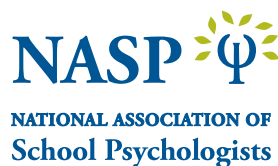




Principles for SLD Eligibility: Practice & Policy Considerations for States and School Districts

*A Comprehensive Evaluation for Special Education for a
Child Suspected to Have a Specific Learning Disability*



This document describes school-level practices and policy considerations for states and school districts to encourage comprehensive, timely evaluations for special education for children suspected to have a specific learning disability.

Specific learning disabilities (SLDs), such as dyslexia, dysgraphia, and dyscalculia, are heterogeneous disorders that impact skill acquisition and performance in reading, writing, and mathematics. SLDs may coexist with other conditions, including but not limited to communication disorders, disorders of attention, or giftedness.¹

In order to evaluate a child's eligibility for special education, the Individuals with Disabilities Education Act of 2004 (IDEA) requires that school districts "use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent" to both assess "whether the child is a child with a disability" and "the educational needs of the child."² School districts shall "use technically sound instruments" to assess children's needs and must "not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability."³

IDEA and subsequent federal regulations list components of an evaluation that school districts must consider for all children suspected to have a disability. Included is a special rule for eligibility determination for children suspected to have an SLD.⁴ School districts must use at least one of the three federally permissible methods in the evaluation of a child who is suspected to have an SLD:⁵

- Severe discrepancy between intellectual ability and achievement
- A process based on a child's response to scientific, research-based intervention
- Other alternate research-based procedures

These federally permissible methods define SLD differently and, when used in the evaluation process, do not consistently identify the same group of children as being eligible for special education services. For instance, the severe discrepancy method identifies the existence of a learning disability based on a difference between ability and achievement. An instructional response approach identifies the existence of a disability based on a lack of appropriate response to intervention. This is problematic as it causes identification discrepancies across schools, school districts, and states.⁶ In addition, each

1 Eligibility for Special Education Under a Specific Learning Disability Classification. (2019). Available at: <https://www.nclد.org/archives/reports-and-studies/sld-eligibility-under-idea-resources-to-improve-practice-policy>

2 Individuals with Disabilities Education Act, 20 U.S.C. § 1414 (2004); Assistance to States for the Education of Children With Disabilities and Preschool Grants for Children with Disabilities

3 Ibid.

4 20 U.S.C. § 1414 (2004); 34 CFR § 300.307 (2006).

5 Ibid.

6 Stuebing, K. K., Fletcher, J. M., Branum-Martin, L., & Francis, D. J. (2012). Evaluation of the technical adequacy of three methods for identifying specific learning disabilities based on cognitive discrepancies. *School Psychology Review*, 41(1), 3–22.

method has inherent design and implementation challenges.⁷

Each of these identification methods creates unique challenges for teams of education professionals. Thus, despite the particular method used by a district, it is important for teams of education professionals to conduct a comprehensive evaluation—as required by law—for every child, targeted to the specific referral questions for that child. The evaluations should consider multiple types of data and allow teams of education professionals and parents to use evidence-based judgment to inform the eligibility determination.

Principle 6:

Comprehensive evaluations for special education eligibility under the SLD category must include data from targeted, valid, and reliable measures. The selection of measures and eligibility determinations should be made based upon best practice and professional judgment.*

* For the full statement of principles, see: *Eligibility for Special Education Under a Specific Learning Disability Classification*. (2019). Available at: <https://www.nclد.org/archives/reports-and-studies/sld-eligibility-under-idea-resources-to-improve-practice-policy>

The sections below describe practices related to each principle that teams of education professionals at the school level may use to conduct comprehensive, timely evaluations for special education for children suspected to have an SLD, as well as policy considerations for states and school districts to consider that will set a strong systemic foundation for the school-level practices.

For the purposes of this document, these terms are defined as follows:

- **Evaluator:** A qualified professional who is appropriately trained to administer, score, and interpret a given assessment.
- **Parent:** A parent or guardian.
- **Teams of education professionals:** The groups of education professionals who review data and consider eligibility for special education. These may include many types of individuals responsible for evaluating and monitoring progress, administering or overseeing programs, and providing specialized instruction or related educational services and support. These may or may not be the same teams that develop an Individualized Education Program if children qualify for special education.

⁷ Ibid.

School-Level Practice Considerations

Multidisciplinary teams should be involved in the evaluation. Teams of education professionals should provide a comprehensive perspective of a child’s behavior and academic performance. Parents and, when appropriate, the child, are essential stakeholders and should be part of these teams.

There should be a timely referral for an evaluation. A school should refer a child for an evaluation when there is a suspicion of a disability, regardless of grade level, rather than wait until a child significantly falls behind academically or repeatedly demonstrates achievement below expectations.

Evaluations should be comprehensive, tailored to the child’s learning and behavior, and include valid and reliable measures. Teams of education professionals should collect information about the health, academic performance (including instructional response data), and behavior of each child while conducting an evaluation. The specific types of valid and reliable measures used in the evaluation should be chosen based upon the specific referral questions the team is seeking to address for each individual child. These teams of education professionals should consult an evaluator to determine what additional assessments, if any, are required to supplement the existing information about the child. Additionally, teams should consider the student’s native culture or language (and level of proficiency) to determine which assessments are appropriate and whether additional data might need to be collected.

Teams of education professionals should balance these multiple points of data, including information provided by the parents, to make an eligibility determination.

Consider behavior. SLDs can have a pronounced impact on a child’s behavior and confidence. Also, behavior can have a significant impact on academic performance. To fully assess the primary reason for the learning challenge, teams of education professionals should collect information about a child’s behavior when appropriate and discuss trends with parents. Educators should monitor student behavior and track progress based on consistent interventions.

Consider external information provided by the parents. Teams of education professionals should consider the information and findings provided by the parents, including but not limited to outside evaluation, if available.

If an outside evaluation uses an identification method that differs from the school district’s eligibility criteria—for instance, the external evaluation demonstrates a severe discrepancy between intellectual ability and achievement but the school district requires teams of education professionals to use instructional response data—teams of education professionals should conduct a comprehensive evaluation that meets the eligibility criteria set by the state or school district and use the external evaluation as additional data.

Carefully evaluate other possible primary causes of a learning challenge. As part of every evaluation for special education, teams of education professionals with parental input must rule out other factors—or exclusionary criteria—before determining that a child is eligible. Regardless of the disability category, teams of education professionals must rule out a lack of adequate instruction and a lack of English language proficiency. For evaluations of children suspected to have an SLD, teams of education professionals must also rule out other factors, including intellectual disability and economic factors.⁸

Teams of education professionals should collect data that can help evaluate the existence and influence of these exclusionary criteria on a child’s academic performance and consult recent research to explore the intersection between some of these factors and SLDs.⁹

Consider possible bias when selecting assessments and interpreting data. Evaluators best serve the needs of children when they collect data and administer assessments while continually scanning for bias that may disadvantage children from certain linguistic and cultural backgrounds.

Rely on professional judgment and input from the parents. SLDs are heterogeneous and influence children’s learning and behavior differently. While valid and reliable measures are critical to providing teams of education professionals with valuable data to determine eligibility for special education, one score or calculation should not supersede evidence-based judgment of education professionals and parental input.

Policy Considerations

States and school districts play important and differentiated roles in helping teams of education professionals implement school-level practices for special education for children with SLDs. State regulations are important because they set consistent requirements. This can help prevent discrepancies in eligibility determinations between schools and school districts within the same state and facilitate appropriate identification and intervention support for students. In addition, states can create infrastructure, develop guidance, and provide technical assistance to help schools implement these practices with fidelity. Because many states allow school districts to use their own discretion to develop policies and procedures for the evaluation of children suspected to have an SLD, many of these policies may be useful within school districts as well.

We recommend that states and school districts take the following actions to encourage education professionals to follow Principle 6. These considerations are divided into four categories:

⁸ Individuals with Disabilities Education Act, 20 U.S.C. § 1401 (2004); Assistance to States for the Education of Children With Disabilities and Preschool Grants for Children With Disabilities

⁹ Whittaker, M., & Ortiz, S. (2019). *What a specific learning disability is not: Examining exclusionary factors* [White paper]. Available at: <https://www.nclld.org/wp-content/uploads/2019/09/What-a-Specific-Learning-Disability-Is-Not-Examining-Exclusionary-Factors.pdf>

- Engaging diverse stakeholders
- Clearly defining eligibility criteria
- Issuing guidance regarding external evaluations
- Supporting district and school-level administration

Some of these considerations may be more appropriate at the state level and others within school districts.

Engaging diverse stakeholders

- **Issue regulation or guidance to encourage schools to form diverse teams of education professionals.** Diverse teams should include a core academic teacher, a special education teacher familiar with the child, a school psychologist or other evaluator, and specialized instructional support personnel such as a speech-language pathologist or another professional who has expertise in the areas in which the child is struggling or excelling.
- **Issue regulation or guidance to empower parents and children, when appropriate, to participate in the evaluation.** IDEA requires that schools include parents in the evaluation.¹⁰ Meaningful participation of parents and children ensures that they have access to all the information the teams collect and are equal partners in the conversation.
- **Convene diverse stakeholders when crafting state regulations or technical assistance related to evaluating children for special education services.** Just as diverse perspectives benefit the evaluation process, diverse perspectives strengthen state and school district policies or guidance related to evaluations and services for special education.

Clearly defining eligibility criteria

- **Provide guidance or technical assistance to clarify that teams of education professionals should consider behavior in an evaluation and should conduct observations in settings both where a child struggles and is successful.** This information helps teams of education professionals discuss the observations with educators and parents to analyze how the child's behavior differs in these two situations and what those differences may mean about how learning challenges influence their behavior or vice versa.
- **Allow teams of education professionals to make evidence-based professional judgments and consider parental input when evaluating data from comprehensive evaluations.** States and school districts can empower teams of education professionals to analyze multiple types of data including parental input by eliminating arbitrary cut scores on assessments or procedures to determine eligibility for special education services.

¹⁰ Individuals with Disabilities Education Act, 20 U.S.C. § 1414 (2004)

Issuing guidance regarding external evaluations

- **Clarify that recommendations from external evaluators should be considered but not required to be implemented by the team of education professionals.** States and school districts should recommend that a diagnosis from an outside evaluation, if available, be considered sufficient information to begin a referral for a school evaluation.
- **Issue guidance or technical assistance to clarify that teams of education professionals should consider outside evaluations, if available, as one of multiple points of data.** The external evaluation can provide meaningful information, even if an external evaluator uses a method to identify the existence of a disability that does not align with the eligibility criteria required by the state or school district.

Supporting district and school-level administration

- **Ensure that schools and teachers have ample time to adopt new policies.** If states or school districts change eligibility criteria for children suspected to have an SLD, the affected entities require time, resources, and technical assistance to implement the new policies with fidelity. Shifting practice and mindsets in school districts and schools does not happen overnight and may require new structures and new training for education professionals. A strategic, gradual phase-in of the new policies is likely to improve implementation and overall impact.
- **Review district-specific information on eligibility criteria, specifically the school district's approach to evaluate for the existence of an SLD.** For those states that allow school districts to use multiple approaches to evaluate for the existence of an SLD, collecting information on which approach(es) the school district used will improve states' ability to support and oversee effective implementation of evaluation procedures and implement research-based eligibility criteria.

These data can be publicly reported and used to analyze how different eligibility criteria may influence identification rates and outcomes.

- **Provide resources to ensure that sufficient qualified personnel participate in a comprehensive evaluation.** This is critical to ensure that teams of education professionals are able to dedicate enough time to collect and evaluate data and collaborate with others on the team in order to effectively consider a child's need for special education services.
- **Allocate sufficient resources and funds for professional development.** Education professionals need ongoing professional development, coaching, and access to high-quality resources to remain current on research to support comprehensive evaluations, minimize personal bias, and actively engage parents. Adequate resources will help ensure that schools and school districts can provide needed resources and support.

State Examples

Below are examples of policies from states that align to the ideas described in this document.

Tennessee: Ensuring sufficient time to adopt policies

The Tennessee Department of Education (TNDOE) launched Response to Instruction and Intervention (RTI²) in the 2014–15 school year as a means to personalize learning, support struggling learners, and determine eligibility for special education due to an SLD. TNDOE gradually transitioned to the new policy, implementing the initiative in elementary schools in the 2014–15 school year, middle schools in the 2015–16 school year, and high schools in the 2016–17 school year. Over the transition, TNDOE provided ample guidance and training to support schools.

For more information on their methods, see [here](#) and [here](#).

Colorado: Clarifying the evaluation process and SLD eligibility

Colorado issued guidelines related to the evaluation of students who may have SLD. Among many other policies and procedures, the guidelines describe:

- The diverse professionals who should constitute the multidisciplinary evaluation team
- The importance of seeking parent input during the evaluation process, especially as it relates to behavior or medical information that can inform the determination

The full handbook is available [here](#).

Resources

Fletcher, J., & Miciak, J. (2019). The identification of specific learning disabilities: A summary of research on best practices. Austin, TX: Texas Center for Learning Disabilities. Available at: https://ec.ncpublicschools.gov/disability-resources/specific-learning-disabilities/sld-policy-addendum-and-resources/SLDManual_Final.pdf