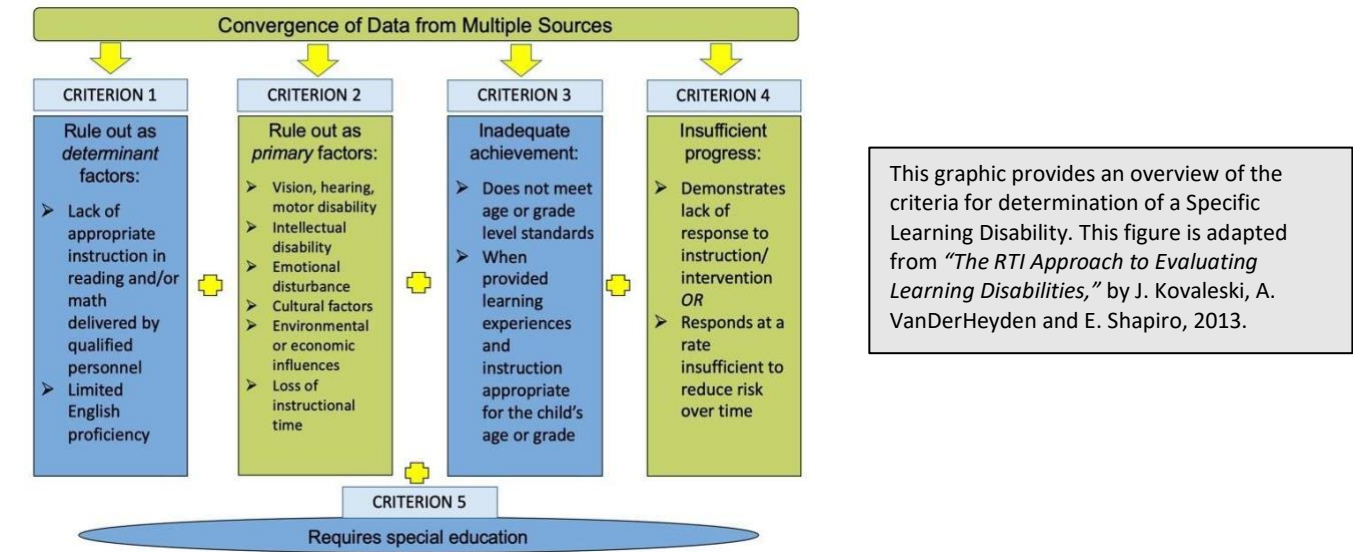


SLD POLICY FACT SHEET #4 – EXCLUSIONARY FACTORS

The [NC Policies Governing Services for Children with Disabilities](#) became fully effective July 1, 2020, regarding the definition, evaluation and identification of students with Specific Learning Disabilities (SLD). This fact sheet, [the fourth in a series](#), addresses exclusionary factors.



This graphic provides an overview of the criteria for determination of a Specific Learning Disability. This figure is adapted from “*The RTI Approach to Evaluating Learning Disabilities*,” by J. Kovaleski, A. VanDerHeyden and E. Shapiro, 2013.

This criterion requires evidence that the student’s learning difficulties are not *primarily* the result of:

- Visual, hearing or motor disability;
- Intellectual disability;
- Emotional disturbance;
- Cultural factors;
- Environmental or economic influences; and/or
- Loss of instructional time due to factors that include, but are not limited to absences, tardies, high transiency rates and suspensions.

The exclusionary criteria in the federal definition of SLD serve an important purpose. The IEP Team must rule out other factors as being the *primary* cause of educational difficulties before determining that a child is eligible for special education due to an SLD. Identifying and addressing the primary and contributory factors that create obstacles to learning, affect rates of academic growth, and cause low achievement help education professionals design targeted interventions, provide quality instruction, and develop appropriate expectations—all of which are necessary to reduce over- and under-identification of children for special education services (NCLD White Paper, 2020).

In many instances, at the point of referral, the IEP team will have existing data gathered through problem-solving that can be utilized to document the extent to which each factor has been addressed. If existing data do not fully account for the information needed, or further questions are brought forward, the IEP Team should obtain consent to gather the evaluation and/or assessment data needed for problem-solving this exclusionary factor.

This does not mean the IEP team must conclude the absence of exclusionary factors. It is entirely possible for one or more of these factors to influence a student’s lack of achievement and response to instruction/intervention *and* for the student to have an SLD. The IEP team must determine the **degree** to which each factor affects the student’s performance. The fundamental question is whether the poor performance is *primarily* the result of any of these factors (RTI-Based SLD Identification Toolkit).

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In addressing the exclusionary factors, examples of the sources of information¹ that education professionals may review and/or need to collect are provided in the table below:

Exclusionary Factor	Data Sources to Consider
Visual, Hearing, or Motor Disability	School health records; relevant medical information, routine vision, hearing and motor (e.g. from physical education class) screens; observations
Intellectual Disability	Classroom performance; historical performance across academic areas; language development; observations of adaptive functioning across settings, assessment data measuring overall reasoning and problem-solving abilities (group- or individually administered)
Emotional/Disability	Classroom observations including comparison of behavior to peers; student records (family history of, or existing psychological disorder; discipline history, emotional/behavioral screenings; behavioral checklists and rating scales (across environments)
Cultural Factors	Achievement/behavioral data that compares performance of relevant subgroups; primary language; parent/caregiver and student interviews
Environmental or Economic Influences	Homelessness, nutrition/food insecurity, abuse/neglect; parent interviews; developmental histories; school records
Limited English Proficiency	English language proficiency (oral language; vocabulary; verbal ability); level of performance and rate of progress compared to ELs with similar exposure to language and instruction
Loss of Instructional Time	Attendance records; number of schools attended; tardies; discipline records (in- and out-of-school suspensions); migrant status and pattern of attendance; percent of instructional time lost

The only new exclusionary factor (effective July 2020) is the “loss of instructional time”. All other exclusionary factors existed in NC policy and continue to exist in the IDEA. Loss of instructional time has been added as an important factor to consider and directly relates to consideration that the student’s inadequate achievement is not primarily the result of lack of appropriate instruction and/or the opportunity to learn.

References and Resources

Whitaker, M., & Ortiz, S. (2019) *What a Learning Disability is Not- Examining Exclusionary Factors*. National Center for Learning Disabilities [White paper]. National Center for Learning Disabilities. <https://www.nclld.org/wp-content/uploads/2019/11/What-a-Specific-Learning-Disability-Is-Not-Examining-Exclusionary-Factors.12192019.pdf>

Cortiella, C., Gamm, S., Rinaldi, C. & Goodman, S. *RTI-Based SLD Identification Toolkit: Criterion 3: Exclusionary Factors*. RTI Action Network. <http://www.rtinetwork.org/getstarted/sld-identification-toolkit/ld-identification-toolkit-criterion-3>

IEP teams are encouraged to understand the guidelines of data considered in determining exclusionary factors.

For additional information, contact the [North Carolina Department of Public Instruction Exceptional Children Division](#)

For additional information regarding MTSS, contact your PSU’s MTSS Coordinator or building level system of support team.

¹ The sources in the table are provided as examples; they are not intended to be an exhaustive list.