Q23: Must my student have a "severe discrepancy" in order to be found eligible for special education under the category of specific learning disability?

A: Under CA law, the use of a "severe discrepancy" model <u>may be considered</u> but <u>must not be required</u> [34 CFR 300.307(a)(1) and 5 CCR 3030(b)(10)(B)].

California has regulations that guide the process for determining whether a student has a specific learning disability. Dyslexia is specifically listed as an example of a qualifying condition under Specific Learning Disability [5 CCR 3030(b)(10)]. In general, <u>three</u> alternatives are permitted:

1. The student has a severe discrepancy between intellectual ability and achievement in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning. The decision as to whether or not a severe discrepancy exists shall take into account all relevant material which is available on the pupil [5 CCR 3030(b)(10)(B)].

OR

2. The student does not achieve adequately for his age or to meet state-approved grade-level standards in one or more specified areas when provided with learning experiences and instruction appropriate for the student's age or state-approved grade-level standards, even when educators use processes based on the student's response to scientific, research-based intervention [5 CCR 3030(b)(10)(C)(1) and 5 CCR 3030(b)(10)(C)(2)(i)], such as RtI^2 or MTSS.

OR

3. The student exhibits a pattern of strengths or 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…" [5 CCR 3030(b)(10)(C)(2)(ii)].

Ask the IEP team which of the above alternatives were considered in determining a student's eligibility for special education.

Use of severe discrepancy models has been highly criticized by the US Department of Education (USDOE). The USDOE states that there are many reasons why the use of the "severe discrepancy" model "should be abandoned" stating that using it is "potentially harmful to students as it results in delaying intervention until the student's achievement is sufficiently low so that the discrepancy is achieved." USDOE referred to the use of the severe discrepancy model as a flawed "wait to fail" model [USDOE Commentary and Explanation About Proposed Regulations for IDEA 2004].

As a side note, according to dyslexia expert, Dr. Louisa Moats, "since the 1980s scientists have debunked the practice of using IQ tests in reading disability diagnoses and relying on discrepancy formulas to identify students who are eligible for special instruction in reading (Siegel, 1989; Stanovich, 1991; Fletcher et al., 2007). Compulsory IQ testing in child evaluations leads to under-identification of reading disabled students in the lower half of the IQ continuum. These students in the lower half of the IQ distribution are often those from less advantaged life circumstances, but their reading difficulties are not distinguishable in cause or remedy from students with higher IQs. The use of IQ-achievement discrepancy as a classification tool or gateway to remedial instruction is prejudicial, unnecessary, and invalid and should have been abandoned decades ago." [Source: "Can Prevailing Approaches to Reading Instruction Accomplish the Goals of RTI?" IDA Perspectives on Language and Literacy, Summer Edition, Volume 43, pgs. 15-22].