	<input type="checkbox"/>	Social interaction
<input type="checkbox"/>	Mathematics calculation		
<input type="checkbox"/>	Mathematics problem-solving		

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Response to scientific, research-based instruction/intervention is inadequate, OR <input type="checkbox"/> Intensive interventions are demonstrated to be effective but require sustained and substantial effort.
<input type="checkbox"/>	<input type="checkbox"/>	The student's learning difficulties are not primarily the result of any of the exclusionary factors or lack of scientific, research-based instruction.
<input type="checkbox"/>	<input type="checkbox"/>	Information gathered from the student's parent(s) or guardian(s), teacher(s), and the student, when appropriate, support the results of the observations and standardized instruments (required for LI only).