



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

DIRECTOR

**May 30, 2023**

Robert M. Augustine, PhD, CCC-SLP  
President  
American Speech-Language-Hearing Association  
2200 Research Boulevard  
Rockville, MD 20850-3289

Dear Dr. Augustine,

Thank for your letter dated January 24, 2023, addressed to Deputy Assistant Secretary Katy Neas in the Office of Special Education and Rehabilitative Services (OSERS). Your inquiry was referred to the Office of Special Education Programs (OSEP), a component of OSERS. In your letter, you requested “that the [U.S.] Department [of Education] highlight the importance of developmental language disorder (DLD) as an explicit consideration under the Individuals with Disabilities Education Act (IDEA) and its implementing regulations. You also requested that the Department clarifies that nothing in federal law prohibits using a term such as DLD for evaluation, eligibility, and as part of an individualized education program (IEP).” As a follow up, members of our staff met with representatives from American Speech-Language-Hearing Association (ASHA) on March 17, 2023

Based on your letter and subsequent meeting with ASHA representatives, we understand ASHA’s concern that some IEP Teams may be reluctant use the term or consider a child’s DLD when making an eligibility determination for special education and related services. Further, ASHA representatives explained that DLD is often not considered when determining special education, related services, and supplementary aids and services that will be provided to address the eligible child’s specific needs due to DLD. We believe the following information about IDEA and prior OSERS guidance should help to clarify this issue.

First and foremost, IDEA’s child find requirements require States and local educational agencies to develop policies and procedures “to ensure that all children with disabilities residing in the State... regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated.” 34 C.F.R. § 300.111(a).

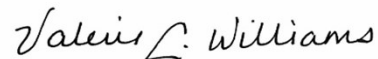
In conducting the evaluations to determine whether a child is eligible for services under IDEA, the evaluation must be “in all areas related to the suspected disability” (34 CFR § 300.304(c)(4)) as determined by the needs of the child and “identify all of the child’s special education and related services needs, whether or not linked to the disability category in which the child has been classified.” 34 CFR § 300.304(c)(6). Therefore, regardless of which eligibility category a

child may be classified under, special education and related services are based on the identified needs of the child and not on the disability category in which the child is classified.<sup>1</sup>

The Office of Special Education and Rehabilitative Services (OSERS) has repeatedly stated that the definitions of disability terms in 34 C.F.R. § 300.8(c) are not an exhaustive list of disabilities, impairments, or conditions. For example, OSERS October 23, 2015 Dear Colleague Letter on Dyslexia, Dyscalculia, and Dysgraphia, referred to 20 U.S.C. § 1401(30) and 34 CFR § 300.8(c)(10) and stated, “[w]hile our implementing regulations contain a list of conditions under the definition ‘specific learning disability,’ which includes dyslexia, the list is not exhaustive” and could include other terms like dyscalculia or dysgraphia. This interpretation of IDEA and its implementing regulations would extend to other conditions that might fall within other disability terms, including speech or language impairments not specifically listed in 34 C.F.R. § 300.8(c)(11) such as DLD.

We hope this information is helpful. If you have any further questions, please do not hesitate to contact Meghan Whittaker at [meghan.whittaker@ed.gov](mailto:meghan.whittaker@ed.gov) or Daniel Schreier at [daniel.schreier@ed.gov](mailto:daniel.schreier@ed.gov).

Sincerely,

A handwritten signature in cursive script that reads "Valerie C. Williams".

Valerie C. Williams  
Director  
Office of Special Education Programs