

# MULTI-TIERED SYSTEMS OF SUPPORT (MTSS) & ELIMINATING THE SPECIFIC LEARNING DISABILITY (SLD) DISCREPANCY MODEL

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## Current Reality in Minnesota

Specific Learning Disability (SLD) is the most frequent category of special education eligibility in our state. In 2019, almost 34,000 students in Minnesota were eligible for services with a primary disability of SLD, so when we talk about the flawed methods we currently use to identify learning disabilities, we are talking about an issue that is having a direct impact on thousands of students and their families. Like so many of the issues that face our schools, the harm that results from this outdated practice is disproportionately felt by our students and families of color.

### Survey of Minnesota School Psychologists (Fall 2020)

- 97.9% of survey respondents indicated that they currently use the discrepancy model to identify students with SLD.
- 71.2% of respondents indicated that they are NOT allowed to use RTI to identify students who have an SLD based upon current state policy, and 11.7% were unsure if they are allowed to.
- 80.3% of respondents reported barriers to MTSS implementation. 59% of those who reported barriers identified multiple contributing factors. Barriers that were commonly identified included staffing, funding, limited resources, a lack of administrative support, and a limited understanding of MTSS and RTI by themselves and other staff members.

### MDE's Study of Statewide Eligibility Criteria for Special Education Services

- Report published in September 1994 - Questionnaires sent to School Psychologists and Teachers
- "Participants from all groups in this study expressed the concern that many of the underachieving students who no longer qualify, or who would previously have qualified under local standards, are now in a 'gray area' where they will likely receive little or no educational support, despite having educational needs."
- This concern has not since been addressed in policy.

## Research

- Because achievement failure sufficient to produce a discrepancy from IQ cannot be reliably measured until a child reaches approximately nine years of age, the use of IQ-discrepancy constitutes a "wait-to-fail" model (Lyon et al., 2001).
  - Students with long-term academic achievement difficulties never receive supports or services, because of below average intellectual ability (Restori et al., 2009)
- The discrepancy model lacks classification accuracy
- The discrepancy model does not improve student outcomes, and does not assess or inform the quality of instruction received by students. (e.g., the assessments that are used to identify a learning disability do not yield information that can easily be used to guide subsequent instruction) (Gresham et al., 2010; Baca and Fuchs)
  - "Assessments of cognitive processes simply add to the testing burden and do not contribute to interventions." - US Department of Education (Federal Register, 2006 p. 46651)
  - IQ is not a strong predictor of intervention response when the initial level of academic development is included (Stuebing, Barth, Molfese, Weiss, & Fletcher, 2009).
- Lack of reliability and validity evidence to support the use of the discrepancy model (Kavale, 2005; Flanagan et al., 2010)

## Research (Continued)

- There are major psychometric problems attributable to the small measurement error of IQ and achievement tests, the fact that math and reading scores are normally distributed in the population, and other factors that make most testing models based on a single assessment unreliable for identifying LD (Fletcher, 2015).
- Inconsistent SLD identification
  - Overall consistency in SLD identification is low; especially true for methods that rely on assessment of cognitive profiles (Maki et al., 2016).
- Does not improve with years of experience or practitioner degree (MA, EdS, or PhD)
- Students can be misidentified due to teacher or testing bias
- Discrepancy method has low diagnostic accuracy (Stuebing et al., 2012)
  - Positive predictive power (truly LD if identified as such) = 23%
- SLD Identification Best Practices (Fletcher and Miciak, 2019)

## Other States

While there are no convenient resources that detail which states have made these specific changes, many states across the country have updated eligibility criteria for SLD to eliminate the outdated discrepancy model and identify learning disabilities based on students' response to intervention. The following is sample language from a few states that have successfully ended the use of the discrepancy model:

- North Carolina's draft policy addendum: NC 1503-3.1 (2020 addendum to a 2016 policy).
- Illinois Public Act 101-0515: A school district must utilize response to scientific, research-based intervention or MTSS as part of an evaluation procedure to determine if a child is eligible for special education services due to a specific learning disability. A school district may utilize the data generated during the response to scientific, research-based intervention or MTSS in an evaluation to determine if a child is eligible for sped services due to any category of disability.
- Wisconsin's SLD eligibility rule, PI 11.36 (6).
- Colorado's ECEA (Exceptional Children's Education Act) (Rule 1 CCR 301-8), revised in 2016 to prohibit use of the discrepancy model, and mandate the use of RtI
- Indiana 511 IAC 7-41-12: "The multidisciplinary team is prohibited from using a severe discrepancy between intellectual ability and global achievement to meet this requirement."
- Connecticut Regulation Regarding Specific Learning Disability: Section 10-76d-9 (b): "A severe discrepancy between educational performance and measured intellectual ability (Intelligence Quotient-achievement discrepancy) shall not be utilized to determine if a child is a child with a learning disability. The PPT may request the administration of individual intelligence quotient tests if the PPT believes such tests could provide information that would be helpful in an evaluation."

With regard to ending the discrepancy model, a 2018 review of state regulations conducted by the National Center for Learning Disabilities (NCLD) found that:

- 8 states require the use of a data-based framework that incorporates instructional response— similar to RTI—as a means to determine eligibility for special education due to an SLD.
- 18 states still allow LEAs to select among the IQ-ability discrepancy method and at least one other method.