

# ASSESSMENT PROCEDURES

## Definitions

1. Federal – Evaluation means procedures used to determine whether a student has a disability and the nature and extent of the special education and related services that the student needs.
2. State – Assessment means an individual evaluation of a student in all areas of suspected disability.

## Legal Requirements

### Staff Qualifications

The assessment shall be conducted by persons competent to perform the assessment, as determined by the district.

In addition to provisions of § 56320 of the EC, assessments shall be administered by qualified personnel who are competent in both the oral or sign language skills and written skills of the student's primary language or mode of communication and have a knowledge and understanding of the cultural and ethnic background of the student. If it clearly is not feasible to do so, an interpreter must be used and the assessment report shall document this condition and note that the validity may have been affected.

The normal process of second-language acquisition, as well as manifestations of dialect and sociolinguistic variance shall not be diagnosed as a handicapping condition.

Any psychological assessment of students shall be made in accordance with § 56324(a) and shall be conducted by a credentialed school psychologist who is trained and prepared to assess cultural and ethnic factors appropriate to the student being assessed.

Any health assessment of students shall be made in accordance with § 56320 and shall be conducted by a credentialed school nurse or physician who is trained and prepared to assess cultural and ethnic factors appropriate to the student being assessed.

### General Assessment Requirements

In conducting an evaluation, the public agency must:

1. Ensure that the evaluation is sufficiently comprehensive to identify all of the student's special education and related service needs, whether or not commonly linked to the disability category in which the student has been classified including social and emotional status.
2. Use a variety of assessment tools and strategies to gather relevant functional, developmental and academic information about the student, including information provided by the parent that may assist in determining:
  - a. Whether the student is a student with a disability; and
  - b. The content of the student's IEP, including information related to enabling the student to be involved in and progress in the general education curriculum (for a preschool student, to participate in appropriate activities).
3. Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.
4. Use assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the student.

Before any action is taken with respect to the initial placement of a student with a disability in special education instruction, a full and individual assessment of the student's educational needs shall be conducted, by qualified persons, in accordance with requirements including, but not limited to, all of the following:

1. Testing and assessment materials and procedures used for the purposes of assessment and placement of a student with disabilities are selected and administered so as not to be racially, culturally, or sexually discriminatory. The materials and procedures shall be provided in the student's native language or mode of communication, unless it is clearly not feasible to do so.
2. Tests and other assessment materials meet all of the following requirements:
  - a. Are provided and administered in the language and form most likely to yield accurate information on what the student knows and can do academically, developmentally and functionally, unless it is not feasible to so provide or administer.
  - b. Are used for purposes for which the assessments or measures are valid and reliable.
  - c. Are administered by trained and knowledgeable personnel and are administered in accordance with any instructions provided by the producer of the assessments, except that individually administered tests of intellectual or emotional functioning shall be administered by a credentialed school psychologist.
3. Tests and other assessment materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.
4. Tests are selected and administered to best ensure that when a test administered to a student with impaired sensory, manual, or speaking skills produces test results that accurately reflect the student's aptitude, achievement level, or any other factors the test purports to measure and not the student's impaired sensory, manual, or speaking skills unless those skills are the factors the test purports to measure.
5. No single measure or assessment is used as the sole criterion for determining whether a student is a student with a disability or determining an appropriate educational program for the student.
6. The student is assessed in all areas related to the suspected disability including, if appropriate, health and development, vision, including low vision, hearing, motor abilities, language function, general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests and social and emotional status. A developmental history shall be obtained, when appropriate. For students with residual vision, a low vision assessment shall be provided in accordance with guidelines established pursuant to § 56136.
7. The assessment of a student, including the assessment of a student with a suspected low incidence disability, shall be conducted by persons knowledgeable of that disability. Special attention shall be given to the unique educational needs, including, but not limited to, skills and the need for specialized services, materials and equipment consistent with guidelines established pursuant to § 56136.
8. If a student newly enrolls in a district with a pending initial assessment, and the prior district has not made a determination as to whether the student is a student with a disability, the 60-calendar-day timeframe may not apply. The student's new district must be making sufficient progress to ensure a prompt completion of the evaluation, and the parent and new district must agree to a specific time when the evaluation will be completed.
9. Each district shall ensure that assessments of a student with a disability who transfer from one district to another district in the same academic year are coordinated with the individual's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of the full assessment.

### Eligibility Exceptions

Unless disabled within the meaning of EC § 56026(a) through (d), students whose educational needs are due primarily to limited English proficiency, a lack of instruction in reading or mathematics; temporary physical disabilities; social maladjustment; or environmental, cultural, or economic factors are not students with a disability.

A student must not be determined to be a student with a disability under this part:

1. If the determinant factor for that determination is:
  - a. Lack of appropriate instruction in reading, including the essential components of reading instruction (as defined in § 1208(3) of the ESEA); or
  - b. Lack of appropriate instruction in math; or
  - c. Limited English proficiency; and
2. If the student does not otherwise meet the eligibility criteria under 34 CFR § 300:8.

To ensure that underachievement in a student suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation described in 34 CFR § 300.304-300.306:

1. Data that demonstrate that prior to, or as part of, the referral process, the student was provided appropriate instruction in General Education settings, delivered by qualified personnel; and
2. Data based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the student's parents.

### Reassessment Requirements

EC § 56381

*(a)(1) A reassessment of the student, based upon procedures specified in Section 56302.1 and in Article 2 (commencing with Section 56320), and in accordance with Section 1414(a), (b), and (c) of Title 20 of the United States Code, shall be conducted if the local educational agency determines that the educational or related service's needs, including improved academic achievement and functional performance, of the pupil warrant a reassessment, or if the pupil's parents or teacher requests a reassessment. (2) A reassessment shall occur not more frequently than once a year, unless the parent and the local educational agency agree otherwise, and shall occur at least once every three years, unless the parent and the local educational agency agree, in writing, that a reassessment is unnecessary. If the reassessment so indicates, a new individualized education program shall be developed.*

*(b) As part of a reassessment, the individualized education program team and other qualified professionals, as appropriate, shall do the following: (1) Review existing assessment data on the pupil, including assessments and information provided by the parents of the pupil, as specified in Section 300.305(a)(1)(i) of Title 34 of the Code of Federal Regulations, current classroom-based assessments and observations, and teacher and related services providers' observations. (2) On the basis of the review conducted pursuant to paragraph (1), and input from the parents of the pupil, identify what additional data, if any, is needed to determine: (A) whether the pupil continues to have a disability described in Section 1401(3) of Title 20 of the United States Code. (B) The present levels of performance and educational needs of the pupil. (C) Whether the pupil continues to need special education and related services. (D) Whether any additions or modifications to the special education and related services are needed to enable the pupil to meet the measurable annual goals set out in the individualized education program of the pupil and to participate, as appropriate, in the general curriculum.*

*(c) The local educational agency shall administer tests and other assessment materials needed to produce the data identified by the individualized education program team.*

*(d) If the individualized education program team and other qualified professionals, as appropriate, determine that no additional data is needed to determine whether the pupil continues to be an individual with exceptional needs, and to determine the educational needs of the pupil, the local educational agency shall notify the parents of the pupil of that determination and the reasons for it, and the right of the parents to request an assessment to determine whether the pupil continues to be an individual with exceptional needs, and to determine the educational needs of the pupil. The local educational agency is not required to conduct an assessment, unless requested by the parents of the pupil.*

*(e) A local educational agency shall assess an individual with exceptional needs in accordance with this section and procedures specified in Article 2 (commencing with Section 56320), as provided in Section 300.306(c)(2) of Title 34 of the Code of Federal Regulations.*

*(f)(1) A reassessment may not be conducted, unless the written consent of the parent is obtained prior to reassessment, except pursuant to subdivision (e) of Section 56506. Pursuant to Section 300.300(c)(1) and (2) of Title 34 of the Code of Federal Regulations, informed parental consent need not be obtained for the reassessment of an individual with exceptional needs if the local educational agency can demonstrate that it has taken reasonable measures to obtain that consent and the parent of the child has failed to respond. (2) To meet the reasonable measure requirements of this subdivision, the local educational agency shall use procedures consistent with those set forth in Section 300.322(d) of Title 34 of the Code of Federal Regulations. (3) If the parent refuses to consent to the reassessment, the local educational agency may, but is not required to, pursue the reassessment by using the consent override procedures described in Section 300.300(a)(3) of Title 34 of the Code of Federal Regulations. (4) The local educational agency does not violate its obligations under Section 300.111 and Sections 300.301 to 300.311, inclusive, of Title 34 of the Code of Federal Regulations if it declines to pursue the reassessment.*

*(g) The individualized education program team and other qualified professionals referenced in subdivision (b) may conduct the review without a meeting, as provided in Section 300.305(b) of Title 34 of the Code of Federal Regulations.*

*(h) Before determining that the individual is no longer an individual with exceptional needs, a local educational agency shall assess the individual in accordance with Section 56320 and this section, as appropriate, and in accordance with Section 1414 of Title 20 of the United States Code.*

*(i)(1) The assessment described in subdivision (h) shall not be required before the termination of a pupil's eligibility under this part due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for a free appropriate public education under Section 56026. (2) For a pupil whose eligibility under this part terminates under circumstances described in paragraph (1), a local educational agency shall provide the pupil with a summary of the academic achievement and functional performance of the pupil, which shall include recommendations on the manner in which to assist the pupil in meeting his or her postsecondary educational goals as required in Section 1414(c)(5)(B)(ii) of Title 20 of the United States Code.*

*(j) To the extent possible, the local educational agency shall encourage the consolidation of reassessment meetings for the individual with exceptional needs and other individualized education program team meetings for the individual.*

### Evaluation Restrictions

In California, school districts may not administer tests that measure a student's intellectual quotient (IQ) if a student is African American. Other measures must be used to measure the cognitive abilities of an African American student. (Larry P. v. Riles, 495 F.Supp. 926 (N.D. Cal. 1979), affd. in pt., revd. in pt., Larry P. v. Riles, 793 F.2d 969 (9th Cir. 1986)). In 1992 the CDE issued a list of IQ measures that schools were specifically prohibited from using. CDE has not updated the list since that time.

### **Legal References**

EC 56026; EC 56043; EC 56302.5; EC 56320; EC 56322; 56324; EC 56381 5 CCR 3023; 5 CCR 3030 34 CFR 300:15; 34 CFR 300:1221 34 CFR 300:301; 34 CFR 300:302; 34 CFR 300:303; 34 CFR 300:304; 34 CFR 300:305; 34 CFR 300:306; 34 CFR 300:309

### **Timelines**

An IEP meeting shall occur within 60 calendar days of the date of receipt of consent for assessment, not counting days between the student's general school sessions, terms or days of school vacation in excess of 5 school days, unless the parent or guardian agrees, in writing, to an extension. For infants, there is a 45-day timeline that begins with the receipt of the referral for Early Start. The 60-day timeline does not apply to a district if either of the following occurs:

1. A student enrolls in a school served by the district after the assessment timeline began but before a determination regarding eligibility was made by the previous district. This exemption applies only if the current school district is making sufficient progress to ensure a prompt completion of the assessment and the parent agrees to an extension of the timeline.
2. The parent repeatedly fails or refuses to produce the student for the assessment.

### **Local Procedures**

#### General Guidelines

Providing a thorough and relevant evaluation is of crucial importance. The following procedures will, at a minimum, provide a sound framework for conducting a special education evaluation.

Every evaluation, whether an initial or re-evaluation, should be based on a few guiding principles:

1. It must be sufficiently comprehensive to address all areas of suspected disability.
2. It must employ a variety of tools and strategies.
3. It must address key questions developed by the assessment team in consultation with the parents.
4. In the case of an initial or triennial evaluation, it must address eligibility.
5. In every case, it must identify student needs, whether or not those needs are typically related to the disability, and provide practical information that will assist the IEP team in writing goals and objectives.

#### Determining the Assessment Team

The case carrier, or someone else who is knowledgeable about special education and designated by the district, will have to decide who should be involved in the assessment of a student. In the case of an initial evaluation, this can be difficult because there may not be much information about the student

available. The case carrier should review whatever information there is, e.g., referral form, SST notes, cumulative file, etc., determine the areas of suspected disability and, based on that, identify the team. The case carrier should discuss needs with the student's teacher and parents prior to finalizing an assessment plan. Additional members and areas of suspected disability can always be added while the team is developing the assessment plan; however, every effort should be made to include all areas of suspected disability in the original assessment plan.

In the case of a reevaluation, the case carrier should consult with the current teacher and service providers on the IEP and the student's parent to identify the team.

### Planning for the Evaluation

An evaluation is best conducted by a team, and begins with good planning. The case carrier, at some point, whether in the development of the assessment plan or afterwards, should meet with the assessment team to plan for the evaluation. Planning should include all of the following:

1. Developing focus questions to be addressed by the evaluation.
2. Agreeing on the focus and breadth for each person's role in the evaluation. This is particularly important when deciding who will collect information regarding eligibility and when two assessors are interested in evaluating the same area or type of information.
3. Agreeing on a timeline for completing assessments. Assessments should be completed in advance of the IEP meeting so that they can be reviewed for thoroughness and consistency.
4. Developing a method/timeline for sharing results with one another. It is important to be aware of each person's findings, especially when two assessors are forming opinions about identical or similar information.
5. In the case of second language cases, including hearing impaired students, deciding whether and how an interpreter will be used and ensuring the assessments chosen 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.
6. In the case of African-American students, deciding what assessments will be used in place of traditional cognitive tests.

### Roles and Responsibilities in the Assessment Process

Case Carrier - The case carrier is responsible for all of the following:

1. Organize the assessment team and develop focus questions for the assessment.
2. Act as liaison with the parent throughout the assessment process and include provisions to provide parents with Assessment Plans and reports that include the student's primary language and language proficiency status (LEP/FEP) for English language learners.
3. Upon receipt of consent to assess, immediately disseminate copies of the consent to each assessor, including assessors from other agencies.
4. Monitor the completion of the evaluation, including compliance with timelines.
5. Disseminate assessment reports to each assessor.
6. Review reports from individual assessors and facilitate the resolution of inconsistencies.
7. Schedule the IEP meeting within the 60-day time period, or, for infant-aged students, within 45 days of receipt of referral for development of an IFSP.
8. Provide the parent with a copy of the report in his/her native language.

Assessors - Each assessor is responsible for all of the following:

1. Select assessment instruments and procedures and ensure that all assessments are consistent with the legal requirements described above.

2. In the case of an initial evaluation, collect information, as appropriate, to verify whether the student meets the eligibility criteria for the suspected disability(s).
3. Collect information, as appropriate, to determine the student's current levels of performance and needs, including baseline data, in their assigned area of assessment.
4. Collect information, as appropriate, in their assigned area of assessment that will assist in the development of goals and objectives for the development of the IEP.
5. Develop a written report of their findings and recommendations. (More information on assessment reports can be found in the section on Assessment Reports.)
6. Notify the case carrier regarding the results of the evaluation.

### Content of the Assessment Eligibility

For eligibility purposes, the content of the assessment will depend in large part on the definition of the suspected disability(s). Please refer to the SELPA Eligibility Guidelines Handbook for a review of eligibility criteria and guidelines for assessment. <http://hdnselpa.org/ssepc/policies-procedures-and-guidelines/>

### Eligibility Rules about Attention Deficit Disorder and Attention Deficit/Hyperactivity Disorder

A student whose educational performance is adversely affected by suspected or diagnosed ADD or ADHD and demonstrates a need for special education may qualify for services under the categories of Other Health Impaired, Emotional Disturbance, or Specific Learning Disabilities.

### Exclusionary Criteria for Eligibility

In addition to determining whether a student has a disability, as defined above, the team will also have to verify that the educational needs of the student are not primarily due to limited English proficiency, a lack of instruction in reading or mathematics, temporary physical disabilities, social maladjustment or environmental, cultural or economic factors. The team will have to determine when and how these factors might be relevant and collect information as necessary. Following are a few examples of what might rule these out as causative factors:

1. Limited English Proficiency – If a record review or academic tests indicate the student is doing well in one area but not another, the area of delay may not be due to a lack of English proficiency. The same assumption can be made if there are school age siblings in the home who are making passing grades in school.
2. Temporary physical disability – Either a medical report or statement from a doctor can verify the nature of a physical disability.
3. Social maladjustment – Social maladjustment is a complex issue and primarily it relates to emotional disturbance. In other words, the characteristics listed in the eligibility criteria for ED cannot be solely the result of social maladjustment. Please also see the Special Education Eligibility Handbook on SELPA website. <http://hdnselpa.org/ssepc/policies-procedures-and-guidelines/>
4. Environmental, cultural or economic factors – The simplest way to explain how environmental, cultural or economic factors can negate eligibility is to give a couple of examples:
  - a. A student has poor articulation and the parents exhibit the same exact articulation errors.
  - b. A kindergartner has delays in fine motor, letter identification and other readiness skills, but there is no opportunity to learn these concepts at home, e.g., no crayons, no scissors, no student's books, no paper, etc.
5. Lack of instruction in reading or math –Assessors are going to have to approach this topic with a great deal of finesse. When collecting information to make this determination, assessors should concentrate on collecting and objectively reporting information as prescribed in law for each

curricular area and let the IEP team make the final decision as to whether the instruction was adequate. Assessors should collect information to address the following questions:

- a. Content – What reading program(s) was used for instruction? Did it address all of the required components of a comprehensive reading program, i.e., phonemic awareness, phonological development, word recognition, fluency and comprehension? What math program(s) was used? What was the content of that program?
- b. Staff Qualifications – Who provided the instruction? Was instruction provided by qualified personnel?
- c. Nature – If the school has adopted a Response to Intervention (RTI) instructional model, what was the nature of each level of instructional intervention? If the school does not have an RTI model, what instructional interventions were provided for the student?
- d. Extent – What was the frequency, intensity and duration for each level of instructional intervention?
- e. Data Collection – Is there documented evidence (data collection) that the student’s progress was assessed at repeated intervals during the instructional period? (Yes, this is required. See 34 CFR 300.309)

### Student Needs

The majority of every evaluation should address the students need; most of which should be based on student performance and or behavior in the learning environment. While standardized tests may be helpful in determining eligibility, they are not very helpful in establishing baseline data for goals and objectives. Academic performance should be based on some form of curriculum based assessment, work samples, observation, etc. Once the assessment determines the primary area of need, the assessment should culminate in baseline performance on the target behavior that will be used to formulate the goals and objectives in the IEP. These same principles apply to other areas of need e.g., motor, self- help, vocational, communication, orientation and mobility, social, behavioral, etc.

Following are a couple examples of how to apply the previous concepts:

1. Reading Fluency – A student reads 100 words per minute in the 3rd grade adopted text and 50 words per minute in the 4th grade adopted text. The recommended goal for the IEP is to read 100 words per minute in the 4th grade adopted text. This type of goal is far more practical and meaningful than one based on the results of a standardized test, e.g., to read at the 4th grade level.
2. Math Calculation – A student completes a worksheet with two-digit addition problems with regrouping with 90% accuracy and a worksheet with three-digit addition with regrouping with 50% accuracy. The recommended goal for the IEP is to complete a worksheet with three-digit addition with regrouping with 90% accuracy. This type of goal is more practical and meaningful than one based on the results of a standardized test, e.g., to compute math problems at the 4th grade level.

### Low Incidence Evaluations

Whenever an assessment is conducted for a student who is hearing impaired, visually impaired or orthopedically impaired, the appropriately credentialed low incidence teacher must be included in the assessment process. For procedures to request an assessment for equipment, refer to SELPA policy and request assistance. APPENDIX D

Low incidence staff should refer to the Low Incidence Guidelines published by the California Department of Education for more information.



*Note: For information on triennial evaluations, see the section on Triennial Evaluations.*

## **FAQs**

Do I have to administer standardized tests?

*When it comes to the determination of eligibility, the answer is maybe. It depends on the eligibility criteria for each disability. The eligibility criteria for certain disabilities require the use of standardized test scores. When it comes to the development of the IEP, the answer is not necessarily. Standardized test scores will not help write useful goals and objectives, write a behavior plan, determine appropriate services, etc. In this respect, the use of standardized testing is discouraged.*

What is baseline data?

*Baseline data is a description of the student's actual level of performance on a target skill. Assessments should not only assess what skills a student has mastered, but should also identify the next skill(s) a student needs to learn and describe the student's baseline performance on that skill. This type of information will allow the IEP team to develop accurate and meaningful goals and objectives.*

How do I assess for ADHD, PDD, Dyslexia, Depression, etc?

*Your assessment should be focused on educational disabilities, as defined by the IDEA and corresponding state regulations. However, you should use any diagnosed disabilities or medical conditions to develop the assessment and identify potential areas of need to assess.*

What if the results of a multidisciplinary assessment are conflicting?

*The larger the assessment team and the more overlap in areas of assessment, the more likely it is that this can occur. It is imperative that the case carrier, or someone else with the appropriate skills, review all of the results of a multidisciplinary assessment for inconsistencies or conflict and pull the team together to resolve the differences prior to the IEP meeting.*

Are there special considerations for students who are designated English Language Learners?

*Districts must provide parents with an Assessment Plan that includes the individual's primary language and language proficiency status (LEP/FEP); districts must ensure that the current assessment is comprehensive and that materials and procedures used to assess a student with limited English proficiency are selected and administered 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; and IEP teams must consider the language needs of the student as such needs relate to the student's IEP and include linguistically appropriate goals, objectives, programs and services. The IEP must consider the results of the English Language Proficiency Assessments for California (ELPAC), or an alternate test, to determine the English language proficiency; must determine whether the ELPAC will be administered with or without modifications or accommodations; and must determine whether the student's English proficiency will be measured with using an alternate assessment. Finally, the student's IEP must include activities which lead to the development of English language proficiency, and providers must take into account instructional systems which meet the language development needs of the ELL students to ensure access to the general education curriculum.*

## **REMINDERS**

Districts must conduct an evaluation:

- When a student is not making adequate progress.
- When the parent or teacher requests an evaluation.
- Not more than once a year, unless the parent and district agree otherwise.
- Prior to changing a student's eligibility status, including exiting a student from special education.

All assessments must be sufficiently comprehensive to determine if the student has a disability and sufficiently comprehensive to determine the content of the IEP. Assessments must assess in all areas of suspected disability.

- Assessments must consider and when appropriate address exclusionary factors of eligibility.
- Cognitive tests may not be administered on African American students.
- Assessments for low incidence students (visually impaired, hearing impaired and orthopedically impaired) must have input from a low incidence staff.
- Assessors need to develop a plan for completing the assessment and communicate throughout the evaluation.