



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES

FEB 23 2015

Janice Breton, Director
Office of Special Services
Maine Department of Education
23 State House Station
Augusta, Maine 04333

Dear Ms. Breton:

Thank you for your response to the Office of Special Education Programs' (OSEP) November 6, 2013, letter concerning the criteria used in the State of Maine to identify children with specific learning disabilities (SLD). With respect to the Maine Department of Education's (MDE) Learning Disability Evaluation Report (LDR), you explained that Part A(1) of the LDR serves as a "threshold question" to determine whether a child has a disorder in one or more basic psychological processes. Specifically, Part A(1) of the LDR requires the evaluation group to determine that a child scores 1.5 or more standard deviations below the mean in at least one area of psychological processing or 1 or more standard deviations below the mean in two or more areas of psychological processing, in order for the child to qualify for special education as a student with an SLD as defined in 34 CFR §300.8(c)(10). Based on the wording of the requirement in Part A(1) of the LDR, your characterization of that requirement as a "threshold question," and the structure of the LDR as a whole, OSEP remains concerned that the LDR could be interpreted and implemented in a way that uses a single measure or assessment as the sole criterion for determining whether a child is a child with a disability, which would be inconsistent with 34 CFR §300.304(b)(1) and (b)(2).

Therefore, as you referenced in your letter, we anticipate that MDE will be issuing guidance to Maine School Administrative Units (SAUs) clarifying that the LDR must be interpreted and implemented in a way that does not use a single measure or assessment as the sole criterion for determining whether a child is a child with a disability. In addition, to help ensure that the LDR accurately reflects this IDEA requirement and that SAUs are correctly interpreting and implementing the LDR, MDE may either modify the questions on the LDR or add a notation on the LDR stating that, in accordance with 34 CFR §300.304(b)(1) and (b)(2), the LDR must not use a single measure or assessment as the sole criterion for determining whether a child is a child with a disability.