



Changes coming to Special Education Eligibility in 2028-29

In 2028-29, OSPI will change the evaluation process to determine student eligibility for special education under the category of a Specific Learning Disability (SLD).

Washington state currently allows two methods for determining special education eligibility under a Specific Learning Disability: the severe discrepancy method or a process based on scientific research-based methods, which is implemented in many states through a process called Response to Intervention (RTI).

Research has shown that the severe discrepancy method can result in overidentification of students furthest from educational justice, continuing stigma for marginalized communities through the harmful use of intelligence tests.

Response to Intervention (RTI) for SLD Evaluation & Eligibility

The severe discrepancy method relies on cognitive and achievement tests by trained professionals like school psychologists. Additional data are collected from parents, teachers, and providers. However, using standardized cut-off scores for SLD determination can lead to students being misidentified despite significant academic struggles.

By contrast, the Response to Intervention (RTI) method identifies SLD by assessing the student's progress compared to peers and grade-level expectations after tiered interventions are implemented with fidelity.

OSPI is collaborating with the Washington Administrators Improving MTSS (AIMS project at the UW Bothell), Goodlad Institute, and education partners statewide to develop resources and provide professional development supports for districts to adopt an RTI approach for SLD evaluations.

Educator Roles Under an RTI SLD Evaluation

RTI promotes collaborative decision-making for more equitable eligibility determinations. Data based decision making includes both special education and general education staff, who collaboratively assess intervention effectiveness, student level and rate of progress, and determine student eligibility for special education in the category of SLD.

WAC 392-172A-03060 defines the process based on a student's response to scientific research-based intervention (RTI). This approach also enables special education staff to focus on specialized instruction, social-emotional learning, counseling, and consultation. Teams will continue to conduct comprehensive evaluations as outlined in WAC 392-172A-03020.





Information for Parents and Families

More Information About MTSS and RTI

A Multi-Tiered System of Support (MTSS) is a framework schools use to provide tiered supports (universal, targeted, intensive) to address student needs. The goal of an MTSS is to intervene early so students receive support to meet grade-based standards. Within MTSS, all students are screened to determine their level of academic and social, emotional, and behavior needs. Schools provide evidence-based, culturally relevant instruction to all students and intensify interventions for students with demonstrated need. Schools inform parents about their MTSS framework and provide information about additional interventions when children receive these supports. Schools update parents about their child's progress by sharing progress monitoring data.

Response to Intervention (RTI) is a method of determining student eligibility in special education as a student with a specific learning disability (SLD). The National Center for Learning Disabilities (NCLD) describes students with SLD as having difficulties acquiring certain academic skills in basic reading, reading fluency, reading comprehension, math calculation, math problem solving, written expression, oral expression, and listening comprehension. If students do not demonstrate sufficient progress when provided with evidence-based interventions, they may be referred for a special education evaluation.

It is important to remember that the Individuals with Disabilities Education Act (IDEA) includes a Child Find mandate, which requires school districts to identify, locate, and evaluate all children with disabilities, ages birth to 22. Districts may not use RTI to delay or deny an evaluation for a child suspected of having a disability. When a district receives a referral for special education evaluation, they should review existing data and the concerns raised about the student and document a decision whether to evaluate.

Resources

[Washington State Multi-Tiered System of Supports \(MTSS\)](#)

[Learning Disabilities Association of America](#)

[Decoding Dyslexia WA: Resources for Parents](#)

[IRIS Center – MTSS/RTI Modules](#)

