**Evaluation and Identification of Specific Learning Disabilities (SLDs)**

In 2004, the Individuals with Disabilities Education Act (IDEA) was revised to express that 1) a state may not require an IQ-Achievement discrepancy in identification of students with SLDs, and 2) that local school districts may use a response to intervention process as part of the evaluation procedures:

*Not withstanding section 607(b), when determining whether a child has a specific learning disability as defined in section 602, a local education agency shall not be required to take into consideration whether a child has a severe discrepancy between achievement and intellectual ability in oral expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning (20 U.S.C. 1414(b)(6)(A)).*

*In determining whether a child has a specific learning disability, a local educational agency may use a process that determines if the child responds to scientific research-based intervention as a part of the evaluation procedures described in paragraphs (2) and (3) (20 U.S.C. 1414(b)(6)(B)).*

These changes were made in response to a growing consensus that calculation of an IQ-Achievement discrepancy is not a psychometrically valid criterion in the identification of SLDs, that it does not accurately distinguish between students with poor academic skills, and does not contribute to better understanding of the student’s difficulties. There was also recognition of the findings from several ongoing research and implementation projects which demonstrated the efficacy of targeted intervention with evidence-based practices in a data-driven system of increasing intensity based on student response, as part of the identification of students with SLDs.

Missouri statutes, the State Plan for Special Education, and the monitoring Standards and Indicators were promptly updated to be in line with the revised IDEA and federal regulations. Missouri still allows use of the IQ/Achievement discrepancy approach (many states have eliminated this as an option or strongly discourage its use). Local Education Agencies (LEAs) must decide whether to use a response to intervention process, or an IQ/Achievement discrepancy in the identification of students with SLDs, and state this decision as part of the Local Compliance Plan. Districts are **NOT** required to apply or seek approval from DESE to use an RtI process, but must follow the DESE guidelines for RtI.

At this time very few districts in Missouri use an RtI process in SLD identification. Those that do include very large and very small districts in urban, suburban and rural settings. These districts report positive results for students in terms of early intervention, identification, and student progress, as well as a reduction in false positives. Nation-wide, legal challenges to eligibility decisions related to use of an RtI process have been very few, and limited to situations in which a district did not have a clearly written data-driven implementation plan, or did not follow it, which resulted in a delay of evaluation for a student.

Many districts in Missouri have established intervention systems for students who do not achieve as expected. Several include screening and progress monitoring processes to guide intervention with individual students. This data is often used to make decisions about referral for evaluation, particularly for students with suspected SLDs. It is problematic when an unrelated factor, such as an IQ/Achievement discrepancy is then used as a determining criterion. Students who have not made expected progress in response to intervention, and who do not have one of the exclusionary factors, but do not meet the discrepancy criterion, will not receive protection against discrimination and the guarantee of a Free and Appropriate Education (FAPE) they need, and to which they are most likely entitled. Staff who have invested time and effort in the intervention process may feel frustrated and discouraged. Frequent use of the ever popular “professional judgement” to determine eligibility in these situations delegitimizes the whole process, and opens the door to subjectivity and allegations of unequal treatment. While districts may determine that one or more of the components of an RtI process is not currently well established, a decision to use of an RtI process by a given data can accelerate correction of those deficiencies.

As you work toward finalizing the Multi-Tier System of Supports (MTSS) plan for your district, please discuss the following considerations:

1. Does your district currently use an RtI process or IQ/Achievement criterion in the identification of students with SLDs?
2. If your district does not currently use an RtI process in SLD identification, is there a plan to do so? Why or why not?
3. What support would you need to make a move to an RtI process?

Be prepared to share your answers with the whole group.