

Where It's Been, Where It's Going

In special education, students identified as having a specific learning disability (SLD) is the largest group of students we serve—50% of the nearly 5.8 million students between the ages of 6 and 21 identified as having a disability. As such, identification of and provision of services to students with SLD is an important topic. The Individuals with Disabilities Education Act (IDEA) is in the process of being reauthorized and revised as it must be every five years. Some of the topics under consideration are the definition, criteria, and conditions for SLD eligibility determinations. The changes that are being proposed, however, should be considered in light of the history of SLD and why some of the changes are being recommended.

History of SLD

The term learning disabilities was suggested by Samuel Kirk in 1963 and was revised and defined over several years. The definition included in IDEA today was formulated in 1968 by the National Advisory Committee on Handicapped Children and incorporated into regulations for the Education of the Handicapped Act (the initial name of IDEA) in 1977. In 1975, when EHA was passed, Congress was concerned about the possibility of the number of students identified for this new disability category increasing enormously. Because of this concern, Congress established a temporary cap for this category at 2% of the population. If no regulations establishing specific classification criteria were established by January 1, 1978, the cap would become permanent.

On November 29, 1976, a proposed set of regulations emphasizing the discrepancy between achievement and ability was released. This included an expectancy formula which specifically defined how to identify this discrepancy. Reaction was nearly unanimous against this expectancy formula. As a result, the final regulations were published on December 29, 1977 (just before the deadline) without the expectancy formula and without a clear definition of how to identify the discrepancy between achievement and ability.

Left without clear guidance from the Federal Department of Education, state education agencies were left to develop their own interpretation of what the discrepancy should be. This most likely led to the variation in SLD definitions and criteria among the states.

Why the Discrepancy Criterion is being Questioned

Although criticism of the ability-achievement discrepancy occurred occasionally from 1975 through 1995, in the late 1990's it reached a level of consistency and persuasiveness that has had members of the educational community seriously searching for alternatives. The criticisms have generally been one of the following four types.

1. State criteria for a severe discrepancy vary widely. This is often used with the argument that a different group of students is being served in different states and that a student eligible for services as LD in one state may not be eligible in another.
2. Regardless of the specific method of discrepancy used (e.g., simple standard score difference such as 15 points or a regression-based discrepancy formula that takes into account the relation between ability and achievement measures), discrepancy formulas do not identify a group of students with specific needs. When reading achievement is held constant, students with ability scores similar to their achievement scores and students with ability scores significantly greater than their achievement scores respond comparably to the same instructional methods.
3. Use of discrepancy formulas often delays identification until later grades (grade 3 and up). This is potentially problematic because targeted early intervention has been shown to be highly effective and a strong predictor of future reading success.
4. Research generally shows that approximately one-half of the students identified as SLD do not meet their state discrepancy criterion. Educators often use the team override clause in state regulations when the student does not exhibit a severe discrepancy, but the team believes the student has demonstrated



John L. Hosp, Assistant Professor, University of Utah • Daniel J. Reschly, Professor, Vanderbilt University

a need for services. Thirty-two of the 50 states (including Utah) allows for the team to override the severe discrepancy criterion.

These four types of criticisms have led some national groups to recommend changes in the definition and/or criterion for identifying students as having SLD.

Recommendations for Changes

There are four primary groups that have published specific recommendations for changes to the definition, criteria, or conditions for identification of LD. These groups generally conducted their work between 2000 and 2002, all publishing their conclusions in 2002—just in time for reauthorization.

Learning Disabilities Roundtable

This group is the successor to the National Joint Committee on Learning Disabilities (NJCLD) and is composed of representatives from 10 national organizations (including the Council for Exceptional Children-Division of Learning Disabilities and the National Association of School Psychologists). The group's consensus statement explicitly conveys its support for the *concept* of SLD. They were also very clear that the ability-achievement discrepancy *should not* be used for the determination of eligibility for services. They did not, however, provide specifics about a replacement, only that one needs to be identified and validated. Some of the general recommendations were to maintain interdisciplinary team involvement and the use of multiple methods and sources of information.

Learning Disabilities Summit and Follow-up

This conference was established by the Office of Special Education Programs to bring over 200 researchers, practitioners, policymakers, advocates, and parents of students with SLD together to discuss the current state of knowledge on all aspects of SLD. A follow-up meeting of the primary presenters formulated a set of recommendations based on that knowledge. Like the Roundtable, the Summit follow-up group was clearly supportive of the concept of SLD, but rejected the feature of SLD being a process disorder that is currently in the definition. The majority view was also to recommend a) the elimination of the ability-achievement discrepancy as a criterion for SLD eligibility and b) that use of a comprehensive intelligence test battery was not necessary in the identification of SLD. The minority view was that ability-achievement discrepancy is an appropriate marker for SLD, but is not sufficient to determine underachievement.

President's Commission on Excellence in Special Education

This group was established by the White House and held information gathering meetings across the country to get input on the pros and cons of special education as it is currently implemented. A primary recommendation was that rather than eligibility, special education evaluation should focus on need. They stated that the approach for high-incidence disabilities should shift from a failure model (i.e., certify that a student is failing) to a prevention model (i.e., identify which students may not or are not making adequate progress and provide appropriate services to ensure they do). Their recommendation for SLD specifically is to remove the discrepancy criterion and eliminate the use of IQ tests for identification.

"If you don't know where you're going, any road will take you there."—George Harrison

National Academy of Sciences Panel on Minority Representation in Gifted and Special Education

Although this panel's task was to examine minority representation specifically, in providing recommendations, they addressed special education as a whole. They expressed concern that the current system requires student failure before special education services can be accessed. In order to remedy this, they recommended that eligibility for special education not focus on the current categorization of disabilities but be dependent upon student needs for specific intervention strategies based upon insufficient response to high-quality interventions. They also stated that intelligence tests should not be required and should not be used as primary criteria for eligibility.

House and Senate Bill Wording

Wording of the definition of SLD is identical to that in IDEA '97. Wording regarding the considerations for SLD eligibility determinations is changed, but is identical in both the House and Senate versions (see Figure 1). As can be seen from the Bill wording, no local educational agency (LEA) (i.e., school district) can be required to use the severe discrepancy. One idea that was referred to by all of the above groups was Response to Intervention (RTI). RTI involves providing *all* students with high-quality instruction based on interventions that have been demonstrated to be effective for a broad range of students. If a student does not respond sufficiently to this instruction, he or she may be identified as eligible for special education services. This is suggested by section B, the additional authority, as an alternative to using a discrepancy formula.

Conclusions

The revisions and reauthorization of IDEA are always an interesting experience. This round appears to be no different. Potential changes and options for approaches to eligibility for SLD seem to be coming. Exactly how they play out in the final version of the law and in the regulations remains to be seen, but the recommendations for direction are fairly clear. The monopoly that severe discrepancy formulas (ESTIMATOR) have had appears to be over. ■

References available upon request from the Utah Personnel Development Center

Figure 1. House and Senate IDEA Bill wording of considerations for LD eligibility determinations (614)(b)(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(29), 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 comprehension, 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 the child responds to scientific, research-based intervention.