

# ASSESSMENT, TEST SELECTION AND REPORTS

## General Guidelines for Conducting Assessments:

### Assessments must:

1. Address all areas of suspected disability.
2. Be sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified (34 CFR §300.304).
3. Be conducted by a multidisciplinary team, including input from the parent.
4. Include, if appropriate:
  - Health and developmental history
  - Vision, including low vision, and hearing (unless completed within the past year)
  - Motor abilities
  - Speech and language function
  - General intelligence or cognitive level
  - Processing skills
  - Orientation and mobility skills
  - Career and vocational interests (transition planning)
  - Social, emotional and behavioral functioning
  - Educationally Related Mental Health Services (ERMHS) assessment
  - Functional Behavioral Assessment (FBA)
  - Any other area of educationally related suspected disability (EDC §56320)

At least one member of the assessment team, other than the student's general education or special education teacher, shall observe the student's performance in the classroom setting and document the observation.

No single procedure/assessment is used as the sole criterion for determining an appropriate educational program for an individual with exceptional needs (20 CFR §1414(b)(2)). Only by collecting data through a variety of approaches (e.g., observations, interviews, tests, curriculum-based assessment, and so on) and from a variety of sources (parents, teachers, specialists, and student) can an adequate picture be obtained of the student's strengths and weaknesses.

### Legal Timelines

If an assessment is proposed for evaluation/re-evaluation for special education services, the assessment team who recommends the evaluation has 15 calendar days from the date of the referral to create the Assessment Plan and provide it to the parents (the "Assessment Plan" form is located in SEIS).

If an assessment is proposed within the last 10 days of the end of the regular school year, then the Assessment Plan must be developed within the first 10 days of the next school year.

The assessment will be completed and an IEP meeting held to review the results of the assessment within 60 calendar days from the date of receipt of the signed Assessment Plan. The 60 day timeline does not include days between the pupil's regular school sessions, terms, or days of school vacation *in excess* of five school days.

If the signed assessment plan is received within the last 30 days of school the school year, assessments must be completed and the IEP Meeting held within the first 30 days of the next school year (EDC §56043).



Service/Obligation	Timeline	Exceptions / Notes / Considerations	Authority
Propose an assessment plan for initial assessment.	15 calendar days from date of referral.	<ul style="list-style-type: none"> <li>Tolled for school breaks in excess of 5 school days.</li> <li>If referral received 10 days or fewer before end of school year, then due within first 10 days of next school year.</li> <li><i>Note:</i> Attach procedural safeguards notice to proposed assessment plan and prior written notice.</li> </ul>	EC §56043(a) EC §56321(a)
IEP team meeting to review initial assessments.	60 calendar days to determine the student's eligibility and areas of need after receipt of parent consent to assessment plan.	<ul style="list-style-type: none"> <li>Exception: Student enrolls in another LEA.</li> <li>Exception: Student not made available for assessment.</li> <li>If signed AP received 30 days or fewer before end of school year, then due within first 30 days of next school year.</li> <li>60-day timeline <u>stops</u> for breaks in excess of 5 days, such as: days between the pupil's regular school sessions, terms, or days of school vacation.</li> </ul>	EC §56043(c) EC §56302.1 EC §56344(a)

**Assessment Considerations (Vision, Hearing, Health, and Medical)**

All students being assessed for initial and three-year reviews shall be screened in the areas of hearing and vision, unless parent consent is denied (CCR Title 5 §3027).

All students continuing to fail a threshold hearing test shall be assessed by appropriately trained personnel for hearing, such as an audiologist (CCR Title 5 §3028). This is the responsibility of the LEA/district and access to these services shall be provided by the LEA/district.

For students with residual vision, a low vision assessment shall be conducted by a specialist.

For students who have been medically diagnosed with a chronic illness or acute health problem, relevant information shall be included within the assessment and reviewed by the IEP team (CCR Title 5 §3021.1).

**Test Selection and Administration**

Tests and other assessment materials must meet all of the following requirements:

- Are selected and administered so as not be to racially, culturally or sexually discriminatory (EDC§56320(a)).
- Are provided and administered in the student's native language or other mode of communication, unless the Assessment Plan indicates reasons why such provision and administration are clearly not feasible (EDC §56320(a)).



- Are used for purposes for which the assessments or measures are valid and reliable.
- Are administered by trained personnel in conformance with the instructions provided by the producer of such tests and other assessment materials (EDC §56320(b)).
- Are tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient (EDC §56320(b)).
- Best ensure that when an assessment is administered to a student with impaired sensory, manual, or speaking skills, the test produces results that accurately reflect the student's aptitude, achievement level, or any other factors the test purports to measure, rather than the student's impaired sensory, manual, or speaking skills (unless those skills are the factors the test purports to measure) (EDC §56320(d)).
- Materials and procedures used to assess a student with limited English proficiency are selected to ensure that they measure the extent to which the student has a disability and needs special education, rather than measuring the student's English proficiency.

Assessors should attempt to use the most up-to-date version of assessment tools and ensure that assessment tools are valid, reliable, and appropriately normed. Test selection is at the discretion of the assessor using the best practices set forth in their field of expertise. Eligibility decisions should not be made based upon data from assessment tools that are obsolete.

In addition, assessments and reassessments shall be administered by qualified personnel who are competent in the language and written communication mode of the student. They should also have a knowledge and understanding of the cultural and ethnic background of the student (CCR Title 5 §3023(a)). All testing shall be conducted by persons knowledgeable of the suspected disability (EDC §56320(g)).

### **Test Selection Considerations for African-American Students**

In the state of California, the use of cognitive tests is prohibited for African-American students as a result of the Larry P. vs. Riles litigation, even with informed parental consent. Parents are not required to self- identify their race or ethnicity. In the case of lack of self-identification, the California Department of Education (CDE) suggests that observer identification should be used. If an assessment report is found that includes information on IQ testing of an African-American student, please follow the procedure set out in the sub-section entitled *Purging Assessment Reports and Records* at the end of this section.

The following intelligence tests are prohibited based upon the original 1979 Larry P. court decision:

- Arthur Point Scale of Performance Test
- Cattell Infant Intelligence Scale
- Columbia Mental Maturity Scale
- Draw-a-Person (Good enough)
- Gessell Developmental Schedule
- Goodenough- Harris Drawing Test
- Leiter International Performance Scale
- Merrill- Palmer Pre-School Performance Test
- Peabody Picture Vocabulary Test (P147)
- Raven Progressive Matrices
- Slosson Intelligence Test
- Stanford - Binet
- Van Alstyne Picture Vocabulary
- Wechsler Intelligence Scale for Children (WISC)
- Wechsler Intelligence Scale for Children-Revised (WISC- R)
- Wechsler Pre-School and Primary Scale of Intelligence (WPPSI)
- Wechsler Adult Intelligence Scale (WAIS)



The 1986 Larry P. Settlement recommended additional tests, which purport to be or are understood to be a standardized test of intelligence, would be subject to the Larry P. prohibitions. These may include but are not limited to the following tests:

- Cognitive Abilities Test
- Expressive One-Word Picture Vocabulary Test (EOWPVT)
- K- ABC Mental Processing Subtests
- McCarthy Scales of Children's Abilities
- Structure of Intellect Learning Aptitude Test
- Test of Nonverbal Intelligence (TONI)
- Test of Nonverbal Intelligence- II (TONI- II)
- Test of Cognitive Ability from the Woodcock-Johnson (including the cognitive section of the Bateria Woodcock Psico-Educativa en Espanol)
- Test of Cognitive Ability from the Woodcock- Johnson- Revised (WJ- R)
- Test of Cognitive Ability from the Woodcock- Johnson -III (WJ -III)
- Cognitive Subtest of the Battelle Developmental Inventories

Any tests that have undergone revisions that appear on these lists should be considered prohibited to use with African-American students.

Although not banned by the courts or specifically addressed by the CDE, multidisciplinary assessment personnel are “cautioned against” using tests which might be regarded as IQ tests and/or have been validated primarily through correlation with identified tests of intelligence. These include, but are not limited to, the following (as well as previously noted and prohibited tests listed above):

- Differential Abilities Scale (DAS)
- Detroit Test of Learning Aptitude, all forms
- Language Processing Tests
- Matrix Analogies Test
- Nonverbal Test of Cognitive Skills Ross Test of Higher Cognitive Skills
- Test of Adolescent Language
- Test de Vocabulario en Imágenes Peabody

The above lists may not be inclusive of all assessment tools which should be prohibited or used with caution in the assessment of African-American students. In making a determination of whether a test falls under the IQ test ban for African-American students one should consider:

- Is the test standardized and does it purport to measure intelligence (cognition, mental ability or aptitude)?
- Are the test results reported in the form of IQ or mental age?
- Does evidence of the (construct) validity of the test rely on correlations with IQ tests?

An affirmative answer to any of these questions indicates that use of the test may fall within the ban<sup>1</sup>. If you have additional questions regarding the assessments and/or considerations included on this list, please contact your SELPA Program Specialist.

### **Test Selection and Assessment Considerations for Students Who are English Language Learners**

The following requirements of test selection and administration are specifically related to students who are in stages of English Language Development (ELD). Tests must:

- Be selected and administered so as not to be racially, culturally or sexually



discriminatory (EDC§56320(a)).

- Be provided and administered in the student's native language or other mode of communication, unless the Assessment Plan indicates reasons why such provision and administration are clearly not feasible (students who have been formally re-designated/reclassified as Fluent English Proficient may not need testing in their native language) (EDC §56320(a)).
- Materials and procedures used to assess a student with limited English proficiency are selected to ensure that they measure the extent to which the student has a disability and needs special education, rather than measuring the student's English proficiency.

Best practices include the use of informal assessment in addition to standardized measures. Informal and formal assessment procedures should include:

- Background information
- Developmental milestones
- Language use: home survey to determine predominant language
- Interviews with parents and teachers regarding students language use and academic progress
- Health history
- Observations in multiple settings
- Assessment in both native language and acquiring language
- Criterion-referenced measures

When evaluating students who are in the stages of EL development, it is important to consider the following:

- **Nonverbal Tests of Intelligence:** Nonverbal tests are often used in testing bilingual students. Unfortunately, nonverbal measures of intelligence are less reliable than verbal measures as they measure limited aspects of overall intellectual ability.
- **Translated Tests:** Assessors are cautioned against use of translated tests due to impact on validity. While it is not difficult to translate a test, it may be difficult to translate psychometric properties from one language to another. For example, a word in English may have different meaning when translated into another language such as Spanish, Hmong, Russian, or Chinese. Furthermore, translation assumes that the EL student has the same cultural background as the norming population, which may not be the case.
- **Use of Interpreters:** The use of trained bilingual paraprofessionals is an invaluable resource to an evaluator when she/he does not speak the language(s) of the student to be assessed. Qualified individuals can be used to gather information in interviews and to collect data from non- standardized, criterion-referenced instruments.
- **Test Results:** Assessors should interpret results with caution and take into account developmental history, observations, and other forms of data to inform decisions.

Possible indicators for a language disability are listed below:

- The student has made slow progress in learning English and academics despite accommodations and special classroom interventions. It is suggested that interventions are evidence based and implemented with consistency and fidelity for 6-8 week periods before evaluating effectiveness.
- The student has a significant medical history that may have impaired speech and language development.
- Family reports impairment in the primary/native language.
- Teachers and parents report student is learning very differently from other siblings and/or students who have had similar linguistic background and learning opportunities.
- The student has signs of language loss that seem to transcend normal limits.



For an in depth comparison of language difficulties vs. disabilities, please refer the [California Practitioners Guide for Educating English Learners with Disabilities](#) (page 114).

Reports must document the use of an interpreter. As appropriate, assessment reports should also include, but not be limited to some or all of the following:

- The impact of language, cultural, environmental and economic factors on learning.
- The presence of a disability or impairment in both native language and language(s) student is acquiring.
- How standardized tests and techniques were altered, if appropriate.
- Use of translation of English tests, including reference to validity and reliability.
- Limitations of non-verbal measures, and comparison of those results to other areas assessed.
- Examiner's level of language proficiency in language other than English and its effect on interpretation of results.
- Use of an interpreter and its effect on the tests results and overall assessment.
- Cross-validation of information from the home setting that supports findings from more formal measures.
- Recommendations for linguistically appropriate goals.

Additionally, when determining eligibility criteria for ELD students, it is necessary to determine that their learning problems are not primarily the result of environmental, cultural or economic disadvantage. It is important that the following factors be revisited when completing a triennial reevaluation:

- Student's language level in both languages (such as ELPAC scores) ➤ History of language of instruction
- Change in language used at home
- Response to Interventions
- English Learners who qualify for Special Education services may not meet the district/ LEA's reclassification criteria. Therefore, reclassification of English Learners should be considered. In order to consider reclassification, the IEP team should be expanded to include district/ LEA English Learner program personnel.

### **Types of Assessment**

Please note: This list is not inclusive of all possible special education related assessments, rather it is intended to provide an overview of the most common assessments.



Type of Assessment	Minimum Qualifications
Academic Achievement	Credentialed Special Education Teacher Licensed Educational Psychologist Pupil Personnel Services Credential
Adaptive Behavior	Licensed Educational Psychologist Pupil Personnel Services Credential
Adaptive Physical Education	Credentialed Adapted Physical Education Specialist
Assistive Technology	Certified or Licensed Speech/Language Pathologist Occupational Therapist Certified Assistive Technology Specialist
Auditory Acuity	Licensed Educational Audiologist Clinical or Rehabilitative Services Credential Language, Speech and Hearing and Audiology Credential
Auditory Perception/Auditory Processing	Language, Speech and Hearing and Audiology Credential Clinical or Rehabilitative Services Credential Education Specialist Instruction Credential: Deaf and Hard-of-Hearing Licensed Educational Psychologist Pupil Personnel Services Credential
Functional Behavioral Assessment	Credentialed Special Education Teacher Pupil Personnel Services Credential Licensed Marriage and Family Therapist Licensed Clinical Social Worker Licensed Educational Psychologist Board Certified Behavior Analyst
Cognitive	Licensed Educational Psychologist Pupil Personnel Services Credential
Health	Licensed Physician
	Registered Nurse School Nurse Services Credential
Motor	Licensed Physical Therapist Registered Occupational Therapist Adaptive Physical Education Specialist
Occupational Therapy	Licensed Occupational Therapist
Orientation and Mobility	Clinical or Rehabilitative Services Credential Education Specialist Instruction Credential: Physical and Health Impairment
Physical Therapy	Licensed Physical Therapist
Social/Emotional	Licensed Educational Psychologist Licensed Clinical Social Worker (LCSW) Licensed Marriage and Family Therapist Pupil Personnel Services Credential
Transition/Vocational	Credentialed Special Education Teacher Adult Education Credential with a Career Development Authorization Pupil Personnel Services Credential
Visual Acuity/ Developmental Vision	Licensed Optometrist Licensed Ophthalmologist Education Specialist Instruction Credential: Visual Impairments
Visual Motor	Licensed Educational Psychologist Licensed Clinical Social Worker (LCSW) Pupil Personnel Services Credential
Functional Vision	Education Specialist Instruction Credential: Visual Impairments





## Assessment Reports

The personnel who assess the student shall prepare a written report of the results of each assessment. The report shall include, but not be limited to, the following (EDC §56327):

- Whether the student may need special education and related services and the basis for making that determination;
- The relevant behavior noted during the observation of the student in an appropriate setting and the relationship of that behavior to the student's academic and social functioning;
- Summarize relevant background information (including the educationally relevant health and development, and medical findings, if any);
- Make a determination concerning the effects of environmental, cultural, or economic disadvantage, where appropriate;
- Assessment in all areas of suspected disability;
- Be understandable;
- List tests conducted;
- State areas of educational need/interventions previously attempted and their results;
- Include interviews and/ or questionnaires;
- Include assessment results and conclusions;
- Make recommendations for teaching strategies and additional assessment if necessary;
- Include a statement on whether student appears to meet eligibility criteria, with specific criteria stated (it may be relevant to not only determine eligibility, but also to rule out other areas of suspected disability).
- For additional guidance on the development of assessment reports, please refer to the EDCOE SELPAs assessment report templates available in the SEIS document library.

If an assessment is not conducted under standard conditions, meaning that some condition of the test has been changed, a description of the extent to which it varied from standard conditions must be included in the assessment report. For example, if an interpreter must be used, and the assessment report shall document this condition and note that the validity of the assessment may have been affected.

The LEA/district may not to use any single procedure as the sole criterion for determining whether a student is a student with a disability. Multiple measures must be used (34 CFR §300.304(b)(2)).

A copy of the assessment report and the documentation of recommendation for eligibility shall be given to the parent or guardian. LEAs/districts can prepare and present an assessment report, provided they make it clear to the parents that the eligibility criteria listed is a recommendation to the IEP team by the psychologist, but that eligibility is ultimately the IEP team's decision. LEAs/districts must avoid any predetermination of program, services, and placement.

## Outside Reports

The following are general guidelines for addressing the receipt of outside reports (EDC §56329):

- Outside reports may be submitted by the parent for consideration by team. Information gathered from outside reports may guide team in identifying the need to assess for new areas of disability.
- Outside reports do not automatically determine eligibility or drive goals. Schools must conduct their own evaluations to examine student health/mental health needs in the school setting and how those needs impact the student's education or how the medically diagnosed condition manifests in the school setting.
- An outside report may trigger the need for further assessment, but does not immediately





change or determine eligibility in school setting (medical diagnosis versus educational eligibility). Conversely, a medical diagnosis is not required for determination of eligibility in the school setting. For example, a student with a medical diagnosis of ADHD does not necessarily automatically qualify under OHI.

### **Presentation of Assessment Reports**

IDEA (20 U.S.C. §1414) requires a LEA/district to ensure that an IEP team for a child with a disability includes:

- The parents of the child.
- Not less than one general education teacher of the child (if the child is or may be participating in the general education environment).
- Not less than one special education teacher of the child, or, where appropriate, not less than one special education provider of the child.

A LEA/district representative who:

- Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
- Is knowledgeable about the general education curriculum; and
- Is knowledgeable about the availability of LEA/district resources.
  - A correctly credentialed or certified individual who can interpret the instructional implications of evaluation results.
  - At the discretion of the parent or the LEA/district, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate.
  - Whenever appropriate, the child.

Assessment reports should be presented by an individual who can interpret the instructional implications of evaluation results. Most often, reports should be presented by the assessor who conducted the assessment. Should the assessor be unable to present their findings (due to extenuating circumstances) at an IEP meeting, another individual with the same credentials may share their results and answer questions during the IEP meeting. Should an assessor be unable to attend an IEP meeting in person, they may attend via telephone or computer. If an assessor is unable to attend the meeting entirely, and no replacement is available, best practice would be to complete as much as possible of the meeting and reconvene at a different time to review the assessment results. A team member "Excusal" form (found in SEIS) would be required for absent team members and prior notification and consent of the excusal from the parent/legal guardian.

### **Purging Prohibited Reports and Records Under Larry P. v. Riles**

In California, LEAs/districts are prohibited from administering IQ tests to African-American students. IQ scores from any other source also cannot become part of a student's record. If the records of an African-American student are received from out-of-state and/or another agency and contain IQ test information, the IQ scores (and all references to them) must be purged. The following steps are recommended when it becomes necessary to purge IQ information from a student record<sup>2</sup>:

- Review the case file to determine if prohibited information is contained therein.
- Remove any prohibited protocols and all assessment reports which contain IQ information.
- Copy the original report.
- Use a black tip marker or liquid "white-out" to remove the following information on the copy:
  - Any reference to a test instrument which yields an IQ score or standard score that



- is an indication of cognitive functioning.
- Any test data summary scores from the test instrument(s).
  - Commentary in the report or IEP, which discusses the student's performance on the test instrument(s).
  - Make a copy of the purged report. File this in the student record.
  - Destroy the copy with the black tip marker or liquid "white-out."
  - Notify the parent/guardian that the student's records are being sealed.
  - Seal the original report, any relevant protocols, and a copy of the letter sent to the parent/guardian in an envelope. Indicate the student's name and destruction date of five years hence on the outside of the envelope. Also attach a label indicating the envelope is only to be opened for purpose of litigation, official state or federal audits, or upon parent request.
  - Add the student's name to an LEA/district level master list of students whose files have been purged and reports sealed due to the Larry P. v. Riles ruling.

## REFERENCES

<sup>1</sup>Sandoval, L. (1997, May 29). *CDE Memo: Clarification on the Use of Standardized Intelligence Tests with African-American Students for Special Education Eligibility Assessment*. Retrieved from: [https://casponline.org/pdfs/publications/larryp/7.%20CDE\\_larry\\_p\\_memo%20for%20letter.pdf](https://casponline.org/pdfs/publications/larryp/7.%20CDE_larry_p_memo%20for%20letter.pdf)

<sup>2</sup>Campbell, P. (1987, October 29). *Location unknown*.

