

Determining the Eligibility of Students with Specific Learning Disabilities

11. Ethical Standards and Practice

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Chapter Overview

This chapter covers the standards of practice that assure the integrity and validity of both assessment and intervention. Readers will note that the guidance represents as synthesis of recommendations from professional organizations representing those who work in the school setting.

The nationally recognized standards for test development, administration, and interpretation can be found in the Code of Fair Testing Practices in Education. The standards are published (2004) by the Joint Committee on Test Practices which is a collaborative effort between American Counseling Association (ACA), the American Educational Research Association (AERA), the American Psychological Association (APA), the American Speech-Language-Hearing Association (ASHA), the National Association of School Psychologists (NASP), the National Association of Test Directors (NATD), and the National Council on Measurement (NCME).

Important: It is the responsibility of school staff to be familiar with technical changes in federal regulations and Minnesota laws and rules.

Roles and Responsibilities

Districts implementing a system of scientific research-based interventions, may use a variety of staff persons to conduct screening assessments, progress monitoring assessments, or diagnostic assessments. To avoid confusing parents whose child is receiving interventions and not special education services. It is important for staff who perform multiple functions (i.e., teacher, content area or intervention specialist, Title 1 teacher, school psychologist, Counselor, School Social worker, special education teacher, Speech Language Pathologist) to know the role they are performing when speaking to the parent(s) and others. Staff should communicate their role so that process procedures are not violated, specifically for those students identified for interventions through screening who are not students suspected of having a disability.

During the intervention process, it needs to be specifically stated when assessments results will be used to prescribe or modify the instruction as opposed to diagnosing needs through a comprehensive evaluation. The assessment of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation is not considered an evaluation for eligibility for special education and related services. It is best practice to communicate with and have parent permission when giving a student an individualized assessment for modification of instruction.

Once the team suspects a disability, they must seek parental consent to evaluate as well as adhere to the timeframes subscribed in Minnesota Rule 3525.2550, subp.2. If the parents of the student refuse consent for the evaluation, the district may continue to pursue an evaluation by utilizing mediation and due process procedures. Efforts to identify effective instructional and/or behavioral interventions should continue.

The Evaluation Team

The team evaluating a student for a disability, in accordance with 34 CFR section 300.308 must include parents, administrative designee, general education teacher, SLD teacher, or other licensed special education teacher and may or may not include all of

the persons involved in the assessment process. To the extent possible persons involved in the assessment process should be included in the eligibility determination as well as instructional design process.



Quality Practices in Intervention and Assessment

While the process of intervention prior to referral is not a new concept, several pieces to the intervention process may have changed. Many terms used in the system of *scientific research-based intervention (SRBI)* have evolved or become more specified in their intended meaning. Throughout this process readers should check their assumptions about definitions of familiar terms.

First, both the intervention and assessment process need to be guided by data-driven decisions and research-informed practices. The practices that guide informed decision-making are integral to the intervention and comprehensive evaluation process include professional judgment, interviews, observations, and testing (informal and formal). Collect, analyze, and integrate information to inform each step of the intervention and comprehensive evaluation process. Make decisions from a body of evidence that is reliable and valid, not a single score or piece of data.

Second, the process of evaluating, intervening, and evaluating is continuous; that is, carried throughout the delivery of special education services.

Third, there are explicit standards for administration of assessments and assessment practices. Although not explicitly included in the stated standards guiding assessment practices, many of the guiding principles that govern administration and interpretation of assessments are appropriate to apply when delivering interventions.

The standards important for teams to pay attention to include six main areas:

- Qualifications of Assessment/Intervention Users
- Technical Knowledge
- Assessment and Intervention Administration
- Assessment Scoring
- Interpreting Assessment and Intervention Results
- Communicating Results

The identification of a student with a disability is a serious matter and the misuse or misinterpretation of intervention data and/or assessment results is addressed by standards developed by numerous professional organizations. The standards for assessment and intervention have been adapted from Responsibilities of Users of Standardized Tests (RUST) (3rd Edition) prepared by the Association for Assessment in Counseling (AAC).

Qualifications of Assessment/ Intervention Users

Qualified assessment users and *interventionists* must demonstrate appropriate education, training, and experience in using assessments and interventions. A lack of qualifications can lead to errors and subsequent delay in instruction or special education service delivery.

In assessment situations, each professional is responsible for making judgments and cannot leave that responsibility to either students or others in authority. In *intervention* situations, the supervising teacher is ultimately responsible for making instructional judgments and must not leave that responsibility to volunteers, paraprofessionals, or students.

The individual assessment user and interventionist must obtain appropriate education and training, or arrange for professional supervision and assistance in order to provide valuable, ethical, and effective services to the students. Qualifications of assessment and intervention users depend on at least four key factors:

□ **Purposes of Assessment and Intervention**

The purposes of assessment direct how the results are used; therefore, qualifications beyond general competencies may be needed to administer, interpret, and apply assessment data. Teams should possess a deep understanding of the assessment tool as well as a high level of skill in implementing them. Additionally, interventions vary in complexity depending on the depth and breadth of skills they are targeting; therefore, staff providing the intervention must have the appropriate background and training in each intervention they are expected to deliver.

□ **Characteristics of Assessments and Interventions**

Understanding the strengths and limitations of each assessment instrument and intervention is necessary to make appropriate data-driven decisions.

□ **Settings and Conditions**

Assessments and interventions delivered in settings or conditions that are not conducive to learning influence the expected efficacy. Consider setting and conditions when making data-based decisions.

□ **Roles of Selectors, Administrators, Scorers, and Interpreters**

The education, training, and experience of assessment users and interventionists determine which assessments/interventions they are qualified to administer. While it may be appropriate to have a volunteer practice sight word vocabulary, it is not appropriate to require him/her to administer a comprehensive reading intervention without appropriate technical training.

Technical Knowledge

Responsible use of assessments and interventions requires technical knowledge obtained through training, education, and continuing professional development. Users should be familiar and competent in aspects of assessment and intervention and receive training in the administration and interpretation on the specific assessments required for the evaluation. (See Self-Analysis of Skills in the Appendix.)

The National Association of School Psychologists emphasizes that assessments must meet professional standards of technical adequacy and be reliable and valid for the purpose for which they are used. Additionally, assessments designed to measure progress towards standards must be appropriately aligned with those standards, curriculum, instruction, and opportunity to learn. School psychologists should provide consultation to districts and policymakers to assure that technical issues tied to assessment and intervention construction and selection are addressed. Critically review assessments and interventions to determine whether they are designed and developed

to be accessible and valid for the widest range of students, including students with disabilities, students that are culturally diverse and students with limited English proficiency.

Technical aspects of assessment include the following five areas:

□ **Validity of Assessment Results**

Validity is defined as the accumulation of evidence to support a specific interpretation of the assessment results. Since validity is a characteristic of assessment results, an assessment may have validities of varying degree and different purposes such as:

- How well the test items or tool measures what it is intended to measure (construct validity).
- How well the assessment is aligned to state standards and classroom instructional objectives (instructional validity).
- How well screening accurately identifies the students needing additional intervention (discriminate and predictive validity or sensitivity and specificity).

Unless the assessment is valid for the particular purpose for which it was designed, it cannot be used with confidence.

□ **Reliability of Assessment Results**

Reliability refers to the consistency of measurements. Consistency means:

- Within itself (internal reliability).
- Over time (assessment-reassessment reliability)
- Alternate form of the measure (alternate forms reliability)
- Reliable when used by another rater or observer (inter-rater or inter-observer reliability). Sattler further indicates the need to use assessments with high reliabilities, usually .80 or higher, for individual assessment.

It is important to remember assessment reliability for one group may not be reliable for another subgroup or specific population.

□ **Errors of Measurement**

Various ways may be used to calculate the error associated with an assessment score. Understanding the estimate of the error size allows the assessment user to provide a more accurate interpretation of the scores and to support better-informed decisions.

□ **Scores and Norms**

Basic differences between the purposes of norm-referenced and criterion-referenced scores affect score interpretations.

□ **Evaluation Tools and Strategies**

Educational professionals must use a variety of evaluation tools and strategies to gather relevant functional and developmental information. This includes information provided by the parent. Evaluations should be designed to assist in determining whether the child is a student with a disability and the content of the

student's individualized education program. This must include information related to enable the student to be involved in and progress in the general curriculum or, for preschool students, to participate in appropriate activities.

Technical aspects of intervention include:

- Research supporting the intervention.
- Strengths and limitations of the intervention and populations for whom the intervention is appropriate.
- Use of materials and components of the intervention that must be adhered to in order to be effective.
- Ability to relate material to the student and account for motivational factors that impact performance.

Assessment and intervention administration includes following standard procedures to ensure the assessment or intervention is used in the manner specified by the developers.

Assessment and Intervention Administration

It is the responsibility of the staff to ensure the assessments/interventions meet the following criteria:

- Validated for the specific purpose for which they are used.
- Administered by trained and knowledgeable personnel.
- Administered in accordance with any instructions provided by the producer or with the research verifying its effectiveness.

Parents and students must be fully involved and informed in the various aspects of intervention and assessment process prior to implementation. Issues to be included in the discussion should take into account language and cultural differences, cognitive capabilities, developmental level, and age to ensure that the students, parent, or guardian understands the explanation.

Before administration of assessments or interventions, it is important that all involved parties:

- Are informed about the procedures about the purpose of the assessment/intervention, the kinds of tasks involved, the method of administration/service delivery, and the scoring and reporting/monitoring of assessment and intervention.
- Received sufficient training in their responsibilities and procedures.
- Arranged for appropriate modifications of materials and procedures in order to accommodate learners with special needs.
- Gain experience in sufficient practice prior to administering the assessment or delivering intervention which includes practice on how to operate equipment or instructional materials and able to respond to students appropriately.
- Reviewed the assessment and intervention materials and administration site or instructional environment and procedures prior to the time for assessment to ensure the environment is conducive to high performance.
- Can provide and administer assessments and other evaluation materials in student's native language or other mode of communication, and in the form most likely to yield accurate information academically, developmentally, and functionally,

unless not feasible to provide or administer for more information see [34 CFR 300.304(c)(1)(ii)] [20 U.S.C. 1414(b)(3)(A)(ii)]. Materials and procedures for evaluating a student with limited English proficiency are selected and administered to ensure that they measure the extent the student has a disability and needs special education and related services, rather than measure the student's English language skills.

- Are able to tailor assessments, evaluation materials, and interventions to specific areas of educational need and not merely those that are available. Proper assessment and intervention use involves determining if the characteristics of the assessment/intervention are appropriate for the intended student(s) and are of sufficient technical quality and rigor for the purpose at hand.

During administration of standardized assessments and interventions, it is important that the following criteria be met:

- The environment (e.g., seating, work surfaces, lighting, room temperature, freedom from distractions, space to perform tasks comfortably) and psychological climate are conducive to the best possible performance of the students.
- The assessments and interventions are delivered as designed to ensure the student response can be measured and norms can be used with confidence. The individual administering the assessments and interventions has or can establish rapport with students. Students generally perform best in an atmosphere of trust and security.
- Student motivation and engagement is monitored and addressed to increase accuracy of assessment and efficacy of the intervention. Pacing and frequency of student response are important factors in student engagement.
- Relevant and meaningful behaviors are noted to ensure teams making decisions have appropriate data from which to apply meaningful changes in instruction. Further information about the learning style of the student may be gleaned by observations and by going beyond the normal parameters of the standardized assessment. "Testing the limits," involves a deliberate departure from standardized assessment procedure and is a way to obtain further qualitative information. Testing of limits should be used by an experienced and trained assessor only after the assessment has been completed under standard conditions and may be used as a supplementary source of information (see Sattler, 1988).

After administration, it is important to include notes on any problems, irregularities, and accommodations in the assessment or progress monitoring records and document any observed behaviors or thinking that is meaningful to understand how the student learns.

Technical Adequacy of Measures

The following guidelines regarding technical adequacy have been proposed for selecting measures for different psychometric purposes:

- Screening measures .7 reliability and discriminate and predictive validity (sometimes this can be referred to as sensitivity and specificity).
- Diagnostic measures .9 reliability and construct validity.
- Age of assessment when there are new versions or norms that must be adopted within one year.
- Size and representation of standardization sample in relation to student being tested.

- Developmentally and culturally appropriate for student being assessed.

When considering which assessment tools to use for eligibility decisions, practitioners need to ensure that the assessment tools meet the criteria for being technically adequate. This criterion includes assessments:

- With normative data no more than 10 years old.
- Designed specifically as/or considered an appropriate measure of an area of achievement of one of the eight areas of academic functioning specifically listed in the definition of SLD contained in Reauthorized Federal IDEA 2004 and Revised Minnesota Rule 2008.
- Normed on a sample of people from the United States with adequate samples of students at the age of the student being tested. Testing culturally and linguistically different students where standardization samples are not representative of the student being tested must accommodate for degree of acculturation, English proficiency, and educational experience. Please see guidelines in Chapter 4 for additional information.
- With age-based norms.
- Scores used for eligibility decisions with correlations of less than .9 with the construct being measured require convergent evidence with other reliable and valid measures.
- Administered within the periods indicated in the administrative manual. The testing sessions may not be broken down test by test or occur on different days (reference the manual). This procedure will also invalidate the score.

Any deviations from the standard administration of any standardized assessment invalidate the resulting score for eligibility and placement decisions. An example of a non-standard administration decision is not using a tape recorder for a test when it is required by the standard administration directions in the manual. Other examples of non-standard administration include testing in a classroom full of students, extending the allotted time for a test, using an interpreter, and completing the math calculation section with a calculator.

Suggested Training Steps for Assessors

A process for training and becoming competent in administering curriculum-based measures, screening tools, and standardized evaluation tools is necessary to ensure teams have valid and reliable data. Training and monitoring on a regular basis is essential to prevent drift in practice. Staff who conducts assessments should be selected carefully since objective practices may introduce error or influence scores.

When administering screening or curriculum-based measures, training sequence is:

1. Have background in theory, purpose of measure and limitations.
2. Receive training in administrating and scoring practices.
3. Ensure objectivity when administering screening measures (individual is not invested in results of data).
4. Verify standardized scoring procedures/ inter-rater agreement/reliability and retrain if necessary to achieve standardized practice.

Teams need to apply checks on integrity for administration and interpretation of screening and progress monitoring assessments. Administrators need to check for integrity of systems procedures to ensure that teams are following procedures and to ensure there is confidence in the data from screening and progress monitoring assessments.

Failure to verify adherence to administration procedures or inter-rater agreement may lead to:

- Inflation of scores (conscious or unconscious).
- Selective administration of probes to improve a student's score.
- Low confidence in scores and duplication of assessment and data collection.

When administering comprehensive assessments such as Woodcock Johnson III and Key Math, the sequence of training steps is as follows:

- Have the assessment administered by an experienced examiner.
- Attend an in-service or training session to include a viewing of a videotaped administration.
- Study the instrument, the examiner's manual, assessment directions, and the assessment protocols.
- Practice giving the assessment to subjects with varying age ranges addressed by the assessment and resolve administration and scoring questions.
- Administer the assessment three times under the observation of an experienced examiner and solicit feedback on performance.
- Continue to practice with the materials and standardized procedures. A rule of thumb is to administer at least two assessments for an experienced examiner. For those with less experience, administer and score ten or more assessments before becoming proficient.
- Administer the assessment to real subjects.
- Districts may wish to institute annual reviews of administration procedures with evaluation staff to guard against drift from standardized instructions.

Purposes of Assessment in the Intervention and Eligibility Determination Process

Responsible use of assessments requires that the specific purpose for using the assessment be identified. In addition, the types of measures selected should align with the intended purpose with consideration of the characteristics of the assessment and the student being assessed. Assessments should not be administered without a specific purpose or need for information. Because of the changes in federal regulations, the role of assessment in Specific Learning Disabilities determination process has been expanded.

Schools typically establish cut-scores between the 1st and 25th percentile, except when the number of students whose scores fall within this range makes up more than 20 percent of the student body.

For more on screening, see Screening and Identifying Students for Intervention.

Four types of assessments that may be used during the decision-making process are:

- Screening.
- Progress Monitoring.
- Prescribing instruction and diagnosing educational needs.
- Program Evaluation and Improvement—Not elaborated on in the SLD Manual. For more information see materials from the Division of School Improvement.

Screening

Schools may use assessments to screen for or identify students at-risk of inadequate achievement, behavioral or social emotional concerns, poor health, hearing or vision, substance abuse, etc.

Typically, screening tools are administered three times per year by trained staff or volunteers. Screening occurs at multiple points to ensure that students are improving throughout the school year and to target additional instructional supports for students not making progress.

Screening tools should accurately identify those who are at risk from those who are not to verify interventions are provided in a timely manner. Screening tools are not perfect; therefore decision making teams must establish the acceptable range of cut-scores as well as have procedures for combining screening data with other relevant data in order to provide accurately target students needing additional supports.

Progress Monitoring

While screening measures are used to predict future performance, progress-monitoring measures are used to determine how the student is responding to instruction. Progress Monitoring is a scientifically based practice, which uses ongoing assessments that compare expected and actual rates of learning. The results are used to assess the effectiveness of instruction by depicting the student's starting level of performance and growth over time. Trained staff should administer progress-monitoring measures on a weekly or bi-weekly basis.

Ideally progress-monitoring measures are quick to administer, score, interpret and are sensitive to changes in students' future performance. It is important to understand that progress monitoring measures may be related to the curriculum in that they assess a particular skill; however, they do not have to represent all of the curriculum or skills that are being taught. Measures that assess all skills that are being taught are considered mastery measures not progress monitoring measures. Progress monitoring scores, represented visually provide a quick review of the student's progress within the curriculum or intervention. School staff may use analysis of level, slope, discrepancy from aim line, and error analysis to guide them in modifying or changing the intervention see Chapter 5 for more information.

Prescribing Instruction and Diagnosing Areas of Need

Prescriptive assessment may include formal and informal measures including error analysis procedures. Decision-making teams may use prescriptive assessments to formulate instruction for a group or individual, to thoroughly understand all aspects of a student's level of proficiency with a skill(s) or to match or modify interventions.

Diagnostic assessments are different from prescriptive measures in that they are most often formal standardized measures.

Diagnostic assessments may be used to comprehensively analyze cognitive, academic, language, motor, and social functions or address a specific diagnostic question.

These measures are useful to identify:

- Profiles of strengths and weaknesses.
- Determine discrete skill deficits, level of functioning and gaps in performance.
- Deficits that may be contributing to an inadequate skill acquisition or mastery.

Diagnostic measures may also be used in assisting the team in making entitlement decisions and improve the match between the student's learning abilities and instruction.

Comprehensive assessment batteries are traditionally used as a broader diagnostic measure. They are collections of tests that have been constructed to differentiate learners with varying abilities (e.g. learning disabled, gifted and talented, developmentally cognitively disabled, etc.). Because items are selected for their ability to discriminate between ability levels, they have been highly criticized for not being representative of the student's curriculum or useful for developing instructional goals and objectives.

Comprehensive assessment batteries may be used for the following reasons:

- To identify all the areas of academic achievement or performance that are impacted by a disability as required by law.
- To establish a pattern of strengths and weaknesses across multiple areas of performance/achievement.

Staff that are highly trained and experienced with these measures should have the ability to translate scores, error patterns, or behaviors and thinking noted during assessment into meaningful instructional plans.

Comparison of Assessment Types

The following table compares types of assessments and their applications and uses.

Table 11-1

Assessment Types

| | Screening | Progress Monitoring | Prescribing/Diagnosing |
|------------------------------------|--|---------------------------------|---|
| Population | School-wide | Group/individual | Individual |
| Uses | Indicators | Specific skills/behaviors | Skills/abilities/knowledge/performance |
| Frequency | 3 times per year | Weekly or bi-weekly | As needed or yearly |
| Purpose | Identify risk | Effectiveness of intervention | Profile of strengths and weaknesses |
| Focus | School | Group/student | Student |
| Instruction | Class and school instructional decisions | Within an intervention | Design instruction |
| Function in Decision-Making | Sorting students for levels of support | Continue with or modify support | Plan or specify instructional practices |

Note: Program Evaluation and Improvement is outside the scope of the SLD Manual.

In summary, the types of assessment may be used to identify:

- Students at-risk of not achieving to age or grade level expectations.
- Areas of weakness that require intensive instructional interventions.
- Students who are not making progress given high-quality instruction or faithfully implemented and research-based interventions.
- Whether a student has a disability and is eligible for special education and related services.
- Specific strengths and areas of need that may be used to plan an appropriate individualized educational program.

The following figure provides an overview of the steps in the assessment process.

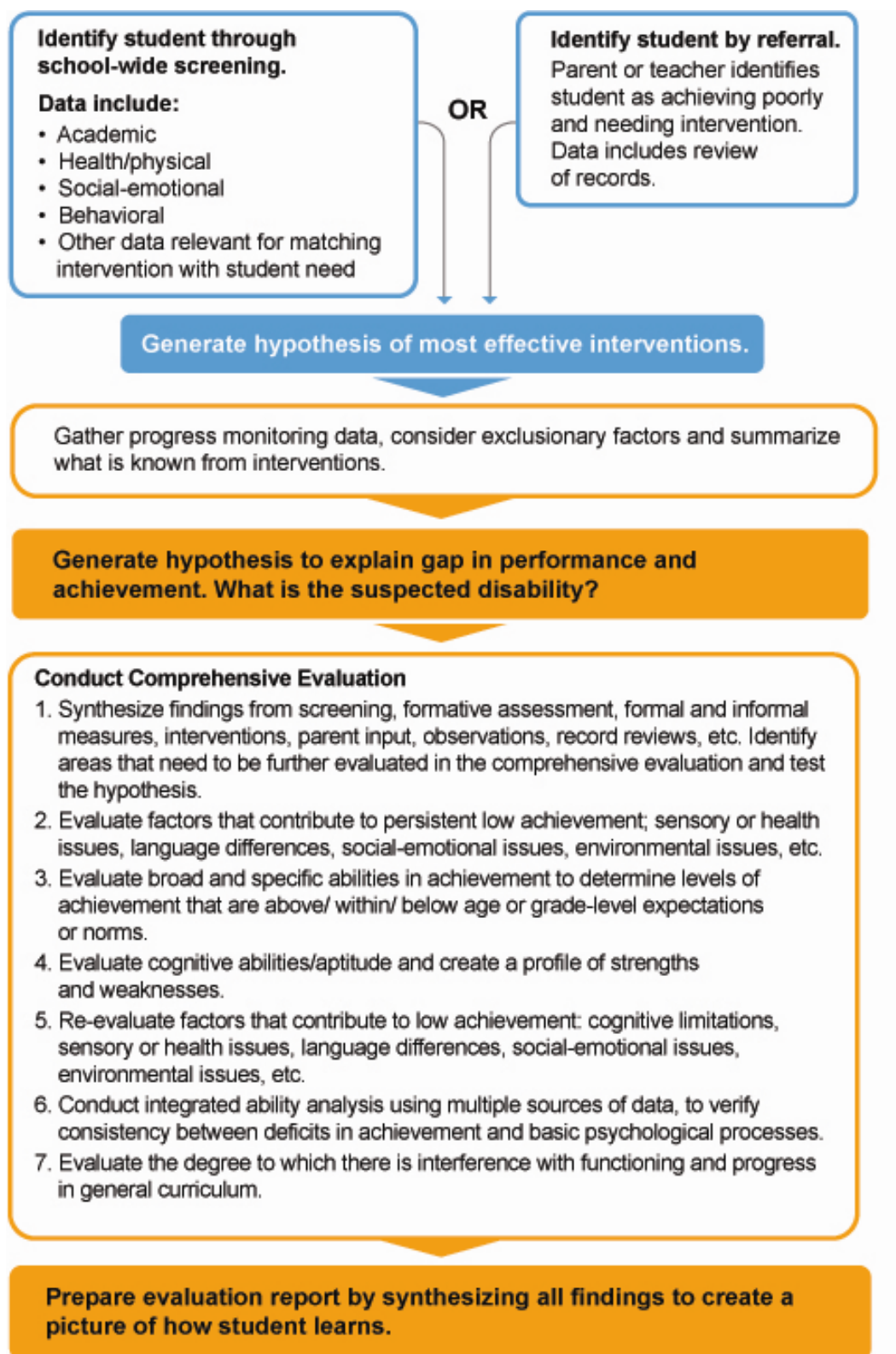


Figure 11-1. *Assessment Process Flow.*

Testing of Limits

Testing of limits is an alteration of standardized assessment procedures, a selective process for gaining additional qualitative information about a student's abilities and problem-solving strategies. A selective and planned manner is required as described in Sattler, *Assessment of Children* 5th Edition, 2008, following the completion of the standardized administration. An examiner must adhere to professional ethics and give due consideration to whether it is appropriate to engage in the testing of limits with any student assessed.

Only conduct testing of limits after administering the entire assessment using standard procedures. Sattler, 2008 (pp. 206-208), provides the following list of possible procedures.

- Provide extra cues to ensure the examiner can determine the amount of help the student needs to solve the problem. As such, the cues should be given in a sequential manner, starting with minimal help.
- Change the presentation modality (e.g., from oral to written).
- Determine the problem-solving method used by the student. This technique involves asking the student how he or she arrived at a specific response. This may allow the examiner to gain insight regarding the strategies employed by the student as well as to what degree the student understood the task. It is important to note not all students can articulate the strategy.
- Eliminate time limits. This technique may provide insight as to whether or not the student can solve the problem at all.
- Ask probing questions to provide insight to how the student approaches the task.
- When incorporating this information into the Evaluation Report (ER), the initial performance results must be reported. If the student passes additional items during the "testing the limits," the points gained cannot be combined with the initial results, since it will result in invalid and higher standard scores. Still, it may be reported that the student benefited from extra help or extra time during the "testing the limits." Also include a description of the modification made during the "testing the limits"; the information may be useful in the development of the student's educational plan.

Be sure to consider the risk that "testing the limits" may invalidate future assessment results if the student is retested a short time later, e.g. 12-24 months (Sattler 2008). If the student is not retested within the timeframe, and much information can be gained regarding the student's abilities and problem solving strategies, "testing the limits" should be considered.

Important: Any alterations to standard assessment materials, directions, or procedures invalidates the testing conditions and note changes in procedure in the ER. Scores derived from altered procedures may not be used to calculate a severe discrepancy for SLD eligibility, except when performing assessments of students with LEP. Then, follow the recommended procedures outlined in the Handbook for the Assessment and Identification of LEP Students with Special Education Needs, (1991) and the ELL Companion to Reducing Bias in Special Education Evaluation, Minnesota Department of Education, 2003. Assessment scores derived from using the altered directions, procedures, or conditions are not considered valid but may provide the team with valuable qualitative data that reflect the student's achievement level under differing conditions. (*Standards for Educational and Psychological Testing*, AERA, APA, and NCME, 1999; Sattler, 2008).

Assessment Scoring

The bullet points below contain useful information as well as required guidelines for assessment scoring. This information will help teams stay compliant:

- **Scoring procedures** are audited as necessary to ensure consistency and accuracy of application using rubrics that clearly specify the test scoring criteria when human judgment is involved. Regularly monitor scoring consistency and provide a method to check the accuracy of scores when an assessment is challenged.
- The assessor and the team must determine if derived scores on an assessment instrument (including progress monitoring) are a valid representation of a student's skills and abilities.
- To provide a full report of the information yielded by the assessment process, the assessment should include a full gamut of tasks:
 - Administration and scoring of norm-referenced assessments.
 - Gathering diagnostic information gained during assessment, classroom observation, and interviews.
 - Corroboration of a student's intellectual functioning.
 - A discussion of subtest variability, identification of relative strengths and weaknesses.
 - Task completion.

Sensitivity and awareness of the student's mood, motivation, level of tension, and distractibility will also assist in assessing responses and to estimate the validity of the results.

Interpreting Assessment and Intervention Results

To begin, Interpretation of scores on any assessment or data from interventions should not take place without a thorough knowledge of the technical aspects of the assessment and intervention, the results, and their limitations.

Next, teams should use multiple measures and look for convergence in the data. If assessment results seem to conflict with information gathered from the progress monitoring tools, standardized assessments, family reports, or other historical or anecdotal information, further assessment may be appropriate.

Many factors influence accuracy of data including:

- Reliability
- Norms
- Standard error of measurement
- Validity of the instrument (discriminate validity, content validity, predictive validity, ecological validity)
- Frequency with which data was gathered
- Environmental conditions of data gathered
- Factors within the individual

*A preponderance of evidence leads a team to determine the presence of a disability and a referral for special education services. A single assessment instrument without corroborating information is **not** acceptable as the sole basis for the identification of an SLD criteria component.*

A pattern of responses validated by information from other sources may confirm professional hunches. A combination of these factors, along with assessment scores,

interviews, and observations enable the multi-disciplinary team to comprehensively assess the student, determine the student's needs, provide appropriate support, and develop an appropriate IEP.

Communicating Assessment Results

When communicating assessment results it should be reported within a context that is easily understood by parents, staff, and/ or students. Information that is presented visually, such as progress monitoring data, is easier for parents or lay persons to comprehend than scores or narratives.

All data relevant for making the eligibility decision should be integrated and reported in the evaluation report; however, reporting only scores in the evaluation summary report is not sufficient. Any information an assessor collected regarding the student's approach to a task, assessment-taking behaviors, willingness to attempt and complete a task, organizational skills, etc., become immediately relevant in understanding how a student functions and how to design specialized instruction. The ER should reveal the strengths and weaknesses of the learner and what abilities the learner displays in an instructional context.

In special education, assessments are selected, administered, and interpreted by school psychologists, reading specialists, special educators, and other professionals, such as speech pathologists and physical therapists. Conveying assessment results with language that the data-based decision-making team, parents, teachers, or students is one of the key elements in helping others understand the meaning of the test results. When reporting results, the information needs to be supplemented with background information that can help explain the results with cautions about misinterpretations. The data-based decision-making team, including parents, must be clear on how the test results can be and should not be interpreted.

Initial Eligibility Evaluation

A student must be referred for a suspected specific learning disability through a formal referral process including Due Process requirements. In order to qualify as having a Specific Learning Disability, the eligibility criteria must be supported through the implementation of a comprehensive evaluation. Determining if the data supports an eligibility decision requires professional judgment by the multi-disciplinary team. The following guidelines for implementing professional judgment have been adapted from New Mexico Public Education Department, 2006.

Professional judgment emerges directly from analysis of extensive data and is characterized by being:

- Systematic (organized, sequential, and logical).
- Formal (explicit and reasoned).
- Transparent (apparent and communicated clearly).

Specific strategies illustrating professional judgment include:

- Conducting a thorough social/developmental history (cultural and linguistic background).
- Applying broad based assessment strategies.

- Implementing research-based practices in intervention.
- Evaluating effectiveness of instructional strategies or supports.
- Aligning and integrating data to address hypotheses and critical questions.
- Applying cultural competence.

Referral Procedures

The referral procedures may vary from district to district; however, the essential elements of the process are the same. Review of existing data is the systematic process of collecting and analyzing information to identify a student who is suspected of having a specific learning disability and needs to be referred for a special education evaluation.

The team should use existing data, hypothesis, and professional judgment to design the comprehensive evaluation versus administering a standardized template of tests. The data that remains to be collected is likely to vary from one evaluation to the next. Some data that illustrates the student's strengths and weaknesses should have previously been collected through interventions, screenings, and parent interviews. If interventions have not been successful in remediating the area(s) of academic weakness, it is likely that additional data to identify the underlying cause of the learning problem will be needed.

The following domains must be considered to determine when the need for evaluation for a specific learning disability or any other disability is suspected:

- Cognitive functioning and processes.
- Academic performance.
- Functional or adaptive skills.
- Communication.
- Motor skills.
- Emotional, social, and behavioral development.
- Sensory status.
- Health/physical.
- Transition areas: employment, post-secondary education and training, community participation, recreation and leisure, home and daily living for students in 9th grade.

As part of an initial evaluation and any reevaluation under Part 300; the IEP Team and other qualified professionals must review existing student evaluation data to include:

- Evaluations and information provided by the parents of the student.
- Current classroom-based, local, or state assessments, and classroom-based observations.
- Observations by teachers and related services providers.

On the basis of that review and input from the student's parents, identify additional data, if any, are needed to determine whether:

- The student is a child with a disability, as defined in 34 CFR 300.8, and the educational needs of the student.
- When the student is being reevaluated, whether the student continues to have a disability and the student's on-going educational needs.
- The present levels of academic and functional performance.
- The student needs special education and related services; or, in the case of a reevaluation of a student, whether the student continues to need special education and related services.

Any additions or modifications to the special education and related services are needed to enable the student to meet the measurable annual goals set out in the IEP and to participate, as appropriate, in the general education curriculum. [34 CFR 300.305(a)] [20 U.S.C. 1414(c)(1)-(4)]

Reduction of Bias in the Assessment Process

Note: Non-discriminatory practices are embedded throughout the SLD Manual. For more details, see Chapter 8.

Many factors contribute to disproportionate identification and placement in special education. Some factors are related to students and their home environment. Other factors, such as teacher recruitment and preparation, curriculum, instructional styles, lack of emphasis on early intervention, implementation of research-based interventions, and school climate are related to the general education system.

Special education assessment procedures can contribute to disproportionate placement in special education. Traditional assessment processes contribute when they minimize the intervention process, rely too heavily on scores from standardized assessments, fail to take a holistic view of the individual student, focus on student weaknesses to the exclusion of strengths, and do not consider other variables that may cause the presenting problem. Standardized assessments may have content bias and technical limitations because of their norming samples. It is, however, too simplistic to state that traditional assessment processes including standardized assessments are biased and/or unreliable for all students of a given race.

To determine whether a standardized assessment is appropriate for a given student, one must consider if a particular student's life experiences are represented in the content of the instrument and whether he/she is similar to students included in the norming samples. Standardized assessments may have greater validity for students who are more acculturated to the norms of the dominant culture and whose experiences are reflected in the content and norming samples of a given assessment.

Standardized assessments may have less validity for students who are members of a racial and cultural minority group and/or who have not been exposed to a wide range of information and life experiences because of economic disadvantage. Such assessments may also be less valid for those living in a home where another language or dialect is spoken or whose use of English is influenced by the cross-generational use of another language.

Finally, assessment validity is an issue when students have a known impairment such as deaf/hard of hearing or a diagnosed medical condition.

When standardized assessments have limited validity for American Indian or African American students, educators should use a variety of strategies to reduce bias in the overall assessment process to ensure that students are accurately identified as having a disability and appropriately placed in special education services. A comprehensive system that is designed to reduce bias in special education assessment begins with an examination of the school system to determine whether it fosters success for diverse students. Examples include the use of Cross-Battery Assessment procedures (Flanagan, Ortiz, & Alfonso, 2007). Early intervention processes including data collection and the implementation of research-based interventions designed to meet academic and sociocultural needs is the starting point for a comprehensive, non-biased assessment. One of the goals of special education assessment should be to gather information that will lead to improved instruction and improved outcomes for the individual student. This includes an examination of the student's strengths.

Cautions in Use of Eligibility Procedures

It should be understood that neither use of the discrepancy formula or a system of SRBI alone is sufficient to accurately identify a student as having a SLD. Data generated from an implementation of a system of scientific research-based interventions, also referred to as Response to Intervention (RtI), and is only one part of a more comprehensive SLD evaluation.

In the commentary on Reauthorized Federal IDEA 2004 regulations, it explicitly states that “an RtI process does not replace the need for a comprehensive evaluation. A public agency must use a variety of data gathering tools and strategies even if an RtI process is used.” (Federal Register, 2006, p.46648). If a student does not respond as expected to carefully and systematically implemented instructional interventions, a comprehensive evaluation using standardized assessments is appropriate.

The commentary on Reauthorized Federal IDEA 2004 regulations explicitly states that “an RtI process does not replace the need for a comprehensive evaluation...”

Additionally, discrepancy between ability and achievement provides just one part of a comprehensive picture. Data from two research-based pre-referral interventions that were matched to the student's needs and implemented as intended is necessary to generate a comprehensive picture of how the student responds during instruction and hypothesis for the learning difficulty.

Data from interventions will be important to rule out many of the exclusionary variables that can affect learning in the classroom, notably poor or inappropriate instruction, cultural bias, issues of language acquisition, etc. Sole reliance on data such as discrepancy scores or data from scientific research-based interventions provides an incomplete picture and should be considered as part of data considered in a comprehensive evaluation.

A comprehensive evaluation includes, but is not limited to, providing parents with prior written notice of each proposed evaluation:

- Ensuring tests or evaluation tools are administered by trained and knowledgeable personnel.

- Assessing the child or student in all areas related to the suspected disability.
- Presenting all evaluation results to the parent(s) in writing within state and federal timelines.
- Determining whether the child or student meets state eligibility criteria; and, in evaluating each child with a disability.
- Ensuring the evaluation is sufficiently comprehensive to identify all of the child's or student's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified (Federal Regulation 34 CFR 300.304).

This federal regulation also states that decisions about students are not to be made based on one assessment [20 U.Sc § 1414(6)(1)(8)]. A variety of information from both norm referenced and criterion-referenced assessments, observations, informal evaluations, work samples, and information from parents, teachers, and students be used in the interpretation of assessment results. Examiners should integrate a variety of student data that identify patterns of performance from all evaluation techniques. A preponderance of information should point to the existence of a disability before determining eligibility for special education or for planning an educational program based on strengths and needs.

References

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Appendix

Assessment Publisher Qualifications for Evaluators

Many assessment publishers have designated levels of competency to use/purchase particular assessment instruments based on professional standards in testing. These levels of competency are presented in the Standards for Educational and Psychological Testing published by the American Educational Research Association (AERA), American Psychological Association (APA), and the National Council on Measurement in Education (NCME).

These requirements are usually included in the qualification policies when ordering the assessment. One frequent method used to determine the level of education and training required for administration of an assessment entails the assignment of levels to evaluation instruments and corresponding qualifications for the examiner. For example, Pearson in January 2007 outlined its Qualification Levels and Requirements. These policies that Pearson implemented to comply with professional testing practices are described below. The “assessment user” is the individual who assumes responsibility for all aspects of appropriate assessment use, including administration, scoring, interpretation, and application of results. Some assessments may be administered or scored by individuals with less training, as long as they are under the supervision of a qualified assessment user. Each assessment manual will provide additional detail on administration, scoring and/or interpretation requirements and options for the particular assessment.

Pearson Qualification Levels and Requirements

□ LEVEL 1

User has completed training in measurement, guidance, or an appropriate related discipline or has equivalent supervised experience in assessment administration and interpretation. Other professional degrees and certifications may also be considered.

□ LEVEL 2

User has completed a bachelor's degree program that included (a) coursework in principles of measurement and in the administration and interpretation of assessments, and (b) formal training in the content area of the assessment (e.g., achievement, speech and language, or motor skills). If these qualifications have not been met, Users must provide proof that they have been granted the right to administer assessments at this level in their jurisdiction. Level 2 purchases can also select assessments from qualification Level 1.

□ LEVEL 3

User has a licensure to practice psychology independently, or User is a full member of the American Psychological Association (APA) or the National Association of School Psychologists (NASP) — (member number required), or user has completed a doctoral (or in some cases master's) degree program in one of the fields of study indicated for the assessment that included training (through coursework and supervised practical experience) in the administration and interpretation of professional instruments. If neither of these qualifications are met, Users must provide proof that they have been granted

the right to administer assessments at this level in their jurisdiction. Level 3 purchasers can also select assessments from Levels 1, 2 and M.

□ LEVEL M

Level M purchasers must provide credentials indicating: a specialized degree in the healthcare field and accompanying licensure or certification, OR proof that they have been granted the right to administer assessments at this level in their jurisdiction. Level M purchasers can also select assessments from Qualification Levels 1 & 2.

Prior to ordering and using an assessment instrument, the publisher's catalog should be consulted for specific qualifications and requirements. In addition, any qualifications for examiners as stated in the assessment manual should be in place.

Analysis of Staff Evaluation Skills

The Analysis of Staff Evaluation Skills (ASES) is a tool for administrators and special education teachers to evaluate current skills and determine needs for professional development. The purpose of ASES is to maintain competency for administering and interpreting standardized evaluations.

The ASES is a checklist of evaluation skills that are needed by special education teachers who use standardized assessments. The checklist should be used as a template and tailored to the specific needs of a school district, building or department

In the item labeled "Other Assessments," it may be helpful to list each assessment separately to determine whether teachers have adequate training to use a specific instrument. When hiring new staff, the checklist may be used to generate questions to be asked during interviews.

Additional uses of the ASES are:

- Teacher self-evaluation of competency.
- Teacher self-evaluation to determine professional development needs.
- Evaluate background and training of teachers to be interviewed.
- Determine professional development needs of new hires.
- Verify professional development needs of veteran staff.
- Identify which staff members are competent to administer and interpret specific assessments.
- Set competency requirements for assessment administration and interpretation.
- Set level of expertise for certain positions.
- Set level of expertise for mentors.
- When a new assessment is developed, use the ASES to develop training requirements for those who will be using the new assessment. This self-analysis is a tool that can be used by school districts. The ASES is shown below.

Analysis for Staff Evaluation Skills (ASES)

| Area of Skill | Needs Additional Staff Development | Adequate | Well-Developed Skill | Master |
|--|------------------------------------|----------|----------------------|--------|
| Standard Testing Procedures | | | | |
| Individually administered standardized assessments appropriate to the requirements of the position were administered three times under observation. | | | | |
| Received feedback regarding testing skills from someone competent in assessment administration and interpretation. | | | | |
| Has taken graduate level course work on the administration and interpretation of the type(s) of assessments administered or training specific to the assessment completed. | | | | |
| Can access and use equipment necessary for administration of assessment (tape recorder, headphones, table of certain proportions, etc.) | | | | |

| Area of Skill | Needs Additional Staff Development | Adequate | Well-Developed Skill | Master |
|---|------------------------------------|----------|----------------------|--------|
| Standard Testing Procedures | | | | |
| Understands and has access to the space required to administer the assessment (quiet room, no other students, no distractions, etc.) | | | | |
| Knowledge of standardized assessment procedures specific for the instrument being administered (i.e., testing in a quiet room, no distractions, giving directions verbatim, no cues or extra help unless specified in manual) | | | | |
| Knows basals and ceilings for assessments (starting and ending items and adequate skill for determining them). | | | | |
| Has knowledge and can interpret assessment statistics and data. | | | | |
| In general, knows limitations of assessment instruments. | | | | |
| Selects assessments based on the nature of the evaluation and the norm sample. | | | | |
| Understands the appropriate use of testing data. | | | | |

| Area of Skill | Needs Additional Staff Development | Adequate | Well-Developed Skill | Master |
|---|------------------------------------|----------|----------------------|--------|
| Standard Testing Procedures | | | | |
| Knows the professional standard of ethics involved in assessment administration and interpretation. | | | | |
| Assessments in Common Use | | | | |
| <i>Assessment Name:</i> | | | | |
| Administered assessment three times under supervision. | | | | |
| Has received formal training in administration and interpretation of this specific assessment. | | | | |
| Knows basals and ceilings and has experience using them. | | | | |
| <i>Assessment Name:</i> | | | | |
| Administered assessment three times under supervision. | | | | |
| Has received formal training in administration and interpretation of this assessment specifically. | | | | |

| Area of Skill | Needs Additional Staff Development | Adequate | Well-Developed Skill | Master |
|---|------------------------------------|----------|----------------------|--------|
| Standard Testing Procedures | | | | |
| Knows basals and ceilings and has experience using them. | | | | |
| <i>Assessment Name:</i> | | | | |
| Administered assessment three times under supervision. | | | | |
| Formal training in administration and interpretation of language assessments or this assessment specifically. | | | | |
| Knows basals and ceilings and has experience using them. | | | | |
| <i>Assessment Name:</i> | | | | |
| Administered assessment three times under supervision. | | | | |
| Formal training in administration and interpretation of language assessments or this assessment specifically. | | | | |
| Knows basals and ceilings and has experience using them. | | | | |

| Area of Skill | Needs Additional Staff Development | Adequate | Well Developed Skill | Master |
|--|------------------------------------|----------|----------------------|--------|
| Due Process | | | | |
| Knows Minnesota special education criteria and where to find answers to criteria and evaluation questions. | | | | |
| Knows how to access the training offered through the district for developing evaluation skills. | | | | |
| Communicates evaluation results to parents, orally and in writing in a meaningful way. | | | | |
| Knows the key components necessary to write an ER. | | | | |
| Can advocate for student's needs with general education teachers and administrators. | | | | |
| Curriculum | | | | |
| Knows how to link evaluation results to needs and goals to specially designed instruction for students. | | | | |

| Area of Skill | Needs Additional Staff Development | Adequate | Well Developed Skill | Master |
|--|---|-----------------|-----------------------------|---------------|
| Knows which services are appropriate for student based on the evaluation. | | | | |
| Provides documentation (measurable) to parents at IEP meeting. | | | | |
| Is trained in Functional Behavior Assessment (FBA) and has completed an FBA. | | | | |
| Knows general education curriculum. | | | | |
| Understands child and adolescent development. | | | | |