

# SLD TAP #3 – Ruling Out Alternative Primary Factors

The state of Washington's special education regulations were expanded to provide additional options for determining SLD eligibility in 2007, including those that provide for the use of, "a process based upon a student's response to scientific, research-based interventions ([WAC 392-172A-03060](#))." This fact sheet addresses Criterion 3, Rule Out Alternative Primary Factors.

**Figure 1. Washington's Four Criteria for SLD Identification (adapted from Kovaleski et al., 2023).**

<b>1 Inadequate Achievement</b> Failure to achieve adequately for the child’s age or to meet state-approved grade level standard in one or more of the following areas: <ul style="list-style-type: none"><li>• Oral expression</li><li>• Listening comprehension</li><li>• Written expression</li><li>• Basic reading skills</li><li>• Reading fluency skills</li><li>• Reading comprehension</li><li>• Mathematics calculation</li><li>• Mathematics problem solving</li></ul>	+	<b>2 Insufficient Progress</b> The student does not make sufficient progress to meet age or state grade level standards in one or more of the areas identified in column (1) when using a process based on the student's response to scientific, research-based intervention.	+	<b>3 Rule Out Alternative Primary Factors:</b> <ul style="list-style-type: none"><li>• A visual, hearing, or motor disability;</li><li>• An intellectual disability;</li><li>• Emotional/behavioral disability</li><li>• Cultural factors;</li><li>• Environmental or economic disadvantage; or</li><li>• Limited English proficiency.</li></ul>	+	<b>4 Rule out Lack of Appropriate Instruction</b> Document: <ul style="list-style-type: none"><li>• Instruction was delivered by qualified personnel;</li><li>• High quality core curriculum; designed to meet the instructional needs of all students; and</li><li>• Repeated assessments of achievement at reasonable intervals were conducted.</li></ul>
Inclusionary			Exclusionary			
+ Observation						
+ Student Needs Special Education						



## Washington Administrative Codes (WACs)

WAC [392-172A-03055](#) provides criteria for determination of special education eligibility for a student with a SLD. An evaluation team (described in WAC [392-172A-03050](#)) must determine that a student's inadequate achievement and insufficient progress are not primarily the result of a visual, hearing, or motor disability; intellectual disability; emotional/behavioral disability; cultural factors; environmental or economic disadvantage; or limited English proficiency.

## Guidance

Factors other than the presence of a SLD may cause students to display inadequate achievement and insufficient progress with intensive scientific research-based interventions. While SLD involves "unexpected" underachievement, certain factors may be the *primary* cause for underachievement and therefore result in "expected" underachievement. These alternative factors include other disabilities (visual or hearing impairment, intellectual disability, or emotional/behavioral disability) and contextual factors (cultural factors, environmental/economic disadvantage, or limited English proficiency). Evaluation teams must make a series of rule-out judgments to consider each potential primary cause before they can verify the presence of a SLD. Without these safeguards, teams may perpetuate the disproportionate identification and placement of students of color in special education (Whittaker & Ortiz, 2019). Disproportionality is and must remain a top concern for Washington State parents, educators, school professionals, policymakers, and advocates.

The process of ruling out other possible primary factors includes three steps:

1. Identification of alternative factor(s) - this may be through screening, within the Data-Based Individualization (DBI) process, or within a comprehensive evaluation.
2. Address the alternative factor(s) and monitor student progress.
3. Determine if the alternative factor is the primary cause of the student's inadequate achievement and insufficient progress.

### **Step 1: Identification of Alternative Factor(s) – Does the student have one or more of the exclusionary alternative factors?**

Teams must establish processes to identify exclusionary factors that impact learning throughout their teaming practices. Identification should occur at three points: (1) during the universal screening process, (2) within the DBI process for students receiving Tier 2 and 3 interventions, and (3) within a comprehensive evaluation for special education services. Table 1, *Exclusionary Factor Evaluation Processes*, includes sources of data for teams to consider in designing their decision making practices. Further clarification regarding different points of decision making are provided below.

## Universal Screening

Teams must consider proactive ways to screen for the factors listed in Table 1. For some factors (e.g., visual and hearing impairment), systematic screening takes place regularly in schools. For other factors, schools may need to establish routines and document their decision making practices. At points in time when teams are reviewing universal academic and social-emotional-behavioral screening data, teams should systematically consider the possibility of each factor for students who are not meeting benchmark expectations. Early identification of these factors provides opportunities to provide needed support and intervention to address the reason for learning difficulties.

In reviewing academic and social-emotional behavioral screening data, Tier 1 teams should include members who are knowledgeable regarding the factors listed in WAC [392-172A-03055](#). School nurses can work with families and liaise with medical providers to support follow-up on medical needs (ESA Behavioral Health Coalition, 2022). Nurses often maintain a list of community resources to link families with medical and behavioral mental health providers in their areas to assist with needs identified in the screening process. Additionally, school social workers and/or counselors may provide an integral link between home, school and community; they may also assist families with community-based resources and service providers. Written communication to families should be translated so that families understand the needs of their children. Tier 1 teams should consult with [McKinney-Vento liaisons](#) in their district regarding eligibility definitions, goals and services, and resources available to support students who lack a fixed, regular, and adequate nighttime residence.

Procedures for identifying the needs of multilingual (ML) students should be established at the district level. For bilingual students, screening must include both language acquisition (e.g. WIDA) and academic skill proficiency. Concepts such as background knowledge, vocabulary, language structure, verbal reasoning, and literacy knowledge play critical importance in the development of reading skills. Durán (2024) notes that measuring bilingual students in their primary language(s) and in English provides a more accurate reflection of a child's current language ability. When students participate in dual language classrooms, schools should consider academic skill development related to the instruction received. To assist teams with assessment practices with ML students, the National Center for Intensive Intervention (NCII) developed [Five Questions to Consider When Reviewing Assessment Data for English Learners](#). The U.S. Office of Special Education Programs (OSEP, 2021) recommends the following related to data-based decision making with ML students:

- Assessments should be validated for ML students and be equivalent across languages so that performance in each language can be compared and a comprehensive profile of skills, across languages, can be established.
- Students should receive credit for expressing ideas effectively, even when they incorporate translanguageing or codeswitching practices or apply grammatical structures from their native language (L1) to the target language (L2) or vice versa.

- The reading development of ML students in bilingual education programs is best assessed by documenting reading and writing skills in L1 and L2, while at the same time documenting how students use the two languages together in the process of becoming biliterate.
- When making decisions within MTSS, ML students should be compared to peers from similar language and cultural backgrounds who have received similar instruction (true peers).
- Assessment data should be used to identify students who are having significant language- or reading-related difficulties and for planning Tier 3 interventions.

### **Identification within Data-based Individualization (DBI)**

As students participate in Tier 2 interventions and demonstrate insufficient progress, teams should again consider the possibility of other factors listed in [392-172A-03055](#). At this point, teams should be communicating with families about the supports students are receiving and their rate of progress (see Essential MTSS Components in SLD Guide). When teams suspect that one of the factors is impacting student progress, they should follow established procedures to document the presence of the factor and attempt to address the factor if possible. Attempts to address the factor should be part of and documented within the DBI process. See the SLD Guide section on Data-Based Decision Making for more information regarding DBI.

When a ML student is not making desired progress, teams should interpret progress monitoring data in comparison to the student's true peers. True peers are defined as students who have the same or similar levels of language proficiency, acculturation, and educational backgrounds (Brown & Doolittle, 2008; Brown & Sanford, 2011). Teams should consider the true peer group's pattern of performance and if they have had success within the chosen intervention. If an entire group of students with similar linguistic and cultural backgrounds is struggling to make progress, intensified instruction with additional language development scaffolds is needed for the whole group to ensure they make adequate progress (Brown & Sanford, 2011). More information about true peer comparison may be found in resources from NCII, such as [Five Questions to Consider When Reviewing Assessment Data for English Learners](#) (Sacco et al., 2023).

### **Identification with Comprehensive Evaluation for Special Education**

Evaluation teams must not delay an evaluation when a disability is suspected and students are not demonstrating sufficient response to evidence-based interventions. When teams initiate a referral for special education services, they must establish a plan to systematically consider each possible alternative factor listed in [392-172A-03055](#). If reliable and valid data from screening and/or the DBI process indicate that a factor is NOT present, the evaluation team may use that evidence to rule out that alternative factor. When data are not available to rule out the presence of a factor, the team must include evaluation activities to rule in or rule out the presence of the factor. Teams must include members who are knowledgeable regarding assessment practices related to each factor, and districts should provide guidance for data-based decision rules.

[WAC 392-172A-03020](#) 3(ii) stipulates that evaluations “are provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally unless it is clearly not feasible to so provide or administer.” When conducting comprehensive evaluations with ML students, evaluators should work collaboratively with English Language Development (ELD) professionals to fully consider the impact of language differences on student learning. [Chapter Six, Tool #2](#) of the U.S. Department of Education’s English Learner Tool Kit (2015) offers a matrix of learning behaviors organized by skill area (e.g., listening, speaking, reading, etc.) and the varying roles that language difference or disability can play in those behaviors. Utilizing nonverbal assessments alone is not considered sufficient to rule out the impact of limited English proficiency. WIDA (2017) recommends examining student language development during meaningful activities rather than only focusing on their use of isolated components of language.

## **Step 2: Evaluate the impact of the alternative factor on the student’s academic performance.**

If a team determines that a factor listed in [392-172A-03055](#) IS present, the team must conduct procedures to determine IF there is a causal connection between the factor and the student’s academic concerns. Teams must do this for each factor that is identified. Procedures should attempt to confirm the presence of a factor, directly examine the impact of the factor on the student’s learning, and establish a plan to correct or address the alternative factor. This process will differ based on the type of alternative factor being considered. In all cases, teams must establish (1) an individualized plan to address the impact of the alternative factor on the student’s learning (2) a plan for progress monitoring academic performance when the plan is implemented, and (3) a decision-making rule regarding the effectiveness of the plan.

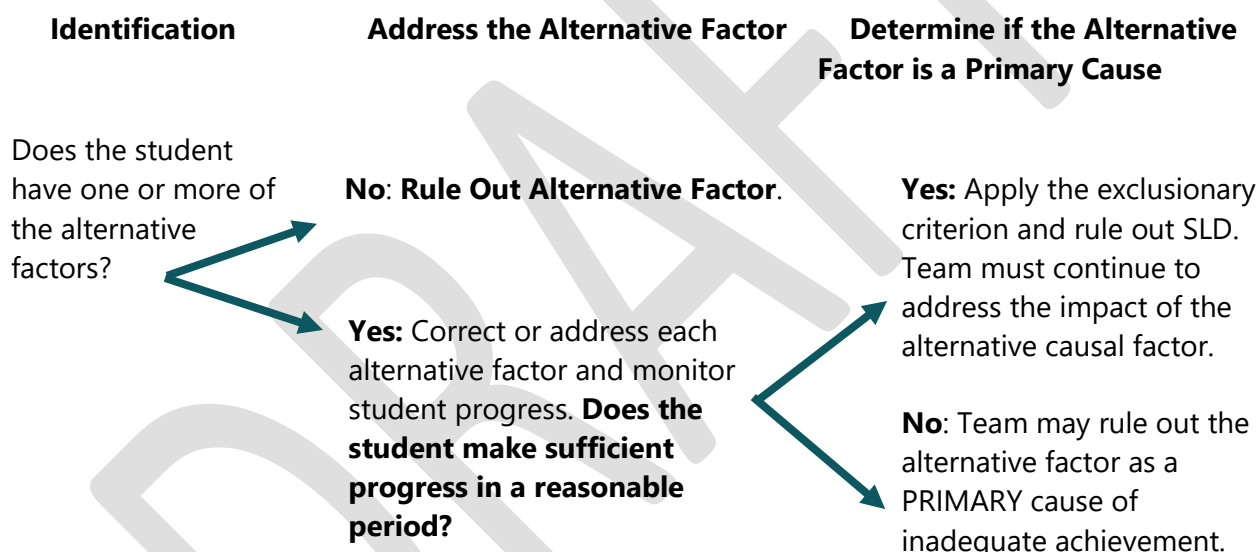
WAC [392-172A-03050](#) requires that evaluation teams include individuals who are “qualified to conduct individual diagnostic examinations of students” in areas of concern. This holds true when considering alternative factors that may be the cause of learning difficulties. Teams must include individuals who fully understand the impact of each disabling and contextual factor listed in WAC [392-172A-03055](#). During this step, all efforts must be made to first address the factor through preventive efforts before making a referral for a comprehensive evaluation for special education services.

Should a parent request a comprehensive evaluation, the team must complete these steps as a part of the special education evaluation procedures. To plan for team decision making, the evaluation teams should follow written guidance provided by the district for implementing and evaluating progress monitoring (see SLD TAP #3) and applying decision making rules. Written procedures should also include guidance for when a parent requests a special education evaluation, to ensure the team is following district procedures for child find and evaluation.

### Step 3: Verify – Apply a decision-making rule to determine if the alternative factor is the primary cause of the student’s inadequate achievement and insufficient progress.

If the alternative factor is corrected and progress monitoring reveals sufficient progress, then the team may determine the alternative factor was a PRIMARY cause of inadequate achievement and rule out possible SLD. The team should continue to monitor student progress. If the impact of the alternative factor is addressed/corrected and progress monitoring reveals that the student continues to demonstrate insufficient progress, the evaluation team may determine that while the alternative factor exists, the alternative factor is not a PRIMARY cause of the student’s inadequate achievement. Figure 2 provides a visual representation of the decision-making process with questions for teams. Table 1 provides screening, evaluation, and verification guidance for each possible alternative primary factor.

**Figure 2. Steps to Rule out Alternative Primary Factors**



**Table 1. Alternative Factors, Sources of Data and Considerations**

Alternative Factor	Sources of Data	Address the Alternative Factor and Impact on Student Learning
Visual Impairment	Vision screening	Review vision screening and information from families. The team should determine the impact of visual difficulties on student learning. Teams may consider the need for reasonable accommodations to address visual difficulties through Section 504. School nurses may support families by serving as a liaison between the medical provider and education

Alternative Factor	Sources of Data	Address the Alternative Factor and Impact on Student Learning
		<p>system, working to also ensure access to medical follow up when needed.</p> <p>If visual difficulties appear to be corrected but the student continues to evidence insufficient progress, the team may determine that visual impairment is not the primary cause and may consider the presence of SLD.</p> <p>If a student does not benefit from reasonable accommodations to address the impact of visual difficulties, the team may conduct a comprehensive evaluation to determine eligibility for special education as a student who is visually impaired. In this case, an SLD would not be identified.</p>
Hearing Impairment	Hearing Screening	<p>Review hearing screening and information from families. The team should determine the impact of hearing difficulties on student learning. Teams may consider the need for reasonable accommodations to address hearing difficulties through Section 504. School nurses may support families by serving as a liaison between the medical provider and education system, working to also ensure access to medical follow up when needed.</p> <p>If hearing difficulties appear to be corrected but the student continues to evidence insufficient progress, the team may determine that hearing impairment is not the primary cause and may consider the presence of SLD.</p> <p>If a student does not benefit from reasonable accommodations to address the impact of hearing difficulties, the team may conduct a comprehensive evaluation to determine eligibility for special education as a student who is deaf or hard of hearing. In this case, an SLD would not be identified.</p>



Alternative Factor	Sources of Data	Address the Alternative Factor and Impact on Student Learning
Motor Disability	Graphomotor skill assessment (may be class-wide or by teacher/parent nomination)	<p>Classroom teachers or parents may identify concerns with handwriting or fine motor skills. Teams may utilize consultation with an Occupational Therapist or other qualified professionals in designing Tier 2 interventions for students who are identified as not meeting expectations in academic screening. Within the DBI process, if motor problems are contributing to a student's lack of sufficient progress with Tier 2 interventions, Tier 2 teams may also seek consultation from the Occupational Therapists.</p> <p>If the team believes a student's academic difficulties are caused by a motor disorder, an SLD may not be identified. If the student does not benefit from supports and adapted tasks (possibly with a 504 plan), the team may consider other categories of eligibility for special education services such as orthopedic impairment or other health impairment.</p> <p>If the student's motor skill difficulties improve, but other learning difficulties are identified, the team may consider the presence of SLD. Additionally, if the student demonstrates other challenges with learning that do not involve motor skills, the team may also consider the presence of SLD.</p>
Intellectual Disability (ID)	Evidence of cognitive and adaptive delays- teacher reports, parent reports	<p>Data from classroom observations and teacher reports may indicate that the student has adequate reasoning and adaptive skills; in this case, the team can rule out ID and consider the presence of SLD.</p> <p>When the team suspects the student has evidence of cognitive and adaptive delays that present an adverse impact on learning, the team must initiate a comprehensive evaluation to consider the presence of ID, the</p>



Alternative Factor	Sources of Data	Address the Alternative Factor and Impact on Student Learning
		<p>impact on student learning, and the need for specially designed instruction. Teams may first begin with adaptive measures; if the evaluation results indicate significantly low adaptive performance, then a cognitive assessment should be administered.</p> <p>If an evaluation of cognitive ability and adaptive skills confirms the presence of ID, the team should rule out the presence of SLD.</p> <p>If the evaluation rules out the presence of ID, the team may consider the presence of SLD following established procedures in the SLD Guide.</p>
Emotional Behavioral Disability (EBD)	<p>Screening for internalizing and externalizing symptoms, teacher and parent nominations, observations within Tier 2 or 3 academic interventions (within the DBI Process).</p> <p>Initial data may include discipline referral data, attendance data, information provided by families from outside providers.</p>	<p>Students may start with evidence-based Tier 2 interventions that are functionally relevant. When students do not respond to interventions and teams suspect emotional, social, or behavioral reasons for lack of sufficient progress, teams should conduct functional behavioral assessments (FBA) and/or comprehensive evaluations to include observations, rating scales, review of records, and interviews with teachers and families. Procedures should be consistent with district policies and procedures. The team should design functionally relevant, evidence-based interventions.</p> <p>If the student demonstrates improved engagement in learning and sufficient progress when functionally relevant, evidence-based interventions are implemented, the team may rule out the presence of both emotional behavioral disability and SLD.</p> <p>If the student demonstrates improved engagement in learning but not sufficient progress, the team may rule out EBD as the</p>

Alternative Factor	Sources of Data	Address the Alternative Factor and Impact on Student Learning
		<p>primary cause of difficulties learning and may consider the presence of SLD.</p> <p>If the student does not demonstrate improved engagement in learning following the implementation of functionally relevant, evidence-based interventions, the team must determine whether learning problems are the PRIMARY cause of emotional/behavioral symptoms (and thus rule out EBD) OR if emotional/behavioral problems are the PRIMARY cause of insufficient progress (and thus consider eligibility in the category of EBD and rule out the presence of SLD).</p>
Cultural Factors	Acculturation screeners, attendance, teacher or family reports	<p>Conduct true peer comparisons with a minimum of three to five students. Collect data for the student as well as for the student's true peers and compare progress. See Sacco et al. (2023) and resources below for more guidance.</p> <p>If data for the student's "true peers" indicates similar academic growth, the team may not rule out the impact of cultural factors and should rule out the presence of SLD.</p> <p>If data for the student's "true peers" indicates significantly greater growth/performance, the team may consider the presence of SLD. See Sacco et al. (2023) for more guidance.</p>
Limited English Proficiency (LEP)	Home Language Surveys, English language proficiency (ACCESS, WIDA),	<p>Evaluation of oral language; vocabulary; verbal ability); level of performance and rate of progress compared to students with similar exposure to language and instruction (true peers); parent interview.</p> <p>If evidence-based language supports are provided alongside evidence-based interventions and the student demonstrates</p>

Alternative Factor	Sources of Data	Address the Alternative Factor and Impact on Student Learning
		<p>sufficient progress, the team may not rule out LEP and should rule out the presence of SLD.</p> <p>If a student does not demonstrate sufficient progress with evidence-based language and academic supports, the team should examine the student's level and rate of progress in comparison to students with similar exposure to language and instruction. If the student's progress is considerably lower, the team may consider the presence of SLD.</p>
Environmental or Economic Disadvantage	Screening for attendance, health, and engagement in learning (SEL)	<p>Carefully analyze environmental factors that may impact student learning and involve appropriate professionals in the building and district to link the student and their family with school and community resources.</p> <p>If the student's progress is sufficient after efforts to provide appropriate environmental supports are provided, the team may find that economic/environmental factors were a primary cause and cannot be ruled out.</p> <p>If environmental factors are sufficiently alleviated and the student does not demonstrate sufficient progress, the team may rule out these factors as the primary cause and consider the presence of SLD.</p>

## Case Study

Maria is a second grade student attending Eagle Ridge Elementary. She has attended Eagle Ridge since kindergarten. In completing a home language survey, Maria's parents noted that their family speaks Spanish and English at home. Maria is the youngest of three children, and her siblings speak mostly English with her at home, while her parents speak mostly Spanish with Maria. Eagle Ridge Elementary does not offer dual language instruction; Maria has been receiving services for English Language Development (ELD) within her classroom for 30 to 40 minutes daily in a small group since kindergarten.

Eagle Ridge conducts universal screening three times per year and meets with grade level teams to consider how their core instruction is working and to identify students in need of additional support. The Tier 1 team includes the school counselor, school psychologist, reading and math specialists, ELD teacher, and administrator. In the fall of her first grade year, the team found that Maria was well below expectations in early literacy. At the beginning of the year, first grade students should be reading 27 correct letter sounds (CLS) per minute. On the fall benchmark, Maria read 15 CLS per minute, indicating that she was below benchmark and likely to need strategic support. The team agreed that Maria would continue to receive small group instruction

from the ELD teacher within the first grade classroom but would also benefit from a Tier 2 phonics intervention four times per week for 30 minutes. The team agreed that Maria's Tier 2 reading teacher would monitor progress with a Nonsense Word Fluency (NWF) measure to capture her growth in beginning phonics. They set a goal for Maria to gain 2.5 CLS per week and agreed to review her progress in eight weeks. The team agreed they would use a four data-point rule for decision making regarding effectiveness of the intervention. The school psychologist on the team agreed to observe Maria during the Tier 2 intervention before the team met to review progress.

In reviewing Maria's progress, the team considered each of the eight alternative factors within WAC [392-172A-03055](#) and determined that Maria's vision and hearing were within normal limits. Her attendance was excellent, and her teacher reported that Maria's handwriting and drawing skills were strong. Maria's teacher also noted that she demonstrated good reasoning skills and seemed to have several friends with whom she sat at lunch and played with at recess. Maria's performance in math calculation was strong on within grade unit assessments. Thus, the team ruled out the presence of:

- A visual, hearing, or motor disability (based on screening and teacher report);
- An intellectual disability (based on teacher report of strong reasoning and performance in math calculation);
- Emotional/behavioral disability (based on teacher report of engagement and relationships)
- Environmental or economic disadvantage (based on attendance and ELD teacher and classroom teacher communication with home)

At the end of the eight-week Tier 2 intervention, the team met again to review Maria's progress. The last four data points on Maria's NWF progress monitoring graph were below her goal line. Through the DBI process, ELD teacher provided guidance in understanding that Maria's lower performance might be related to difficulties in making distinctions with cross linguistic features of English and Spanish and recommended that the Tier 2 interventionist build familiarity with common consonant sounds across English and Spanish. After building opportunities to learn and practice phonology, vocabulary, grammar, and pragmatics within the intervention, Maria demonstrated sufficient progress and surpassed her progress monitoring goals. Thus, the team found that English Language Acquisition was a primary factor in Maria's progress with learning.

When the Tier 2 intervention included best practices for supporting ML students, Maria demonstrated sufficient progress, and the team no longer considered the presence of SLD.

## Conclusion

This TAP addressed Exclusionary Factor 1, Rule Out Alternative Primary Factors that may be the reason for a student's inadequate achievement (Inclusionary Factor 1, SLD TAP #2) and insufficient progress (Inclusionary Factor 2, SLD TAP #3). Beyond the consideration and evaluation of other alternative primary factors,, teams must address Exclusionary Factor 2, Rule Out a Lack of Appropriate Instruction (SLD TAP #4).

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