Evaluation for Specific Learning Disabilities

Allowable Methods of Identification and Its Implications

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Executive Summary

As part of a comprehensive evaluation to determine a child's eligibility for special education, school teams use specific decision-making criteria when determining if a child meets the criteria for having a specific learning disability (SLD). The Individuals with Disabilities Education Act (IDEA) defines SLD and outlines the methods that may be used to identify students with SLD. The law has remained unchanged since 2004. Yet, since then, new research has shed light on the nature of learning disabilities and the validity of existing methods to identify them. Each of the permissible methods has a different level of allowance under IDEA. Each of the allowable methods varies in the extent to which evidence supports their accurate SLD identification, their support of timely evaluation and intervention, and their identification of a student's targeted skill needs for support.

This paper examines the federally permissible methods to determine eligibility for special education due to SLD. It describes:

- The research behind the federally allowable methods of SLD identification and implications from their implementation
- The implementation of methods for determining SLD eligibility across states and districts
- A brief summary of advocate and expert perspectives on SLD identification best practices

Overview of Evidence Supporting IDEA allowable Methods for SLD Identification

Federally allowable method	Level of allowance under IDEA	Does research evidence support this method's use for valid and reliable SLD identification?	Does this method's implementation support timely and actionable intervention?
Response to Intervention (RTI)	Must be permitted	Generally supportive; more research needed	Generally supportive; depending on implementation
Research-based alternatives such as Patterns of Strengths and Weaknesses (PSW)	May be permitted	Generally not supportive	More research needed
IQ-achievement discrepancy	Permitted but not required	Not supportive	Not supportive

Key Takeaways:

- Each of the federally permissible methods for SLD identification have limitations, particularly when used as the sole identification method. Timely identification and intervention can be a challenge across all methods.

- Of all of the allowable SLD identification methods, the IQ-achievement discrepancy model presents the most risks to accurate and timely identification.

- Despite federal regulations encouraging states to move away from the IQ-achievement discrepancy model, it remains a permissible method for SLD identification under federal law (IDEA). Most states still allow this method and districts commonly use it as at least one of their data sources in determining SLD identification.

- State implementation of the flexible federal guidelines for SLD identification results in inconsistencies in SLD eligibility criteria across states. Furthermore, many state guidelines provide flexibility to districts, resulting in inconsistencies even within states.

- Advocates and researchers align in calling for SLD identification to occur within the context of a comprehensive evaluation process that is tailored to a child's learning and behavioral needs, considers multiple data sources and data points over time, and leverages the insights and expertise of a multidisciplinary team that includes parents.

I. Introduction

Among the 13 disability categories covered by IDEA, specific learning disability (SLD) is the only one for which federal law specifies the allowable methods to determine eligibility.[1] Prior to the 2004 reauthorization, IDEA only allowed the use of the IQ-achievement discrepancy model—a calculation of the difference between a student's academic performance and IQ, despite the lack of evidence to support its accuracy, reliability, and validity. While the latest IDEA reauthorization includes SLD identification criteria with a stronger evidence base, it still permits the use of the discrepancy model. The 2006 federal regulation for IDEA Part B expands on the permissible evaluation frameworks when determining special education eligibility within the SLD category.

Specifically, it states that *"States must adopt … criteria for determining whether a child has a specific learning disability …. [T]he criteria adopted by the State—*

1. "Must not require the use of the severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability…";
2. "Must permit the use of a process based on the child's response to scientific, research-based intervention";
3. "May permit the use of other alternative research-based procedures for determining whether a child has a specific learning disability."[2]

1 Individuals with Disabilities Education Act, 20 U.S.C. § 602 (2004).

2 Individuals with Disabilities Education Act, 20 U.S.C. § 602 (2004); Assistance to States for the Education of Children With Disabilities and Preschool Grants for Children With Disabilities, 34 CFR § 300.307 (2006).

The reauthorization of IDEA in 2004 and the 2006 federal regulations for IDEA Part B significantly changed the federal requirements for evaluations for special education under the SLD category and afforded states more flexibility to select among three methods. Overall, the reauthorization further encouraged education professionals to use more than one data point to determine eligibility and encouraged the use of researched-based methods separate from the IQ-ability achievement model.[3]

All of the federally allowable methods to determine SLD identification have unique challenges, some more than others. Given the mixed results of the research on SLD identification methods and implementation challenges, eligibility criteria for special education under SLD vary significantly across, and sometimes even within states and data shows variation in the percentage of students identified as having SLD across states In 2022-23, this percentage ranged from 1.58% (Idaho) to 6.08% (Puerto Rico)[4]. However, it is notable that Idaho's SLD eligibility criteria was found in 2023 by the U.S. Department of Education Office of Special Education Programs to be too narrow and in need of revision to be in compliance with IDEA.[5]

3 Ibid.

4 U.S. Department of Education, EDFacts Data Warehouse (EDW): "IDEA Part B Child Count and Educational Environments Collection," 2022-23. Data extracted as of August 30, 2023 from file specifications 002 and 089.

5 U.S. Department of Education, Office of Special Education Programs. (2023, October 20). *Idaho DMS Part B letter.* https://www.ed.gov/media/document/dms-id-b-inquiry-10-20-2023pdf-46179.pdf

II. Research and Implementation of Federally Permissible Approaches

RTI Method

Federally allowable criteria: "Must permit the use of a process based on the child's response to scientific, research-based intervention";

IDEA requires all states to allow the use of data-based frameworks that incorporate assessments of instructional response as a means to evaluate students suspected of having SLD for special education. In the Federal Register,[6] the Department of Education specified that this statement refers to processes such as **Response to** Intervention **(RTI).** This means that schools must permit the use of progress monitoring data to determine LD identification.

Evidence on the Use of RTI

Research

Numerous studies highlight the effectiveness of elements of the RTI framework for supporting academic outcomes in struggling learners, regardless of disability status. For example, early interventions support struggling learners and prevent them from falling behind.[7] Additionally, longitudinal research, such as research by the Eunice Kennedy Shriver National Institute of Child and Human Development (NICHD), found that increasingly intensive supplemental support with kindergarten students at risk for reading failure resulted in increased trajectories that sustained over time and exceeded the 50th percentile.[8] Similar results were also found with older students,[9,10,11] which resulted in fewer students being referred to

6 U.S. Department of Education. (2006, August 14). *Assistance to States for the education of children with disabilities and preschool grants for children with disabilities; final rule* (34 C.F.R. Parts 300 & 301). *Federal Register,* 71(156), 46540–46845. https://www.govinfo.gov/content/pkg/FR-2006-08-14/pdf/06-6656.pdf

7 Wanzek, J., Stevens, E. A., Williams, K. J., Scammacca, N., Vaughn, S., & Sargent, K. (2018). Current Evidence on the Effects of Intensive Early Reading Interventions. *Journal of Learning Disabilities,* 51(6), 612–624. https://doi.org/10.1177/0022219418775110

8 Simmons, D. C., Coyne, M. D., Kwok, O. M., McDonagh, S., Harn, B. A., & Kame'enui, E. J. (2008). Indexing response to intervention: A longitudinal study of reading risk from kindergarten through third grade. *Journal of Learning Disabilities, 41*(2), 158–173. doi:10.1177/0022219407313587

9 Vaughn, S., Cirino, P. T., Wanzek, J., Wexler, J., Fletcher, J. M., Denton, C. D., Barth, A., Romain, M., & Francis, D. J. (2010). Response to intervention for middle school students with reading difficulties: Effects of a primary and secondary intervention. *School Psychology Review,* 39(1), 3–21.

10 Wanzek, J., & Roberts, G. (2012). Reading interventions with varying instructional emphases for fourth graders with reading difficulties. *Learning Disability Quarterly,* 35(2), 90–101.

11 Vaughn, S., Wexler, J., Roberts, G., Barth, A. A., Cirino, P. T., Romain, M. A., Francis, D., Fletcher, J., & Denton, C. A. (2011). Effects of Individualized and Standardized Interventions on Middle School Students with Reading Disabilities. *Exceptional Children,* 77(4), 391–407. https://doi.org/10.1177/001440291107700401

and placed into special education.[12] A review of research concluded that there was strong evidence for providing intensive systematic instruction to small groups[13] of students who demonstrate risk for reading failure, and moderate evidence to support screening students for reading problems.[14]

Although there is minimal research directly examining the validity of RTI for SLD identification, there is some promising emerging research examining its efficacy as an SLD identification method and intervention framework. For example, one study examined the state-wide adoption of RTI in Tennessee to examine whether SLD identification, including first-time identification, was impacted. The authors found that the statewide adoption was associated with a decline in students identified with SLD in the state, with the largest decreases seen in children who were Black or from an economically disadvantaged background.[15] Another study, a synthesis of the literature, found that RTI was a highly effective method in the prevention and early detection for children experiencing reading difficulties.[16] It is important to note, however, that additional research is needed to examine whether this decrease in SLD identification is due to improvements in academic outcomes for students with and without SLD, or if this decrease was due to delays in identification.

Implementation

There is considerable debate among researchers about the practicality of implementing RTI for SLD identification. Some question if RTI can effectively distinguish between SLD and typical low achievement, especially for certain students (e.g., twice exceptional).[17] However, others highlight that when using an RTI framework, struggling students receive evidence-based instruction before the determination of eligibility for special education, which can prevent at-risk students from falling further behind.[18]

Effective RTI implementation assumes the use of valid, reliable assessment measures and evidence-based interventions. While the research is promising, the implementation of RTI has significant challenges, primarily because too often some of these essential components are missing.

12 VanDerHeyden, A. M., Witt, J. C., & Gilbertson, D. (2007). A multi-year evaluation of the effects of a response to intervention (RTI) model on identification of children for special education. *Journal of School Psychology*, 45(2), 225–256. doi:10.1016/j.jsp.2006.11.004

13 Hall, M. S., & Burns, M. K. (2018). Meta-analysis of targeted small-group reading interventions. *Journal of School Psychology*, *66*, 54–66. https://doi.org/10.1016/j.jsp.2017.11.002

14 Gersten, R., Compton, D., Connor, C. M., Dimino, J., Santoro, L., & Linan-Thompson, S. (2009). *Assisting students struggling with reading: Response to intervention (RTI) and multi-tier intervention in the primary grades* (NCEE 2009-4045). Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education.

15 Gilmour, A. F., Harper, J., Lloyd, B., & Van Camp, A. (2024). Response to Intervention and Specific Learning Disability Identification: Evidence From Tennessee. *Journal of Learning Disabilities*, *57*(3), 168–180. https://doi.org/10.1177/00222194231215013

16 Arias-Gundín, O., & García Llamazares, A. (2021). Efficacy of the RtI Model in the Treatment of Reading Learning Disabilities. *Education Sciences*, *11*(5), 209. https://doi.org/10.3390/educsci11050209

17 Reynolds, C. R., & Shaywitz, S. E. (2009). Response to intervention: Ready or not? Or, from wait-to-fail to watch-them-fail. *School Psychology Quarterly*, *24*(2), 130–145. doi:10.1037/a0016158

18 Elksnin, L. K., Bryant, D. P., Gartland, D., King-Sears, M., Rosenberg, M. S., Scanlon, D., Strosnider, R., Wilson, R. (2001). LD summit: Important issues for the field of learning disabilities. *Learning Disability Quarterly*, *24*(4), 297–305. doi:10.2307/1511118

There are several challenges with the implementation of RTI. They include:

RTI can be difficult to implement with fidelity. Many LEAs and schools across the country do not properly implement RTI or other data-based problem-solving approaches, which limits the effectiveness of the RTI approach.[19] Too often, teachers and other school personnel lack the knowledge and skills to use RTI to identify target skill needs, implement evidence-based interventions, and monitor student progress. They also report lacking the time to administer necessary supplemental interventions.[20] Given the inconsistencies in how RTI is implemented across states and districts, identification of target skill needs can vary. For example, if RTI is implemented effectively, target skill needs can be identified and addressed through timely and consistent progress-monitoring data, however, if all components of RTI are not implemented consistently, identification of target skill needs can be delayed.

There has only been one large-scale evaluation of RTI implementation, and it confirmed the existence of these challenges. The National Center for Education Statistics (NCES) commissioned a national evaluation of RTI in 2010. Released in 2015, the evaluation compared 246 schools in 13 states: 146 schools that implemented RTI and 100 schools that did not implement RTI. The main research question was narrow and did not address the use of RTI in the SLD eligibility determination. Specifically, it asked: How well did "the use of universal screening, including a cut-point for designating students for more intensive Tier 2 and Tier 3 interventions, increase children's performance on a comprehensive reading measure?"[21] The evaluation found that RTI was not effective in improving student performance and that in some grades, students who received interventions performed worse than students who did not.

Additional concerns arose around the lack of fidelity when implementing RTI in schools, as well as interventions being administered during core instruction. Proponents highlight these concerns, highlighting that poor implementation does not mean that RTI that the RTI data-based framework is ill-conceived or that it lacks merit, especially given the number of studies that have shown a positive effect on student learning.[22,23] Instead, they argue that the findings related to poor implementation point to the need for more careful study about how best to ensure that the undisputedly valuable components of RTI (e.g., universal screening,

19 Balu, R., Zhu, P., Doolittle, F., Schiller, E., Jenkins, J., & Gersten, R. (2015). *Evaluation of response to intervention practices for elementary school reading* (NCEE 2016-4000). Washington, DC: National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education.

20 Fan, C. H., Bocanegra, J. O., Ding, Y., & Neill, M. W. (2016, January). Examining school psychologists' perceptions of barriers to response to intervention (RtI) implementation. Trainer's Forum: Journal of the Trainers' of School Psychologists, 34(1), pp. 54-76.

21 Ibid.

22 Burns, M. K., Appleton, J. J., & Stehouwer, J. D. (2005). Meta-analytic review of responsiveness-to-intervention research: Examining field-based and research-implemented models. *Journal of Psychoeducational Assessment, 23*(4), 381–394. doi:10.1177/073428290502300406

23 Fletcher, J. M., & Vaughn, S. (2009). Response to intervention: Preventing and remediating academic difficulties. *Child Development Perspectives, 3*(1), 30–37. doi:10.1111/j.1750-8606.2008.00072.x

progress monitoring, increasingly intensive and individualized instruction and support) are implemented with fidelity[24] and that students are not subject to unneeded testing or delays in evaluation, but instead are assured high-quality intervention within a system of accountability for progress. Federally funded programs bridge the research to practice gaps in this area. For example, the IRIS Center at Vanderbilt University can support fidelity of implementation through evidence-based practices and interventions.

RTI can lead to delays in evaluation. By law, teams of education professionals must not delay or needlessly extend the timeline for student evaluation in order to complete an RTI process.[25] However, the RTI process—by its nature—demands sufficient time to provide interventions, gather data, and monitor progress.

There is confusion among education professionals, LEAs, and states on how to appropriately use RTI, which is often a long-term process, with the limited timeline required for a comprehensive evaluation. For instance, it is not unusual for schools to refer a child for an evaluation only after the completion of Tier 3 of RTI. For many students, this can take several months. Delaying an evaluation in this way can deprive a student from receiving more intensive services provided under IDEA, a clear denial of their rights and protections under federal law. Schools should not wait to complete a specific number of tiers of intervention before referring a child for SLD identification evaluation.

> Evaluations for SLD identification are conducted by skilled professionals such as school psychologists. Given the severe shortage and high turnover rates of school psychologists,[26] the wait time for SLD evaluations is often unpredictable, further delaying student access to appropriate services and supports.

Under IDEA, a parent or Local Education Agency (LEA) has the right to initiate a request for evaluation at any time.[27] A student must not be required to complete each tier of RTI before an evaluation is conducted. IDEA requires that the team of education professionals take no more than 60 days to complete an evaluation after parental consent. The U.S. Department of Education issued guidance in 2011 to clarify that schools may not delay or deny an

24 IRIS Center. (n.d.). *RTI: Considerations for school leaders—Page 18: Fidelity of implementation.* Vanderbilt University. https://iris.peabody.vanderbilt.edu/module/rti-leaders/cresource/q5/p18/

25 Individuals with Disabilities Education Act, 20 U.S.C. § 602 (2004); Assistance to States for the Education of Children With Disabilities and Preschool Grants for Children With Disabilities, 34 CFR § 300.311(a)(6) (2006).

26 National Association of School Psychologists. (2025, April). *2023–2024 ratio of students to full-time-equivalent school psychologists in U.S. public elementary and secondary schools* [Data brief]. NASP. Retrieved from https://www.nasponline.org/about-school-psychology/state-shortages-data-dashboard

27 Ibid.

evaluation on account of the RTI process.[28] Instead, schools should use all available data, including assessments of instructional response, in the evaluation and determination process, but must proceed with a comprehensive evaluation even though the RTI process is ongoing. RTI is not a prerequisite for a special education evaluation. Instead, RTI should be thought of as a dynamic process that will provide data on the student's progress when receiving tiered instruction and supports while the evaluation takes place. In other words, RTI is *not* the process of identifying a potential for disability and then completing three tiers of intervention before making an SLD determination. However, it *is* the process of identifying a potential for disability and SLD determination with the data that already exist from a well-implemented tiered prevention framework.

Districts can seek approval for an exception to the 60-day timeline for an evaluation, and many do when they need more time to collect RTI data to make the eligibility determination. Thus, more oversight and training is needed to prevent delays.

Effective implementation of RTI can be costly. As evident in the NCES study, RTI is often not implemented with fidelity. This may be due to the fact that professional development and evidence-based instruction and intervention can be costly to provide at scale.

RTI can involve arbitrary cuts. Education professionals often implement the instructional response approach differently. Approaches based on the assessment of instructional response that use hard thresholds and that do not take into account measurement error have the same type of reliability issues as cognitive discrepancy methods (as described below).

IQ-Achievement Discrepancy Method

Federally allowable criteria: "Must not require the use of the severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability…"

IDEA refers to this as the **IQ-Achievement Discrepancy Method**, which experts consider to be an outdated and invalid method of SLD identification.[29] However, the IQ-achievement discrepancy method is still allowable under the current legal framework, although IDEA prohibits states from requiring districts to use it.[30] While

28 U.S. Department of Education, Office of Special Education and Rehabilitation Services. *A response to intervention (RTI) process cannot be used to delay-deny an evaluation for eligibility under the Individuals with Disabilities Education Act (IDEA), January 21, 2011.*

29 Gresham, F. M., & Vellutino, F. R. (2010). What Is the Role of Intelligence in the Identification of Specific Learning Disabilities? Issues and Clarifications. *Learning Disabilities Research & Practice (Blackwell Publishing Limited)*, 25(4), 194–206.

30 U.S. Office of Education. (1977). Assistance to states for education of handicapped children: Procedures for evaluating specific learning disabilities, *Federal Register*, 42(250), 65082–65085.

still used,[31] research shows that neither IQ nor the discrepancy method are valid predictors of cognitive ability and academic achievement.

Evidence on the use of the IQ- Achievement Discrepancy Method

Research

By 1977, the IQ-achievement discrepancy method was the primary approach for determining eligibility for special education under an SLD category, as laid out in regulations.[32] This method assumed that children with SLD were different from children who have low achievement, specifically that traditional low achievers would have a corresponding low IQ, while children with SLD would have a higher IQ.[33] However, this method fails to recognize that specific processing deficits from SLD can depress IQ, resulting in children not being identified. Furthermore, there are established criteria for what is significant or severe and these criteria vary state by state.[34]

Since 1977, numerous studies have undermined the validity of the IQ-achievement discrepancy method.[35] In 2002, a meta-analysis of 46 studies found that there was a substantial overlap in cognitive abilities between IQ-discrepancy and IQ-consistent groups,[36] and that IQ-discrepant and IQ-consistent students respond similarly to intervention.[37] Moreover, research suggests that IQ-achievement discrepancies have little influence on struggling readers' long-term reading skills, because the measures used within them do not lead to instructively useful information.[38]

Implementation

The IQ-achievement discrepancy method is easy to implement on the surface, and as a result, some believe it is more consistent than other methods. Generally, qualified professionals administer IQ and achievement tests and then compare those scores against a fixed standard to determine whether a discrepancy exists. However, Maki and colleagues have repeatedly shown that the discrepancy

31 Maki, K. E., & Adams, S. R. (2019). A current landscape of specific learning disability identification: Training, practices, and implications. *Psychology in the Schools,* 56(1), 18–31. https://doi.org/10.1002/pits.22179

32 Zumeta, R. O., Zirkel, P. A., & Danielson, L. (2014). Identifying specific learning disabilities: Legislation, regulation, and court decisions. *Topics in Language Disorders,* 34(1), 8–24. doi:10.1097/TLD.0000000000000006

33 Fletcher, J. M., & Miciak, J. (2019). *The identification of specific learning disabilities: A summary of research on best practices.* Austin, TX: Texas Center for Learning Disabilities. Retrieved from https://www.dpi.nc.gov/documents/ec/sld-manual/download?attachment

34 Learning Disabilities Association of America.(n.d.). *The Three Methods of Learning Disability Identification.* https://ldaamerica.org/the-three-methods-of-learning-disability-identification/#:~:text=In%20the%20twenty%20years%20since,For%20Further%20Reading

35 Thurlow, M. L., & Ysseldyke, J. E. (1979). Current assessment and decision-making practices in model LD programs. *Learning Disability Quarterly,* 2(4), 15–24. doi:10.2307/1510821; Ysseldyke, J., Algozzine, B., & Epps, S. (1983). A logical and empirical analysis of current practice in classifying students as handicapped. *Exceptional Children,* 50(2), 160–166. doi:10.1177/001440298305000207

36 Stuebing, K. K., Fletcher, J. M., Ledoux, J. M., Lyon, G. R., Shaywitz, S. E., & Shaywitz, B. A. (2002). Validity of IQ-discrepancy classifications of reading disabilities: A meta-analysis. *American Educational Research Journal,* 39(2), 469–518. doi:10.3102/00028312039002469

37 Stuebing, K. K., Barth, A. E., Molfese, P. J., Weiss, B., & Fletcher, J. M. (2009). IQ is not strongly related to response to reading instruction: A meta-analytic interpretation. *Exceptional Children,* 76(1), 31–51. doi:10.1177/001440290907600102

38 Ibid.

method resulted in SLD identification that was less consistent than response-to-intervention approaches.[39,40,41]

In fact, underlying the implementation of any discrepancy approach is a host of well-described psychometric problems that affect the reliability of decisions that are made based on an IQ-achievement discrepancy. These may include but are not limited to test bias, or the idea that some tests may advantage or have differential validity for some populations, and the influence of small amounts of measurement error inherent in any test.[42]

There are several challenges with the IQ-achievement discrepancy method. They include:

The IQ-achievement discrepancy method often uses arbitrary cut scores. The U.S. Department of Education allows states to issue their own regulations related to how their LEAs should implement the IQ-achievement discrepancy model. In particular, many states set a minimum threshold for the discrepancy. Some states use a certain standard deviation difference that a child must demonstrate to be eligible, while others use a regression method that relies on standard errors of measurement.[43,44] For instance, the Hawaii Department of Education requires a student to demonstrate "a severe discrepancy between actual achievement and intellectual ability by a difference of at least 1.5 standard deviations."[45] The Wisconsin Department of Public Instruction requires 1.25 standard deviations.[46] The Louisiana Department of Education only requires at least one standard deviation.[47] As a result, the same child, using the same test scores, may qualify for special education due to an SLD in one state but not in another. Additionally, a review of LEA criteria in one state found 19 different discrepancy formulae,[48] which means that the same child with the same test scores may qualify for SLD in one district but not another, even within the same state.

39 Maki, K. E., & Adams, S. R. (2019). A current landscape of specific learning disability identification: Training, practices, and implications. *Psychology in the Schools,* 56(1), 18–31. doi:10.1002/pits.22179

40 Maki, K. E., Burns, M. K., & Sullivan, A. L. (2018). School psychologists' confidence in learning disability identification decisions. *Learning Disability Quarterly, 41*(4), 243–256. doi:10.1177/0731948718769251

41 Maki, K. E., Burns, M. K., & Sullivan, A. L. (2017). Learning disability identification consistency: The impact of methodology and student evaluation data. *School Psychology Quarterly, 32*(2), 254–267. doi:10.1037/spq0000165

42 Fletcher, J., Foorman, M., Boudousquie, A., & Barnes, M. (2002). Assessment of reading and learning disabilities a research-based intervention-oriented approach. *Journal of School Psychology, 40*(1), 27–63. doi:10.1016/S0022-4405(01)00093-0

43 Shepard, L. (1980). An evaluation of the regression discrepancy method for identifying children with learning disabilities. *The Journal of Special Education,* 14(1), 79–91. doi:10.1177/002246698001400108

44 Cahan, S., Fono, D., & Nirel, R. (2012). The Regression-Based Discrepancy Definition of Learning Disability: A Critical Appraisal. *Journal of Learning Disabilities,* 45(2), 170–178. https://doi.org/10.1177/0022219409355480

45 Provision of a Free Appropriate Public Education for a Student with a Disability, Hawaii Administrative Rules § §8-60-38

46 Specific Learning Disability Criteria, Wisconsin Administrative Code § (2010) PI:11.36 (6)(c). Retrieved from https://docs.legis.wisconsin.gov/code/admin_code/pi/11/36/6

47 Pupil Appraisal Handbook, Louisiana Administrative Code § (2017) 28:CI.1508. Retrieved from https://www.doa.la.gov/media/g0jbnrxn/28v101.pdf

48 Haight, S. L., Patriarca, L. A., & Burns, M. K. (2001). A statewide analysis of the eligibility criteria and procedures for determining learning disabilities. *Learning Disabilities: A Multidisciplinary Journal, 11*(2), 39–46.

In addition, there are many different IQ and achievement tests that can be used to satisfy the discrepancy method, and student performance may vary on different measures that assess the same thing.[49] Furthermore, it is not uncommon for test scores alone to misrepresent a child's true abilities and weaknesses. LEAs may require that qualified professionals administer the same, specific assessments or may allow them to select which assessments are best to evaluate each child. Thus, the presence or absence of a discrepancy may depend on the assessment protocol chosen for a given child.

Cut scores for eligibility leave little room for professional judgement and may promote inconsistency. In the majority of states, the procedures used in carrying out the IQ-achievement discrepancy method are based on a rigid, preset cut point for eligibility, which often leaves little to no opportunity for the use of professional judgment in determining which students may have SLD. One child may narrowly miss the SLD eligibility cut score and be deemed ineligible for special education services even when other assessment data and professional observations suggest that an SLD identification is appropriate. In other words, even when a comprehensive evaluation—including data from educators, specialists, and family observations—suggests that a student qualifies for SLD services, narrowly missing the eligibility cut score under the IQ-achievement discrepancy method can result in ineligibility. Because of the inherent unreliability involved in determining a child's eligibility for special education services relative to an arbitrary threshold, the same child could qualify if simply given different tests or retested several months later. Additionally, given the need for students to demonstrate a sizable gap between their IQ and performance, this approach may disincentivize educators from implementing high-quality early intervention that could otherwise improve achievement. This is especially problematic when other available data demonstrate the need for special education services.

The IQ-achievement discrepancy method can result in a "wait to fail" approach. In many instances, the cut point for IQ-achievement discrepancy requires children to fall significantly below grade level before they can meet the threshold for eligibility for special education in the SLD category and thus begin to receive specialized instruction. This means that schools might wait to provide appropriate interventions or support while the student continues to decline in academic performance. As a result, many students do not receive interventions early, at the very time that research has demonstrated the interventions would have the most impact for students. Research from NICHD and IES has shown that well-designed instructional programs or approaches result in significant improvements for the majority of students with early reading and math problems.[50,51]

49 Phelps, R. P., (2009). *Correcting fallacies about educational and psychological testing.* Washington, DC: American Psychological Association.

50 National Reading Panel. (2000). *Teaching children to read: An evidence-based assessment of the scientific research literature on reading and its implications for reading instruction.* Retrieved from https://www.nichd.nih.gov/sites/default/files/publications/pubs/nrp/Documents/report.pdf

51 Connor, C.M., Alberto, P.A., Compton, D.L., O'Connor, R.E. (2014). Improving Reading Outcomes for Students with or at Risk for Reading Disabilities: A Synthesis of the Contributions from the Institute of Education Sciences Research Centers (NCSER 2014-3000). Washington, DC: National Center for Special Education Research, Institute of Education Sciences, U.S. Department of Education. This report is available on the IES website at http://ies.ed.gov/.

Alternative Research-Based Procedures (Patterns of Strengths and Weaknesses)

Federally allowable criteria: "May permit the use of other alternative research-based procedures for determining whether a child has a specific learning disability."[52]

This refers to **Alternative Research-Based Procedures**. This section discusses two approaches that states permit as alternative research-based procedures, often described as types of procedures that illuminate "pattern of strengths and weakness (PSW)."

- *Functionality across cognitive domains:* A cognitive domains approach involves the administration of a series of cognitive assessments that are meant to evaluate a child's strengths and weaknesses across various cognitive domains that are related to areas of achievement. Common models of this type include the dual discrepancy/consistency criteria and the concordance/discordance method.[53,54] Proponents argue that children with SLD will demonstrate similar patterns of cognitive functionality and will help demonstrate the existence of an SLD.

- *Comparison of achievement across academic areas:* Some LEAs design a procedure to compare a child's academic scores across the areas of oral expression, listening comprehension, written expression, basic reading skills, reading fluency skills, reading comprehension, mathematics calculation, and mathematics problem solving. If a child performs at or above grade level in a certain number of areas and below grade level in a set number of others, they may be eligible for special education.

Evidence on the use of Alternative Research-Based Procedures such as PSW

The research is mixed on the value of cognitive data to identify an SLD and help make educational decisions, which is at the core of models that identify patterns of strengths and weaknesses across cognitive domains. Some proponents believe that cognitive data can provide meaningful, necessary feedback in addition to instructional response data to make instructional decisions.[55,56] However,

52 Individuals with Disabilities Education Act, 20 U.S.C. § 602 (2004); Assistance to States for the Education of Children With Disabilities and Preschool Grants for Children With Disabilities, 34 CFR § 300.307 (2006).

53 Schultz, E. K., Simpson, C. G., Lynch, S., (2012). Specific Learning Disability Identification: What Constitutes a Pattern of Strengths and Weaknesses?. *Learning Disabilities: A Multidisciplinary Journal, 18*(2), 87–97.

54 Taylor, W. P., Miciak, J., Fletcher, J. M., & Francis, D. J. (2017). Cognitive Discrepancy Models for Specific Learning Disabilities Identification: Simulations of Psychometric Limitations. *Psychological Assessment, 29*(4), 446–457. https://doi.org/10.1037/pas0000356

55 Fuchs, D., Hale, J. B., & Kearns, D. M. (2011). On the importance of a cognitive processing perspective: An introduction. *Journal of Learning Disabilities, 44*(2), 99–104. doi:10.1177/0022219411400019

56 Schneider, W. J., & Kaufman, A. S. (2017). Let's Not Do Away with Comprehensive Cognitive Assessments Just Yet. *Archives of Clinical Neuropsychology, 32*(1), 8–20. https://doi.org/10.1093/arclin/acw104

research has not supported that claim,[57] and even some supporters of including cognitive assessments in the evaluation process acknowledge that the evidence is limited and requires an inferential leap.[58] Thus, research has consistently found that PSW does not reliably distinguish students with SLD from those without, raising concerns about their practical utility in making valid eligibility decisions.[59]

Multiple researchers and clinicians have developed different methods or procedures to determine patterns across functionality in cognitive domains. Each method defines SLD slightly differently. As a result, it is logical that each method identifies a different subset of students as having a specific learning disability.[60,61] However, the existence of multiple models demonstrates that there is a lack of consensus in the field as to the definition of SLD using cognitive data, which results in considerable inconsistency of implementation. The variance of the models means that a child may be eligible for special education services if a school uses one model but would not be eligible if the school used a different model.

Research

There is little research on the validity of identifying the existence of an SLD using a comparison of achievement across academic areas.

Implementation

There is less information available about the implementation of either approach in this section, in part because there are multiple approaches and differences across models. However, there are some known implementation challenges.

High-cost of cognitive assessments. Cognitive assessments of any form are costly to administer. A 2018 study estimated that it would cost an LEA $1,960 to $2,400 per student to implement a PSW cognitive approach.[62] It is difficult to generalize cost estimates based on one study, but in this time when LEA budgets are limited and stretched thin, the cost of cognitive assessments will reduce the funding and resources available for instruction.

Methods involve arbitrary cut scores. The comparison of cognitive and achievement across academic areas can have rigid cut scores or requirements—i.e., a student needs to demonstrate

57 Burns, M. K., Petersen-Brown, S., Haegele, K., Rodriguez, M., Schmitt, B., Cooper, M., Clayton, K., Hutcheson, S., Conner, C., Hosp, J., & VanDerHeyden, A. M. (2016). Meta-analysis of academic interventions derived from neuropsychological data. *School Psychology Quarterly, 31*(1), 28–42. doi:10.1037/spq0000117

58 Schneider, W. J., & Kaufman, A. S. (2017). Let's not do away with comprehensive cognitive assessments just yet. *Archives of Clinical Neuropsychology, 31*(1), 8–20. doi:10.1093/arclin/acw104

59 Dombrowski, S. C., Benson, N. F., & Maki, K. E. (2024). A Systematic Review of the PSW Diagnostic Accuracy Evidence for SLD Identification: Is It Time to Abandon PSW? *School Psychology Review,* 54(3), 363–381. https://doi.org/10.1080/2372966X.2024.2369494

60 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.

61 Taylor, W. P., Miciak, J., Fletcher, J. M., & Francis, D. J. (2017). Cognitive Discrepancy Models for Specific Learning Disabilities Identification: Simulations of Psychometric Limitations. *Psychological Assessment, 29*(4), 446–457. https://doi.org/10.1037/pas0000356

62 William, J., & Miciak, J. (2018). Adoption costs associated with processing strengths and weaknesses methods for learning disabilities identification. *School Psychology Forum: Research and Practice, 12*(1), 17–29.

at least two areas with two weaknesses and two areas of strength based on two assessments per area. Similar to the psychometric challenges for the IQ-achievement discrepancy method, there is no reliable research to justify setting a specific cut score, and enforcing strict numerical requirements may cause a child with a disability to miss the threshold for eligibility by a few points.

Twice-exceptional children

Unique challenges arise in the pursuit to effectively determine eligibility for special education under the SLD category for twice-exceptional learners.

The Joint Commission on Twice-Exceptional Students describes these individuals who have "the potential for high achievement in specific academics, general intellectual ability, creativity, leadership, and/or visual, spatial, or performing arts, and give evidence of one or more disabilities as defined by federal or state eligibility criteria. These disabilities may include specific learning disabilities (SLD), speech and language disorders, emotional/behavioral disorders, physical disabilities, autism spectrum disorder, or other impairments such as attention deficit hyperactivity disorder (ADHD)."[63]

The process to determine whether twice-exceptional students qualify for special education due to SLD can be difficult and controversial.[64] According to the Commission, "their exceptional ability may dominate, hiding their ability; their disability may dominate, hiding their exceptional ability; each may mask the other so that neither is recognized or addressed."[65] This can make it more difficult to determine if a twice-exceptional child should be eligible for special education under the SLD category and/or receive gifted supports.[66] Methods for identification that are based on IQ-achievement discrepancies often do not consider the correlation of the tests and regression to the mean, manifested as the tendency for lower-achieving children to obtain higher IQ than achievement scores, and for higher-achieving children to obtain lower achievement scores.

63 Danielian, J., & Nilles, K. (n.d.) Connecting for high potential: The exceptionality of being twice-exceptional. Retrieved from https://eric.ed.gov/?id=ED571566

64 Gelbar, N., & Renzulli, S. (n.d.) Growing up with gifts and talents: The enigma of twice exceptional. Poster presentation. Retrieved from http://www.cmcgc.com/media/handouts/311103/246930_Nicholas_Gelbar.pdf

65 Coleman, M. R., Twice Exceptional: Gifted Students with Disabilities Session III. Copy in print with author.

66 Assouline, S. G., Nicpon, M. F., & Whiteman, C. (2010). Cognitive and psychosocial characteristics of gifted students with written language disability. *Gifted Child Quarterly*, 54(2), 102–115. doi:10.1177/0016986209355974

III. State and District Implementation

State guidelines for implementing federal requirements vary, with more than half allowing the use of the IQ-achievement discrepancy method for determining SLD eligibility.

Each state creates its own regulations and policies that adhere to the federal requirements for the evaluation methods of SLD. While the reauthorization of IDEA in 2004 and the 2006 federal regulations encouraged states to move away from the IQ-ability vs. achievement discrepancy method, the most recent analyses of state guidelines, which includes 50-state surveys and was comissioned and funded by IES, found that over half of state guidelines still allow the use of the IQ-achievement discrepancy model and only 4 states reported plans to stop using the model.[67]

According to the 2019-2020 state survey (n=51), states reported the following policies regarding the use of IQ-acheivement discrepancy data for determining SLD eligibility:[68]

- 11 prohibited the use of the IQ-achievement discrepancy method.
  - 5 specified that MTSS/RTI data are explicitly required in determining eligibility.
  - 6 specified that an alternative method (not specifically MTSS/RTI) is used to determine eligibility.
- 29 allowed the use of the IQ-achievement discrepancy method.
  - 1 specified that MTSS/RTI data are explicitly required in determining eligibility.
  - 14 indicated that MTSS/RTI data may be used in determining eligibility.
  - 14 specified that an alternative method (not specifically MTSS/RTI) may be used to determine eligibility.
- 4 reported having a plan to stop using the IQ-achievement discrepancy method by the 2020-2021 school year.

A majority of districts used IQ-achievement discrepancy data in determining SLD eligibility, most often along with RTI data but sometimes on its own.

If a state permits teams of education professionals to use multiple methods, districts can determine which data will be used in determining SLD eligibility. A recent analysis of district use of data for determining special education eligibility for SLD showed a reduction in districts using IQ-achievement

67 Lai, I., Lipscomb, S., and Johnson, A. (2024). Appropriate Identification of Children with Disabilities for IDEA Services: A Report from Recent National Estimates (NCEE 2024-004r). Washington, DC: U.S. Department of Education, Institute of Education Sciences, National Center for Education Evaluation and Regional Assistance. Retrieved from http://ies.ed.gov/ncee.

68 Ibid.

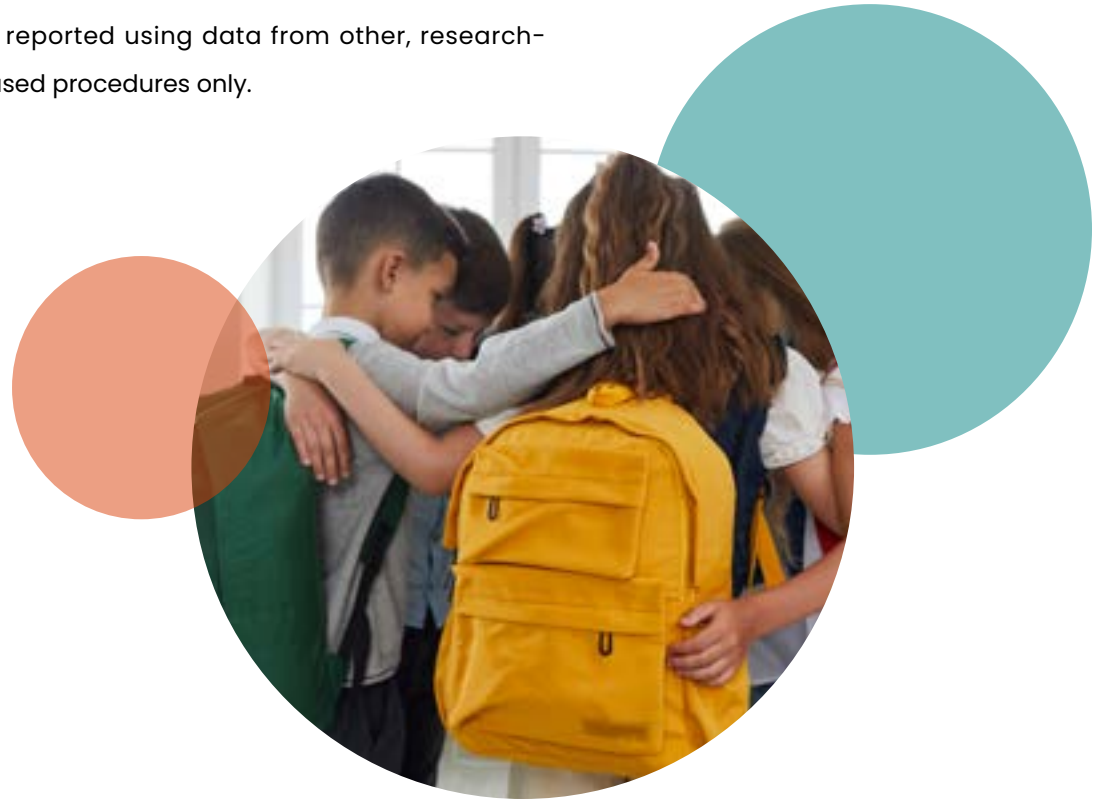
discrepancy data without RTI data from 2008-2009 to the most recent survey date of 2019-2020.[69] Still, a proportion of districts reported using IQ-acheivement discrepancy data without RTI data and many more used discrepancy data in addition to RTI data.

According to the 2019-2020 district survey, districts reported the following use of data when determining special education eligibility for SLD:[70]

- 84% reported using RTI data.
  - 71% used RTI data *with* IQ-achievement discrepancy data.
  - 14% used RTI data *without* IQ-achievement discrepancy data.
- 15% reported using IQ-achievement discrepancy data *without* RTI data.
- 1% reported using data from other, research-based procedures only.

Overall, SLD eligibility criteria vary substantially across and within states.

With states creating their own guidelines for implementing federal criteria for SLD eligibility, policies for which identification methods are used vary substantially across states. Furthermore, many states allow for multiple methods to be used in determining SLD eligibility so SLD eligibility criteria vary even within states as districts use different data sources. As a result, the policies that would find a child eligible in one district may find the same child ineligible in a different district. Too often, inconsistent policies determine if children with SLD are eligible for special education services.



69 Ibid.

70 Ibid.

IV. Perspectives on Best Practice for SLD Identification

Each of the federally allowable methods for SLD identification has limitations and may present challenges to implementation for school-based teams. Nonetheless, advocates and experts are generally aligned in calling out the risks posed by the IQ-achievement discrepancy method and in calling for a more comprehensive approach to SLD identification.[71] [72]

In 2002, the U.S. The Department of Education's Office of Special Education Programs (OSEP) convened a consensus group to discuss the SLD eligibility requirements under IDEA, given implementation challenges and poor reliability and validity with the IQ-achievement discrepancy method. The consensus group called for a comprehensive approach to SLD assessment that requires documentation of (1) low achievement, (2) insufficient response to evidence-based interventions, and (3) the absence of exclusionary factors.[73] This may be thought of as a "hybrid" approach to the allowable methods for SLD identification in that no single method, assessment, or cut-point is used to make a determination about SLD eligibility.[74]

Researchers have also noted the benefits of considering a child's instructional response within the context of a comprehensive and holistic student support system, such as Multi-Tiered Systems of Support (MTSS).[75,76] MTSS is a broader framework encompassing both academic (RTI) and behavioral (PBIS) instruction, intervention, assessment, and support.[77] It has a strong emphasis on universal screening, progress monitoring, fidelity checks, and collaborative data-based decision making– an approach that RTI alone does not fully encompass. When implemented with fidelity by skilled professionals, this approach sets a solid foundation for school teams to have multiple data sources and data points across domains that can meet the

71 Maki, K. E., & Adams, S. R. (2019). A current landscape of specific learning disability identification: Training, practices, and implications. *Psychology in the Schools,* 56(1), 18–31. https://doi.org/10.1002/pits.22179

72 Vaughn, S., & Fuchs, L. S. (2003). Redefining learning disabilities as inadequate response to instruction: The promise and potential problems. *Learning Disabilities Research & Practice, 18*(3), 137–146.

73 Bradley, R., Danielson, L., & Hallahan, D. P. (2002). *Identification of learning disabilities: Research to practice.* Routledge.

74 Fletcher, J. M., & Miciak, J. (2023). Assessment of specific learning disabilities and intellectual disabilities. *Assessment,* 31(1), 53–74. https://doi.org/10.1177/10731911231194992

75 Burns, M. K. (2025). Assessment for Effective Intervention from 2008 to 2010: Reintroduction to Shapiro and Clemens (2009). *Assessment for Effective Intervention,* 50(3), 113–114. https://doi.org/10.1177/15345084251324869

76 Shapiro, E. S., & Clemens, N. H. (2009). A conceptual model for evaluating system effects of response to intervention. *Assessment for Effective Intervention,* 35(1), 3–16. https://doi.org/10.1177/1534508408330080

77 CEEDAR Center. (n.d.). *MTSS – UDL – DI professional development module.* University of Florida, Collaborative for Effective Educator Development, Accountability and Reform. Retrieved August 4, 2025, from https://ceedar.education.ufl.edu/mtss-udl-di-dev/

criteria of a "hybrid" approach to SLD identification described above. Furthermore, MTSS enables timely and targeted interventions for all students and fosters more equitable outcomes.

Regardless of identification method, advocates and experts call for enhanced clarity and guidance for school teams and to guide state and district policy given the flexibility afforded by the IDEA allowable methods for SLD identification. In 2018, the National Center for Learning Disabilities (NCLD) convened a group including 7 other disability and advocacy organizations to co-develop Principles for SLD Eligibility, a guidance document providing specific practice and policy considerations for states and school districts.[78] This guidance indicates that school teams should make decisions about SLD eligibility within the context of a comprehensive evaluation that includes (1) multidisciplinary teams including parent input, (2) a timely referral for evaluation, (3) the collection of multiple data sources and data points that include valid and reliable measures that are tailored to a child's learning and behavioral needs, (4) considerations of behavioral data and response to behavioral interventions, and (5) consideration of external information including external evaluations, and (6) evaluation to rule out other primary causes of learning challenges (i.e. exclusionary factors). Overall, regardless of the particular method used by school districts, school teams should make decisions about SLD identification in the context of a comprehensive evaluation (and not a single assessment), that is tailored to the specific referral questions for each child, uses multiple types of data, and allows for the evidence-based judgements of professionals and parents to inform eligibility decisions.

78 NCLD. (2018). *Principles for SLD Eligibility: Practice & Policy Considerations for States and School Districts.* https://ncld.org/wp-content/uploads/2023/12/A-Comprehensive-Evaluation-for-Special-Education-for-a-Child-Suspected-to-Have-a-Specific-Learning-Disability.01292020.pdf

V. Conclusion

Under IDEA and its 2006 Part B Regulations, states may use the IQ–achievement discrepancy model, response to intervention (RTI), or alternative research-based methods such as patterns of strengths and weaknesses (PSW). However, each method has limitations—especially when used in isolation.

The IQ–achievement discrepancy model poses the greatest risks of misidentifying students with SLD, given the strong evidence discrediting its validity and consistency. Yet, it remains widely used, contributing to inconsistencies in eligibility criteria across and within states and, potentially, delaying timely SLD identification and students' access to critical interventions. Across all methods, rigid cut scores and inconsistent implementation can result in arbitrary and inequitable eligibility decisions.

No single federally permissible method currently ensures accurate, consistent, and efficient SLD identification. However, advocates and researchers align in calling for SLD identification to occur within the context of a comprehensive evaluation that is tailored to a child's learning and behavioral needs, considers multiple data sources and data points over time, and leverages the insights and expertise of a multidisciplinary team that includes parents.

Accurate and timely identification of SLD is critical to ensuring students receive targeted intervention, resources, and supports before struggles worsen.

For more information, visit www.ncld.org or contact NCLD via email at policy@ncld.org.