SECTION 56036. LEARNING DISABILITY. (LD)

Learning disability (LD) is defined as a persistent condition of presumed neurological dysfunction which may exist with other disabling conditions. The dysfunction is not explained by lack of educational opportunity, lack of proficiency in the language of instruction, or other non-neurological factors, and this dysfunction limits the student’s ability to access the educational process. To be categorized as a student with a learning disability, a student must meet the following criteria through psycho-educational assessment verified by a qualified specialist certified to assess learning disabilities:

(a) Average to above-average intellectual ability; and
(b) Statistically significant processing deficit(s); and/or
(c) Statistically significant aptitude-achievement discrepancies.


Implementation guideline

Learning disabilities do not apply to learning problems resulting from any physical or visual disabilities, or hearing loss, psychological disability, or any health related disabilities. Learning disabilities can exist with other disabilities with the exception of an intellectual disability and an acquired brain injury (unless documentation of LD was present prior to sustaining the injury).

In keeping with the ADAA, when verifying LD, the first step is to work with the student to determine if existing documentation is available which indicates they have LD or received services or accommodations based on their LD. If so, this information is sufficient to verify the student has LD and to report them for funding in the LD category.

If there is prior documentation, LD can be verified:

- By a review, by a Learning Disability Specialist or other DSPS Certificated staff person of documentation provided by outside agencies or an outside licensed/credentialed professional that demonstrates the student meets the Title 5 definition of a learning disability.
- By the presentation to a Learning Disability Specialist, or if a Learning Disability Specialist is not available, to another DSPS Certificated staff person of a public or private school IEP or similar documentation, that designates a specific learning disability and through the interactive process it is determined that the student meets the Title 5 definition of a learning disability.
If there is no existing documentation which can verify LD, then an assessment should be conducted to verify if the student has LD. Such assessment should be conducted:

- By a Learning Disability Specialist using the Chancellor’s Office officially approved California Community College Learning Disability Eligibility and Services Model (CCCLDESM); or
- Through the use of professionally accepted assessment measures which demonstrate that the student meets the Title 5 definition of learning disability. In such cases, the college must provide acceptable documentation to the Chancellor’s Office for each student on 1) the reason(s) for not using the CCCLDESM and 2) justification on how the assessment process utilized meets professionally accepted standards for the determination of the presence of LD as defined in this section.

Documentation
The student record should contain the verification of the specific disability and the source of the verification from outside documentation from a professional or agency or from an assessment performed by appropriate staff as described in the implementation guidelines for the reported disability of the student. In addition, the record should include the functional limitations in the educational setting which arise from the disability and which are determined by the DSPS professional through the interactive process with the student or from information from other professionals or referring agencies.