



CURRENT GUIDELINES FOR PRESCHOOL EVALUATIONS

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INTRODUCTION:

The 2005 Hehir Report focused on NYCDOE's use of standardized test scores to identify disability as one of that Report's strongest criticisms of the NYCDOE special education system. Specifically, it found, "A review of more than 50 diagnostic reports of students with disabilities in NYC clearly shows that standardized tests are at the heart of the diagnostic process in NYC." (Hehir, 2005, p. 54). The recommendation in the Hehir Report was to increase accuracy in the diagnostic process, by moving away from a medical model to a social model that could account for sociocultural factors.

This social model approach to disability evaluations has been part of NYSED and NYCDOE policy, regulations, and guidelines for a long time. But, as Hehir found, the clinical practice continues to focus on standardized test scores to determine disability. This must change if NYCDOE is to increase the accuracy of disability determinations.

This memo sets forth the current standards for disability determinations which are consistent with a diagnostic process consistent with a social model. This is nothing new for New York State. In fact, a review of the in-depth guidance set forth in NYSED's 1990 guidelines shows NYSED's policies over 20 years to be consistent with Hehir's 2005 recommendation regarding appropriate evaluations. Yet, the current clinical practice in NYC is out of sync with the federal law, NYSED policy, and NYCDOE's own policies. The current over-reliance on standardized test scores to identify disability leads to bilingual, minority children and adolescents, and those from lower income families being over-identified as having a disability. It is time to shift the current clinical practice regarding the assessment of NYCDOE children.

WHAT THE NYCDOE CPSE SOPM CURRENTLY REQUIRES:

The *Standard Operating Procedures Manual for the Committees on Preschool Special Education June 2001 (CPSE SOPM)* sets forth the NYCDOE CPSE's procedures for everything having to do with preschoolers with disabilities including evaluations. This memo provides evaluators with the current NYCDOE standards for preschool evaluations of children from multicultural/multilingual backgrounds, including bilingual children.

The *CPSE SOPM* itself provides little guidance on the evaluation of bilingual or multicultural children. In fact, the only guidance is the following paragraph: "When assessing children and interviewing families from multicultural/multilingual backgrounds, social/cultural determinants may impact upon behavioral responses and reactions to learning

situations. In this regard, the child’s environment and cultural norms are of particular importance as part of the process to determine the need for a special education program and/or services. All available information about the student, from documented sources, must be reviewed and considered in comparison to age appropriate milestones of child development. No single source of information should be relied upon” (*CPSE SOPM*, 2001, p. 9).

IDENTIFYING CPSE EVALUATION PROTOCOLS AND GUIDELINES:

The *CPSE SOPM* refers evaluation sites to NYSED’s “*Guidelines for Services for Culturally and Linguistically Diverse Preschool Students with Disabilities*” (*NYSED Preschool Guidelines*, 1997). The *CPSE SOPM* states that the *NYSED Preschool Guidelines*, “[P]rovides evaluations sites with additional information that needs to be carefully reviewed prior to initiating the evaluation process (*CPSE SOPM*, 2001, p. 10). It also states, “Additional information regarding assessment criteria for culturally and linguistically diverse (CLD) preschool students may be found in the New York City DOE, Test Resource Guide Volume II” (*CPSE SOPM*, 2001, p. 14). The *NYCDOE Test Resource Guide Volume II (Test Resource Guide II)*, was published in 1998. There were various volumes focusing on different domains such as communication (Vol. V) and Cognition (Vol. VII) and the Preschool and Kindergarten Volume (II) and the overview volume (I).

FEDERAL and STATE LEGAL STANDARDS:

The federal law sets the minimum standard that the state and city must meet. “Assessment and intervention for CLD children must . . . be consistent with State and federal laws and regulations” (*NYSED Preschool Guidelines*, p. 2).

IDEA 2004 Congressional Findings Provide Framework for Interpretation:

The Congressional Findings that preface IDEA 2004 provide an important context for any discussion of evaluations and disability determinations for bilingual and minority children. Any evaluation standards, procedures, or guidelines must be read and interpreted in light of these findings, specifically:

- a) "Studies have documented apparent discrepancies in the levels of referral and placement of limited English proficient children in special education." 20 U.S.C. § 1400(c) (11) (B)
- b) "Such discrepancies pose a special challenge for special education in the referral of, assessment of, and provision of services for, our Nation's students from non-English language backgrounds." 20 U.S.C. § 1400(c) (11) (C)
- c) “Greater efforts are needed to prevent the intensification of problems connected with mislabeling and high dropout rates among minority children with disabilities.” . [20 U.S.C § 1400(c)(12)(A)]

- d) “More minority children continue to be served in special education than would be expected from the percentage of minority students in the general population. [20 U.S.C § 1400(c)(12)(B)].
- e) “Studies have found that schools with predominantly White students and teachers have placed disproportionately high numbers of their minority students into special education.” [20 U.S.C § 1400(c)(12)(E)]

Assessment materials must not be racially or culturally biased:

IDEA 2004 and NYS regulations specifically require that “Assessments and other evaluation materials used to assess a child . . . are selected and administered so as not to be *discriminatory on a racial or cultural basis.*” [20 U.S.C § 1414) (b) (3) (A)(emphasis added); NYS Part 200.4(b)(6)(i)]

Discrimination on a racial or cultural basis can occur in many ways when evaluating a child including:

- a) *Inadequate normative sample.* NYS guidelines provide that *standardized tests are valid only for those populations included in the standardization population of the test. Guidelines for Services to Students with Limited English Proficiency and Special Education Needs in NYS, NYSED. 1991, page 9, No 6* [nb. The NYSED 1990 Guidelines are specifically referred to in *NYSED Preschool Guidelines, p. 14.*]
- b) *Differences in language socialization practices.* IDEA requires that differences in language socialization practices be considered when determining eligibility for special education and assessments and other evaluation materials. Sec 300.304(c), Fed. Register, 71(158)(August 14, 2006).
- c) *Disability determinations based upon Limited English proficiency.* IDEA 2004 and the NYS regulations forbid the determination of a child as a child with a disability if the determinant factor for that determination is “[L]imited English proficiency.” [20 U.S.C § 1414(b) (5) (C); NYS Part 200.4(b) (6) (i)]

Assessment materials must be valid and reliable:

Federal and state regulations and law require that assessment materials must be valid and reliable. The examiner’s manuals for the currently available standardized and criterion referenced tests contain sufficient data to show that the results of these tests will not be valid for children and adolescents from bilingual, multicultural, or low SES homes.

- a) IDEA 2004 and NYS regulations require that assessments and evaluation materials only be used for purposes for which they are “valid and reliable” [20 U.S.C § 1414(b)(3)(A)(iii); NYS Part 200.4(b)(6)(i)].



b) NYSED states in the *Guidelines for Services to Students with Limited English Proficiency and Special Education Needs in NYS*, 1990, page 9 No 6: “If a test used to assess an LEP student is not valid for the student, informal assessment tools may be the best alternative.”

NYCDOE CPSE SPECIFIC EVALUATION GUIDELINES:

What follows are quotes from the two NYCDOE documents that the NYCDOE CPSE SOPM expressly refers evaluators to *Test Resource Guide II* and *NYSED Preschool Guidelines*. In addition quotes are provided from the introductory *Test Resource Guide I* where it specifically mentions preschoolers. These quote demonstrate that quality evaluations are currently part of NYCDOE standards.

General approach to evaluations of CLD students:

"Families from diverse cultures may expect certain skills to emerge at different ages and may provide different experiences and materials for their children. Typical parent-child interactions and the interactions of children with peers and adults other than their parents also differ significantly between cultural groups as well as within a given cultural group" (*NYSED Preschool Guidelines*, p. 7).

“To determine whether a CLD preschooler should be classified as a preschool student with a disability, his or her performance should be compared with the accepted milestones for child development within his or her cultural and linguistic group. Because so few instruments have been normed on CLD populations, evaluators will need to rely on other methods of evaluation such as transdisciplinary play-based assessment (Linder, 1993), task analyses (Howell, Fox & Moorehead, 1993), criterion-referenced tests (Tindal & Marston, 1990) and/or observations of the child in a variety of settings.” (*NYSED Preschool Guidelines*, p. 14).

Invalid test scores:

“Home, family, and environmental factors may preclude obtaining a valid score. If all children developed in identical environments, then development difficulties could be attributed to individual differences alone. But children do not have identical environments, so it is important to review each child’s abilities and apparent deficits in relation to the demands of settings in which he/she is currently functioning and which he/she is currently functioning and which he/she will encounter in the near future. Exceptionality is often defined in terms of the mismatch between the child’s functioning, environmental influences and demands, and the developmental or skill hierarchy used as a reference in assessment (Faust, 1970). Test users need to examine carefully the information about the normative sample and test development procedures to determine the extent of differences between that sample and the individual child for whom test scores are reported. See *Test Resource Guide, Vol. I* for a more, general discussion of test bias” (*Test Resource Guide II*, p. 6).

The use of age equivalent scores to determine functional level is prohibited:



"Age and grade equivalents are the least useful NRT [Norm Referenced Test] scores and are frequently misunderstood, even by professionals. They should not be used to report test performance. . . . They should NOT be used as summaries of a student's functional level" (*Test Resource Guide I*, p. 8 (emphasis in original)). This prohibition on the use of age equivalency scores means that the practice of calculating the 33% or 25% delay by comparing a preschooler's age equivalency score from a test to the child's chronological age is considered unsound and is prohibited by the NYCDOE's own *Test Resource Guide*.

The reporting of scores for translated tests is prohibited:

"Some adaptations of tests into other languages may permit the student's abilities to be determined. However, standardized tests that are translated cannot be interpreted in terms of their scores unless the translation has been normed and the cultural biases and linguistic distortions of the original have been eliminated Items that cannot be translated or are culturally biased should be discarded. Scores may not be reported from such test administrations." *Test Resource Guide*, Vol. I (1997), p. 7.

This is consistent with NYSED guidelines that state: "Scores obtained from tests translated, but not standardized, on the student's cultural group or translated by the examiner during the assessment processes may not be used as representative of the students' present performance. The information collected and reported should be of a descriptive nature" (NYSED 1990, pp. 8 and 9)

Nonverbal tasks are not immune from cultural and linguistic biases:

"In comparison to tests for school-aged, many preschool tests have fewer verbal questions. This should not blind the assessment professional to linguistic diversity and how the child's comprehension of instructions in English impacts on how he/she carries out the tasks. Translation, even if only of instructions, alters the normative nature of the test in an unknown way." *Test Resource Guide*, Vol. I (1997), p. 6.

Criterion-referenced tests also contain cultural and linguistic biases:

"Developmental milestones are not cross-cultural. Child functioning is influenced by the family's social and nonsocial environments; thus tests do not reveal only within-child information, but also familial and cultural effects (Dunst, 1986). Assessment professionals must interpret the observed performance of children with reference to both established norms and familial and cultural factors" (*Test Resource Guide, II* (1998), p. 2).

"Families from diverse cultures may expect certain skills to emerge at different ages and may provide different experiences and materials for their children. Typical parent-child interactions and the interactions of children with peers and adults other than their parents also differ significantly between cultural groups as well as within a given cultural group." *NYSED Guidelines*, p.7.

Assessment Tools and Strategies:

"Any timetable for development in early childhood must include an understanding of the normal variability in the age of acquisition of the skills being assessed (Lidz, 1977). Just as a point score on a scale is not completely descriptive of individual

functioning, a developmental milestone must not be regarded as a fixed point in time, but rather as descriptive of a period of time that may be weeks, months, or years" (*Test Resource Guide II*, p. 2).

"A distinguishing characteristic of preschool assessment is the emphasis given to judgment-based assessment, which is the collection and evaluation of perceptions of individuals who have contact with a young child across many settings. Measures and procedures developed to guide this process may lead to descriptive/qualitative or quantifiable results that show a high degree of congruence with traditional developmental assessment. Judgment-based assessment is also a valuable tool for examining behaviors and traits that are not easily assessed in formal testing" (*Test Resource Guide II*, p. 3-4 (citations omitted)).

"Use of developmental milestones has been accepted as a guideline for appropriate early assessment (Busch-Rossnagel, et al., 1983). However, the specification as to what constitutes normal development is far from precise. Empirical research demonstrates that a multitude of factors influence the achievement of a developmental milestone. These factors range from biological influences (e.g., nutritional status) to familial and cultural influences. They include factors that must be considered in interpreting test scores. Although not an exhaustive list, the following characteristics should be noted by test users in explaining test results: affects, attitudes, beliefs, interests, personal and social needs, temperament, mechanism of coping and defense, cognitive styles, and social values (Messick, 1984)" (*Test Resource Guide II*, p. 5).

Information about the child must be from a variety of sources and contexts:

"Proposed educational interventions based upon inferences derived from assessment procedures should be related to the experiential context of learning opportunities in the home, community, culture, and school of the child (Messick, 1984). The test user should be knowledgeable about the child's acculturation when determining whether to use test results quantitatively or qualitatively. For the latter, the child's family and cultural backgrounds, learning opportunities, primary language, and whatever other variables are relevant (i.e., familiarity with activities) need to be integrated with descriptive information on test performance" (*Test Resource Guide II*, p. 6; See also, *NYSED Preschool Guidelines*, p. 14-15).

Additional Support

In regard to the use of standardized test scores, NYSED practice guidelines for speech-language pathologists and audiologists (2009) specifically state that these professionals need the knowledge and ability sufficient to distinguish typical from disordered communication skills and includes but is not limited to:

"Assessment materials/tests/tools including:

1. appropriate use of available assessment tools so that those that fail to meet standards be used as informal probes, with no accompanying scores;
2. appropriate use of alternative approaches to assessment; and



3. awareness of cultural and linguistic biases in testing materials.”

SUMMARY:

Appropriate evaluation procedures, guidelines, and standards for preschoolers in NYC is set forth in a number of documents. Evaluations must at least meet the standard set by the federal law and state regulations on special education. The NYCDOE CPSE SOPM of 2001 provides some information on evaluation procedures and refers to other documents for guidelines and standards that must be followed. As a result, well-trained evaluators can rely on the information in these documents to provide quality evaluations to all students including bilingual and multicultural children and children from families with low SES.

NYSED (2009). Speech-Language pathologists and audiologists in a pluralistic society.

<http://www.op.nysed.gov/prof/slpa/speechguidepluralistic.htm>

NYCDOE CPSE SOPM (2001). <http://schools.nyc.gov/NR/rdonlyres/E8BD811F-1607-465A-850E-F82C04B5A6A8/59495/CPSESOPM2001FINAL4.pdf>

NYSED (1997). Guidelines for services for culturally and linguistically diverse preschoolers.

http://www.p12.nysed.gov/biling/docs/GuidelinesforCLDPreschoolStudents_March1997_1.pdf

NYSED (1990). Guidelines for Services to Students with LEP and Special Needs in New York State.

<http://www.p12.nysed.gov/biling/docs/GuidelinesforServices to Students with LEP and SpEd Needs in NYS 1990.pdf>

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