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Legal Requirements, Part B, IDEA (34 CFR 300.304)

<http://idea.ed.gov/download/finalregulations.pdf>

Legal Requirements, Part C, IDEA (§ 303.323 Nondiscriminatory procedures)

http://edocket.access.gpo.gov/cfr_2001/julqtr/pdf/34cfr303.342.pdf

- (a) Tests and other evaluation materials and procedures are administered in the native language of the parents or other mode of communication, unless it is clearly not feasible to do so;
- (b) Any assessment and evaluation procedures and materials that are used are selected and administered so as not to be racially or culturally discriminatory;
- (c) No single procedure is used as the sole criterion for determining a child's eligibility under this part; and
- (d) Evaluations and assessments are conducted by qualified personnel.

MN Eligibility Criteria Birth through Two (B-2):

<https://www.revisor.mn.gov/rules/?id=3525.1350&format=pdf>

MN Eligibility Criteria Three through Six (3-6):

<https://www.revisor.mn.gov/rules/?id=3525.1351&format=pdf>

Important Factors in Evaluating CLD Children

- Testing may take several visits. It can be helpful to observe the child in more than one setting: in the home, at preschool, playing in the park, etc.
- Obtain information on the child from other sources if available (with parent permission): public health nurse, physician, Head Start teacher or preschool teacher, Early Childhood Screening, etc.
- Do not give a standardized test in the usual manner to CLD children. In most cases, our usual tests are not designed for children who speak other languages or dialects and were not normed on CLD children. Therefore, the scores would have limited validity. Do not administer tests through translation and then score them. If items from a standardized test are given to a CLD child, the items must be adapted to eliminate bias.

- Play-based assessment procedures are appropriate to use in support of standardized tests, but cannot meet the requirement of a standard score in making an eligibility determination.
- When the home visit is complete, ask the parents whether the child's performance was typical.

Use of Standardized Tools in Eligibility Determination

The most important consideration when using any of these norm-referenced evaluation tools with young CLD children is to recognize their limitations and possible cultural bias. These tests can be used as part of information gathering with CLD children by using an interpreter or a bilingual examiner to administer the items. However, if the test is administered using an interpreter or if testing procedures are otherwise modified to meet the cultural or linguistic needs of a student, the standard scores are not reportable and should not be used to determine eligibility. ECSE teachers can instead write about the child's ability level by describing his/her performance in each area of the test. Specifically when reporting the results of standardized ECSE assessments with CLD populations the ECSE team should compare the standardized test information with other sources of information such as: parental/care provider report, observation in natural settings and ecological evaluations to determine eligibility. The standardized evaluation in this scenario provides supportive developmental information to other data sources that are more culturally and linguistically sensitive.

Further, the team should:

1. Describe each task the child completed in each sub-domain of the evaluation. They should also be specific about at which level the items became difficult.
2. Describe HOW the child completed each item. Specifically, what supports or prompts may have been offered? They should provide information on the quality of the child's performance. What was his/her attention to task? Did he/she appear to understand what was being asked?
3. Explain how specific items on the test may have presented a cultural bias. For example in an adaptive section of a test the child may specifically need to use a fork to feed his/herself, but if the child is Chinese and their family uses only chopsticks the child may not be able to achieve a score for that item. The evaluator should describe these types of items in his/her report.
4. Describe child's performance during testing, including information on the child's comfort level, novelty with toys or items, presence of unfamiliar adults, and if an interpreter was present then talk about the child's engagement with the interpreter compared to other adults present.

Again, when a standardized test has been modified by the use of an interpreter or when the standardization sample does not include children that share the same background

as the child you are evaluating, the information gained from testing should be augmented with other data as described above.

The team can also include why the scores were not reported by stating something like:

“The standards and procedures (standardized, norm-referenced scores) used with the majority of children were not used with this child, as the instruments were not normed on bilingual children who speak languages other than English. Such norm-referenced scores are not considered valid for this child. The objective data used to conclude that this child has a disability and is in need of specialized instruction included: (MODIFY AS APPROPRIATE) parent comments, Head Start teacher comments, developmental data, observation of the child in the home/school setting, the child’s responses to items from standardized instruments used with young children, and comparison of his/her skill development with that of siblings (or peers from the same culture).”

*(Materials adapted from the original Talk with Me Manual (2002).

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Guidance on Evaluating CLD children (B-5)

Teams must complete a comprehensive ecological assessment to supplement norm-referenced testing information in both the scenarios.

Use of Criterion-referenced tools and reporting this data is critical!

- Parent Interview
- Observational Data
- Developmental Data
- Ecological Assessment
- Play Based Assessment

- If the team has a standardized test available that is normed on non-English speaking children; and
- Have access to a bilingual examiner.

- If the team uses a standardized tool (not normed on CLD kids) but will need an interpreter to give the test or;
- If the team will need to use a translated version of the test

- Complete testing
- Report Standard Scores

- Summarize child's performance in Evaluation Summary or Report. Do not report standard scores (scores are less valid). Add a statement about why scores were not reported. (*see pg 3)
- Make a statement about whether or not this is a valid result based on the other information that is collected. (Parent Report, Observations, Socio-cultural Interview etc).