SLD Identification Overview

General information and tools to get started

National Research Center on Learning Disabilities

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INTRODUCTION

Although the 2004 reauthorization of the Individuals with Disabilities Education Act (P.L. 108-446) (IDEA 2004) has brought the issue of specific learning disabilities (SLD) identification procedures and criteria to the forefront, calls for reform are not new and are based on decades of various policy, implementation, and research agendas. The U.S. Department of Education's Office of Special Education Programs (OSEP) has actively addressed both the scientific aspects and broader political nature of SLD identification through its efforts to advance understanding of SLD issues. Collectively, the OSEP activities described below are known as the SLD Initiative.

In May 1999, OSEP co-sponsored a national summit, *Keys to Successful Learning*, which raised awareness of research-based SLD practices. After this summit, in early 2000, OSEP convened a learning disabilities initiative workgroup comprising 18 individuals with varying perspectives on SLD (i.e., parents, state and local practitioners, researchers, and policy representatives) to develop an aggressive agenda of activities focused specifically on SLD, including:

1. commissioning white papers to address nine aspects of SLD,
2. convening an SLD conference,
3. facilitating roundtable discussions with key stakeholders, and
4. disseminating proceedings.

Each of these initiatives will be discussed in turn.

As a result of the workgroup's recommendations, OSEP commissioned nine white papers and 36 response papers (i.e., three research respondents with diverse perspectives and one practitioner respondent for each paper). Once released, these papers provided the substance for a by-invitation-only SLD summit, *Building a Foundation for the Future*, held in August 2001, in which 250 key stakeholders (i.e., parents, administrators, teachers, higher education faculty, researchers, professional organization members, and policy makers) began a discussion about using current SLD research findings (Bradley, Danielson, & Hallahan, 2002).

In October 2001, OSEP brought together representatives of the National Joint Committee on Learning Disabilities to find common ground around the issues identified in the white papers and summit presentations. This group of representatives concentrated its efforts on four primary areas: identification, eligibility, interventions, and professional development. In November 2001, OSEP hosted an SLD researcher roundtable discussion of a select number of previous workgroup participants to ensure that the information gathered from the white papers and summit discussion represented the most up-to-date SLD research

IDEAs that Work
U.S. Office of Special Education Programs

available. The following points summarize the researcher roundtable's findings.

Concept of SLD. Strong converging evidence supports the validity of the concept of SLD. This evidence is particularly impressive because it converges across different indicators and methodologies. The central concept of SLD involves disorders of learning and cognition that are intrinsic to the individual. SLD are specific in the sense that these disorders each significantly affect a relatively narrow range of academic and performance outcomes. SLD may occur in combination with other disabling conditions, but they are not due primarily to other conditions, such as mental retardation, behavioral disturbance, lack of opportunities to learn, or primary sensory deficits.

The responsibility of special education to children with SLD. Students with SLD require special education. As defined in IDEA, the term "special education" means specially designed instruction, at no cost to the parents, to meet the unique needs of a student with a disability (§300.26).

Life-long condition. SLD are frequently experienced across the life span with manifestations varying as a function of developmental stage and environmental demands.

Prevalence rates. The true prevalence rate of SLD is difficult to know. However, based on reading research, conducted largely in the elementary grades, we know the following:

- High-quality classroom instruction is a way to meet many of the educational needs of individuals with learning difficulties.
- Supplemental intensive small group instruction can reduce the prevalence of learning difficulties.

Even with the above interventions, six percent of students may exhibit SLD in the area of reading and may need special education intervention. Prevalence rates for students with SLD involving math and written expression are difficult to estimate given the current lack of research evidence.

IQ-achievement discrepancy. Participants released a majority and minority report on this item.

Majority conclusion: IQ-achievement discrepancy is neither necessary nor sufficient for identifying individuals with SLD. IQ tests do not need to be given in most evaluations of students with SLD. Evidence should support that an individual with SLD is performing outside the ranges associated with mental retardation, either by performance on achievement tests or performance on a screening measure of intellectual aptitude or adaptive behavior.

Minority conclusion: IQ/achievement discrepancy is an appropriate marker of SLD but is not sufficient to document the presence or absence of underachievement, which is a critical aspect of the concept of SLD.

Processing deficit. Although processing difficulties have been linked to some SLD (i.e., phonological processing and reading), direct links with other processes have not been established. Currently available methods for measuring many processing difficulties are inadequate. Therefore, systematically measuring processing difficulties and their link to treatment is not yet feasible.

Response-to-intervention. Alternate ways to identify individuals with SLD in addition to achievement testing, documentation of learning history, and observations of the student should be considered. Response to quality intervention is the most promising method of alternate identification and can both promote effective practices in schools and help to close the gap between identification and treatment. Any effort to scale up response-to-intervention should be based on intervention models that use progress monitoring to gauge the intensity of intervention in relation to the student's response to intervention.

Effective interventions for students with SLD. There is strong evidence that there are interventions that are effective for many individuals with SLD when implemented with consistency, appropriate intensity, and fidelity. Despite this knowledge, there are interventions for individuals with SLD that are demonstrably ineffective but are still being used (LD Summit Follow-up Meeting, 2001).

In July 2002, the 10 organizations that had participated in the Learning Disabilities Roundtable developed the report *Specific Learning Disabilities: Finding Common Ground.* Within this document, members of the roundtable expressed consensus around beliefs and recommendations that support a comprehensive and coherent system that addresses the needs of all students, particularly those with SLD in five overarching categories:

1. nature of specific learning disabilities,
2. identification of individuals with specific learning disabilities,
3. eligibility for services,
4. interventions, and
5. professional development.

The roundtable identified a series of consensus statements in these five categories.

Nature of Specific Learning Disabilities
1. The concept of SLD is valid, supported by strong converging evidence.
2. SLD are neurologically based and intrinsic to the individual.
3. Individuals with SLD show intra-individual differences in skills and abilities.
4. SLD persist across the life span, though manifestations and intensity may vary as a function of developmental stage and environmental demands.
5. SLD may occur in combination with other disabling conditions, but they are not due to other conditions, such as mental retardation, behavioral disturbance, lack of opportunities to learn, primary sensory deficits, or multilingualism.
6. SLD are evident across ethnic, cultural, language, and economic groups.

Identification
7. Identification should include a student-centered, comprehensive evaluation and problem-solving approach that ensures students who have a specific learning disability are efficiently identified.
8. General education must assume active responsibility for delivery of high-quality instruction, research-based interventions, and prompt identification of individuals at risk while collaborating with special education and related services personnel.

Eligibility
9. The ability-achievement discrepancy formula should not be used for determining eligibility.
10. Decisions regarding eligibility for special education services must draw from information collected from a comprehensive individual evaluation using multiple methods and sources of relevant information.
11. Decisions on eligibility must be made through an interdisciplinary team, using informed clinical judgments, directed by relevant data, and based on student needs and strengths.
12. Decisions on eligibility must be made in a timely manner.
13. Based on an individualized evaluation and continuous progress monitoring, a student who has been identified as having an SLD may need different levels of special education and related services under IDEA at various times during the school experience.

Intervention
14. The field should continue to advocate for the use of scientifically based practices. However in areas in which an adequate research base does not exist, data should be gathered on the success of promising practices.
15. Schools and educators must have access to information about scientifically based practices and promising practices that have been validated in the settings in which they are to be implemented.
16. Students with SLD require intensive, iterative (recursive), explicit scientifically based instruction that is monitored on a continual basis to achieve academic success.
17. Students with SLD require a continuum of intervention options through general and special education across all grades and ages.
18. Interventions must be timely and matched to the specific learning and behavioral needs of the student.
19. An intervention is most effective when it is implemented consistently, with fidelity to its design, and at a sufficient level of intensity and duration.
20. General and special education must be coordinated as part of a coherent system that is held accountable for the educational outcomes of students with SLD.

Professional Development
21. The content of professional development must address the knowledge, skills, and attitudes needed to increase staff and school capacity to implement effective interventions for diverse learners.
22. Professional development must address the organizational and cultural context needed to ensure continuing professional learning and development for all service providers.
23. Professional development must be structured to fit the way adults acquire knowledge, skills, and attitudes.
24. An ongoing, coherent, integrated system of pre-

service and in-service education must be provided.

25. Alignment is needed across the agencies and structures that shape professional development and communicate what is valued and expected in schools.

(Learning Disabilities Roundtable, 2002)

The SLD Initiative originally was envisioned as a series of activities with an anticipated end; however, because of the complex nature of the issues and diversity of discussion surrounding SLD, additional work would be required. To address this need, in late 2001, OSEP funded the National Research Center on Learning Disabilities (NRCLD). NRCLD's purpose was to continue the research on critical issues raised in the white papers, summit, and ongoing roundtable discussions; explore alternative processes of SLD identification; track state and local SLD practices; provide technical assistance and dissemination of research-based SLD practices; and assist in operationalizing the concept of responsiveness to intervention (Bradley & Danielson, 2004). All of these SLD Initiative activities have focused increased scrutiny on the value of identifying students with SLD and the components, procedures, and criteria of SLD identification (Mellard, Byrd, Johnson, Tollefson, & Boesche, 2004).

The Individuals with Disabilities Education Improvement Act of 2004 includes significant procedural changes for identifying students with SLD. The language in the statute addressing *Evaluations, Eligibility Determinations, Individualized Education Programs, and Educational Placements* states:

"(6) SPECIFIC LEARNING DISABILITIES.—

(A) IN GENERAL.—Notwithstanding section 607(b), when determining whether a child has a specific learning disability as defined in section 602, a local educational agency shall not be required to take into consideration whether a child has a severe discrepancy between achievement and intellectual ability in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning.

(B) Additional authority.—In determining whether a child has a specific learning disability, a local educational agency may use a process that determines if a child responds to scientific, research-based intervention as a part of the evaluation procedures described in paragraphs (2) and (3)." (IDEA 2004, Sec. 614 (b) (6) (A), (B))

In essence, this legislation:

1. No longer requires local education agencies (LEAs) to use an IQ-achievement discrepancy model for identification, and

2. Includes a statement specifically allowing LEAs to use a process that determines whether a student responds to scientific, research-based intervention as a part of its evaluation procedures.

The rest of this document discusses what is known about SLD assessment and identification today; provides preliminary information about coming changes in this area; provides information gathering tools that state and local educational agencies (SEAs and LEAs) can use to get ready for change; and briefly outlines NRCLD's technical assistance and dissemination strategy.

SLD Identification
The Challenges

Educational practices can be viewed as solutions to perceived problems (Robinson, 1998). Hence, the purpose of identifying students as having SLD is to ensure appropriate service delivery to meet their unique educational needs. Inadequate understandings of problems can lead to shortcomings in both policy and practice (Mitchell & Encarnation, 1984). To draft policy and implement practices that successfully address all aspects of an educational problem, having an accurate understanding of the problem at hand is essential (Robinson, 1998).

NRCLD believes that to understand the magnitude of the challenges surrounding SLD identification, a thorough understanding of various conceptualizations of SLD, the values that affect various solutions, and the context and constraints in which schools operate is important. A more in-depth discussion of SLD identification can be found in NRCLD's *Specific Learning Disabilities Identification* manual (Johnson & Mellard, in prep.). NRCLD recognizes that these influencing factors will be different for individual SEAs and LEAs. Rather than providing rigid one-size-fits-all solutions, this document provides guidance as SEAs and LEAs explore their own situations and plan for future changes.

Definition/Conceptualizations of SLD

The way the learning disability category is defined affects the way that students are identified as having SLD. Definitions of SLD are social constructs that reflect current understandings and beliefs. Thus, definitions and identification methods may change as our understanding and beliefs about the disability category change. Whereas characteristics such as height, hair color, and age exist and distinguish people, definitions of disability and identification methods are constructed to achieve particular goals.

Perhaps the most common way school staffs have operationalized the current definition is through the use of an aptitude-achievement discrepancy model. Often, the discrepancy measure of a student's performance is viewed as the sole criteria for determin-

ing a learning disability, rather than using it as *one* component of the SLD construct (Scruggs & Mastropieri, 2002). In practice, this makes SLD synonymous with underachievement. This narrow focus on underachievement is clearly problematic because definitions of SLD characterize the construct as being multifaceted and therefore multiple sources of data and perspectives must be used to characterize identification models.

SLD generally is described as a disability category that includes individuals with severe underachievement in academic areas due to a neurological delay or dysfunction. This underachievement is not due to mental retardation, sensory impairments, or environmental influences such as a lack of educational opportunity or poor instruction. In general, a consensus in the field is that the following are the primary features of SLD:

1. Unexpected low achievement relative to aptitude or ability.
2. Deficits and uneven profiles in specific perceptual or cognitive processes.
3. Evidence of within-student, presumably underlying, neurological conditions (IDEA 1997).

Professionals also agree that although these features of the construct of SLD are valid, in practice, schools face significant challenges in measuring the factors when making identification decisions (Macmillan & Siperstein, 2002). Research investigating the nature of SLD and the way in which they manifest themselves in student behavior has produced general agreement on some common characteristics. These include (adapted from SLD Roundtable, 2004):

Validity of the construct. The concept of SLD is valid, supported by strong converging evidence.

Neurologically based. SLD are neurologically based and intrinsic to the individual.

Intra-individual differences. Students with SLD typically display patterns of relative strengths and weaknesses. For example, a student who cannot decode words accurately or fluently may have aver-

age or above-average reading comprehension. The concept of intra-individual differences is integrally related to unexpected underachievement.

Persist across the age-span. SLD persist across the life span, though manifestations and intensity may vary as a function of developmental stage and environmental demands.

Exclusionary criteria. One of the primary features that distinguishes SLD from other forms of learning problems is that the underachievement is not expected in light of the student's intellectual or linguistic functioning. Learning problems that are due to low intelligence, sensory impairments, economic or cultural disadvantage, or lack of educational opportunity are expected, and this contrast highlights one key difference between SLD and other forms of learning problems. SLD may occur in combination with other disabling conditions, but they are not due to other conditions.

Cross-cultural. SLD are evident across ethnic, cultural, language, and economic groups.

Multifaceted. Students with SLD may demonstrate problems in a variety of areas associated with academic or psychological functioning. Although the most common problems are seen in the area of literacy, problems with mathematics, working memory, processing speed, auditory processing ability, and executive functions (organizing and employing strategies for learning) also are evident and suggest that the construct of SLD is not limited to reading disabilities (Scruggs, 2003).

Factors, Values, and Constraints Contributing to Problems of SLD Identification

Research on current aptitude-achievement discrepancy approaches to SLD identification has highlighted the following concerns:

1. Over-identification of students with SLD
2. Variability in the way identification is defined and implemented
3. Lack of specificity that results in no discrimination between low achievement and SLD
4. Lack of attention to conceptual considerations of the definition, resulting in reducing SLD to an IQ-achievement discrepancy
5. Lack of careful application of discrepancy criteria to indicate intra-individual differences
6. Limited early identification (Scruggs & Mastropieri, 2002).

Macmillan and Siperstein (2002) underscore some additional concerns with current identification practices as manifested at the school level, including the following:

1. The subjective decision-making process involved in identifying and planning services for students with SLD
2. The growing practice of schools to ignore the exclusionary criteria to serve students in need
3. The one-time assessment used to identify SLD
4. The potential negative effect on service delivery given the "lumping together" of students with low achievement and those with SLD

SLD determination decisions often are influenced by factors that extend beyond those characteristics or attributes unique to a given student that are typically measured with psychometric tools or observational system that indicate a student's responsiveness to intervention. Some of the factors not measured by existing identification tools that frequently influence SLD identification decisions include the availability of other services for students who struggle to learn, the degree of involvement of the students' parents in the identification process, the student's ethnicity or socioeconomic status, the perceived role of various staff members in a school setting relative to low student achievement, and the degree to which teachers see themselves as being responsible for ensuring the success of certain low-performing students (Mellard, Deshler, & Barth, 2004).

Many researchers believe one reason for the increase in students identified as having an SLD is that school personnel today say that they know a student is mentally retarded (MR) but classify him or her as SLD because they believe there is no benefit to the MR label. In other words, although the assessment data may suggest one decision, factors independent of what the tool measures may trump that outcome (MacMillan & Siperstein, 2002).

In an NRCLD study examining contextual factors that play a role in the identification of students with SLD, participants indicated that a preferred model of SLD identification would emphasize early identification, student-centered evaluations, and general education accountability. At least 50 percent of the participants in all focus groups emphasized the importance of two of these attributes – early identification and student-centeredness. In four of the six groups, at least half of the participants indicated that an efficient process was an important attribute for an SLD identification model (Mellard et al., 2004).

Summary of the Challenges of SLD Identification

How do the factors described above influence SLD determination in practice? Research studies involving students with SLD typically choose samples on the basis of specifications found in the authoritative definition, whereas school practices involved in identifying students with SLD are based on a variety of factors that allow schools to stray away from these specifications (Macmillan et al., 1998). SLD has come to be operationally defined as low achievement, not necessarily discrepant from aptitude and not necessarily excluding cases due to the exclusionary criteria. This variation occurs in spite of the relative efficiency and ease with which a discrepancy can be calculated and evaluated against the criteria.

Some of the challenges that the field currently faces with SLD identification come from over-reliance on a discrepancy formula for making SLD identification decisions, which basically takes a multifaceted construct and reduces it to a single construct of underachievement. Even with this single dimension, wide variability occurs in its application, presumably because SEAs and LEAs view SLD differently. What constitutes a significant discrepancy has been found to vary widely from one state to another (Reschly et al., 2003). Some of the problem stems from the fact that SLD is a social construct, and even with consensus about its general attributes, schools continue to be motivated to identify different populations of students based on a variety of factors, including the cultural beliefs, values, social practices, and contexts within which they operate.
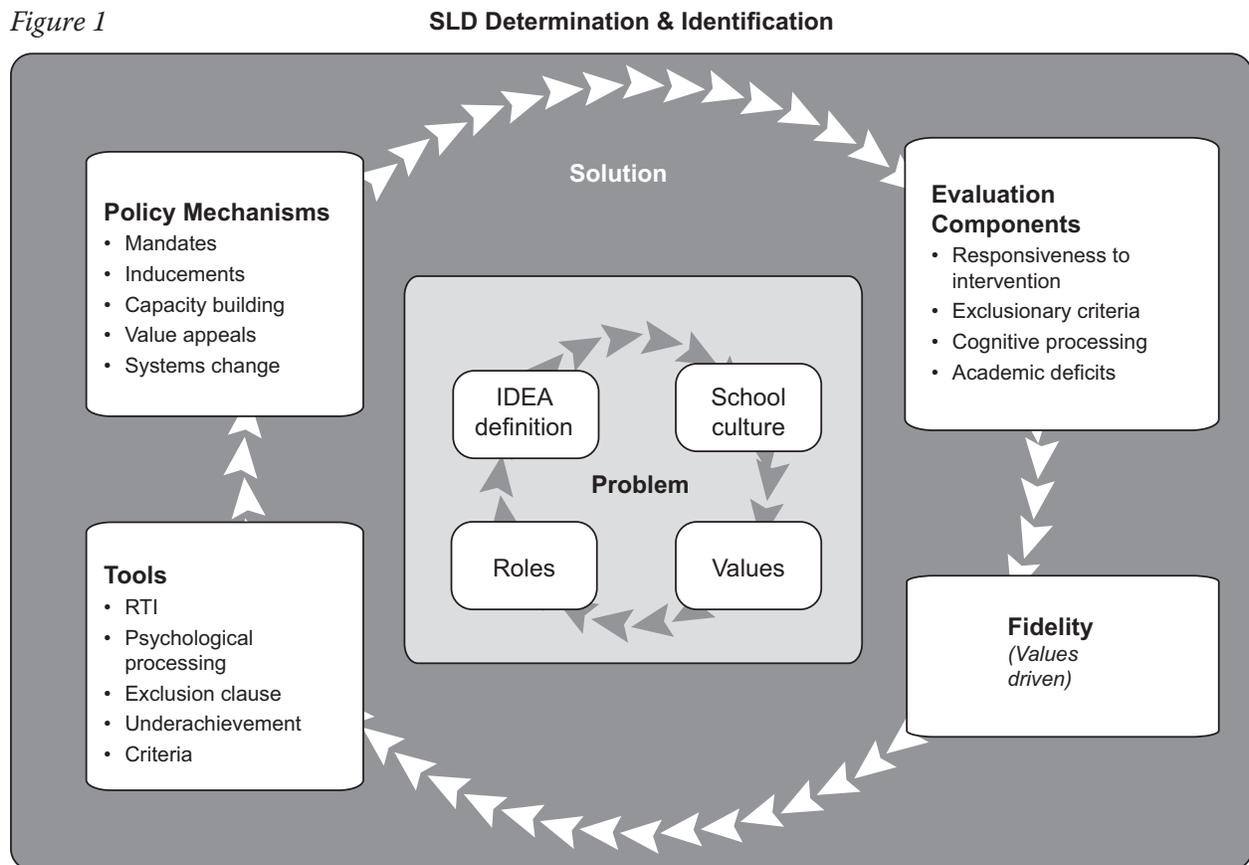
SLD Identification
Developing Solutions

Whereas the 2004 reauthorization of IDEA may help refine the procedures, and research efforts may strive to perfect the tools for schools to better identify students with SLD, tools represent only one component of understanding the challenges of SLD identification. The first step to improving the practices of SLD identification is through a thorough understanding of the problem, which includes asking SEAs, LEAs, and schools to identify the factors, values, and beliefs within the context of their educational system that affect determination decisions.

Figure 1 graphically represents how multifaceted problems require multifaceted solutions. The problem of SLD identification, as depicted here, involves a number of related components:

- *IDEA definition*—how schools interpret and operationalize the definition of SLD as found in IDEA 2004 and the corresponding regulations
- *School culture*—whether the culture in the school supports innovations and change or presents barriers to their implementation
- *Perceived roles*—what roles individual educators see themselves playing in the SLD determination process
- *Values*—what beliefs and values guide the actions and decisions of key individuals

All of these factors when combined result in different definitions of SLD, different methods of determining whether a student has SLD, and different students identified as having an SLD.

Figure 1

SLD Determination & Identification

Solution

Policy Mechanisms
- Mandates
- Inducements
- Capacity building
- Value appeals
- Systems change

Evaluation Components
- Responsiveness to intervention
- Exclusionary criteria
- Cognitive processing
- Academic deficits

IDEA definition

School culture

Problem

Roles

Values

Tools
- RTI
- Psychological processing
- Exclusion clause
- Underachievement
- Criteria

Fidelity
(Values driven)

Clearly, the solution to such a complex problem is complex, too. Among the factors that must be considered are:

- *Evaluation components*—determining what information schools consider in comprehensive evaluations
- *Fidelity*—ensuring that interventions are delivered in the manner in which they are intended to be used
- *Tools*—selecting the methodology, such as RTI, used to identify students with SLD
- *Policy mechanisms*—identifying forces for use to effect change, such as mandating that individuals adopt a new practice or providing incentives for individuals to adopt a new practice

To address the problems associated with SLD identification, schools need to develop stronger conceptual frameworks for interpreting the goals of the policy and understanding the range of alternative mechanisms through which those goals can be effectively pursued. Although better conceptual frameworks will not eliminate conflict and controversy, they could significantly improve the quality of SLD identification policy deliberations and reduce the likelihood that schools will be subjected to wasteful, irrelevant, or self-defeating policy constraints (Mitchell & Encarnation, 1984).

NRCLD has developed a three-step process that can be used to gain clarity and consensus when grappling with the complexity surrounding SLD identification. The process, which is designed to result in a conceptual SLD identification framework, consists of the following steps:

1. *Discuss and develop consensus on working definitions (conceptualizations) of SLD*. This step encourages review of current definitions (both authoritative and operational) to build consensus, determine priorities, and clarify understandings about how students with SLD may differ from other populations of students with low achievement and why making that distinction might be important. Address the question: Who is the student with SLD? During this review, you will consider how values, beliefs, and school context will affect your school's function in serving *all* students, especially low-achieving students and those students with SLD.
2. *Operationalize tools or procedures for the identification process*. (Some of the policy mechanisms and tools available to address SLD determination issues will be reviewed in the following sections of this document and in more detail in subsequent NRCLD publications.)
3. *Collect data on current practices of SLD identification to identify areas of strength and concern*.

Each of these steps is described in detail on the following pages.

Step 1
Discuss and Develop Consensus on Definitions of SLD

Fundamental to the debate on SLD identification are questions concerning conceptualizations of SLD. Shifts in identification processes necessarily result in shifts of our definitions and values related to the construct of learning disability. Dissatisfaction with the ability of a discrepancy model to adequately identify and evaluate students with SLD has led the field to the current position of considering alternatives for wide-scale implementation without also examining contextual factors and values. Any proposed identification tool, process, or model will likely fall short of the goal of improved SLD identification if the problem is only or primarily viewed as a problem requiring better tools. NRCLD considers that SLD determination issues are not methodological. That is, the most significant issues regarding SLD determination are not about the tests or cut-off scores used in the assessments. Rather, the issues involve the decisions regarding the provision of services to students who are not achieving as well as staff and parents would like.

SEAs and LEAs should consider holding focus-group type discussions to examine the varying opinions held about the purpose and values of special education, examine how these positions affect current procedures, and determine what role various staff play in the process of SLD identification. Ideally, the SLD identification process would be consistent with the concepts embodied in the Reading First initiatives (NCLB, 2001). Namely, that evidence-based practices (Davies, 1999, 2004), positive behavior supports (PBIS, 1999), standards for school mathematics (NCTM, 2000), and science curriculum (Mastropieri & Scruggs, 1993, 1994), in addition to placing emphasis on the importance of high-quality general education are central to educational decision making (NCLB, 2001). Activity 1: Determine Values and Priorities Among Staff for Identifying Students with SLD (page 11) presents a series of questions for guiding group discussions about factors that affect SLD identification.

Activity 1
Determine Values and Priorities Among Staff for Identifying Students with SLD

Use the following questions to lead a group discussion among
SEA, LEA, or school staff about factors that affect SLD identification.

1. **Different individuals hold various opinions regarding the purpose or value of special education.**

   ❍ Nationally, more than one-half of the students identified with disabilities have a learning disability, and states' prevalence rates vary from 3% to more than 9%. What contributes to variations in practices across schools and within your district?

   ❍ What is the value in distinguishing a student with a disability from a student who is experiencing academic difficulties?

2. **With the goal of making accurate SLD determination decisions, consider how that determination process currently looks within your state, school, or district.**

   ❍ What happens in your SLD determination process?

   ❍ What role do you play in the SLD determination process?

   ❍ Within the SLD determination process, who takes the leadership role?

   ❍ Who holds the team accountable to your state's guidelines?

   ❍ How does your SLD determination team problem solve and handle disagreements that arise?

   ❍ The aptitude-achievement discrepancy component is often criticized in SLD determination. What does it add to the SLD determination process? What do you consider to be its strengths and weaknesses?

3. **SLD determination generally is recognized as difficult and intensive. What is the importance of diagnostic distinctions?**

   ❍ How do students with SLD differ from the many students needing help?

   ❍ What's your sense of the importance of this distinction?

   ❍ Identifying the SLD and a student's need for services are both parts of special education eligibility. Does one of these have more weight than the other?

   ❍ What contributes to a high level of confidence in accurate SLD determination?

Step 2
Review and Select Appropriate Tools

This step reviews approaches to SLD identification that are being investigated. Additionally, we have included worksheets for SEAs, LEAs, and schools to use in analyzing current models.

I. Reauthorization of IDEA and Responsiveness to Intervention (RTI)

Until the passage of IDEA 2004, SLD determination was addressed in the regulations without reference to intervention measures or output specifications. Recommendations for the federal regulations governing IDEA 2004 include specific SLD determination procedures (e.g., Sec. 614 (b) (6) (B)). These procedures include an option that a local school district may include a student's response to research-based intervention as part of the SLD determination process. Thus, the information gleaned from a student's performance in response to a specific intervention is considered important in distinguishing students with SLD. This statutory language is commonly associated with responsiveness to intervention (RTI).

The current statute does not provide details for implementation; thus, one might expect that how an RTI process is operationalized may vary considerably across settings. Another point to note is that RTI is not mandated (i.e., ". . . a local agency *may* use a process. . ." —IDEA 2004, Sec. 614 (b) (6) (B)). Local districts can use discretion in incorporating RTI as part of their SLD determination processes. Another point of the statute is that aptitude-achievement discrepancy may continue to be used.

An important point to note is that RTI is described in the statute as one part of SLD determination and educational placement procedures, not as the only evaluation procedure. The inference is that SLD determination is not based on a sole criterion of the student's response to an intervention. Instead, RTI should work synergistically with other evaluation and eligibility determination tools, while also being integrated with other SEA, LEA, and school

system concepts: Civil Rights Act of 1964 (Title VI), Rehabilitation Act of 1973 (Sec. 504), Americans with Disabilities Act of 1990 (Title II), Reading Excellence Act of 1998 (P.L. 105-277), No Child Left Behind Act of 2001—which includes Reading First and Early Reading First initiatives (P.L. 107-110), and IDEA 2004.

Sources of information that might be included in the SLD determination processes of SEAs, LEAs, and schools can be inferred from the consensus statements that emerged from the 2004 Learning Disabilities Roundtable:

1. SLD identification should include an efficient, student-centered, comprehensive evaluation and problem-solving approach.
2. General education must assume active responsibility for delivery of high-quality instruction, research-based interventions, and prompt identification of individuals at risk while collaborating with special education and related services personnel.
3. The ability-achievement discrepancy formula need not be used for determining eligibility and should not be used as the sole criterion for determination of eligibility.
4. Decisions regarding eligibility for special education services must draw from information collected from a comprehensive individual evaluation using multiple methods and sources of relevant information.
5. Decisions on eligibility must be made through an interdisciplinary team, using informed clinical judgment, directed by relevant data, and based on student needs and strengths.
6. Decisions on eligibility must be made in a timely manner.

II. Identify Policy Instruments for Change

Schools are faced with the demands of a wide variety of policy initiatives (e.g., No Child Left Be-

hind, Reading Excellence, and IDEA). In the same way that a thorough understanding of the problem of SLD identification is needed to craft appropriate solutions, a complete representation of the variety of policy demands and how these policies both compete for and complement SEA and LEA resources can help schools achieve "policy coherence." Policy coherence has been defined as a continual process whereby schools and LEAs work together to help manage external policy demands (Honig & Hatch, 2004). Achieving policy coherence that ultimately results in improved student outcomes can be attained when:

1. Schools establish their own goals and strategies.
2. Schools use their goals and strategies as the basis for deciding how to respond to external demands.
3. LEAs support the schools' decision-making processes by continually searching for and using information about schools' goals, strategies and experiences to inform their own operations (Honig & Hatch, 2004).

Following this process allows schools to consider SLD determination within the broader context of NCLB 2001 and IDEA 2004 policy initiatives and their school population. Policy mechanisms have been described in the literature as the glue that helps schools achieve coherence in balancing these various initiatives. Some of the policy mechanisms available to SEAs, LEAs, and schools are the following:

- Accountability
- Inducements
- Resources
- Hortatory appeals
- Capacity building
- Monitoring
- Mandates
- System changes

(Adapted from McDonnell & Elmore, 1987)

Activity 2: Searching for Policy Coherence within Two Policy Initiatives (page 14) represents a preliminary look at understanding how these various mechanisms are used to address current policy initiatives. We present them here to provide some initial steps in considering how SEAs and LEAs might craft SLD identification processes that both address the unique challenges identified in step one of this three-step process and complement existing policy initiatives.

Activity 2

Searching for Policy Coherence within Two Policy Initiatives

This activity represents a preliminary look at understanding how various mechanisms are used to address current policy initiatives:

- Column one lists the eight policy mechanisms and a brief description of each.
- Column two identifies provisions of the two current policies that relate to each mechanism: the No Child Left Behind Act of 2001 (NCLB 2001) and the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004).
- Column three provides space for you to note the implications of the policy mechanism and related NCLB 2001 or IDEA 2004 provisions on your State Educational Agency (SEA) and Local Educational Agency (LEA) practices. You also may use these columns to identify applicable current state or local polices.

For an expanded explanation of this activity, see Section 2: Ensure Policy Coherence Aross Legislation in NRCLD's manual, *Getting Started with SLD Determination: After IDEA Reauthorization.*

Policy Mechanism	NCLB 2001		IDEA 2004	
	SEA	LEA	SEA	LEA
Accountability: responsible, answerable	Centralized governance due to emphasis on enforcement of performance standards for teachers and students	Centralized governance due to emphasis on enforcement of performance standards for teachers and students.	With implementation of Early Intervening Services (EIS), centralized governance to ensure access to high-quality instruction and school-wide progress monitoring; more decentralized governance due to contexts of school functioning/population served for individual decision-making	
Inducements: transfer of money or in-kind goods	School-improvement funding allocation model		States receive funding for students who are identified as requiring special education services	If a state agency follows IDEA 2004, they receive funds

Policy Mechanism	NCLB 2001		IDEA 2004		NCLB 2001		IDEA 2004	
	SEA	LEA	SEA	LEA	SEA	LEA	SEA	LEA
Resources: general-availability issue, allocation-priority issue	Mandated testing (screenings) in each school, as well as submittal of adequate yearly progress (AYP) reports for measuring system performance		Early Intervening Services (EIS) and progress monitoring promoted to enhance student performance					
Hortatory appeals: particular goals/actions are considered high priority by authority					Reading, math, and science receive focus regarding system-wide improvement		Reading, writing, and math are primary areas of concern for learning disability designations among students / Content standards that are assessed receive priority	

Policy Mechanism				
			SEA	**LEA**
Capacity building: investment in material, intellectual, or human resources	NCLB 2001	SEA	Need for highly-qualified teachers emphasized	Content standards
		LEA		
	IDEA 2004	SEA	Implementation of scientific research-based/evidence-based instruction mandated	
		LEA		
Monitoring: systematically collect information/data	NCLB 2001	SEA	Data submitted, analyzed and maintained. [Adequate yearly progress (AYP) report]	High-stakes assessments
		LEA		
	IDEA 2004	SEA	Progress monitoring data regularly collected and used in making student placement decisions	
		LEA		

Policy Mechanism	NCLB 2001		IDEA 2004		NCLB 2001		IDEA 2004	
	SEA	LEA	SEA	LEA	SEA	LEA	SEA	LEA
Mandates: required behavior, prescribed penalty	Scientific-based research defined and aligned with system screening assessments		Scientific-based curriculum and interventions aligned with student progress monitoring		System accountability mandated		Student improvement implemented through Early Intervening Services (EIS)	
System changes: transfers authority among individuals and agencies	Horizontal and vertical mapping, aligned with assessments							

Step 3
Collect Evidence on Current Practices

It may be helpful for SEAs, LEAs, and schools to develop a conceptual framework of problems within the context of their current approaches. Some of the following factors have been identified as problematic practices within current approaches to SLD identification as highlighted by the literature on SLD identification practices. By completing Activity 3: Collecting Data on Current SLD Determination Practices (page 20), SEAs, LEAs, and schools can begin to identify and address their own concerns with SLD determination.

At the completion of this three-step process, SEAs, LEAs, and schools should be able to map the various components to create a representation of the problem of SLD identification that is relevant to a specific SEA, LEA, or school. The worksheets associated with Activity 4: Characterizing the Challenges of SLD Identification and Activity 5: Identifying Solutions to Challenges of SLD Identification (pages 22 and 23) can be used as tools to collect the information generated thus far and to facilitate an understanding of the problem of SLD identification.

Activity 3
Collecting Data on Current SLD Determination Practices

Individual SEAs, LEAs, or schools can use the following form to collect supporting evidence that examines SLD determination practices.

Look at the issue of over-identification of students with SLD
What is the prevalence in your state/district/school? Some things to consider are • Prevalence of SLD (i.e. the trend data over time) 　- Did this increase yearly? 　- Were there any noticeable times of increase? • Relationship to data in other categories 　- Did mental retardation (MR) or behavioral disorder (BD) classifications decrease as SLD increased?	

Examine state regulations and procedures for SLD identification	
Is there clarity/consistency in discrepancy formula?	
Regression formulas are thought to provide more reliability in determining the discrepancy.[1] *Does your state/district/school apply a regression formula?* [1] *Kavale & Forness, 2000*	

Examine exclusionary criteria	
What evidence is provided for learning opportunity? • prereferral process • examining the general curriculum and instruction • AYP measures to look at class performance	
How is cultural/language disadvantage ruled out? What is the evidence?	
What evidence is examined for MR/BD/sensory impairments?	

Determine how the regulation/procedure addresses the definition	
Is discrepancy the sole criterion?	
Quality of designing, implementing, and evaluating prereferral interventions • assessment of ability • average general ability	
How are intra-individual discrepancies evaluated?	
Early identification • resources for early intervention • reluctance to identify at early grades	
Local implementation • resources to increase standardization	

Activity 4
Characterizing the Challenges of SLD Identification

This form is to be used to identify various challenges and problems related to SLD identification within individual SEAs, LEAs, or schools. Figure 1 (page 8) depicts the interplay of components that must be considered during the SLD determination process. Each organization must deal with its own multifaceted problems to arrive at its own multifaceted solutions. Distribute a blank form to numerous staff to generate ideas about your organization's challenges and problems in each of the areas described below. Address responses using the form on page 23.

Values	School Culture	IDEA Definition	Staff Roles
Example: Teachers with years of experience are just able to tell if a student has an SLD without charting evaluation points.	Example: Someone at the district level is going to have to take responsibility for this.	Example: The reality is we are just provided broad parameters when each student is unique.	Example: The extra monitoring and data collection would just fall on specific staff members until it came time to assess the students.

Activity 5
Identifying Solutions to Challenges of SLD Identification

This form is to be used to identify solutions for the challenges and problems related to SLD identification within individual SEAs, LEAs, or schools. Distribute to numerous staff a sheet containing the consolidated responses to Activity 4 on page 22 as well as a blank solutions form for generating ideas about how your organization responds to the identified challenges and problems.

Tools	Characteristics	Fidelity	Policy Mechanism
Example: It's too much for one person so let's make it a team effort.	Example: It's up to the discretion of the team to decide the evaluation components, i.e., whether they want cognitive tests.	Example: Someone is going to have to spend more time doing fidelity checks.	Example: Progress monitoring and data collection will assist with meeting AYP and SPP requirements.

Conclusion

With the reauthorization of IDEA and changes to federal and state regulations, schools continue to grapple with the complex issues associated with identifying students with SLD. To date, many schools have relied on determining differences between students' academic ability and their academic achievement through the use of aptitude-achievement discrepancy formulas for identifying SLD. Given dissatisfaction with this method, various alternative models are currently under investigation.

IDEA 2004 brings many anticipated changes in the current approaches to SLD identification. At present, no single alternative to the aptitude-achievement discrepancy model is fully developed or supported by the research for recommended wide-scale adoption. RTI has emerged as a prominent and potentially promising alternative SLD identification model; however, questions remain about its broad application within the system for SLD determination. Forthcoming NRCLD publications will provide more detailed explanations of RTI, how it is used within the context of SLD identification, and how to begin the implementation process.

In addition to RTI, other alternatives to traditional SLD identification methods are being examined. Essentially, many researchers seem to agree that retaining the multifaceted nature of the SLD construct is critical as well as emphasizing the important difference between learners who have identifiable learning disabilities and learners who are low achievers, despite current difficulties with measuring such processing problems. This difference may be manifested in deficits or disorders in psychological processing. NRCLD suggests that in addition to refining the tools used to make SLD identification decisions, SEAs, LEAs, and schools need to examine their values, beliefs, and the contexts within which they operate to develop a thorough understanding of the problem of SLD identification and, subsequently, implement solutions that fully address the problem components. To that end, subsequent NRCLD publications will focus on the many aspects of SLD identification that are highlighted in the literature, providing both a conceptual framework as well as practical tools and processes for SEA, LEA, and school use.

The information you have considered in the process of working through this three-step process is an initial stride in addressing the problem of SLD determination as defined by federal, state, and local statutes and regulations; values and beliefs held by your staff; factors and the contexts within which your school staff operates; and your current practices or approach to SLD identification.

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