

# Use of Preponderance of Evidence in Determining Specific Learning Disability (SLD) Eligibility

## Guidance Document

The Idaho State Department of Education establishes criteria for eligibility determination but recognizes sometimes limitations exist in using these criteria for decision making. Some eligibility categories require the consideration of eligibility criteria that are based upon standard scores related to data thresholds, such as an IQ of 70 considering standard error of measure, the determination of 1.5 standard deviations, and so forth. The Idaho State Department of Education cautions that the implementation of these criteria must always be guided by the preponderance of evidence. The criteria offered are not intended to be isolated from the complete picture of the student's functioning or intended to become rigid gatekeepers in the evaluation process. They are simply one piece of information that must be considered within the context of the entire body of evidence collected by the evaluation team. The data results provided by assessments must be contextualized within the student's complete history and interpreted by the professionals administering the assessments in order to attend to contextual issues such as the age of the child, the validity of the assessment itself, issues that occur during the administration of the assessment, etc. In the case of SLD eligibility, given a hypothesis for why the learning problem exists, the team should look for convergent evidence of performance on cognitive or measures of aptitude that correspond with areas of academic weakness described above.

Eligibility determinations under the category of SLD require the Evaluation Team to examine and document the preponderance of evidence in the eligibility process.



### Purpose of Determining Eligibility by Using Preponderance of Evidence:



The overall purpose of using a preponderance of evidence is to ensure best practices. The use of the preponderance of evidence in a particular case enhances the precision, accuracy, and integrity of the professionals' decision in that case.



### Definition of Preponderance of Evidence:



Preponderance of evidence is defined as evidence, consisting of accurate data, that is more convincing and of a greater weight that a student meets the SLD eligibility criteria than not. In other words, it is more likely true than not true that a student meets the SLD eligibility criteria based on the results of a comprehensive evaluation.

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### Use of Preponderance of Evidence:

The components of a comprehensive evaluation must be administered, reviewed, and/or gathered by personnel certified by the State of Idaho to administer and interpret such assessments. Using the preponderance of evidence standard in determining eligibility is rooted in a high level of professional expertise and experience; it emerges directly from examination and review of extensive data. It is based on the professionals' explicit training, direct experience with those with whom the professionals are working, and specific knowledge of the person and the person's environment. It is based upon these specific strategies:



1. Conducting a thorough investigation of the identified problem;
2. Aligning data and its collection to the critical question(s) at hand;
3. Applying broad-based assessment strategies;
4. Implementing intervention best practices;
5. Planning, implementing, and evaluating supports;
6. Reflecting cultural competence and diversity.

A decision-making process based on preponderance of evidence is characterized by being: systematic (i.e., organized, sequential, and logical), formal (i.e., explicit and reasoned), and transparent (i.e., apparent and communicated clearly).



### Guiding questions for preponderance of evidence:



- When the evaluation team employs the examination of preponderance of evidence in the eligibility process, the following questions should be considered.
- What is known about the student's learning during instruction, intervention, and problem-solving?
- What interventions have been tried to date? Were they implemented with fidelity? Did the student attend intervention regularly? Was frequency/duration/intensity sufficient to meet the needs of the student?
- What has and has not worked to increase participation in the general education environment, (instruction modifications, accommodations, assistive technology, or parental support in the home)?
- What in the student's profile leads the team to suspect a disability and the

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need for special education and related services?

- What additional supports, accommodations, or modifications are necessary to provide access to grade-level expectations?
- What educational supports would be sufficiently rigorous to accelerate performance towards grade- or age-level achievement standards?
- What accommodations, modifications, or instructional supports are required to maximally accelerate development of academics or behavior?



### Contraindications of the Use of Preponderance of Evidence in Determining Eligibility:



The use of preponderance of evidence in eligibility decision making should not be thought of as a justification for abbreviated evaluations, a vehicle for stereotypes or prejudices, a substitute for insufficiently explored questions, an excuse for incomplete or missing data, or a way to solve political problems.

Source: Adapted from the New Mexico Technical Evaluation and Assessment Manual, 2011.