



SPECIAL EDUCATION GUIDANCE

Determining if a Student has a Specific Learning Disability when Conducting Comprehensive Special Education Evaluations for Students Attending Private School or Home-Based Private Education Programs

Wisconsin's rule to identify a specific learning disability was revised on July 1, 2022 to allow for the use of significant discrepancy to determine insufficient progress when considering a specific learning disability as part of a comprehensive special education evaluation for a student attending private school or a home-based private education program (i.e. homeschool) ([PI 11.36\(6\)\(c\)2.b.](#)). **Significant discrepancy cannot be used for students attending public schools, including public charter schools.**

When conducting special education evaluations in a private school or home-based private education program that utilize the significant discrepancy analysis, the IEP team must still establish that the student demonstrates inadequate classroom achievement as evidenced by a standard score of 1.25 standard deviations below the mean on a standardized assessment of one or more of the eight areas of specific learning disabilities.

Local Education Agencies (LEAs) must identify, locate, and evaluate all students suspected of having a disability irrespective of where the student is receiving instruction. When a student is attending a private school or a home-based private education program, at the time of a special education evaluation, the IEP team may not have readily available information about a student's prior and current instructional program and performance in age or grade appropriate curriculum. In such cases, the IEP team will need to rely on information provided by the parent or private school personnel in order to analyze whether the student meets disability category criteria and demonstrates a need for special education. When the IEP team's evaluation is considering whether a student may have a specific learning disability, public schools do not have the authority to require private schools or home-based private education programs to provide intensive intervention or collect and document progress monitoring data that meet the standard of Wisconsin's specific learning disability rule.

When a comprehensive special education evaluation is conducted for students attending private school or a home-based private program and the evaluation is considering whether the student meets criteria for a specific learning disability, one of two methods may be used to determine insufficient progress: (1) progress monitoring analysis using data collected during intensive, scientific, research-based or evidence-based intervention, or (2) significant discrepancy analysis.

When a private school has collected progress monitoring data during intensive, scientific, research-based or evidence-based interventions in accordance with the specific learning disability rule, the Individualized Educational Program (IEP) team may use that data to document insufficient progress. If a private school is not providing progress monitoring data collected during intensive, scientific or research-based or evidence-based intervention, the IEP team may use significant discrepancy between intellectual ability and academic achievement to determine whether the student meets the criterion of insufficient progress.

The determination of whether a significant discrepancy between intellectual ability and academic achievement exists, is based on a standard regression procedure. This procedure is needed because academic achievement tests and cognitive abilities tests have some overlap in the skills in which they measure and therefore correlate to some degree. The student is assumed to demonstrate insufficient progress when academic scores are substantially below what is expected based on measured overall cognitive ability. Since the cognitive and achievement tests are statistically correlated, the IEP team needs to know whether the academic scores are below what might be expected, taking into account the correlations of the tests. The standard regression procedure allows the team to make that determination.

When using the standard regression procedure for determining insufficient progress, the referred student must demonstrate a significant discrepancy between ability and achievement in one or more of the eight areas of specific learning disability concern:

1. Oral expression
2. Listening comprehension
3. Written expression
4. Basic reading skill
5. Reading Fluency
6. Reading Comprehension
7. Mathematical calculation
8. Mathematical Reasoning

The significant discrepancy must be demonstrated in the same area(s) of specific learning disability concern as demonstrated for inadequate classroom achievement.

This section provides procedures for determining when a significant discrepancy exists.

Assessment Procedures

A significant discrepancy must be determined using reliable and valid, individually administered, norm-referenced tests of cognitive ability and academic achievement administered by qualified personnel, following standardized assessment procedures, and a

standard regression formula. School personnel should follow professional standards of practice when selecting, administering, and interpreting assessment instruments. When deciding whether a student has a significant discrepancy, the IEP team must first determine the student's level of cognitive ability and achievement.

Test Validity and Reliability

Only tests with reliable and valid composite scores, or reliable and valid subtest scores should be used to obtain scores for discrepancy analysis. Cognitive ability scores should have reliabilities at or greater than 0.95 and achievement test scores should have reliabilities around 0.90. In addition, composite or subtest scores for achievement should generally have standard errors of measurement (SEM) of no more than 4.

Assessment of Cognitive Ability

Assessment of a student's cognitive ability requires the use of a valid and reliable test of cognitive (or intellectual) ability administered by a qualified professional.

IEP teams should use the composite or full scale cognitive ability score when determining if a significant discrepancy exists. The use of factor scores in discrepancy analysis is strongly discouraged, except in very rare situations such as when an individual is blind, nonverbal, or has limited English proficiency. For additional information regarding when a team is unable to obtain a valid composite or full scale cognitive ability standard score, see [Guidance and Worksheet for Obtaining a Valid Cognitive Abilities Assessment](#)

Analysis of student performance on individual subtests, indices, and factors in isolation do not provide meaningful information about the student's cognitive strengths and weaknesses or educational needs. As with any other comprehensive special education evaluation, the IEP team should consider information from other data sources such as observations, interviews, work samples and other information to verify whether the obtained test scores are reflective of a student's current functioning.

Assessment of Achievement

The tests used for determining achievement when using the significant discrepancy method should be the same as those used to determine if the student demonstrates inadequate classroom achievement.

Age-based norms should be used for calculating achievement test scores unless there is compelling evidence that using an age-based norm will result in an invalid analysis (e.g., when a student's age is well outside the age range for students in the same grade such as when a student has been retained **multiple** times). In cases where the IEP team believes scores derived from age-based norms are invalid, additional conversation regarding the reasons for achievement delays and learning difficulties is critical. The IEP team must determine which reference group to use for scoring prior to administering the test.

In most cases, composite scores should be used to determine significant discrepancy. Some standardized academic achievement tests include only individual subtests in some of the seven areas of specific learning disability concern. In such cases, IEP teams may wish to use a different standardized assessment with subtest reliability of around or above .90 or higher.

Determining Significant Discrepancy Using Regression Analysis

Determining significant discrepancy utilizes a standard regression procedure. This procedure allows for comparison between standard scores on measures of cognitive ability and achievement to determine if a statistically significant difference between scores exists. Although regression analysis requires multiple calculations when done by hand, it can be simplified by using tables or easy-to-use computer programs.

The IEP team may base a determination of significant discrepancy only upon the results of individually administered, norm-referenced, valid and reliable diagnostic assessment of achievement. A significant discrepancy means a difference between standard scores for ability and achievement equal to or greater than 1.75 standard errors of the estimate below expected achievement, using a standard regression procedure that accounts for the correlation between ability and achievement measures.

The standard regression procedure is applied only upon an initial evaluation that considers specific learning disability, and only when the IEP team is using significant discrepancy as the method for determining the insufficient progress criterion for a student who attends a private school or who is homeschooled. Following initial identification, the IEP team should apply reevaluation criteria.

A severe discrepancy can be documented using one of the following methods:

Digital Scoring Programs

Many cognitive and achievement tests have been co-normed or linked. When using computer scoring programs for such tests, follow the specific procedures provided in the test manuals for hand scoring or the scoring procedures available within the web-based or computer scoring program for determining significant discrepancy. IEP Teams should follow the same steps that they would if using the Wisconsin Regression Table. Teams should use the test manuals or scoring programs to identify and use the established correlation between the overall cognitive ability score and the specific learning disability achievement area or areas being assessed when determining significant discrepancy. Discrepancies between ability and achievement at or below the 5% Base Rate are assumed to meet Wisconsin criteria if they are significant at the .01 level.

Wisconsin Specific Learning Disability Significant Discrepancy Table

The [Wisconsin Regression Table](#) may be used to decide if a severe discrepancy exists between obtained scores for intellectual ability and achievement. This table may only be used for tests with means of 100 and standard deviations of 15. To use the table, the evaluator must determine the correlation between the cognitive ability (e.g., Composite or Full Scale) score and achievement test scores for the area(s) under consideration for the appropriate norm group. After the correlation is determined, the closest correlation column at the top of the table is identified. The intersection of the correlation column and the cognitive ability row contains the achievement score that meets the criteria for a severe discrepancy.

The first step in using the Wisconsin Regression Table is to determine the correlation between the tests. If correlations between a particular achievement test and cognitive ability measure exist, they will generally be found in the achievement test's technical manual. Some publishers complete correlation studies after test manuals are published. Therefore, evaluators should check with test publishers for updated information. If correlations between the ability and achievement subscales are not available, a 0.62 correlation is recommended for use.

The Wisconsin SLD Regression Table (excerpt).

Ability Score	Correlation										
	.32	.37	.42	.47	.52	.57	.62	.67	.72	.77	.82
	Achievement Standard Scores										
100	75	76	76	77	78	78	79	81	82	83	85
101	75	76	77	77	78	79	80	81	83	84	86
102	76	76	77	78	79	80	81	82	83	85	87
103	76	77	77	78	79	80	81	83	84	86	87
104	76	77	78	79	80	81	82	83	85	86	88
105	77	77	78	79	80	81	83	84	85	87	89
106	77	78	79	80	81	82	83	85	86	88	90
107	77	78	79	80	81	82	84	85	87	89	91

If a student obtains an achievement score at or below the score identified in the table, the student is considered to meet the significant discrepancy criterion.

Regression Calculation Computer Program

The Specific Learning Disability Significant Discrepancy Calculation Program found on DPI's webpage [Guidance for Implementing WI Criteria for Specific Learning Disability Wisconsin Department of Public Instruction](#) can be used in place of the regression table. The computer program **must** be used when the Wisconsin Specific Learning Disability Regression Table cannot be used, such as when the intellectual ability test has a mean other than 100 or standard deviation other than 15, unless an equivalent discrepancy calculation is provided by the test publisher. Examiners may also choose to use the computer program when correlations between tests are other than those listed on the Wisconsin Specific Learning Disability Regression Table. The Calculation Program is available when the mean of the achievement test composite is [100](#) or when the achievement test scale scores composite is [10](#).

Wisconsin Regression Calculation Program

Enter correlation between tests	0.62
Enter IQ test Standard Deviation (SD)	15
Enter Achievement test SD	15
Enter IQ score	100
Expected Achievement	100.000
Standard Error of the Estimate (SEe)	11.769
1.75 SEe difference	20.596
Achievement Test Score*	79.0

Consideration When Student Score is Close to, but Does Not Meet Discrepancy Criteria

PI 11.36(6) states: "If the discrepancy between the child's ability and achievement approaches but does not reach the 1.75 standard error of the estimate cut-off for this [subd. 2. b.](#) the child's performance in any of the eight areas of potential specific learning disabilities under [subd. 1.](#) is variable, and the IEP team determines that the child meets all

other criteria under [subd. 1](#), the IEP team may consider that a significant discrepancy exists.” No standardized assessment is without measurement error and there is a difference between a student’s obtained scores and their “true” score, or actual academic and cognitive abilities.

In some situations, there is clear evidence the student demonstrates inadequate classroom achievement, and no exclusionary factors are determined to be the primary reason for the student’s inadequate achievement or insufficient progress, but the student does not meet the significant discrepancy criteria. In evaluations when the student’s score comes close to, but does not meet the discrepancy criteria, the IEP team may determine a significant discrepancy exists. In such situations, IEP teams should review, consider, and discuss the standard error of measurement around the student’s “true” score as well as other data sources to determine if a significant discrepancy between the student’s academic achievement and ability exists.

When the Formula Does Not Apply

Except when using the method of progress monitoring of intensive interventions to determine insufficient progress, the only acceptable reasons to not use the discrepancy formula are if you have reason to believe the scores are inaccurate or if it is impossible to obtain valid and reliable standardized test scores. This should occur **very rarely** for students attending private schools or a home-based private education program who are referred for an initial evaluation in which a specific learning disability is being considered.

Before making the decision not to apply the criteria, IEP team participants qualified to select, administer, and interpret tests must determine that no standardized measures exist that could be used to accurately assess cognitive ability or academic achievement. When an individual is blind, nonverbal, or has limited English proficiency, see [Guidance and Worksheet for Obtaining a Valid Cognitive Abilities Assessment](#) for additional information regarding obtaining a valid score of cognitive abilities.

When the IEP team makes the decision to not apply the regression procedures for any of the reasons noted, the team must use other valid indicators of cognitive functioning or achievement (e.g., a combination of other indicators of adaptive skills, language and communication skills, or extreme variability in academic skill performance). In such cases, the IEP team should use standards supported in professional literature to justify its decision that a discrepancy does or does not exist.

Final Considerations

IEP teams should remember that in an initial evaluation that is considering whether or not a student has a specific learning disability, all three criteria must be met: (1) inadequate classroom achievement, (2) insufficient progress, and (3) no exclusionary factor identified as primary in causing the inadequate achievement or insufficient progress.

It is possible that a student may have a significant discrepancy but not have a specific learning disability (e.g., a student whose limited English proficiency is the primary reason for the learning delay or a student whose home-based private education program has not exposed the student to sufficient instruction in an academic area, thus being primary in causing the inadequate achievement or insufficient progress).

Only valid and reliable scores may be used for the regression calculation. In the rare occasion when such scores cannot be obtained, the IEP team must base its determination of whether a significant discrepancy exists on other data from a comprehensive special education evaluation.



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