

Policy Scan of SLD Eligibility Methods: 50 States

In current IDEA law, there are three federally permissible methods for identification of a Specific Learning Disability (SLD). The table below explains these three methods and their level of allowance under IDEA. IDEA was crafted to give states flexibility in identifying SLD.

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

Source of table: [Evaluation for Specific Learning Disabilities: Allowable Methods for Identification and Its Implications](#) (NCLD, updated 2025).

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). Some states and districts still allow this method and use it as at least one of their data sources in determining SLD identification, but others have moved away from it either through guidance or state law.

The following summarizes the policies of the 50 states and DC. This scan was conducted by NCLD staff in January 2026.

State Policy Type 1: The State permits but does not require the use of the IQ discrepancy model for determining SLD eligibility among other identification methods.

Number of States: 29 (including DC)

States: [OK](#), [KY](#), [MO](#) (and [this](#)), [MA](#), [NJ](#)*, [AL](#), [AK](#), [CO](#), [LA](#), [ME](#) (and [this](#)), [MD](#), [NH](#), [OH](#), [AR](#), [AZ](#), [HI](#), [IL](#), [MS](#), [MT](#), [ND](#), [NM](#), [UT](#), [WY](#) (and [this](#))**, [CA](#), [Washington DC](#), [NV](#), [PA](#), [SD](#), [RI](#)

*NJ has unpassed [legislation](#) proposing ban

** WY's School Psych Association's [position paper](#) calling for a ban

Example: "While models using research-based interventions have been shown to more accurately distinguish between students who truly have an SLD from those whose learning struggles could be resolved with more targeted interventions and supports provided within the general education environment, Massachusetts does allow a district to use either this method or the severe discrepancy method. It is our hope that over time all Massachusetts districts will have scientific research-based interventions in effective programs that will make the sole use of a severe discrepancy method unnecessary." ([Massachusetts Department of Elementary and Secondary Education MTSS Quick Reference Guide: SLD Eligibility within a Tiered System of Support](#))

State Policy Type 2: The IQ Discrepancy model is not referenced as an allowable or discouraged method of SLD Identification.

Number of States: 4

States: [FL](#), [GA](#), [OR](#), [ID](#)

Example: N/A

State Policy Type 3: The State policy states the IQ Discrepancy method is permitted but **discouraged** for SLD eligibility determination

Number of States: 11

States: [KS](#), [SC](#), [VA](#), [WA](#)*, [CT](#), [WV](#) (and [this](#)), [NE](#), [TN](#) (and [this](#)), [MN](#), [TX](#) (and [this](#)), [MI](#) (and [this](#))

*WA will [officially prohibit its use in 2028](#)

Example: A cognitive assessment is not required to determine the presence of a SLD; however, it is not prohibited either. School psychologists, along with the team determining areas of assessment, are allowed to decide if a cognitive assessment is needed in each individual case. Cognitive assessments may consist of full or partial batteries, meaning a full-scale IQ score may or may not be derived, but certain index scores may be reported (e.g., the Working Memory Index from the WISC-V). The [U.S.] Department [of Education] does not believe that an assessment of psychological or cognitive processing should be required in determining whether a child has an SLD. There is no current evidence that such assessments are necessary or sufficient for identifying SLD. Further, in many cases, these assessments have not been used to make appropriate intervention decisions. (U.S. Department of Education, 2006, Federal Register, Vol. 71, No. 156, p. 46651)" ([South Carolina Specific Learning Disability Guide, 2025](#))

There is no requirement for the administration of any specific test, including intelligence

tests, tests of psychological processes, or norm referenced tests of achievement in order to identify a child as a child with a learning disability. “The [U.S.] Department [of Education] does not believe that an assessment of psychological or cognitive processing should be required in determining whether a child has an SLD. There is no current evidence that such assessments are necessary or sufficient for identifying SLD.” Federal Register Vol 71, No. 156 / Monday August 14, 2006/ Rules and Regulations, page 46651. KSDE’s guidance is that the use of IQ-Achievement Discrepancy to identify a child as a child with a learning disability is an inappropriate practice. ([Kansas Department of Education Eligibility Indicators, 2025](#))

While Virginia regulations do not prohibit the use of the IQ-Achievement discrepancy model, the limitations of this method are well documented (Fletcher & Miciak, 2019; NJCLD 2010). Specific concerns include that:

- Assessments may not differentiate between a true disability and impact of inadequate teaching
- Typically, students must first fail in order to qualify for special education services
- Results do not provide information to support the student’s instructional needs
- Students can be misidentified due to teacher or testing bias
- Validity studies show no practical differences (behavior, achievement, cognitive skills, response to instruction, and neurobiological correlates) between groups produced by the identification criteria

([VDOE Supplemental Guidance for Evaluation and Eligibility in Special Education, 2021](#))

State Policy Type 4: The State policy explicitly does **not allow the IQ Discrepancy model as one of the methods to determine SLD eligibility.**

Number of States: 7

States: [DE](#)*, [IN](#), [VT](#), [WI](#)** (and [this](#)), [NC](#), [NY](#)***, [IA](#) (and [this](#))

**Delaware explicitly states that it prohibits it BUT this (older) [2010 CEC doc says otherwise](#)

**Wisconsin [prohibits it for public school and public charter](#) schools but still [allows it for private school and home school](#) use

***New York [prohibits it for identification in K-4](#)

Example: “IDEA does not prohibit or make mandatory the use of intelligence testing for SLD evaluations. However, Vermont State Board of Education no longer permits a discrepancy model for SLD eligibility determination. • May be utilized as part of a combination of multiple measures and data points to inform EPT decisions.” ([Vermont Specific Learning Disabilities: Guidelines for Determining Eligibility, 2022](#))

Note on Methodology

NCLD conducted an initial exploratory search using AI-assisted tools to identify current, official state-level documents related to SLD identification and the use of the IQ discrepancy model. Findings from this initial scan informed a secondary review of state education agency websites, state guidance documents, and other official state-issued materials.

Because there is no standardized or consistent way states document or describe their approaches to SLD identification, a deeper, state-by-state review was required. This included targeted Google searches (e.g., state name + SLD identification/ eligibility/ discrepancy/ IQ), keyword scanning within documents, and cross-checking findings across multiple official sources. Several rounds of review and quality checks were conducted to account for variation in terminology, document source, and practices across states.

Based on this multi-step review process, states were categorized into one of four policy types using the most current and comprehensive documentation available at the time of final review.