

UTAH SPECIAL EDUCATION RULES

Changes to SLD Eligibility

The purpose of this paper is to clarify recent changes (2013) regarding Specific Learning Disabilities (SLD) eligibility in Utah, for Local Educational Agencies (LEA's) who use the discrepancy or combination method for SLD eligibility. Frequently asked questions regarding SLD eligibility and these changes are addressed.

Discrepancy Method:

August 2007 rules:

- (iii) The comparison of the standard scores on the tests of achievement and intellectual ability:
 - (A) Must produce a report that states that the team can be 93 percent confident there is a severe discrepancy between the student's expected achievement score and the obtained achievement score, based on the Utah Estimator software, or

New changes to the 2007 Utah Rules:

- (A) Must produce a report that **shows a significant discrepancy**, based on a commercial software program that employs a clearly specified regression formula that considers the relationship between the intelligence and ability achievement tests as well as the tests' reliability, and
- (B) **Document the team's consideration of the discrepancy report and the team's determination of whether or not it represents a significant discrepancy.**

Commentary:

Prior to IDEA 2004 reauthorization of IDEA, states were *required* to establish SLD eligibility using a "discrepancy method" that examined the existence of a significant discrepancy between a student's intelligence and academic ability in one or more of the seven (now 8) achievement "qualification" areas.

IDEA 2004 reauthorization removed the significant discrepancy *requirement*, and allowed states to employ any or a combination of 3 options: 1) RTI approach, 2) significant discrepancy, or 3) a combination of RTI and discrepancy.

Utah interpreted IDEA 2004 and adopted the following procedures for identifying students with specific learning disabilities:

b. PROCEDURES FOR IDENTIFYING STUDENTS WITH SPECIFIC LEARNING DISABILITIES. (§300.307)

- (1) An LEA may use one of the following methods for determining a student's eligibility under the specific learning disability category:
 - (a) A process based on the student's response to scientific, research-based intervention.
 - (b) Identification of a severe discrepancy between intellectual ability and achievement.
 - (c) A combination of (a) and (b).

The three options listed above regarding SLD eligibility remain unchanged. The revised 2013 changes removed the cut score of 93 percent likelihood that the discrepancy obtained is statistically significant, using either the Utah Estimator, or "a commercial software program that employs a clearly specified regression formula that considers the relationship between the intelligence and ability achievement tests as well as the tests' reliability, and (B) Document the team's consideration of the discrepancy report and the team's determination of whether or not it represents a significant discrepancy."

Rationale for the change:

- Teams are required to make eligibility decisions based on data from a comprehensive evaluation.
- Use of an arbitrary cut score is not required.
- Over reliance on any one cut score or data source is not supported by IDEA.
- Growing evidence that MTSS/RTI approaches help reduce SLD referrals.
- No other disability category uses a cut score.

FREQUENTLY ASKED QUESTIONS REGARDING SLD ELIGIBILITY CHANGES

Q. Are districts that use either the discrepancy approach (a) or the combination approach (c) required to produce and discuss a discrepancy "report?"

A. YES; "(A) Must produce a report that shows a significant discrepancy, based on a commercial software program that employs a clearly specified regression formula that considers the relationship between the intelligence and ability achievement tests as well as the tests' reliability, and (B) Document the team's consideration of the discrepancy report and the team's determination of whether or not it represents a significant discrepancy."

Q. If the team does not agree that the discrepancy report confirms the existence of a significant discrepancy, but other significant data support SLD eligibility, can the team still qualify the student?

A. Yes. Eligibility for special education services has always been a team decision, using multiple data points. No one data source should be considered as the reason for automatic inclusion or exclusion for special education services.

Q. Will a numeric discrepancy score be required as evidence of a “significant discrepancy” for the purpose of UPIPS monitoring?

A. No. But the UPIPS monitors will be looking for the existence of a discrepancy report and also documentation (team meeting notes) of the team’s discussion about whether or not that report represents a significant discrepancy.

Q. Who can LEA staff and/or teachers contact should they have further compliance-related questions regarding SLD eligibility?

A. LEA staff and/or teachers should first access the Utah State Special Education Rules, amended (2013), which clearly identifies requirements relating to assessments including SLD eligibility. If further guidance is required, the USOE specialist for SLD is Kim Fratto, kim.fratto@schools.utah.gov, 801-538-7716.