

Culturally & Linguistically Appropriate Special Education Eligibility Assessment Processes

Assessment of students ages 3 to 21 years of age, to establish eligibility for special education and related services, must meet several IDEA (34 CFR 300.304-305) and state (EC 56320-56330) requirements. This document is designed to be a resource guide, which includes checklists & resources to assist multidisciplinary teams with evaluating current practices related to special education eligibility assessment of culturally & linguistically diverse students. Additionally, this resource guide may benefit assessors with reviewing existing assessment practices and making refinements were necessary.

Data gathering

Gather a random sample of initial and triennial special education eligibility assessment reports, which were conducted on students of varied cultural & linguistic backgrounds (i.e. Psychoeducational assessment reports, Speech/Language assessment reports, Multi-disciplinary assessment reports, etc. of English learners (ELs)).

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Examine required elements:

Examination of assessment records can assist multi-disciplinary teams with determining where positive practices exist. This process will also assist teams in identifying where gaps in assessment processes & practices may be occurring. To begin this process examine each assessment report to ensure assessment & evaluation materials for students who are ELs are:



- Selected and administered so as not to be discriminatory on a racial or cultural basis (EC 56320[a]);
- Used for the purposes for which the assessments or measures are valid and reliable (EC 56320[b][2]);
- Administered by trained and knowledgeable personnel (EC 56320[b][3]); and
- Administered in accordance with any instructions provided by the producer of the assessments (EC 56320[b][3]).

Further review of assessment materials:

Given the varied needs of students who are of diverse cultural & linguistic backgrounds, assessments and other evaluation materials used are to include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient (EC 56320[c]). For a non-exhaustive list of potential bilingual assessment tools, listed by designed use, please visit [Appendix 4.1 of the CA Practitioners Guide for Educating English Learners with Disabilities](#).

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Please Note: Students who are ELs represent diverse cultural and linguistic backgrounds. Thus, assessment tools and other evaluation materials are carefully considered and selected prior to development of the Assessment Plan. The Assessment Plan provided to parent(s)/guardian(s) are to follow the below listed requirements (EC 56321(a)):

- Be in a language easily understood by the general public.
- Be provided in the native language of the parent or guardian or other mode of communication used by the parent or guardian, unless to do so is clearly not feasible.
- Explain the types of assessments to be conducted.
- State that no individual education program will result from the assessment without the consent of the parent.



For more information visit www.icoe.org/selpa/el-swd.org

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Ensuring culturally & linguistically appropriate Special Education Assessment Plan practices & processes:

In addition to the Assessment Plan requirements (EC 56321), the proposed written Assessment Plan shall include:

- a description of any recent assessments conducted, including any available independent assessments and any assessment information the parent requests to be considered, and
- information indicating the pupil's primary language and the pupil's language proficiency in the primary language as determined by [EC 52164.1](#) and [5 CCR 3022](#).

Assessments are selected and administered to best ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure) ([EC 56320\[d\]](#)).



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Assessor sensitivity to culture & language



Individual assessors & assessment teams ensure that tests & assessment materials are provided and administered in the language and form most likely to provide accurate information on what the student knows and can do academically, developmentally, and functionally ([EC 56320\[b\]\[1\]](#)).

Given this requirement, assessors (i.e. School Psychologists, Speech/Language Pathologists, Occupational Therapists, Adapted Physical Education Specialists, etc.) work to fully understand and communicate effectively with each student they assess. **Whether or not the assessor(s) are bilingual in the student's language and/or dialect, assessment should be comprehensive, valid and reliable.**

Key features of the assessment process, to be included and fully explained & interpreted in the assessment report include: norm-referenced assessments in English and the student's primary language, criterion-referenced tests measuring a student's performance based on mastery of specific sets of skills, systematic observations and structured interviews.

The *CA Practitioners' Guide for Educating English Learners with Disabilities*, Chapter 4: Assessment of English Learners for Identification as Students with Disabilities, contains appendices that may assist assessors with building a better understanding of the cultural and linguistic backgrounds, abilities, skills & needs of the students whom they assess. A list of appendices can be found here:

[Appendix 4.2 - English Learner-Parent Questionnaire](#)

[Appendix 4.3 - English Learner Student Questionnaire= Language-Use](#)

[Appendix 4.4 - English Learner Teacher Questionnaire](#)

[Appendix 4.5 - Transdisciplinary Observations](#)

[Appendix 4.6 - English Learner Classroom Observation Checklist](#)

[Appendix 4.7- Focused Observation of English Learner during English Instruction](#)

California Practitioners' Guide for Educating English Learners with Disabilities



FAQ



Q: Is it required that an interpreter who assists an assessor to administer a test that will determine special education eligibility in the primary language be certified or receive formal training?

A: There are no regulations regarding certification or formal training. In addition to the requirements in [EC 56320](#) and [EC 56381](#), assessments and reassessments **shall** be administered by qualified personnel who are competent in both the oral or sign language skills and written skills of the individual's primary language or mode of communications and have a knowledge and understanding of the cultural and ethnic background of the pupil. If it is clearly not feasible to do so, 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 ([5 CCR 3023\[a\]](#)).

[Click here to view all Chapter 4. Frequently Asked Questions \(FAQs\), as captured in the CA Practitioners' Guide for Educating English Learners with Disabilities](#)

California Department of Education
Sacramento 2019



Improving Outcomes for English Learners with Disabilities

Ensuring Culturally & Linguistically Appropriate Special Education Assessment Practices & Processes:

In order for IEP teams to make accurate decisions about whether a student is eligible or ineligible for Special Education and related services, it is imperative that assessments are valid & reliable such that the child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities ([EC 56320\(f\)](#)).



Likewise, for students already identified as eligible for Special Education and related services, when evaluating each child with a disability under [34 CFR 300.304-306](#), the evaluation must 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.

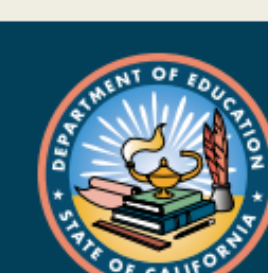
Additional resources, in the form of Figures that may assist assessors with building a better understanding of the cultural and linguistic backgrounds, abilities, skills & needs of the students whom they will assess, can be found in the *CA Practitioners' Guide for Educating English Learners with Disabilities*, in [Chapter 4: Assessment of English Learners for Identification as Students with Disabilities](#)

[Figure 4.1. English Learner Student Questionnaire: Language Use](#)

[Figure 4.2. English Language Development Proficiency Level Continuum and Mode of Communication](#)

[Figure 4.3. English Learner Classroom Observation Checklist](#)

California Practitioners' Guide for Educating English Learners with Disabilities



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If you would like to take a completely anonymous self-assessment regarding the use of **Culturally & Linguistically Appropriate Special Education Eligibility Assessment Practices** based on your own assessment report or a sample assessment report from within your SELPA, District or School, [click here](#).

Explore our Featured Resource:

The Infographic below provides a comprehensive overview of [Chapter 4 of the CA Practitioners' Guide for Educating English Learners with Disabilities](#). To access this Infographic, please click on the image:

ASSESSMENT OF ENGLISH LEARNERS FOR IDENTIFICATION AS STUDENTS WITH DISABILITIES CHAPTER 4

Section 2: Pre-Referral and Referral, and the IEP Processes

ADDRESSED IN THIS CHAPTER

Teachers

- Requirements of an assessment to determine special education (SPED) eligibility
- Practitioners' role in assessment to determine SPED eligibility
- Parent's role in the assessment process

Administrators

- State and federal regulations related to assessing English learners (EL) suspected of a disability for eligibility as a student requiring special education and related services

ASSESSING ELs SUSPECTED OF HAVING A DISABILITY

- Referral & parent consent to the assessment plan
- Legal requirement of the assessment process
- Assembling a multi-disciplinary IEP team
- Culturally & linguistically sound assessment evaluation tools
- Best practices for collecting anecdotal data
- Interviews & observations
- SST approach is helpful - yet not a pre-requisite for referral
- Multiple data sources
 - school environment
 - language proficiency
 - cumulative file
 - extrinsic factors

REQUIREMENTS FOR ASSESSING AN EL SUSPECTED OF HAVING A DISABILITY

IMPORTANT!

Assessments to determine eligibility for Special Education services must meet federal regulations & state statutes.

IDEA CFR 300.304-305
CA EC 56320-56330

Whether the child is a child w/a disability EC 56026

Whether the child has a disability as defined in CFR 300.301(c)(2)(i)

Educational needs of the student CFR 300.301(c)(2)(ii) EC 56302

Child's special education & related services needs 34 CFR 300.304(c)(6)

Prior Written Notice

- Description of action proposed &/or refused
- Explanation of why the action is proposed/refused
- Description of each evaluation procedure, assessment, record, or report used to propose/refuse
- Statement of parent rights & protections under procedural safeguards
- Statement of parent rights & protections under procedural safeguards

SPED Personnel Review the Referral to:

- Send prior written notice of the intent to assess the student, assessment plan, and procedural safeguards to the parent/guardian in their primary language
- Conduct an evaluation by qualified personnel after receiving signed consent from parent/guardian
- Schedule and convene an IEP meeting w/required IEP team members after receiving written consent form the parent/guardian

Comprehensive Evaluation Process - Developing the Assessment Plan

- In easily understood language
- In parent/guardian's primary language or communication mode used, unless doing so is not feasible
- Explain the types of assessments to be conducted
- State that no IEP will result from the assessment without parent consent

Types of Assessment

Health → Intellectual Development → Language/Speech Communication → Motor Development → Social-Emotional

Adaptive/Behavior → Post-Secondary Transition → Other: Team Determination → Alternative Means of Assessment

Comprehensive Evaluation Process

Procedural Safeguards
Overview of educational rights; identify procedural safeguards for parents/guardians of children w/disabilities 3 - 21

Assessment Planning Process

Comprehensive multidisciplinary report; see minimum required components of the assessment report

IEP Team Members
Each meeting to develop, review, or revise the IEP of a student with exceptional needs is conducted by an IEP team



Improving Outcomes for English Learners with Disabilities

Project funded by the CA Department of Education. For more information visit our website www.icoe.org/selpa/el-swd