Principles and Applications of Special Education Assessment

Class 2: Laws, Ethics & Issues

January 26, 2014

Objectives

- Describe the legal provisions and ethical principles regarding assessment of individuals.

- Understand the specialized terminology used in the assessment of individuals with exceptional learning needs.

- Learn how to use assessment information in making eligibility, program, and placement decisions for individuals with exceptional learning needs, including those from culturally and/or linguistically diverse backgrounds.

Schedule

- 4:30 - 5:15   Problem-Solving Team Activities

- 5:15 - 5:30   Intro to Assessment - Review

- 5:30 - 6:00   Historical & Contemporary Models

- 6:00 - 6:15   Break

- 6:15 - 7:20   Legal & Ethical Issues

Ground Rules for Problem-Solving Team Activities

1. Assign a team facilitator. This position gets rotated with each new discussion.

2. Each member of the group must assist with completing the case studies/questions assigned by the facilitator. Group answers will be shared with the whole class.

3. Names of the individuals contributing are attached to each case study/ assignment.

4. Team facilitator or designee reports findings to whole class.

5. Peer evaluation will be used.

6. Groups will be expected to ask questions and/or challenge the findings of other groups.

7. Assign a timekeeper. This responsibility is designed to ensure the group completes its work in the allotted time.

Problem-Solving Process
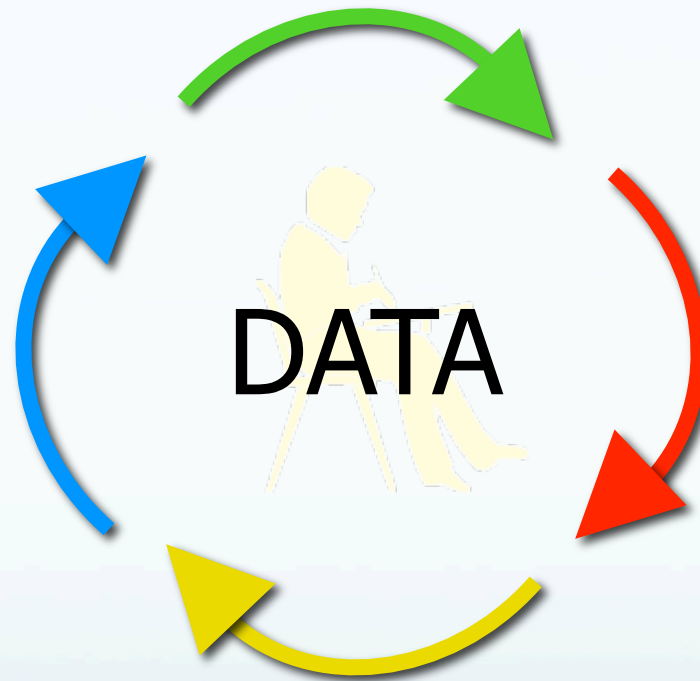
Define the Problem
What is the problem?

Problem Analysis
Why is it happening?

DATA

Evaluate
Did it work?

Implement Plan
What should be done?
(Progress Monitor
 & Modify as Necessary)

Review:
Assessment Decisions

1. Classroom Decisions
- What decisions are made?

Classroom Decisions

- Provision of intensive interventions or enrichment
  - Does the student need additional help or more challenging work?
  - What types of assistance?
    - Examples? (Not including special education services)
  - What skills are present and which need development

- Referral to an intervention assistance team
  - After providing tiered instruction and student shows little or no progress

- Provision of intervention assistance
  - Should intervention team provide assistance?
  - How can they assist?

Review:
Assessment Decisions

2. Eligibility/Entitlement Decisions

- What decisions are made?

Eligibility Decisions

- Referral to child study team

- Exceptionality

- Does the disability adversely affect the student's educational performance?

- Does the student require special education and related services?

- Eligibility determination by a team of qualified professionals.

Review:
Assessment Decisions

3. Accountability/Outcomes Decisions
- What decisions are made?

Accountability/Outcomes Decisions

- High stakes testing
  - Accountability for federal dollars (NCLB)
  - Teacher Evaluations
    - Example: SAGE Testing

- Progress toward IEP goals

Review

- Why is it important to know what decision (e.g., tiered instruction/intervention, entitlement, or accountability/outcome) you are trying to make?

Review:
Assessment Decisions

What is the difference between formative and summative assessment?

Formative vs. Summative

- "When the cook tastes the soup, that's formative. When the guests taste the soup, that's summative." - Robert Stake

Methods and Domains of Assessment

	Instruction	**C**urriculum	**E**nvironment	**L**earner
Review				
Interview				
Observe				
Test				

Assessing Instruction

Effective instruction <u>engages</u> the learner through explicit instruction

- High levels of Opportunities to Respond

- >4:1, Positive: Negative Ratio

- Error correction (students shouldn't practice errors)

- Measured by observation and/or student outcomes

Assessing Curriculum

- Use of multiple assessment <u>measures</u>

- Compare curriculum of interest with other curricula

- Student <u>outcomes</u> are ultimate measure of effectiveness
  - Remember: publishing companies want to make money. Don't take word for it.

Instructional Environment

- Assessing those factors in the environment that are known to impact student learning.
  - Using time wisely
  - Classroom rules are <u>observable</u> and <u>measurable</u> and are clearly <u>stated</u>
  - Students are grouped according to <u>skill/need</u>
  - Classroom layout (partner work, mobility)
  - Relevant wall materials
  - Teacher can see all parts of room
  - Consistent routines/procedures

Assessing Learners

Learners should only be assessed once it has been determined they have received <u>appropriate</u> instruction.

Types of Information:

A) Observations (nonsystematic & systematic)

B) Recollections (interviews & rating scales)

C) Extant Info. (Cumulative records, student products, anecdotal records)

D) Tests (Quantitative & Qualitative)

E) Professional Judgment

Think-Write-Share

- What sort of questions is one trying to answer when assessing for special education eligibility?
- How might assessment help when planning instruction?
- What is the difference between formative and summative evaluation?
- What are the four steps of the problem-solving process?
- Identify two alterable variables and two inalterable variables.

Historical & Contemporary Models of Assessment

Historical Model

- Teacher noticed a student was having difficulty.

- Specific deficits that appear to be the cause of a student's difficulty were identified.

- Student was referred to a multidisciplinary team who evaluated the student.

- Eligibility was determined.

- An **individualized education program (IEP)** was put in place for eligible students.

Outcomes

- Increasing rates of children referred for assessment and subsequently receiving special education services.

Contemporary Model Problem-Solving Model

- Emphasizes finding a solution rather than determining eligibility or finding an alternative placement.

- Various methods of intervention and assessment are utilized and documented before referral and evaluation for special education services.

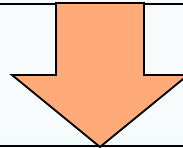- Interventions may or may not include special education services.

Historical Model of Assessment
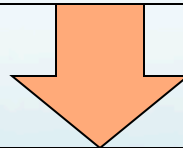
General Education Class Instruction
Student not progressing as expected.

⬇
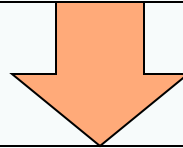
Student referred to multidisciplinary team.

⬇

Team completes assessment.

⬇

Team meeting determines if student is eligible for services.

Three-Tier Model of Intervention

I. Progress in core academic subjects of *all* children should be monitored routinely (80-90%).

  - Statewide assessments, Teacher-made tests, General education performance

II. Students who experience difficulty when compared to their peers are considered to be at risk of academic or behavioral problems and then receive tier-two interventions, such as remedial assistance or tutoring using research-based interventions (5-10%).

III. Students not successful with tier-two interventions receive intensive intervention through the **teacher assistance team** that is specifically designed to address areas of difficulty (1-5%).

  - If a child continues to struggle, the child may be referred for consideration of an evaluation for possible special education eligibility.

Types of Assessments

|	
Assessment	Teacher-made assessments used to determine student progress.
Curriculum-based Assessment (CBA)	Determines how a student is performing in or mastering the actual curriculum (e.g., chapter tests).
Curriculum-based Measurement (CBM)	Measures progress of a specific skill against an aim line (e.g., AIMSWeb, DIBELS).
Criterion-related Assessment	Assesses a student's progress on items that are similar to objectives or standards.
Checklist, Rating Scale, Observation	Informal assessment that can be tailored for individual students. Used to identify mastery of skill and/or placement in a curriculum.
Performance Assessment	Students create a product that demonstrates their skills or competency.
Portfolio Assessment	The collection of student products to demonstrate progress over a period of time.
Dynamic Assessment	Determines the potential of a student to learn a new skill.
Criterion-referenced Test	Assesses a student's progress in skill mastery against specific standards.
Norm-referenced Test	Compares a student's performance of a task to students of the same age or grade level.
Standardized Test	Tests are structured, provide specific instructions, formats, scoring and interpretation procedures.

Tests

- **Norm-referenced**
  - Typically used for screening and eligibility/ entitlement decisions
  - Compare student's score with performance of same age or grade peers

- **Criterion-referenced**
  - Measures mastery of skills/information in terms of absolute standards
  - Focus on what student can and can't do vs. comparison with other students
  - Typically used for pupil progress can and can't do decision making

Norm-Referenced
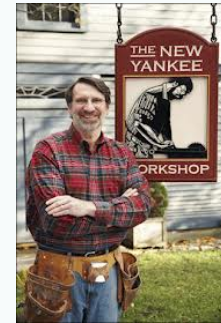
Criterion-Referenced

Criterion or Norm-Referenced?

- Correct words on a spelling test

- Scholastic Aptitude Test (SAT)

- Woodcock Johnson Achievement Test III

- Number of steps correctly performed in a dressing routine

- Driving Test

Highlights from the Evolution
PL 94-142 ⟹ IDEA 2004

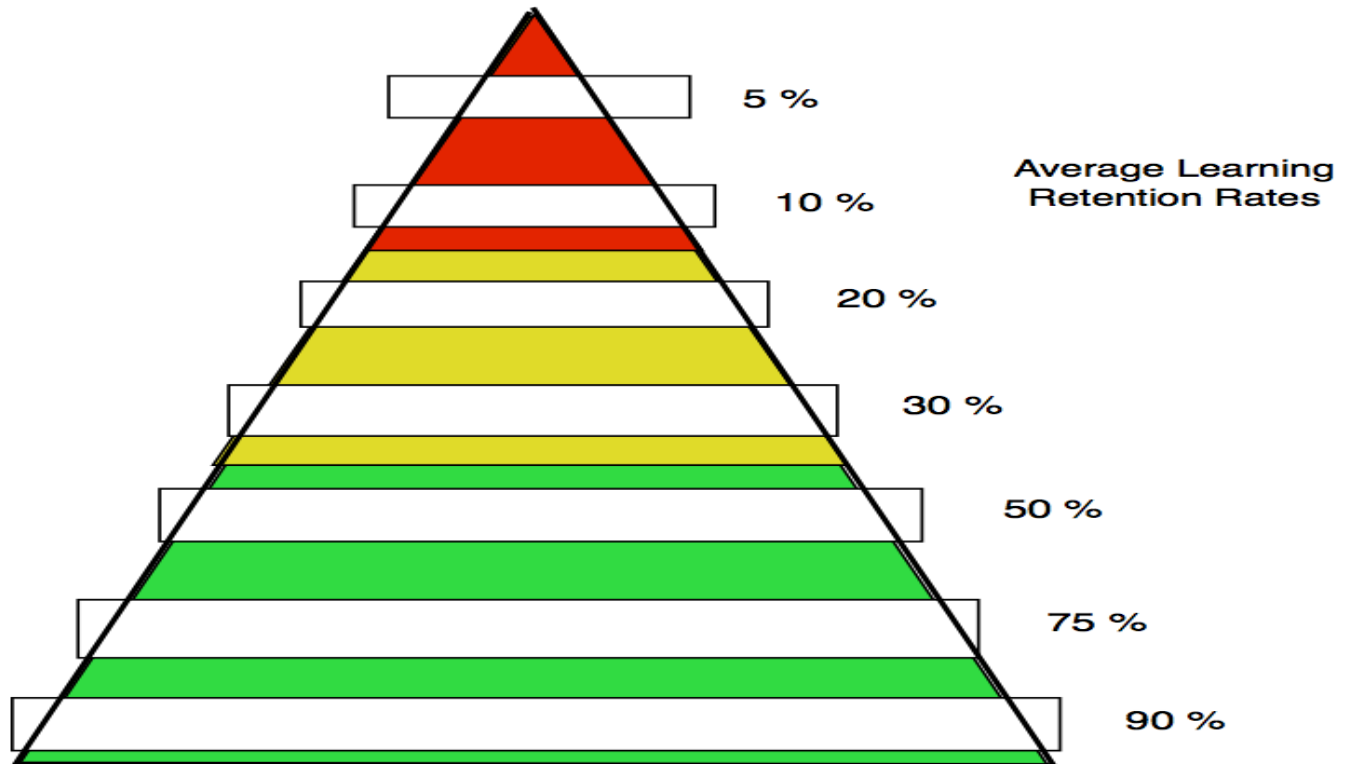|		
1975	PL 94-142	*Education for All Handicapped Children Act* • Mandated an assessment and education for children with disabilities.
1986	PL 99-457	*Education for All Handicapped Children Act* • Added amendments to promote early intervention for infants and preschoolers with special needs or developmental delays.
1997	PL 99-457	*Individuals with Disabilities Education Act* • Significant changes to the law! • Use of "people first language." • Significant changes in assessment procedures.
2004	PL 108-446	*Individuals with Disabilities Education Improvement Act* • Brought law into compliance with NCLB 2002 • Focus on accountability

NCLB & IDEA 2004 Focus Points

- Accountability of achievement by students with disabilities.

- Reduction of paperwork for educators and other professionals.

- Reduction of the non-instructional time spent by teachers (time spent completing paperwork and attending meetings).

- Providing additional means to resolve disagreements between schools and parents.

- Increasing early intervention activities and aligning this effort with No Child Left Behind.

- Improving teacher quality.

- Mandating efforts by state education agencies to decrease disproportionality of ethnic and culture representations in special education.

- Improvement of discipline policies of earlier legislation.

The Learning Pyramid

Please arrange the following strategies from least (at top) to greatest (at bottom) impact with respect to their capacity to foster retention:

____ Lecture
____ Practice by doing
____ Teach others
____ Discussion group

____ Audio-visual
____ Demonstration
____ Reading

5 %

10 %

20 %

30 %

50 %

75 %

90 %

Average Learning Retention Rates

National Training Laboratories, Bethel, Maine

Learning Pyramid

- Avg. Retention Rate

Lecture → 5%

Reading → 10%

Audio-Visual → 20%

Demonstration → 30%

Discussion Group → 50%

Practice by Doing → 75%

Teach Others/Immediate Use of Learning → 90%

National Training Laboratories Bethel, Maine
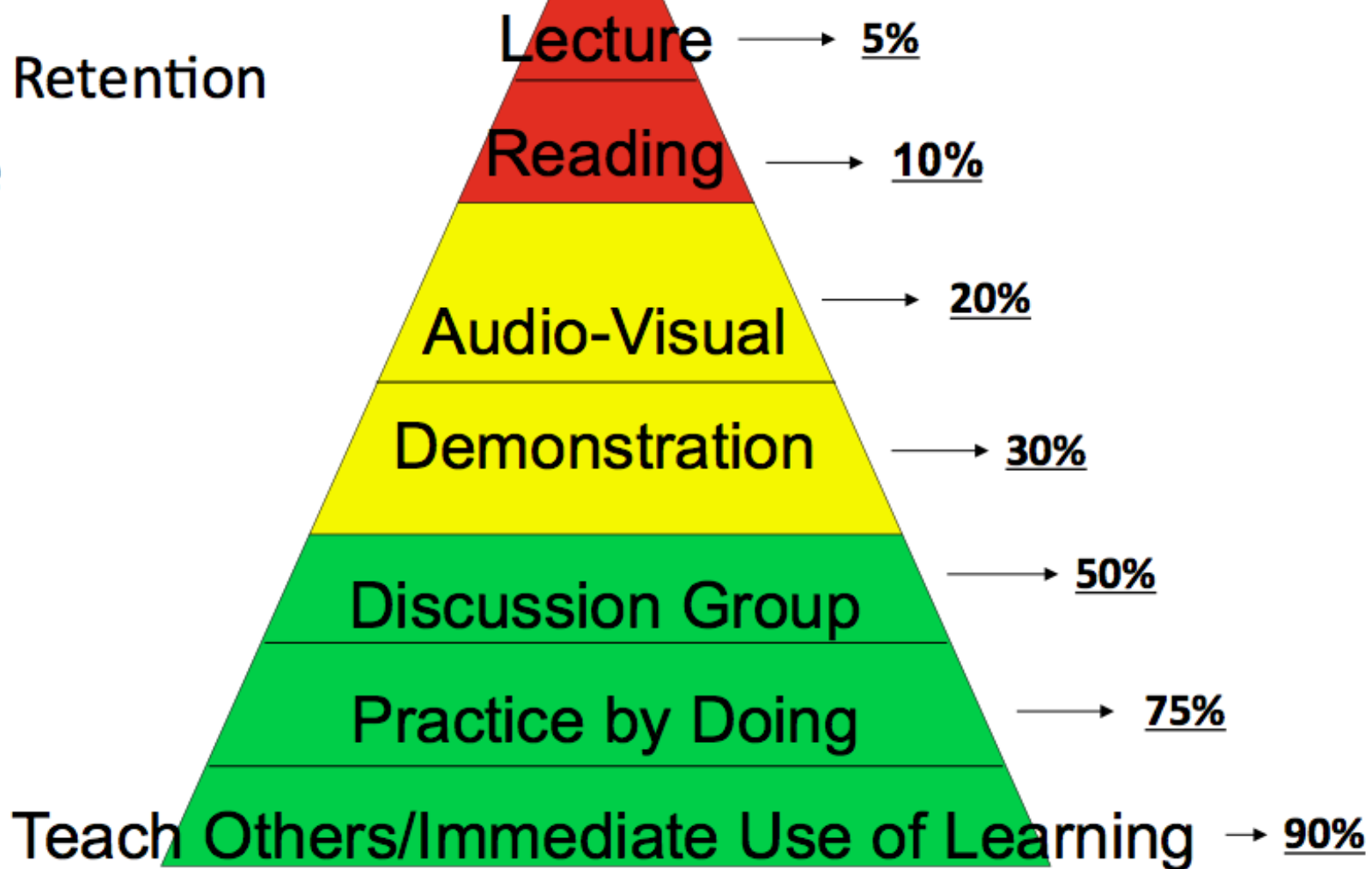
Utah SPED Rules
Evaluation

Group Presentations*

1. Parental Consent for Evaluation/Initial Evaluation – pp. 20-22

2. Evaluation/Reevaluation Procedures – pp. 22-24

3. Additional Requirements – pp. 24-26

4. Determination of Eligibility – pp. 26-27 & Slides 42 & 44

5. Non-Discriminatory Assessments – Slides 36-38

*Use a mnemonic device (e.g., ICEL, RIOT), graphic organizer (e.g., Spider Map), or some other learning strategy to help class members remember the content presented.

Initial Evaluation

- IDEA contains mandates to promote fair, objective assessment practices and **Due Process** procedures.
  - Due Process is the legal recourse when parents or schools disagree with evaluation or placement recommendations.

- **Initial Evaluation**
  - Parents, state agencies or LEAs may initiate a request for an initial evaluation.
  - Multidisciplinary teams must conduct a full and individualized evaluation in all areas of suspected disability to determine if a child is eligible to receive special education and/or related services.
  - The **comprehensive educational evaluation** must be completed *before* a child may receive special education and/or related services.
  - The evaluation must be completed within 60 days.

Parental Consent

- Initial evaluations and subsequent reevaluations cannot take place without parental **informed consent**.
    - **Surrogate parents** or guardians may also provide consent.
    - If child is a ward of the state, LEAs must try to find parents, but if unable may proceed with the evaluation.

- Consent for an (re)evaluation does not mean consent for receipt of special education and/or related services.

- If a parent refuses to give consent or does not respond to requests there are two options:
    1. LEA does not provides services.
    2. LEA may pursue legal means (due process) to force an evaluation.

Informed Consent

- Parent has been fully informed of all educational activities to be conducted, including:
    - Why the student needs the evaluation.
    - The evaluation procedures that will be used.

- Informed Consent was provided in the native language or mode of communication.
    - Languages other than English.
    - Accommodations must be made for parents with hearing or visual impairments.

- Parents must be notified of any action proposed by the LEA regarding initial evaluation and the other options considered.

Procedural Safeguards

- The **Procedural Safeguards** outline a parent's and student's rights with regard to the special education process and must include:
  - Information on the initial evaluation.
  - Requirement of prior notice before action can be taken.
  - Information on parental informed consent.
  - How to obtain student records and who has access to records.
  - The process to follow when parents have complaints.
  - The methods of resolution to resolve complaints.
  - Many SEAs provide **consent forms** or **parent's rights booklets** to ensure parents know their rights.

- Parents are to receive the procedural safeguards at least once per year, but must receive them.
  - Parents must receive notice of their rights on each of these occasions:
    - Upon initial referral or parent request for an evaluation.
    - Upon the first occurrence of the filing of a complaint.
    - Request by a parent.

Non-discriminatory Assessment

- IDEA mandates that a **non-discriminatory evaluation** be conducted on children who are referred for special education and/or related services.

- Requires that testing is fair and objective.

- Additional measures or strategies other than tests must be considered in the evaluation process (e.g., RTI).

- Information gathered through the process should focus on the student participating in the general education curriculum.

- Ensures that meaningful information be produced in order to help design a program of interventions and not simply qualify a student.

Non-discriminatory Assessment

- Use of a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information, including information provided by the parent, that may assist in determining:
    - whether the child is a child with a disability.
    - content of the child's individualized education program, including information related to enabling the child to be involved in and progress in the general education curriculum, or, for preschool children, to participate in appropriate activities.

- Not to use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child.

- Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors in addition to physical or developmental factors.

- Are selected and administered so as not to be discriminatory on a racial or cultural basis.

- Are provided and administered in the language and form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is not feasible to do so.

- Are used for purposes for which the assessments or measures are valid and reliable.

- Are administered by trained and knowledgeable personnel.

- Are administered in accordance with any instructions provided by the producer of such assessments.

- The child is assessed in all areas of suspected disability.

- Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.

- Assessments of children with disabilities who transfer from one school district to another school district in the same academic year are coordinated with such children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of full evaluations.

Considerations of the Nondiscriminatory Evaluation

- Choose tests that are psychometrically adequate.

- Evaluator must follow the standardization protocols.

- Sometimes adaptations are required.
  - The adaptations are required to be explained in the written evaluation report.

- May not penalize a student for an existing impairment (e.g., articulation disorders).

Evaluation Data Needs

- As a part of the initial or re-evaluation processes, the IEP Team may:
  - Review existing data.
    - May not require formal testing but just a review of the student's progress.
    - May do so without a formal meeting.
  - Identify what additional data are needed.
    - If additional data are needed, a meeting must take place to discuss results.

- Parents may request additional assessments.
  - If additional testing is requested, the testing must take place before decisions about services are made.
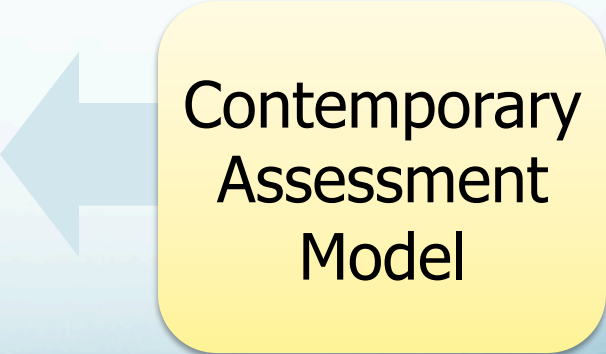
IEP Team Evaluations

- An IEP Team must conduct a multi-disciplinary evaluation.

- The Team may obtain information from a variety of sources.

- In order to do this, the IEP Team must be multi-disciplinary and include the following people (NOTE: one person may fulfill more than one role):
    - Parents
    - Regular education teacher
    - Special education teacher
    - Representative of the school district (LEA)
    - Someone to interpret evaluation results
    - Other individuals who have knowledge of the child
    - When appropriate, the child with a disability

Determining Eligibility

- IDEA 2004 uses global criteria for determining eligibility for the remaining disability categories.
  - States typically have more specific criteria in their individual regulations.

- Decisions should be made based upon objective data.

- Parents are to be active participants and receive copies of the evaluation reports.

- If the student is determined to be eligible, the team determines what **special education services** and **related services** a student will receive.
  - Related services are services that are considered necessary for the child to benefit from the instructional goals of the IEP.

- Children can not be determined to have a disability because of:
  - Lack of appropriate instruction in reading.
  - Lack of instruction in math.
  - Limited English proficiency.

Evaluating Students with LD

- Prior to 2004, the use of the severe discrepancy model was used to determine learning disabilities.
    - Severe discrepancy between cognitive ability and achievement.
    - "Wait and fail" model, as students would struggle for several years before receiving help.

- IDEA 2004 included guidelines on how learning disabilities would be diagnosed.
    - Early intervention.
    - Use of research-based practices.
    - Response to Intervention.
    - No more severe discrepancy.

Contemporary Assessment Model

Attention Deficit Disorder

- ADD is not a category under IDEA.

- Students with ADD who require special education services typically receive them under one of three categories:
    - Learning Disabilities
    - Behavioral Disabilities
    - Other Health Impairments

- If students with ADD don't qualify for special education services, they may qualify for a 504 Plan.

- Students with ADD must undergo a comprehensive evaluation by a multi-disciplinary team to determine their eligibility.

IEP Team Attendance

- Ideally, the entire team should assemble.

- Attendance is not necessary
  - if the parent and LEA agree that the member's attendance is not necessary because the member's area of the curriculum or related service is not being discussed at the meeting.

- Members may be excused
  - if the parent and LEA consent to the excusal.
  - the member submits, in writing, input into the development of the IEP.

- Parent agreement must be in writing.

Parent Participation

- Every effort needs to be made to accommodate parents.

- Parents are required to participate in the IEP process.

- Parents may submit documentation to the multi-disciplinary process and/or the IEP meeting.

- Parents must be given copies of all reports and documentation of eligibility.

- Parents must give consent to have their child's IEP amended without holding a full IEP meeting.

Components of an IEP

- Every child who receives special education services must have an IEP.

- The IEP must include, at minimum, the following components:

- Present levels of performance—academic achievement and functional performance.
  - Grade equivalents, age equivalents, standard scores, CBAs, CBMs, classroom behavior.

- Measurable long-term, **annual goals.**
  - How progress on goals will be measured.
  - For children who take alternate assessments, a description of benchmarks or short-term objectives.

- Describe an educational program and strategies that are research-based.

Components of an IEP (Continued)

- The IEP must focus on including students into the general education environment—**least restrictive environment.**

- A statement of how the child's disability affects their involvement and progress in the general education curriculum.

- An explanation of the extent, if any, to which the child will not participate with nondisabled children.

- Statement of participation in state-wide assessments.

- A rationale provided if state-wide assessment is not appropriate and an alternative assessment provided.

- Description of any accommodations permitted during state-wide assessments.

- The projected date for the beginning of service and modifications and the anticipated frequency, location, and duration of those services and modifications.

Considerations of the IEP Team

- Strengths and needs of the child
  - Academic, developmental, functional

- Concerns of parents regarding their child

- Results of assessments

- Behavioral considerations

- Limited English proficiency

- Students who are blind or visually impaired

- Communication needs

- Use of assistive technology

Due Process

- IDEA contains provisions (due process) for parents and schools to resolve their differences.

- Due process procedures are explained in the **procedural safeguards**.

- Independent educational evaluation
    - A professional outside of the LEA who conducts testing on a student.
    - Parents may get one if they disagree with the LEAs findings.

- Resolution sessions
    - Established to avoid a formal hearing.
    - Must be held within 15 days of complaint.
    - May be waived by parents.

- **Mediation**
    - LEAs provide mediation at no cost to the parents.
    - Mediation is voluntary on the part of the school and the parents.
    - Mediation cannot be used by a local education agency to delay parental rights to a hearing or to deny any other rights provided in the regulations.
    - Mediation is to be conducted by qualified and impartial trained mediators.

Due Process (Continued)

- In the event that parents and LEAs can not come to an agreement, they may file a complaint and request an **impartial due process hearing.**

- The parents and the school explain their side of the disagreement before an **impartial hearing officer**, a person qualified to hear the case, who then renders a decision.

- In the event that an impartial due process hearing does not resolve the issue, a state-level hearing or an appeal in civil court may be filed.

NOTE!

While all of this is going on,

the student remains in the placement

with the services (s)he was receiving

when the complaint was filed.

"Stay-put Provision"

Review:
Protection in Assessment Procedures

- In PL 94-142
  - Tests should be <u>racially</u> and <u>culturally</u> nondiscriminatory
  - Students should be assessed in their native <u>language</u> or primary mode of communication
  - Tests must have been validated for the specific purposes for which they are used
  - Tests must be administered by <u>trained</u> personnel and in accordance with the instructions
  - Tests must provide information about specific educational needs, not just <u>IQ</u>

Review:
In PL 94-142 (Continued)

- No <u>single</u> test can be used to make decisions about students

- A multidisciplinary team must be used to make decisions about students, with at least one member having specific knowledge in the <u>disability</u>

- Students should be assessed in all <u>areas</u> related to the disability

Ethical Considerations

- Established by professional associations
  - National Education Association (NEA)
  - Council for Exceptional Children (CEC)
  - National Science Teachers Associations (NSTA)
  - American Speech-Language Hearing Association (ASHA)
  - National Association for School Psychologists (NASP)
  - American Psychological Association (APA)

- Do not carry force of law
  - Professionals judged to be in violation of ethical code can be dropped from professional organization

Council for Exceptional Children (CEC) Standards
http://www.cec.sped.org/ps/code.html

- "Use assessment instruments and procedures that do not discriminate against persons with exceptionalities on the basis of race, color, creed, sex, national origin, age, political practices, family or social background, sexual orientation, or exceptionality. "

- "Maintain confidentiality of information except when information is released under specific conditions of written consent and statutory confidentiality requirements."

Ethical Principles Relevant to Assessment

- Welfare of the student is our primary concern

- You are responsible for what you do and the outcomes of your actions

- You have a responsibility for what others do with your information

- Results of pupil performance on tests must not be discussed informally with school staff members

- Assessment results should be shared with clients and consumers

- Results should include limitations and basis for interpretation

- Information should be understandable

- Assessors will not review the content of specific tests or test items

Ethical Dilemmas

- Ethical dilemmas may include issues such as conflicts with co-workers, writing appropriate IEP goals, assessment concerns, and curriculum conflicts. Dilemmas such as these may be experienced by any teacher at any time. Resolving ethical dilemmas requires difficult educational decisions that do not always have a clear-cut "right" answer. However, being familiar with the NEA and CEC codes can be valuable tools to solve ethical dilemmas (See class handout).

Next Week

- Read Chapters 3 & 4
    - Submit Online Self-Assessments

Sources

- Overton, T. (2012). Assessing *learners with special needs (7th ed.).* Upper Saddle River, NJ: Pearson Education Inc.