

Specific Learning Disabilities and the Removal of the Discrepancy Model

May 4, 2023

Agenda

Understand SLD through the historical lens and the transition away from the discrepancy model;

Review resources to support this process;

Answer previously submitted questions from the field.

Specific Learning Disability (SLD)

SLD is one of the thirteen disability classifications under the Individuals with Disabilities in Education Act (IDEA), and it is the most common eligibility category through which students receive special education services.

“a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations.”

Specific Learning Disability (SLD), continued

SLD includes conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

SLD does not include a learning problem that is primarily the result of: visual, hearing, or other motor disabilities; intellectual disability; emotional disturbance; or environmental, cultural, or economic disadvantage.

Historical Context: SLD and the Discrepancy Model

The discrepancy model was part of IDEA when it became law in 1975.

The model requires that a gap exists at a predetermined extent or greater between achievement and ability. It stipulates that the deficit necessitates special education or related services to access and make progress in the general curriculum.

When IDEA was reauthorized in 2004, the discrepancy model was no longer required.

Additional Procedures for Identifying Children with SLD

In making the determination that a student has a SLD the LEA shall decide whether to use a ~~discrepancy model~~ or a model based on whether the student responds to scientific, research-based intervention *or to use a model based on other alternative research-based procedures for determining whether a child has a SLD.*

~~When using a discrepancy model, the EPT shall document that the student exhibits a discrepancy of 1.5 standard deviations or greater between ability and expected levels of performance in one or more of the basic skill areas.~~ *Eligibility determinations for a student who is determined to have a SLD shall not be required to include an assessment of adverse effect as outlined in Rule 2362(d).*

The EPT may determine that a student has a SLD if: The student does not make sufficient progress to meet age or...grade level standards in one or more of the areas identified...when using ~~either a discrepancy model or a model based on whether the student responds to scientific, research-based intervention.~~

Specific Learning Disability: Special Education Rule Changes

In making the determination that a student has a SLD the LEA shall decide whether to use a model based on whether the student responds to scientific, research-based intervention or to use a model based on other alternative research-based procedures for determining whether a child has a SLD.

Eligibility determinations for a student who is determined to have a SLD shall not be required to include an assessment of adverse effect as outlined in Rule 2362(d).

The EPT may determine that a student has a SLD if: The student does not make sufficient progress to meet age or...grade level standards in one or more of the areas identified...when using a model based on whether the student responds to scientific, research-based intervention.

SLD: The Transition Away From the Discrepancy Model

In making the determination that a student has a specific learning disability the LEA shall decide whether to use a model based on whether the student responds to scientific, research-based intervention or to use a model based on other alternative research-based procedures for determining whether a child has a specific learning disability.

It is expected that LEAs have assessment, intervention, monitoring progress, and data collecting processes in place which include the components as described in the [VTmtss Field Guide 2019](#).

SLD: Exceptions to Adverse Effect

Eligibility determinations for a student who is determined to have a Specific Learning Disability shall not be required to include an assessment of adverse effect as outlined in Rule 2362(d).

SLD: Eligibility Determination

The EPT may determine that a student has a specific learning disability if: The student does not make sufficient progress to meet age or State approved grade level standards in one or more of the areas identified...when using a model based on whether the student responds to scientific, research-based intervention.

Resources

[Eligibility Criteria for SLD](#)

[Disability Characteristics Checklist](#)

[SLD Eligibility Checklist](#)

[EPT Evaluation Plan and Report Checklist \(SLD\)](#)

[Multidisciplinary Evaluation Team Members and Responsibilities](#)

[Mathematics, Reading, and Written Expression](#) Worksheets

[Determination of Eligibility: Specific Learning Disability](#)

[Systematic Observation of Learning – Core Instruction](#)

Resource: Eligibility Criteria for SLD

Criterion One		
When provided with learning experiences and instruction appropriate for the student's age or State-approved grade-level standards, the student does not achieve adequately in one or more of the basic skill	The student does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the basic skill areas identified in the previous bullet when using a model based on whether the student responds to scientific-	The findings in this Criterion are not primarily the results of any additional factors

▼

Criterion Three	
The child needs Special Education services to access and benefit from the educational program	Support cannot be provided through the educational support system, standard instructional conditions or supplementary aids and services provided in the school

Resource: Disability Characteristics Checklist

Specific Learning Disability

- ❑ Disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken, or written
- ❑ May manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations
- ❑ Includes conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia

Resource: EPT Evaluation Plan and Report Checklist (SLD)

EPT Evaluation Plan and Report Checklist (SLD)

Conclusion and Rationale

- Whether the student has a SLD
- The basis for making the determination, including assurances that the determination has been made in accordance with applicable law

Specific Findings

- The relevant behavior, if any, noted during the observation of the student and the relationship of that behavior to the student's academic functioning
- Any educationally relevant medical findings
- Whether the student does not achieve adequately for the student's age or to meet State grade-level standards in one or more of the Basic Skill areas, when provided with appropriate learning experiences and instruction

Resource: Multidisciplinary Evaluation Team Members and Responsibilities

- Formal or informal measures of achievement (as requested by school psychologist).

General Education Teacher

- Administer evidence-based interventions and instruction with supports from special education teachers as necessary to establish fidelity and cohesion of services (prior to evaluation).
- Assessment of progress and interventions in conjunction with special education teacher (report of intervention data and progress, benchmark data and progress, summative data, social, behavioral and attendance).

Other Qualified Evaluators

- The school psychologist or other qualified LEA representative will direct other qualified evaluators to participate as appropriate when considering other possible areas of eligibility or multiple areas of eligibility. Other qualified evaluators may include:
 - Emotional disability teacher (if considering ED eligibility)

Resource: SLD Eligibility Checklist

SLD Eligibility Checklist

The following areas and criteria must be documented before or during the Assessment Process to determine the existence of SLD:

Lack of Adequate Achievement in a Basic Skill Area

When provided with learning experiences and instruction appropriate for the students age or VT grade-level standards, the student does not achieve adequately in **one or more** of the following areas:

- Oral expression
- Listening comprehension
- Written expression

Resource: Considerations for Appropriate Instruction

3. Has the LEA collected data on student performance? (Both the student being evaluated and their classroom peers.) *If so, describe below how the student is performing in comparison to their peers in recoupment of skills.*

Yes No

Description and Next Steps:

4. Were appropriate systemic structures made available to the student (e.g., layered/tiered instructional interventions through VTmtss, access to Educational Support Team to track student outcome data and recommend interventions, Local Comprehensive Assessment System, Coordinated Curriculum, etc.)? *Please describe below.*

Yes No

Description and Next Steps:

Instruction and Feedback

Resource: Mathematics, Reading, and Written Expression Worksheets

5. Lack of sufficient progress to meet age or State-approved grade-level standards (Tiers II/III)

- The student has not made sufficient progress in the supplemental intervention(s) implemented above despite attempts to improve, individualize, and intensify the intervention.

Source of Evidence: Attach teacher support and/or intervention team information (including data in numeric and graphic formats) AND complete chart below:

<p>Evidence-based interventions used as supplemental and/or intensive interventions</p> <p>These interventions are in addition to what is provided for all students (i.e., Tier I)</p>	<p>Student's response to interventions</p> <p>Baseline plus at least four additional progress monitoring measurements for each intervention (Curriculum-Based Measurement (CBM) or other appropriate measure)</p>	<p>Dates</p> <p>of intervention implementation</p>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Resource: Systematic Observation of Learning – Core Instruction

Observer Name/Title¹:

Date:

Student²:

Grade:

Language of Instruction:

Observation Start time:

Teacher(s)³:

Observation End time:

Content Area: Literacy	Content Area: Math	Grouping Format for Student
<input type="checkbox"/> Phonemic Awareness <input type="checkbox"/> Phonics <input type="checkbox"/> Fluency <input type="checkbox"/> Vocabulary Comprehension <input type="checkbox"/> Handwriting	<input type="checkbox"/> Counting and Cardinality <input type="checkbox"/> Operations and Algebraic Thinking <input type="checkbox"/> Number and Operations (Base Ten) <input type="checkbox"/> Measurement and Data	<input type="checkbox"/> Small group with teacher <input type="checkbox"/> Co-teaching <input type="checkbox"/> Whole group <input type="checkbox"/> Individual <input type="checkbox"/> Partner

Resource: Determination of Eligibility: Specific Learning Disability

The child's performance:

- ✓ is due to a lack of appropriate reading instruction/intervention (delivered in a manner that is highly consistent with the design, closely aligned to student need, culturally appropriate and includes the essential components of reading instruction) Yes No
 - ✓ is due to a lack of appropriate math instruction/intervention (delivered in a manner that is highly consistent with the design, closely aligned to student need, and culturally appropriate) Yes No
 - ✓ is due to limited English proficiency. Yes No
- (All answers must be "no" for the student to be eligible for services.)

That the student's performance is:

- ✓ Primarily the result of Intellectual Disability Yes No
- ✓ Primarily the result of a Serious Emotional Disability Yes No
- ✓ Primarily the result of a Visual Impairment, including Blindness Yes No
- ✓ Primarily the result of a Hearing Impairment, including Deafness Yes No

Question and Answer Review

What model do we pick for identifying Specific Learning Disabilities? (RTI/PSW?)

The option to select the eligibility model is up to the district. As long as it includes either a; “process based on the child's response to scientific, research-based intervention”... or, “other alternative research-based procedures for determining whether a child has a specific learning disability, as defined in [§300.8\(c\)\(10\)](#)”

Question and Answer Review, continued

What resources are available to support this decision making?

For further supports on systems and approaches, resources related to RTI and PSW, literature and organizations related to this topic, and a plethora of additional topics, please visit the [General Resources](#) of the [Specific Learning Disability Eligibility Guidance](#).

Question and Answer Review, continued

How do we determine Tier 1 has been delivered with fidelity and evidence-based practices?

It is the responsibility of the school administration to ensure that their coordinated curriculum is standards-based and delivered with fidelity.

The LEA is also required to maintain a local comprehensive assessment system that will measure student progress in a variety of ways over different timeframes to determine the effectiveness of instruction.

Each LEA is required to use evidence gathered to provide appropriate professional learning for staff to support their ability to deliver instruction.

Question and Answer Review, continued

How does the SLD eligibility process consider functional skills?

Eligibility for SLD is based on the academic basic skill areas (functional skills is not listed as a basic skill under SLD).

That means an academic area of concern which needs to be addressed could be supplemented by functional or motor skills information, but the functional or motor skills alone would not be enough to prove the eligibility.

Question and Answer Review, continued

Are teacher-created curriculum and teacher-created interventions considered to be "research-based" and allowable (under Act 173)?

Teacher created curriculum and interventions are research based if they contain and/or are grounded in research-based practices. Oversight to ensure that curriculum and interventions are being delivered consistent with research happens at a local level.

Data related to a student's progress and access in the general curriculum that has been gathered using teacher created curriculum and interventions is considered allowable as evidence when determining special education eligibility.

Question and Answer Review, continued

Additional information about different types of studies that constitute as evidence can be found at either the [What Works Clearinghouse](#) or in Appendix G of [Vermont's Continuous Improvement Framework](#). [Evidence for ESSA](#) is another resource designed to assist educators in determining levels of evidence.

Contact

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