



## The Wisconsin Council of Administrators of Special Services

### Position Paper on Proposed Rule Changes to Specific Learning Disability August 24, 2007

Following the opportunity for further discussion as an organization and with DPI, WCASS offers the following position on the proposed rule change.

While WCASS fully supports the intent of the rule change as proposed by DPI, one primary concern remains: insufficient evidence exists in research to substantiate that the proposed rule changes will adequately differentiate between children with SLD and children with borderline cognitive disabilities or not otherwise specified learning difficulties. This lack of discrimination increases the likelihood of greater numbers of students identified as SLD. The lack of discrimination and the subsequent increase in identification rates would be detrimental to special education in Wisconsin.

WCASS proposes two possible options for serious consideration by the Wisconsin DPI:

1. eliminate the July 30, 2012 sunset for the use of significant discrepancy; and instead replace it with the requirement of a research study to be conducted regarding the effectiveness of an RtI process with the following factors:
  - a. the ability to discriminate between children with SLD and children with borderline cognitive disabilities or not otherwise specified learning difficulties; and
  - b. the ability to maintain a similar identification rate to that obtained with the current rule.

Or,

2. allow the use of significant discrepancy as a legitimate interpretation of PI 11.36(6)(b)(2) b., which reads *“Pattern of strengths and weaknesses. 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 IEP team to be relevant to the identification of a specific learning disability, using appropriate assessments consistent with s. 115.782, Stats.”*

#### Additional Support for #2

Based upon how this section is written, there is strong reason to believe that the following interpretation of PI 11.36(6)(b)(2)b. would be an accurate analysis: *“Pattern of strengths and weaknesses. 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 IEP team to be relevant to the identification of a specific learning disability, using appropriate assessments consistent with s. 115.782, Stats.”*

A “pattern of strengths and weaknesses in achievement relative to intellectual development” allows the analysis of significant discrepancy in a profile where achievement scores on a norm-referenced measure show variability. This allows for the possible exclusion of children with borderline cognitive disability on the basis that:

1. their achievement profile tends to be more homogeneous; and
2. the levels of achievement should be discrepant from what one would expect relative to the child’s intellectual development.

The most important message that WCASS would like to communicate is: WCASS fully supports the concept of RtI and its goal of getting services to more students earlier than in the traditional special education referral model; and WCASS is fully committed to working collaboratively with other stakeholders in its implementation.