

# Determining the Eligibility of Students with Specific Learning Disabilities

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## 1. Orientation to Specific Learning Disabilities

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### Chapter Overview

This chapter covers definitions of specific learning disability, federal laws, regulations, state statutes and rules, as well as those affecting school districts in Minnesota. The information in this chapter will also help those who work in the field ensure that students receive their rights as well as the best educational response that the laws allow.



### Regulations and Rules

**Note:** Regulations, statutes, and rules form the basis for legal compliance and are provided below to help readers understand the requirements of the law.

**Note:** Minimum legal standards are established in federal law, federal regulations, state statutes and state rules. Change in federal law triggers change and re-alignment in federal regulations, state statutes and state rules. Reauthorized Federal IDEA 2004 led to the process of gathering public input and aligning federal regulations (released in August 2006) and Revised Minnesota Rule September 2008.

The time between the passage of a new law and how it is operationalized for local schools can create a period of misalignment or lack of clarity. Although legal issues can be clarified and enhanced in multiple ways, legal clarification resembles that of a continuous improvement process. Each cycle of enhancement or clarification can lead to increased rigor of legal standards and/or require changes in implementation at the district and school level. In general, this process takes about 18 months. The figure below illustrates this process.

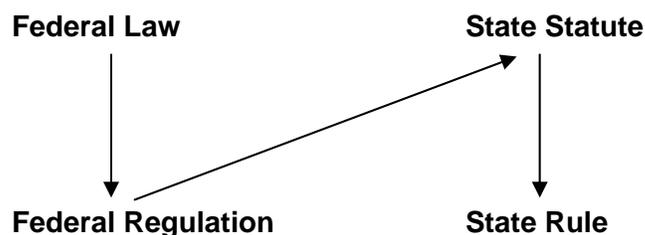


Figure 1-1: Path of Federal Law to State Rule.

The rest of the Regulation and Rules section reviews Minnesota Rule 3525.1341 - Specific Learning Disability, which relates to the definition of specific learning disability as determined by Subpart 1. **Definition.** "Specific learning disability" means 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, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

The disorder is:

- A. Manifested by interference with the acquisition, organization, storage, retrieval, manipulation, or expression of information so that the child does not learn at an adequate rate for the child's age or to meet state-approved grade-level standards when provided with the usual developmental opportunities and instruction from a regular school environment; and
- B. Demonstrated primarily in academic functioning, but may also affect other developmental, functional, and life adjustment skill areas; and may occur with, but cannot be primarily the result of: visual, hearing, or motor impairment; cognitive impairment; emotional disorders; or environmental, cultural, economic influences, limited English proficiency or a lack of appropriate instruction in reading or math.

**Note:** Terminology in IDEA and Minnesota are not always the same. What in Minnesota is referred to as Developmental Cognitive Disability (DCD) is in federal law termed Mental Retardation (MR). A further illustration of this is related to the use of brain injury as referenced in the Federal Law definition of SLD. In Minnesota, Traumatic Brain Injury is its own disability category and not part of Specific Learning Disabilities.

## Federal and Minnesota Definition of Specific Learning Disabilities

Revised Minnesota Rule September 2008 restates the Reauthorized Federal IDEA 2004 Definition of SLD. The definition includes a description of a "specific learning disability" as well as "disorder." The definition is further specified by conditions A and B. Readers will find that both conditions have to have documented evidence indicating that the team has considered them in the eligibility determination.

*A specific learning disability is not synonymous with "dyslexia" or reading disorder.*

The term specific learning disabilities (SLD) as defined in *Reauthorized Federal IDEA 2004* means a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written communication that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell or do mathematical calculations.



Conditions such as *perceptual disabilities*, *brain injury*, *minimal brain dysfunction*, *dyslexia* and *developmental aphasia* are included in the definition. Although many of these terms are not widely used in Minnesota, they reflect the evolution of what is known about specific learning disabilities. The terms mentioned in the federal definition, although not used in Minnesota, may be in use in some areas around the country, so it endures in federal regulations.



The term specific learning disability does not include learning problems that are primarily the result of visual, hearing or motor disabilities, of mental retardation, of emotional disturbance, of environmental, cultural or economic disadvantage, of limited English proficiency, or a lack of appropriate instruction in reading or math. It is also understood that while specific learning disabilities are not caused by the factors previously listed, they can *co-exist* with other disabling conditions (e.g. sensory deficits, language impairments, behavior problems, etc.).



**Important:** The medical and mental health communities use the terms “dyslexia” and “reading disorder” to narrowly define poor reading achievement, i.e., accurate decoding and fluent reading speed. A medical diagnosis of a disorder is not synonymous with disability as defined in the Reauthorized Federal IDEA 2004. Nor does a medical diagnosis alone assure eligibility for Special Education Services. School evaluation teams must adhere to IDEA, which helps educational professionals determine which individuals have a disability that significantly adversely impacts educational performance.

Various types of specific learning disabilities exist with no single defining characteristic; a specific learning disability may manifest itself by interfering with the acquisition, organization, storage, retrieval, manipulation, or expression of information. While research indicates most students (over 80 percent according to the National Association of School Psychologists 2007 SLD position statement) have a disability in the area of reading, a specific learning disability is not synonymous with “dyslexia” or reading disorder.

Researchers and advocates of specific learning disabilities may not always agree on a definition or a single defining characteristic of a specific learning disability. However, they do agree that specific learning disabilities are intrinsic to the individual and characterized by neurologically-based deficits in basic psychological processes. The deficits are specific in nature, impact particular cognitive processes that interfere with acquisition or production of learning and present with varying levels of impact. (For more information refer to the summary of *Specific Learning Disabilities: Finding Common Ground*, a report developed by the ten organizations participating in the Learning Disabilities Roundtable found in Appendix.)

Students with a specific learning disability exhibit varying levels of impact, but by definition will not learn at an adequate rate for the student’s age or to meet state-approved grade-level standards when provided with the usual developmental opportunities and instruction from a regular school environment.

The specific learning disability may also affect other developmental, functional and life adjustment skill areas. These examples illustrate the impact a SLD may have on an individual's life. While early intervention may reduce the impact of many learning difficulties, significant learning disabilities will likely impact performance throughout one's life. Individuals successful in compensating for their SLD will have developed strong self-advocacy skills, accommodations for their learning difficulties and a resilient mindset.



### **Illustrative Example A: Specific Learning Disability with Mild Life-long Impact**

A student experiences deficits in auditory processing which impacts her ability to acquire reading skills. Through early detection and intensive intervention she is able to learn and master phonemic awareness skills, which improve her ability to read. The student still requires written directions and has difficulty following oral multi-step instructions. She learns to accommodate her auditory weakness but requires accommodations throughout her school years. As she transitions into high school and post-secondary environments, this student may struggle to obtain information through a lecture format. She must learn to self-advocate and select instructional environments that present information visually or provide accommodations for her auditory processing weaknesses.



### **Illustrative Example B: Specific Learning Disability with Significant Life-long Impact**

A student experiences deficits in processing speed and working memory. Through early detection and intervention this student is provided intensive instruction in reading and math and develops basic competency in decoding and computation. As content demands increase and concepts become more abstract, the student has difficulty keeping up. The student has difficulty reading quickly enough to comprehend what was read. He falls behind in class reading assignments. Word problems in math become exceedingly challenging because the student must hold the math problem in mind while creating a mathematical sentence representing the problem to be solved.

In junior high school, reading and math assignments begin to take all evening to complete and continue to require substantial effort as he progresses through high school. The student has difficulty recalling and organizing ideas in writing and is not able to take notes while the teacher is talking. The development of an adequate reading vocabulary to manage content in class becomes difficult because the student has difficulty integrating old with new knowledge. When socializing with a group of friends the student has a difficult time keeping up with the conversation because it moves faster than he can think. He laughs when others laugh and prays that no one asks him what was funny.

In senior high school and postsecondary environments, the student experiences increasing difficulty following abstract multi-step directions and lecture style instructional formats. Algebra and geometry become progressively more difficult as mathematical procedures increase in complexity.

## Summary of Significant Changes in SLD Regulations

The federal SLD regulations (34 CFR 300.308-300.311) released in 2006 changed in four significant ways:

- Acceptable process choices for determining SLD eligibility.
- Acceptable determination criteria.
- Required observation.
- Acceptable composition of determination team.

*Students who qualify under a system of SRBI may present with different learning profiles than students who traditionally qualify under discrepancy criteria.*

### Change 1: Acceptable Process Choices for Determining SLD Eligibility



Three federal regulations exist for specific learning disabilities (SLD) criteria:

- 34 CFR § 300.309: A State must adopt criteria for determining whether a child has a specific learning disability as defined in 34 CFR 300.8(c)(10).
- 34 CFR § 300.307(a): A public agency must use the State criteria adopted pursuant to *this section* in determining whether a child has a specific learning disability.
- 34 CFR § 300.8(c)(10): A Specific Learning Disability defined.

**Note:** [View the complete SLD language in federal regulations](#). Also note that terminology in IDEA and Minnesota are not always the same. What in Minnesota is referred to as Developmental Cognitive Disability (DCD) is in federal law termed Mental Retardation (MR).

Reauthorized Federal IDEA 2004 and the final regulations (2006) required changes in the State SLD criteria for determining whether a child has a specific learning disability. In addition, the criteria adopted by the State:

- Must not require the use of a severe discrepancy between intellectual ability and achievement for determining whether a child has a specific learning disability.
- Must permit the use of a process based on the child's response to *scientific research-based intervention (SRBI)*.
- May permit the use of other alternative research-based procedures for determining whether a child has a specific learning disability.
- A public agency must use the State criteria to determine whether a child has a specific learning disability.



## Change 2: Acceptable Determination Criteria

The child's parents and a team of qualified professionals concludes that a child has a specific learning disability if:

- The child does not achieve adequately for the child's age, or to meet State-approved grade-level standards when provided with learning experiences and instruction appropriate for the child's age, or State-approved grade-level standards in one or more of 8 areas. The requirements are consistent with 34 CFR 300.309.
- The child does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas when using a process based on the child's response to scientific research-based intervention; or the child exhibits a pattern of strengths and weaknesses in performance, achievement, or both relative to age, State-approved grade-level standards, or intellectual development that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments. The requirements are consistent with 34 CFR 300.309(a)(1).
- The group determines that its findings are not primarily the result of 7 additional factors:
  - A visual, hearing, or motor disability;
  - Mental retardation;
  - Emotional disturbance;
  - Cultural factors;
  - Environmental or economic disadvantage;
  - Limited English proficiency.

The group must consider that the child was provided appropriate instruction in regular education settings delivered by qualified personnel to ensure that underachievement in a child suspected of having a specific learning disability is caused by such a disability. The suspected disability must not be due to a lack of appropriate instruction in reading or math prior to or as part of the referral process. Additionally, the child's parents must have been provided with data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction. The requirements are consistent with 34 CFR 300.304 and 300.305.

The public agency must promptly request parental consent to evaluate the child to determine if the child needs special education and related services and must adhere to the timeframes for evaluation. The requirements are consistent with 34 CFR 300.304.

### Change 3: Required Observation

The public agency must ensure that the child is observed in the child's learning environment (including the regular classroom setting) to document the child's academic performance and behavior in the areas of difficulty. The child's parents and a team of qualified professionals must:

- Use information from an observation in routine classroom instruction and monitoring of the child's performance that was done before the child was referred for an evaluation.  
OR
- Have at least one member of the group conduct an observation of the child's academic performance in the regular classroom after the child has been referred for an evaluation and parental consent.
- In the case of a child of less than school age or out of school, a group member must observe the child in an environment appropriate for a child of that age.

The above requirements are consistent with 34 C.F.R. § 300.310.

### Change 4: Acceptable Composition of Determination Team

The child's parents and a team of qualified professionals determine if a child suspected of having a specific learning disability qualifies, and must include:

- The child's regular teacher; or if the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or for a child of less than school age, an individual qualified by the State educational agency (SEA) to teach a child of his or her age.
- At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.

These requirements are consistent with C.F.R. § 300.308.

*See your Special Education Director if you need clarification.*

## Minnesota Statutes and Rules Summary



This section discusses the State of Minnesota statute and a rule that impact SLD determination:

Minnesota Statutes section 125A.56 (2007), Alternate Instruction Required before Assessment Referral, states that before a pupil is referred for a special education evaluation, the district must conduct and document at least two instructional strategies, alternatives, or interventions using a system of scientific, research-based instruction and intervention in academics or behavior, based on the pupil's needs, while the pupil is in the regular classroom. The pupil's teacher must document the results. A special education evaluation team may waive this requirement when it determines the pupil's need for the evaluation is urgent. This section may not be used to deny a pupil's right to a special education evaluation.

**Note:** [View complete Minnesota Statute section 125A.56 on the state Website.](#)

The rest of this chapter describes the criteria for a child who is suspected of having a specific learning disability and evaluation data that may be used to substantiate the criteria. These components and parameters are specified by Minnesota Rule 3525.134 and supported researched practices in evaluation of SLD.

Minnesota allows teams to use data from the discrepancy formula *or* from research-based interventions to show an inadequate rate of improvement. Items A and B are required, and a team must choose either criteria C or D. Thus, teams must have data generated from a system of SRBI that is technically valid and reliable for making an eligibility determination to receive special education services.

The diagram below illustrates the two evaluation criteria options as described in this chapter. Following the diagram are detailed explanations of the lettered criteria.

**Important:** Because school-wide supports must be fully in place for a system of scientific research based interventions to yield consistent and meaningful data useful for determining inadequate achievement, criteria ABD is not an option for parents if the infrastructure and fidelity of implementation is not established.

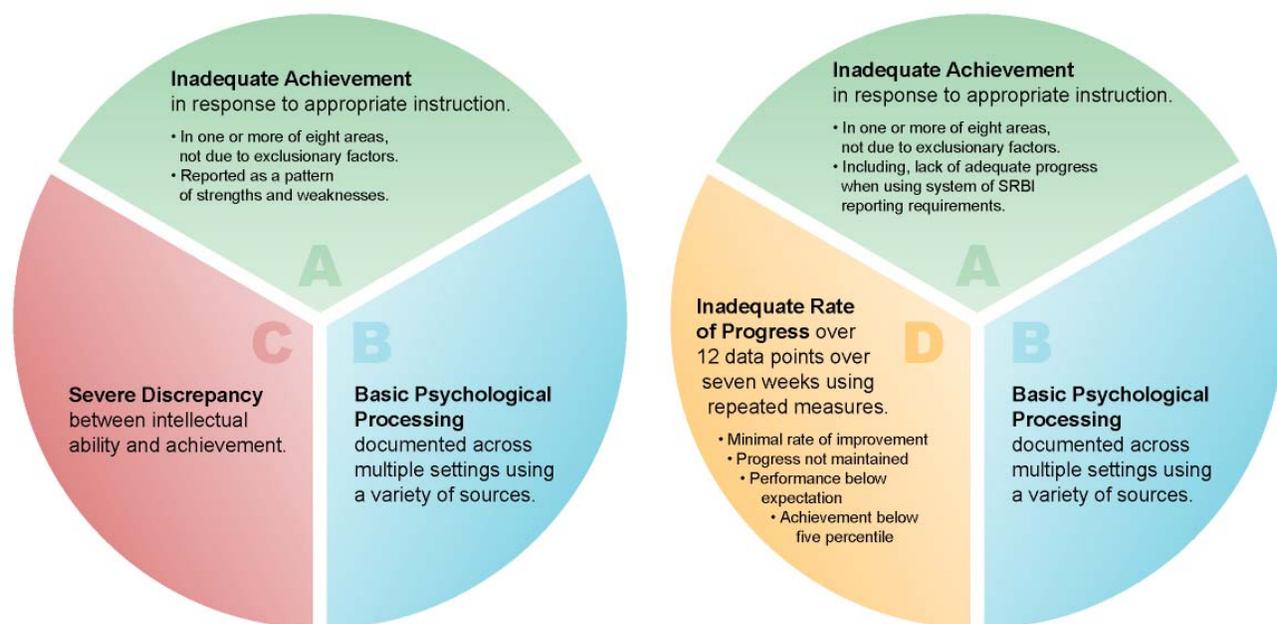


Figure 1-2. Evaluation Options.

**Criteria:**

- A child is eligible and in need of special education and related services for a specific learning disability when the child meets the criteria in items A, B, and C, or in items A, B, and D. Information about each item must be sought from the parent and must be included as part of the evaluation data.
- The evaluation data must confirm that the effects of the child’s disability occur in a variety of settings.

- The child must receive two interventions as defined in Minnesota Statute section 125A.56, prior to evaluation unless the parent requests an evaluation or the IEP team waives this requirement because it determines the child's need for an evaluation is urgent.

### **Reason for Dual Criteria**

The Minnesota Rule provides two options for meeting eligibility. These options fulfill the requirements of 34 C.F.R. § 300.309(a) without mandating that districts adopt a system of SRBI.

This flexibility is important because:

- Most literature estimates 3-7 years to develop and implement a broad scale system of SRBI (NASDSE, 2006) that is required in order to support Subpart 2 D (the scientific, research-based procedures option).
- Local education agencies (LEAs) that implement such systems find limitations to the current models.
- When evaluating students for whom the resident LEA has responsibility, but does not control the general curriculum (for example, those in a non-public or home school setting), the LEA may not be able to implement the scientific, research-based intervention evaluation process outlined in Subpart 2, Item D.

Data collected from a system of SRBI provides just one part of a more comprehensive evaluation. The Minnesota Department of Education (MDE) does not anticipate an increase in the number of children appropriately identified under the proposed rule for SLD eligibility since neither of the two options alone is sufficient to accurately identify a student as having a SLD.

When a student does not respond as expected to carefully and systematically implemented instructional interventions, a comprehensive evaluation provides an appropriate means of identifying a suspected disability and designing more specialized instructional supports. MDE anticipates that use of a system of SRBI will lead to earlier identification than under the discrepancy model alone.

### **A. Inadequate Achievement (Required)**

- Demonstration of inadequate achievement in one or more of eight areas not primarily the result of:
  - Visual, hearing, or motor disability or impairment;
  - cognitive impairment;
  - emotional disorders;
  - environmental, cultural, or economic influences;
  - Limited English Proficiency; or
  - lack of appropriate instruction in reading or math.

- Documentation of inadequate achievement in the area of referral will be dictated by which criteria are to be used. If the team will be using criteria ABC, documentation must be in the form of a pattern of strengths and weaknesses relevant to the identification of a specific learning disability. If the team will be using criteria ABD, documentation would be the results of a child's response to scientific research-based intervention.
- Measures used to verify inadequate achievement must be representative of the child's curriculum or useful for developing instructional goals and objectives.
- An observation of the child in the child's learning environment, including the regular classroom setting, which documents the child's academic performance and behavior in the areas of difficulty.
- Documentation that the child was provided, prior to or as part of the referral process, appropriate instruction in the regular education setting delivered by qualified personnel.
- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the child's progress during instruction, which was provided to the child's parents.

*All areas of academic concern must be included in the evaluation.*

*Documentation of inadequate achievement may come from several sources including:*

- *cumulative record reviews*
- *class work samples*
- *anecdotal teacher records*
- *statewide and district-wide assessment*
- *formal, diagnostic, and informal tests*
- *curriculum-based evaluation results*
- *results from targeted support programs in general education*

**Note:** The components listed above have been drawn from requirements in Minnesota Rule 3525.1341 Supb. 2A, Subp. 3A, C(2) and F.

## **B. Basic Psychological/Information Processing (Required)**

- Presence of a disorder in basic psychological processes that includes an information processing condition that is manifested in a variety of settings.
- The information processing condition may be manifested by behaviors such as inadequate: acquisition of information; organization; planning and sequencing; working memory, including verbal, visual, or spatial; visual and auditory processing, speed of processing; verbal and nonverbal expression; transfer of information; and motor control for written tasks.
- Documented by information from a variety of sources, including aptitude and achievement tests, parent input and teacher recommendations, as well as information about the child's physical condition, social or cultural background and adaptive behavior.

**Note:** The components listed above have been drawn from requirements in Minnesota Rule 3525.1341 Supb. 2B and Subp. 3C(1).

**C. Severe Discrepancy (Either C or D required)**

- Demonstration of a severe discrepancy between intellectual ability and achievement in one or more or of eight areas.
- The demonstration of a severe discrepancy shall not be based solely on the use of standardized tests. The group shall consider standardized test results as only one component of the eligibility criteria.
- The instruments used to assess the child's general intellectual ability and achievement must be individually administered and interpreted by an appropriately licensed person using standardized procedures.
- For initial placement, the severe discrepancy must be equal to or greater than 1.75 standard deviations below the mean distribution of difference scores for the general population of individuals at the child's chronological age level.

**Note:** The components listed above have been drawn from requirements in Minnesota Rule 3525.1341 Supb.2C. If C is chosen, interventions prior to referral for evaluation are still required. See Minn. Stat. 125.56A.

**D. Inadequate Rate of Progress (Either C or D required)**

- The child demonstrates an inadequate rate of progress. Rate of progress is measured over time through progress monitoring while using intensive SRBI, which may be used prior to a referral, or as part of an evaluation for special education.
- A minimum of 12 data points are required from a consistent intervention implemented over at least seven school weeks in order to establish the rate of progress.
- Rate of progress is inadequate when the child's:
  - Rate of improvement is minimal and continued intervention will not likely result in reaching age or state-approved grade-level standards;
  - Progress will likely not be maintained when instructional supports are removed;
  - Level of performance in repeated assessments of achievement falls below the child's age or state-approved grade-level standards; and
  - Level of achievement is at or below the fifth percentile on one or more valid and reliable achievement tests using either state or national comparisons. Local comparison data that is valid and reliable may be used in addition to either state or national data. If local comparison data are used and differ from either state or national data, the group must provide a rationale to explain the difference.

**Note:** The components listed above have been drawn from requirements in Minnesota Rule 3525.1341 Supb.2D

## Additional Evidence Required to Make an Eligibility Determination

All of the items in the bullet points below must be included and specify the evidence that must be considered in the eligibility determination; however, choices of timing or sources of evidence are allowed. Parents and a group of qualified professionals who conduct observations and other appropriate activities must be part of the decision-making process.

*See your Special Education Director if you need clarification.*

- An observation of the child in the child's learning environment, including the regular classroom setting, that documents the child's academic performance and behavior in the areas of difficulty. For a child of less than school age or out of school, a group member must observe the child in an environment appropriate to the child's age. In determining whether a child has a specific learning disability, the group of qualified professionals, as provided by Code of Federal Regulations, title 34, section 300.308, must:
  - Use information from an observation in routine classroom instruction and monitoring of the child's performance that was done before the child was referred for a special education evaluation; or
  - Conduct an observation of academic performance in the regular classroom after the child has been referred for a special education evaluation and appropriate parental consent has been obtained; and
  - Document the relevant behavior, if any, noted during the observation and the relationship of that behavior to the child's academic functioning.
- A statement of whether the child has a specific learning disability;
- The group's basis for making the determination, including that:
  - The child has a disorder, across multiple settings, that impacts one or more of the basic psychological processes described in Subpart 1 of the Minnesota Department of Education Rules documented by information from a variety of sources, including aptitude and achievement tests, parent input and teacher recommendations, as well as information about the child's physical condition, social or cultural background and adaptive behavior.
- The child's underachievement is not primarily the result of:
  - Visual, hearing, or motor disability or impairment;
  - cognitive impairment;
  - emotional disorders;
  - environmental, cultural, or economic influences;
  - Limited English Proficiency; or
  - lack of appropriate instruction in reading or math, verified by:
    - Data that demonstrate that prior to or as part of the referral process, the child was provided appropriate instruction in regular education settings delivered by qualified personnel; and

- Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of the child's progress during instruction, which was provided to the child's parents.
- Educationally relevant medical findings, if any.
- Whether the child meets the criteria items A, B, and C or A, B, and D.
- If the child has participated in a process that assesses the child's response to SRBI, the instructional strategies used and the child-centered data collected, the documentation that the parents were notified about the state's policies regarding the amount and nature of child performance data that would be collected, strategies for increasing the child's rate of learning, and parent's right to request a special education evaluation.
- A statement of whether the child has a specific learning disability.
- The group's basis for making the determination.

**Note:** [View complete legal language for Minnesota Administrative Rule section 3525.1341\(2008\), Specific Learning Disability \(SLD\) on the state Website.](#)

### Verification Requirement

Certification of the determination team's finding is required to make an eligibility decision final. Use the following language to guide your certification process.

- Each group member must certify in writing whether the report reflects the member's conclusion. If it does not reflect the member's conclusion, the member must submit a separate statement presenting the member's conclusions.
- The district's plans for identifying a child with a specific learning disability consistent with this part must be included with its total special education system (TSES) plan.
- The district must implement its interventions consistent with that plan.
- The plan should detail:
  - The specific SRBI approach, including timelines for progression through the model.
  - Any SRBI that is used by content area.
  - The parent notification and consent policies for participation in SRBI.
  - Procedures for ensuring fidelity of implementation.
  - A district staff training plan.

*See your Special Education Director if you need clarification and for rules on acquiring appropriate signatures or authorization from team members.*

## References

Division of Research to Practice, Office of Special Education Programs, U.S. Department of Education. (25 July, 2002). Specific Learning Disabilities: *Finding Common Ground*. Washington, D.C.

## Appendix

### SLD Consensus Statement

Although the criteria for evaluating specific learning disability changed with the reauthorization of *IDEA* in 2004, the definition of a specific learning disability did not. In drafting the state criteria and guidance for being identified as having a specific learning disability, Minnesota followed the federal regulations and inserted the unchanged federal definition of SLD. Changes in *IDEA* were focused on how the federal definition becomes operationalized to more accurately identify children with SLD. For an understanding of why the definition of a learning disability has not changed while the criteria for being eligible has changed, the SLD consensus process and statement have been provided.



Prior to the reauthorization of *IDEA* in 2004, the Office of Special Education Policy (OSEP) convened researchers and policy organizations concerned about individuals with SLD. They were led in a series of events designed to review the major issues in the field and develop statements of consensus on what is valued and should be promoted to improve programs for students identified as SLD.

The nature of SLD as determined by a consensus among the *IDEA*, Office of Special Education Policy (OSEP) and research and policy organizations is as follows:

- “The concept of SLD is valid, supported by strong converging evidence;
- SLDs are neurologically based and intrinsic to the individual. Because the disorder is intrinsic to the individual and has a neurological basis, it does not disappear over time;
- Individuals with SLDs show intra-individual differences in skills and abilities;
- SLDs persist across an individual’s lifespan, though manifestations and intensity may vary as a function of developmental state and environmental demands;
- SLDs may occur in combination with other disabling conditions, but they are not at varying levels of intensity and are not due primarily to other disabling conditions, such as mental retardation, behavioral disturbance, lack of opportunities to learn, primary sensory deficits, or multilingualism;
- Specific learning disabilities are evident across ethnic, cultural, language and economic groups.”

The “identification of a core cognitive deficit, or a disorder in one or more of the basic psychological processes, that is predictive of an imperfect ability to learn is a marker for specific learning disability.” Factors that influence the degree of impact on learning include:

- Severity of information processing weakness.
- Number of information processes impacted.
- Type of instruction, supports, and accommodations provided.

- Demands in the learning situation.

The researchers and policy organizations concerned about individuals with SLD also explained why use of the IQ achievement discrepancy as a means of identifying students was inadequate. The following statements articulate the positions as well as why the regulations put forward in the reauthorization of IDEA include alternative means of identifying students with SLD.

**The majority opinion:** IQ achievement discrepancy is neither necessary nor sufficient for identifying individuals with SLD. IQ tests are not necessary in most evaluations of children with SLD. Some evidence is needed to show 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.

**The minority opinion:** Aptitude/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 specific learning disabilities. Alternatives should be performed in addition to achievement testing, history, and observations of the child, such as response to quality intervention. This method can promote effective practices in schools and help to close the gap between identification and treatment.

Efforts to scale up response to intervention should be based on problem-solving models that use progress monitoring to gauge the student's response to the intensity of intervention in relation to his response to intervention. Problem-solving models have shown to be effective in public school settings and in research. Strong evidence shows that effective interventions work for many students when implemented with consistency, appropriate intensity, and fidelity. Despite this knowledge, ineffective interventions are still implemented.