**Equity in Evaluation:**

**File Review Questions 2 and 3**

***Handout***

Also sponsored by the Kansas Technical Assistance System Network or TASN.  TASN is the technical assistance arm of the Kansas Department of Education.

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**QUALITY INDICATORS FOR NONDISCRIMINATORY ASSESSMENT**

* Assess initially with authentic and alternative procedures.
* Establish an appropriate basis for comparison.
* Assess and evaluate the learning ecology/environment.
* Assess and evaluate the student’s opportunity for learning.
* Ensure the test norms are adequate.
  + What is the test supposed to measure?
  + What does the professional literature have to say about how diverse students perform on the test?
* Consider how linguistic and/or cultural factors impacted the validity of the test/procedure.
* Support conclusions through data convergence and multiple indicators. Look for multiple data sources.

*(adapted from S. Ortiz, 2014)*

**QUALITY INDICATORS FOR ASSESSING ENGLISH LEARNERS**

* Ensure parent involvement.
* Conduct bilingual assessment.
* Assess and evaluate the student’s developmental language proficiency in both L1 and L2. What are the family’s patterns of use of L1 and L2?
* Ensure the evaluator has knowledge related to second language acquisition.
* Use alternative assessment procedures. Use both formal and informal assessment.
* Minimize the use of standardized tests. Assessments should be conducted in both the student’s L1 and L2.
* Correlate standardized assessment results with informal assessment and intervention outcomes, referral reason, and student’s acculturation and bilingual development, as well as academic achievement history.

*(adapted from M. Villegas-Gutierrez, 2015)*

**CONSIDERATIONS WHEN APPLYING E&E DECISION RULES TO ELs**

The following are six important questions and/or exclusionary factors to consider when applying decision rules to a Cultural and Language Diverse (CLD) student’s performance:

1. Can the CLD student’s learning and/or behavior problems be attributed to exclusionary factors such as:
   * Socio-cultural differences (e.g., world view, low level of acculturation)?
   * Economic disadvantage?
   * Lack of instruction/inconsistent schooling?
   * Inappropriate instruction?
   * Ecological/environmental issues in the classroom?
   * Typical second language acquisition stages?
   * Lack of social/academic language exposure?  
     If yes to any of the above, then the student should not be considered for RTI Tier II/Tier III or special education but should receive educational supports by way of regular classroom accommodations, bilingual services, and/or other school district programs for which the student qualifies.
2. Has consideration been given to the influence that past and/or present instructional programs have had on current academic performance?

If not, ensure that the CLD student has received an adequate opportunity to learn as this is a prerequisite to RTI and/or special education services.

1. Is the student’s English proficiency high enough to yield accurate levels of performance?

If not, assess for language loss, language shift or attrition. Monitor progress in both languages and make decisions based on student’s stronger language.

1. Are adjustments for pace of instruction, oral responses, test taking, and interventions implemented to achieve optimum performance due to slower mental processing in the CLD student’s less proficient language?

If not, make adjustments for slower auditory memory, slower reading speed, and slower oral comprehension.

1. Are multiple measures of performance taken so as not to make decisions based on only one aspect of performance?

If not, make frequent progress monitoring probes especially when phonemic awareness is emphasized.

1. Are culturally responsive research-based interventions implemented with integrity/fidelity by a professional competent in the oral and written skills of the student’s language being assessed and who also has knowledge and understanding of the second language acquisition process and student’s cultural and linguistic background?

If not, collaborate with a bilingual/bicultural professional knowledgeable about acculturation, second language acquisition, and culturally responsive instructional practices to develop or select suitable research-based interventions.

(adapted from Figueroa and Newsome, 2006)

**Information to Consider for English Learners during Initial Evaluation and Special Education Eligibility Determination**

1. Consider target student’s background information.
   1. Home language, changes in home language, siblings, etc.
   2. Location of birth, moves, pre-school education, etc.
   3. Developmental history
2. Consider student’s previous schooling in primary language and in English.
3. Consider student’s English acquisition over time.
   1. Baseline and current English proficiency
   2. Results of any progress monitoring of English acquisition
   3. Compare rate and level of English acquisition with English Learner peer(s).
4. Consider language instruction provided to the target student.
   1. Review information on student’s ILP.
   2. Is student being taught in English or primary language or both?
   3. What is the type of program being provided for language instruction?
   4. How has that program been adjusted to meet individual student needs?
5. Consider universal screening results for student and EL and classroom peers.
   1. Is student being taught to read in English or primary language or both?
   2. Is screening being conducted in English or primary language or both?
6. Consider General Education Interventions (GEIs) provided.
   1. Are student’s teachers repeatedly linking to L1 in the classroom?
   2. What were the results of GEI progress monitoring?
   3. How do results of GEIs for targeted student compare to results of GEIs for other English Learners (Els)?
7. For RTI evaluations, consider dual discrepancy for the target student compared to English Learner peer(s) with regard to skill development.
   1. Does target student differ from English Learner peer(s) with regard to level of performance? (Use screening data.)
   2. Does target student differ from English Learner peer(s) with regard to rate of learning? (Use progress monitoring data.)
   3. Consider input of experienced teacher of ELs regarding (a) and (b).
8. For Patterns (PSW) method of evaluation, conduct non-biased assessment.
9. For either method of evaluation, consider conducting nonverbal assessment with low cultural loading.
   1. Multi-dimensional test examples: the Universal Nonverbal Intelligence Test (UNIT), the Leiter-Revised, and the Kaufman Assessment Battery for Children-II (KABC-II) when administering the nonverbal subtests using the pantomimed administration specified by the test authors.
   2. Uni-dimensional test examples: the Test of Nonverbal Intelligence-Third Edition (TONI-III), the Comprehensive Test of Nonverbal Intelligence (C-TONI), the Naglieri Nonverbal Ability Test (NNAT), and Raven’s Progressive Matrices (RPM).
10. How do the target student’s progress and needs differ from those of other ELs?
11. Apply two-prong test of eligibility to data collected (see Indicators Document).

**EXAMPLES OF DESCRIPTIONS OF EVALUATION OF LEP STUDENTS**

**Example 1:**

*Student* was administered the Wechsler Intelligence Scale for Children – Fifth Edition, Spanish (WISC-V Spanish) in order to assess her current level of cognitive functioning. Her performance was compared with that of others her same age nationwide. It should be noted that *Student* requested she be assessed in Spanish and a native Spanish speaker (a bilingual speech-language pathologist) assisted in the administration of this assessment in conjunction with the school psychologist. At times, *Student* did request that the instructions be given to her in both languages. She also opted to answer in either language, with the slight majority of her answers given in English. Results should be interpreted with extreme caution and may be an underrepresentation of *Student*'s true abilities due to the mitigating impacts of her language proficiency.

**Example 2:**

Prior to assessment, *Student* was asked if she preferred to be assessed in English or Spanish (or both) and how she would like to provide her answers. She indicated that she wished to be assessed and to answer in English. She also reported that she felt more comfortable speaking and being spoken to in English rather than Spanish. This was surprising in light of available testing data that indicated she had higher language proficiency in Spanish than in English. As a precaution, a Spanish speaking translator was available for all assessment sessions. *Student* did not request any prompts or repetitions in Spanish and provided all her answers nonverbally (when appropriate) or in English.

**Example 3:**

*Student* is a bilingual student whose primary language is Spanish, and this assessment was presented in English. The results of bilingual speech-language testing indicate *student*’s Spanish language skills are appropriate for her age, but student is still learning English. Although some WISC-V subtests are considered “nonverbal” because they do not require a verbal response from the student, directions and instructions are still provided in English. A careful interpretation of *student*’s subtest performances using the Cultural-Language Interpretation Matrix (C-LIM) reveals an overall pattern of declining performance that is typical (or, within the range that is expected) of other individuals with similar cultural and linguistic backgrounds. The pattern of her subtest performances (in which *student* performs increasingly poorly on tasks with increased linguistic and/or cultural demands) suggests her testing performance was primarily influenced by cultural and linguistic factors, rather than true cognitive ability.

**Example 4:**

Speech-language testing indicates *student* demonstrates typical language development in his first language of Spanish, while his scores in English are significantly lower, as *student* is continuing to learn the English language. Because his testing was conducted only in English, his scores must be INTERPRETED WITH EXTREME CAUTION, as they are unlikely to accurately reflect his true cognitive abilities, and they are likely to under-represent his current functioning.

**Reflection: Evaluation Procedures Requirements**

Reflect on your evaluation team’s practices in terms of the IDEA requirements for evaluation procedures. Rate your team’s practice as an individual, then together discuss the ratings of all team members and reflect how your team might work to improve evaluation procedures.

|  |  |  |  |
| --- | --- | --- | --- |
| Required Evaluation Procedures | Our team engages in best practices | Our team is minimally compliant | Our team needs to improve compliance |
| •Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information |  |  |  |
| •Include information from the parents |  |  |  |
| •Include information related to enabling the child to participate and progress in the general curriculum, or, for preschool children, to participate in appropriate activities |  |  |  |
| •Assess the student in all areas of a suspected exceptionality |  |  |  |
| •Not use any single measure or assessment as the single criterion for determining whether the child is a child with an exceptionality |  |  |  |
| •Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors |  |  |  |
| •Use assessment tools and strategies that provide relevant information the directly assists persons in determining the educational needs of the child are provided |  |  |  |
| •The assessments and other evaluation materials shall be selected and administered so as not to be racially or culturally discriminatory |  |  |  |
| •The assessments and other evaluation materials shall be provided and administered in the child’s native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally |  |  |  |
| •The assessments and other evaluation materials shall be valid and reliable for the specific purpose for which they are used |  |  |  |
| •The assessments and other evaluation materials shall be administered by trained and knowledgeable personnel in accordance with instructions provided by the producer of such tests |  |  |  |
| •The assessments and other evaluation materials shall include those that are tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient |  |  |  |
| •Assessments shall be selected and administered to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the results accurately reflect the child’s aptitude or achievement level or whatever other factors the assessment purports to measure, rather than reflecting the child’s impaired sensory, manual, or speaking skills, unless those skills are the factors the assessment purports to measure |  |  |  |
| •Materials and procedures used to assess a child with limited English proficiency shall be selected and administered to ensure that they measure the extent to which the child has an exceptionality and needs special education, rather than measuring the child’s English language skills |  |  |  |
| •If an assessment is not conducted under standard conditions, a description of the extent to which the assessment varied from standard conditions shall be included in the evaluation report. |  |  |  |

**References**

Figueroa, Richard and Newsome, Patricia (2006). Journal of Learning Disabilities. May-Jun 2006;39(3):206-14.

Ortiz, S. O. (2014). Best practices in nondiscriminatory assessment. In P. Harrison & A. Thomas (Eds.) *Best practices in school psychology: Foundations (61-74).* Washington, DC: National Association of School Psychologists.

Villegas-Gutierrez, M. (2015). Special education assessment process for Culturally and Linguistically Diverse (CLD) Students, 2015 Update. Monmouth, OR: Education Evaluation Center, Teaching Research Institute, Western Oregon University.

**Note:** Thank you to the school psychologists who provided examples of descriptions of LEP evaluation procedures.