

APR 10 2003

BILL HONIG  
 SUPERINTENDENT OF PUBLIC INSTRUCTION  
 OF SCHOOL PSYCHOLOGISTS

LO: 1-92
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# LEGAL ADVISORY

DATE: September 10, 1992

CALIFORNIA STATE DEPARTMENT OF EDUCATION  
 721 Capitol Mall, Sacramento, CA 95814

CONTACT: Barry A. Zolotar  
 PHONE: 916-657-2453

TO : County and District Superintendents of Schools  
 (Attn: Directors of Special Education)  
 : Special Education Local Plan Area Administrators  
 : Special Education Administrators of County Offices  
 : Local Directors of Pupil Personnel Services  
 : State Directors of Special Schools and School  
 Superintendents

FROM : Office Of The General Counsel  
 Legal and Audits Branch

SUBJECT : ANALYSIS OF JUDGE PECKHAM'S AUGUST 31, 1992  
 DECISION IN LARRY P. v. RILES AND CRAWFORD v. HONIG

On August 31, 1992, the United States Federal District Court for the Northern District of California, Judge Robert F. Peckham, issued a Memorandum and Order concerning the 1986 stipulation and directive which expanded the scope of the original 1979 Order in Larry P. v. Riles. The 1986 stipulation has been vacated (i.e., rescinded) by the Judge.

However, the new Memorandum and Order has not altered the original 1979 Order. The court specifically ruled that the "vacation of the 1986 stipulation leaves the original Larry P. ruling standing." (Mem. & Order, p. 22:24-25.) **All media accounts to the contrary are inaccurate.**

The decision concerning the '86 stipulation was based upon procedural grounds, inasmuch as the court found that the interests of some African-American students and their parents were not adequately represented at the time it was affirmed by the court. The court made no ruling as to whether the prohibition of IQ testing of some African-American students is a violation of their constitutional right to equal protection of the law.

As you may recall, the Judge, in 1979, had concluded that IQ tests were racially and culturally biased, and were responsible for the disproportionate placement of African-

American students in "dead-end"<sup>1</sup> classes for the mentally retarded. Thus, he prohibited their use for placement in E.M.R. classes or their "substantial equivalent".

The court's new Memorandum and Order does not abandon its 1979 ruling in Larry P. Rather, it orders the California Department of Education (CDE) and the Larry P. plaintiffs to assist the court in defining the "substantial equivalent" of an E.M.R. class in the context of the State's current special education program. However, until the court develops a new formulation, the CDE and LEAs are still legally obligated to comply with the 1979 decision banning the use of IQ tests for "identification of black E.M.R. children or their placement into E.M.R. classes. . . . or a substantially equivalent category."

In the new Memorandum and Order, the court has described "dead-end" classes as those in which (a) students typically do not receive the regular curriculum and fall farther and farther behind students in regular classes, (b) fewer than 20% of students are returned to the regular classroom, and (c) African-Americans are disproportionately represented. (Mem. & Order, pp. 2-3.)

Stated in terms of the Court's criteria and concerns: it is the position of the CDE that, in order to comply with the 1979 Order, LEAs should administer alternative (non-IQ based) assessments to African-American students if, as a result of the assessment, the pupil could be enrolled in a program where (a) students typically do not receive the regular curriculum and fall farther and farther behind students in regular classes, (b) fewer than 20% of students in them are returned to the regular classroom, and (c) African-Americans are disproportionately represented.

It is the CDE's belief that these harmful consequences may exist in some special education programs for the mentally retarded (MR), seriously emotionally disturbed (SED), learning disabled (LD), and speech and language impaired (SL). For example, the CDE has conducted demographic and statistical studies which indicate that despite all of our efforts, it appears that very few racial and ethnic minority students assigned to resource specialist classes (classes comprised primarily by students assessed as MR, SED, LD or SL) are ever returned to the regular class. Unfortunately, the majority of these students may end up in special day

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<sup>1</sup> "Dead-end" is the court's metaphor for the original, currently non-existent, educably mentally retarded (E.M.R.) class. It is used in this advisory in its historical context.

classes and ultimately drop out of public education. Thus, it is the CDE's belief that in some situations African-American students--and other racial and ethnic minority students--found to have the above-noted disabilities, may continue to be placed disproportionately in programs which are the substantial equivalent to the Larry P. "dead-end" placement. To the extent such placements exist, they are educationally unsound and unconstitutional.

Until the Court defines the "substantially equivalent" of E.M.R.<sup>2</sup>, each LEA is advised to apply the above criteria in evaluating its own individual programs. It may not be useful to assume that the type of services or the nature of the disability is determinative of whether an LEA's programs are impacted by the 1979 IQ ban.

In terms of evaluating its own programs, we recommend that each LEA begin with a review of the diversity of enrollment in each program and within each disabling condition: does the LEA have a disproportionate enrollment in its special education programs?<sup>3</sup> If so, the LEA should then take a critical look at other factors such as: (a) instruction time in the core curriculum; (b) student progress as compared to students in the regular classroom; and (c) the likelihood of transfer back to the regular classroom.

More importantly, as many of you know, the CDE -- in the context of a strategic plan for educational reform -- is leading a broad educational effort to restructure the entire special education assessment process. Our aim is to eliminate the current diagnostic model which essentially determines what is physically, mentally, or emotionally wrong with a student who is not achieving well in school. It is anticipated that parents and educators, after all legally required public input has been considered, will support alternatives to the diagnostic model which have been referred to as "performance based," "portfolio," "dynamic," and "curriculum based" assessments.

These assessment methodologies are not dependent upon standardized, norm referenced tests. They will focus on many, if not all, aspects of how each child learns, their

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<sup>2</sup> In order to further clarify the current application of the '79 Order, the Judge has requested a hearing, in the near future, to determine the "contemporary meaning of 'substantially equivalent' language of the ['79 Order]." (Mem. & Order, p. 23:2-6.)

<sup>3</sup> The court, in Larry P., has used a one standard deviation "E" formula for determining whether disproportionate enrollment exists within a program.

unique approach to reading, writing, listening, and speaking; their home and school based achievements, abilities, developmental background, areas in which they do poorly and in which they do well; and, most critically, the educational contexts which are likely to help them overcome their learning problems.

If these assessment methodologies are approved after extensive field testing and public input, it should be commonly understood and accepted -- if not mandated by law -- that the new models will be effectively implemented without the need to administer standardized intelligence tests. Current law has never mandated the use of IQ tests, despite the fact that they have become a common component of the current diagnostic/medical model.

Given the CDE'S movement away from the diagnostic-medical model, it is also highly recommended that IQ tests not be utilized in special education assessments of other racial and ethnic minority students for these same reasons. Similarly, it is not advisable to administer IQ tests to African-American students and other racial and ethnic minority students who are being considered for the GATE program.

#### NOTICE

THE GUIDANCE AND LEGAL INTERPRETATIONS IN THIS LEGAL ADVISORY ARE NOT BINDING ON LOCAL EDUCATIONAL AGENCIES. EXCEPT FOR THE STATUTES, REGULATIONS AND COURT DECISIONS THAT ARE REFERENCED HEREIN, THIS LEGAL ADVISORY IS EXEMPLARY AND COMPLIANCE WITH IT IS NOT MANDATORY. (SEE EDUCATION CODE S 33308.5)

For further information regarding this Advisory, please contact Barry Zolotar in the Legal Office at the CDE at (916) 657-2453.

## MEMORANDUM

Date: August 20, 1997

To : Special Education Administrators of County Offices  
Special Education Local Plan Area Directors  
County and District Superintendents of Schools  
Attn: Special Education Directors

From :   
Leo Sandoval  
Assistant Superintendent of Public Instruction  
Director, Special Education Division

Subject : Clarification of the Use of Intelligence Tests with African-American Students for  
Special Education Assessment

Although the 1979 Larry P. v. Riles court order outlined a review process for the approval of standardized intelligence tests for special education assessment by the State Board of Education, this review process has never been identified. Due to growing concern and confusion regarding multicultural assessment issues that encompass the Larry P. v. Riles case, we have identified an advisory panel to develop standards, criteria, and a review and approval process for recommendation of acceptable tests to be used in assessing African-American students' eligibility for special education and related services. We hope that this effort will result in a review process and set of criteria that the State Board of Education will approve by December 1997.

Meanwhile, we are taking steps within the Special Education Division to clear up the confusion regarding implementation of the court rulings prohibiting the administration of standardized intelligence tests to African-American students for special education eligibility assessment. Districts have been found to be out of compliance on the Coordinated Compliance Review (CCR) for determining African-American students' eligibility for special education with assessment instruments not specifically prohibited as standardized intelligence tests by the Larry P. v. Riles court decision of 1979 or the Larry P. Task Force Report of 1989.

I am instructing consultants who will be conducting CCRs to limit non-compliance findings to those tests specifically listed as prohibited in the 1979 court decision or in the 1989 Task Force report. In addition, districts will be found out of compliance for using those tests that were "cautioned" in the Larry P. Task Force Report when the tests are used as standardized intelligence measures for the purpose of assessing African-American students' eligibility for special education. All of the tests

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referred to are listed on pages 87 and 89 of the Larry P. Task Force Report. (see attachment). No other list or test has been recognized by the Department of Education for the purpose of finding school districts out of compliance in testing African American students for special education.

Please keep in mind that no test measure of standardized intelligence or IQ should be used for the purpose of assessing African American students' eligibility for special education even if it does not appear on any of the lists provided in the attachment. In addition, the 1991, reauthorization of IDEA requires local educational agencies to ensure that tests and other evaluation materials used for all initial evaluations and reevaluations of special education eligibility are selected and administered so as not to be discriminatory on a racial or cultural basis" [Sec. 614 (b) (3) (A) (1)].

Should you have any questions, please contact Larry Boese at (916)323-0373 or [lboese@cde.ca.gov](mailto:lboese@cde.ca.gov).

cc: Gabriel Cortina

## **Attachment A - Part I**

### **Prohibited Tests for Black Assessments for Special Education**

The basic list of intelligence tests from Larry P. included (*Larry P. V. Riles*, 495 F. Supp. 926 (1979, p. 931):\*

- Arthur Point Scale
- Cattell Infant Intelligence Scale
- Columbia Mental Maturity Scale
- Draw-a-Person
- Gessell Developmental Schedule
- Goodenough-Harris Drawing Test
- Leiter International Performance Scale
- Merrill-Palmer Pre-School Performance Test
- Peabody Picture Vocabulary Test
- Raven Progressive Matrics
- Slosson Intelligence Test
- Stanford-Binet
- Van Alstyne Picture Vocabulary
- WISC, WISC-R, WAIS, WPPSI

\*This list was entered as evidence in the Larry P. case from an APA listing and from CAC Title 5 regulations in effect at that time.

## **Attachment A - Part II**

### **Additional Standardized Intelligence Measures**

The Larry P. Settlement (1986) prohibits the use of IQ tests with Black pupils for special education purposes. IQ tests are construed to mean any test which purports to be or is understood to be a standardized test of intelligence. Additional tests recommended as subject to the Larry P. prohibition would therefore, include but not be limited to the following:

- Cognitive Abilities Test
- Expressive One-Word Picture Vocabulary Test
- K-ABC Mental Processing Subtests
- McCarthy Scales of Children's Abilities
- Structure of Intellect Learning Aptitude Test
- Tests of Non-Verbal Intelligence
- Tests of Cognitive Ability from the Woodcock-Johnson  
(including the cognitive section of the Bateria  
Woodcock Psico-Educativa en Espanol)
- Cognitive Subtest of the Battelle Developmental Inventories

## **Attachment A - Part III**

### **Additional Tests Which Might Be Regarded as IQ Tests**

School assessment personnel are cautioned regarding the use of other tests which may be controversial in the multidisciplinary assessment of Black pupils. Such tests include but are not limited to the following:

- Detroit Tests of Learning Aptitude
- Detroit Tests of Learning Aptitude--2, abd Primary
- Peabody Picture Vocabulary Test--Revised
- Test de Vocabulario en Imágenes Peabody

Criteria identical to those also cited by CASP were used to determine the appropriateness of these tests. See the Appendix for Task Force test reviews for the rationales in making these recommendations.

# Conceptual Strategies

- Developmental Assessment
- Dynamic Assessment
- Ecological Assessment
- Information Processing
- Neuropsychological Assessment
- Psychological Processing
- Skills With Subjects

## Developmental Assessment

*Note: Strategies described below require specialized training.*

**DESCRIPTION:** Development Assessment conceives of intelligence as a form of biological organization and adaptation between the individual and the environment. The individual is constantly interacting with the environment, trying to maintain a fit between his or her own needs and the demands that the environment makes. According to Piaget, four basic factors influence cognition changes and growth: maturation, experience with the physical environment, social experience, and equilibration. Equilibration is seen as the basic cause of intellectual development and can be viewed as a form of adaptive self-regulation. Equilibration is maintained through the interaction of two equally important components: assimilation and accommodation. Through assimilation an individual interprets the environment (incoming information) in terms of his or her existing cognitive structures. Through accommodation an individual changes his or her cognitive structure to fit incoming information. Thus, the process of cognitive development is neither a direct function of biological development nor a direct function of learning; rather change represents a reorganization of psychological structures resulting from organism-environmental interactions.

**PURPOSE/USES:** To determine developmental levels of the pupil, it is first necessary to determine the cognitive structure that is present which allows the child to engage in particular behavior or set of behaviors. Cognitive structure is scored according to the following criteria.

1. The concept is just beginning to emerge at a given level of development.
2. The concept is in the early stages of development where cues and prompts are still required in order to elicit a desired behavior.
3. The concept is fairly well generalized and therefore functional in routine daily living.

One should also be aware of those concepts which have become so much a part of the mental processes and so automatic that they are beginning to be combined with other generalized concepts into more complex forms of behavior and therefore are ready to emerge into a higher level of development. Utilization of this approach implies a direct link between readiness level and curriculum, and lead directly to appropriate classroom interventions. Emerging concepts and those concepts requiring cues and prompts are considered to be the instructional level.

**CAUTIONS:** The assessor must have a thorough understanding of Piagetian developmental theory and receive training in developmental testing procedures. The assessor must have the ability to assess a pupil's range and quality of functional using emerging as well as fully developed and functional skills.

**ASSESSMENT AREAS:** Stages of development in terms of:

- Methods of problem-solving including the ordering process
- Classification processes
- Linguistic and intellectual processes requiring reason, logic, and recognition of cause/effect.

**REPORTING OF RESULTS:** Individual developmental profile reflecting the quantity of demonstrated concepts—bands of functioning show skills at the mastery level, at the mid level, and at the emerging level.

**ASSESSOR TRAINING:** Thorough understanding of Piagetian concept development.

**EXAMPLES OF ASSESSMENT TOOLS:** In congruence with Adaptive Behavior, Health and Development, Background Information: Southern California Ordinal Scales of Development cognition.

**RESOURCES:** Foreworks Publishing

## Dynamic Assessment

**DESCRIPTION:** In dynamic assessment, the examiner actively interacts with the examinee, using tests as tools to determine the nature of the input, elaboration and output cognitive functions of the child, to locate deficient cognitive functions within those realms, to attempt to "mediate" or see if those functions can be improved, and then to observe the transfer of learning throughout the assessment. This process differs deliberately and significantly from standard testing. The goals, rather than creating age or grade norms for classification or comparison, are to determine the child's efficient and deficient cognitive functions, to identify the type and quantity of interventions necessary to enhance functioning, and describe the peaks and valleys in the student's processing of information. The method, rather than standardized nonintervention during testing, includes teaching, intervention, or mediation during the test process. The situation, rather than to test in relative isolation, is to test in a "normal setting" with people present, including the parent and/or teacher. The role of the assessor becomes a collaborator with the student, attempting to help the child *learn to learn* new information with success, in contrast to the somewhat impersonal traditional role in which failure represents a point of discontinuation of testing, rather than a point of departure.

**PURPOSES/USES:** Dynamic assessment can provide a differential assessment for students of apparent low functioning ability, often discriminating between cultural difference and cognitive disability. It is especially useful in consultation with either educators or parents who are prepared to intervene in an individualized manner, and perhaps modify the student's ability to benefit from instruction. Where inadequate data is available from traditional sources, this process is invaluable.

**CAUTIONS:** Dynamic assessment is deliberately not a standardized procedure. Thus it should not be used to label or classify children.

**ASSESSMENT AREAS:** Dynamic Assessment in general will be concerned with areas of cognitive functioning, learning style, modifiability of learning dynamics and appropriate interventions. If the Learning Potential Assessment Device (LPAD) is the dynamic assessment employed, then the assessment areas will cover specific characteristics of mediation (i.e., intentionality, regulation of behavior, feeling of competence) useful with that individual, a list of cognitive functions which the individual is using efficiently or inefficiently within the realm of input, elaboration and output in the mental act, what modalities or languages are the preferred or more efficient, and how open to modification the individual is at this time, with specific suggestions regarding the most salient areas in which to begin intervention.

**REPORTING OF RESULTS:** Results are usually reported in a narrative form, although sometimes a learning curve may be presented to illustrate the process observed during dynamic assessment and its transfer. This narrative should integrate behavioral observations as well as ecological data which might support the examiner's findings. If the examiner has used the LPAD in their dynamic assessment, the report should allude to the following dimensions of cognition: (1) content, 2) modality or language, 3) phase, 4) cognitive operations, 5) level of complexity, 6) level of abstraction, and 7) level of efficiency. Content is the core of information around which the mental act is centered. A

person's competence with specific content is directly related to familiarity with it through experience, culture and education. The modality or language in which the mental act is expressed may be verbal, pictorial, numerical, figural, symbolic, graphic or a combination. A person may be able to elaborate concepts in one or more modalities better than in others (or in some not at all). The phase of the mental act refers to the learner's involvement in input, elaboration or output of information. Although the three are interrelated, varying emphases may be needed on any one phase during a particular mental act. Each mental act also requires specific cognitive operations; for example, identification, comparison, analogical thinking, transitive thinking and syllogism. The level of complexity involved in a particular mental act refers to the number of units of information upon which it centers, in conjunction with the degree of novelty or familiarity of the information to the subject. The level of abstraction is the conceptual or cognitive distance between a given mental act and the object or event upon which it operates. Finally, the level of efficiency with which a mental act is performed refers to the rapidity and precision with which it is performed, and by the subjective amount of effort invested to perform it. The level of efficiency is a function of both the degree of crystallization of the mental act and the recency of its acquisition.

**ASSESSOR TRAINING:** Dynamic assessment requires a clear understanding of cognitive psychology, learning theories, learning style differences and cultural differences. Use of the LPAD requires specific training.

**EXAMPLES OF ASSESSMENT TOOLS:** Theoretically, any test or work sample could serve well as a tool, although it must lend itself to dynamic interaction. In LPAD, fifteen instruments have been specially constructed to meet particular requirements of this type of assessment. Since they must permit access to the various components of the individual's cognitive structure, they contain varying levels of complexity, abstraction, efficiency, content, modality and operation. They also present the examinee with novel tasks which are not likely to be rejected due to prior association with failure. Finally, the tools provide a format in which the examiner may see if transfer of new learning is taking place, and with what amount of ease and facility.

#### RESOURCES:

- California Association of School Psychologists (1986). *Alternative assessment task force report*; Millbrae, CA: California of School Psychology.
- Feuerstein, R. (1979). *The dynamic assessment of retarded performers*. Baltimore: University Park Press.
- Litz, C. (Ed.) (in press). *Dynamic assessment: Foundations and fundamentals*. New York: Guilford Press.

## Ecological Assessment

**DESCRIPTION:** In ecological assessment, the focus of the assessor shifts from the child to the environment or child-in-environment. In the process, equal attention is given to both child and environment, and questions or hypotheses are posed in terms of "fit" "match" and "relationships," rather than child-owned deficits. Furthermore, the child-at-home and the child-in-community are valued equally with the child-at-school. As such, the child's culture is viewed as inseparable from the child and "match" of child's culture and school culture is of highest priority. The goal is to identify points of discord or clash, and enable those key adults in the child's ecosystem to intervene or to work toward harmony among the elements of the system (rather than to cure or fix the child). The difference between ecological assessment and traditional non-test based procedures lies in the philosophical orientation of the assessor rather than the techniques he/she uses.

**CAUTION:** The assessor must be thoroughly grounded in ecological psychology (or ecosystems theory) and in the knowledge and respect for the child's culture. Furthermore, the assessor must be able to evaluate relationships and the impact of relationships on the child-in-school.

**ASSESSMENT AREAS:** The premise is to carry out the least restrictive assessment. The assessment process could stop at any of the following steps if the issues are resolved. The process involves the following:

1. Analyzing of environmental factors, e.g., teaching style, etc.
2. Observing the child in a variety of settings and with a variety of people.
3. Carrying out informal assessment.
4. Carrying out formal assessment.
5. Placement to meet special needs.
6. Evaluation of placement.

**REPORTING OF RESULTS:** The least restrictive assessment process involves both formal and informal measures.

**ASSESSOR TRAINING:** To be effective the assessor must be highly trained. Assessors must understand systems theory and be able to apply these principles to general and special education. Assessors must be knowledgeable about the range of environmental conditions that can lead to an individual appearing as if handicapped.

**EXAMPLES OF ASSESSMENT TOOLS:** Ecological assessment makes use of a broad range of tools and techniques within the ecosystem's frame of reference that defines it.

## Information Processing

**DESCRIPTION:** In simplified terms, Swanson (1987) described the conceptualization of Information Processing approach to understanding intelligence as a study of how sensory input is transformed, reduced, elaborated, sorted, retrieved, and used. Three general components depicting how each of these processes plays a part in the flow of information are (1) a constraint or structural component, which defines the parameters within which information can be processed at a particular stage (e.g., sensory storage, short-term memory, long-term memory); (2) a control or strategy component, which describes the operations of the various stages; and (3) an executive process, by which learners' activities (e.g., strategies) are overseen and monitored. In addition, to these components the flow of information is also conceptualized as occurring in a sequence of stages, and each stage operates on and transforms the information for succeeding stages. Thus, at a global level, Information Processing theories consists of stages and components. )

**PURPOSE/USE:** This approach provides a means for theorizing about cognitive functioning through attempts to better understand how individuals input, process and output information, rather than simply examining what is output. By studying the stages and components which underlie thinking processes, rather than simply studying the products, it is the hope that we can determine how accurately and efficiently these processes are performed; thus, allowing for interventions.

**CAUTIONS:** This approach can provide psychologists a framework for examining students' thinking abilities, and there is a great deal of work in progress exploring its fit with understanding various academic skill development. Currently, however, it has not clearly defined assessment procedures and comprehensive intervention strategies for direct application within the complex sociopolitical realities of school systems. This is especially true for utilization in special education decision-making.

**ASSESSMENT AREAS:** Central concerns are how responses are arrived at rather than what the responses are: therefore, areas of assessment are those components that "directs" how information is processed, and those various stages where information is actually processed. While individual differences exist, some stages, according to Kolligian and Sternberg (1987) are: Encoding, Inference, Mapping, Comparison and Response.

**REPORTING OF RESULTS:** Results would include descriptions of the mental processes (i.e. components and stages) that an individual has employed, and the extent to which they have been used accurately and efficiently to process information presented.

**ASSESSOR TRAINING:** The assessor must have a thorough knowledge of cognitive psychology in general, and theories of information processing in particular. "Testing" can be directed at any skill, but the specific procedure is based on a clear conceptual understanding of this approach.

**EXAMPLES OF ASSESSMENT TOOLS:** In the process of development.

**RESOURCES:**

Furlong, M. et al. (1988). Alternative assessment committee report: Information processing. *CASP Today*.

Kolligian, J. Jr. & R. J. Sternberg. (1987). Intelligence, information processing, and specific learning disabilities: A triarchic synthesis. *Journal of Learning Disability*. 20 (1), 8-17.

Swanson, H. L. (1987). Information processing theory and learning disabilities: An overview. *Journal of Learning Disability* 20 (1), 3-7.

(The entire Volume 20, Number 1 issue (1987). of *Journal of Learning Disability* was devoted to this topic.

## Neuropsychological Assessment

**DESCRIPTION:** Neuropsychology is the study of brain-behavior relationships (e.g., the assessment and evaluation of behavior which is strongly influenced by brain functioning/dysfunctioning). Neuropsychology is also a conceptual model for understanding brain functioning in connection with the maturation of the nervous system and the corresponding systems that underlie psychological evaluation (i.e., the development of language, cognition, perception, and motor skills).

**PURPOSES/USES:** Clinical neuropsychology is the "application of our understanding of brain-behavior relationships to clinical problems" (Horton, Wedding and Phay, brain-behavior relationships." Behavioral neurology is concerned with the clinical applications of scientific knowledge, utilizing a qualitative, intuitive quantitative in its approach. Clinical neuropsychology is more psychometric and quantitative in its approach. Clinical neuropsychology is useful in discriminating between situations when a teacher compensatory strategies to overcome neuropsychological deficits.

**CAUTIONS:** The assessor must have a thorough understanding of child development and the development of the neuropsychological system. This is especially important in determining whether skill deficits are within the normal range or should be viewed as significant. One must also be familiar with the neuropsychological indicators of various congenital conditions and long term injuries to the brain's integrity.

**ASSESSMENT AREAS:** Areas assessed will vary according to the age of the child, the questions being raised regarding the child's functioning or possible deficits, and the neurological techniques or system being used by the examiner.

**REPORTING OF RESULTS:** Reports should include information regarding the child's general health history and any significant disease or injury history. They should also

include data regarding the child's overall functioning level as well as areas of skill and deficit. If a system of evaluation is utilized, an individual profile of functioning in various areas may be provided.

**ASSESSOR TRAINING:** Thorough understanding of child development, neurodevelopmental stages, and the effect of congenital or acquired disease or injury to the neurodevelopmental system.

**EXAMPLES OF ASSESSMENT TOOLS:** Luria-Nebraska Neuropsychological Battery; Children's Revision; Halstead Reitan Neuropsychological Battery for children; Kaufman Assessment Battery for Children; complex Figure Test (Rey-Osterrieth); Benton Neuropsychological Tests (15).

#### RESOURCES:

Benton, A.L., Hamsher, K., Varney, N.R., and Spreen, O. (1983). *Contributions to neuropsychological assessment: A clinical manual*. New York: Oxford University Press.

Golden, C.J., Moses, J.A., Coffman, J.A., Miller, W.R., Strider, F.D. (1983). *Clinical neuropsychological: Interface with neurologic and psychiatric disorders*. New York: Grune and Stratton.

Horton, A.M., Wedding, D., and Phay, A. (1981). Current perspectives on assessment of a therapy for brain-injured individuals. In C.J. Golden, S.E. Alcaparras, F. Stedes and B. Graber (eds) *Applied technique in behavioral medicine*. New York: Grune and Stratton.

Hynd, G.W. and Obrzut, J.E. (eds) (1981). *Neuropsychological assessment and the school-age child*. New York: Grune and Stratton.

Lazarus, P.J. and Strichart, S.S. (eds) (1986). *Psychoeducational evaluation of children and adolescents with low-incidence handicaps*. New York: Grune and Stratton.

Lezak, M. (1974). *Neuropsychology: Current status and applications*. New York: John Wiley and Sons.

Reitan, R.M. and Davidson, L.A. (eds) (1974). *Neuropsychology: Current status and applications*. New York: John Wiley and Sons.

Rourke, B.P., Bakker, D.J., Fisk, J.L. and Strang, J.D. (1983). *Child neuropsychology: An introduction to theory, research, and clinical practice*. New York: The Guilford Press.

## Psychological Processing

**DESCRIPTION:** Psychological Processing Assessment uses an analysis of the basic processing areas. It presupposes that the constructs of psychological processes, as specified in PI 94-142, underlie cognitive ability. These processes include association, conceptualization, expression, attention, visual-processing, sensory-motor processing.

Psychological Processes can be defined as follows:

COGNITIVE AREAS	SKILLS RELATED TO ASSESSMENT TASKS
Association	The ability to see similarities, correspondence among stimuli. The ability to memorize and learn by rote.
Conceptualization	The ability to see basic similarities and differences to draw conclusions, to make inferences, to classify, categorize, summarize.
Expression	The ability to communicate ideas through language such as writing, gesturing and speaking.
Attention	The ability to recognize and interpret visual stimuli involving: Perception (discrimination, closure), memory, sequencing, integration.
Visual-Processing	The ability to recognize and interpret visual stimuli involving auditory stimuli involving: Perception (discrimination, closure), memory, sequencing, integration.
Auditory-Processing	The ability to recognize and interpret visual stimuli involving auditory stimuli involving: Perception (discrimination, closure), memory, sequencing, integration, blending.
Sensory-Motor Processing	The ability to combine input of sensory information (auditory, visual, tactile with output of motor activity.)

**PURPOSE/USES:** To assess the development of cognitive functioning as related to specific skills in psychological processing. May be used to determine strengths or deficits in specific processes within an individual.

- (1) To assess strengths and weaknesses
  - a. Within the individual
  - b. Comparison of peers of similar and different experiential background.
- (2) To develop instructional strategies
  - a. To teach through strengths
  - b. To remediate weakness
- (3) To establish discrepancy between ability and achievement.
- (4) To establish deficits in psychological processing as required by PL 94-142, and Title 5 regulations.

**CAUTIONS:**

- (1) Assessment results must not be reconstituted into or considered an IQ test.
- (2) Cognitive level must be established by use of more than one instrument or method.
- (3) Cross validation by other instruments is necessary to establish deficits.

**ASSESSMENT AREAS:**

Association	Visual-Processing
Conceptualization	Auditory-Processing
Expression	Sensory-Motor Processing
Attention	

**ASSESSMENT METHODS:**

Structured Observation	Adaptive Behavior Scales
Parent/Teacher Interview	Specific Standardized Instruments
Work Samples	Norm/Criterion Referenced Instruments

**REPORTING OF RESULTS:**

(1) Functional description	(5) Age levels
(2) Descriptive ranges	(6) Percentiles
(3) Instructional ranges	(7) Stanines
(4) Frequency count	(8) Standard scores

**ASSESSOR TRAINING:**

Training in utilizing and interpreting data generated by each assessment method—School Psychologists

**EXAMPLES OF ASSESSMENT TOOLS**

Structures Observation	Adaptive Behavior Scales
Parent/Teacher Interview	Specific Standardized Instruments
Work Samples	

**RESOURCES:**

Los Angeles Unified School District—Psychological Services, Assessment Specialist

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## Skills Within Subjects

**DESCRIPTION:** Skills with subjects deals with a pattern analysis of diagnostic assessment in various academic areas with an initial hypothesis of normal cognitive functioning and assessment focused upon proving that hypothesis. A basic assumption is that if a pupil achieves at or close to grade level, normal cognition is inferred unless proven otherwise.

**PURPOSE/USES:** To determine functioning levels in school-related tasks, diagnostic assessment pinpoints strengths, weaknesses and specific roadblocks to learning. Subsumed in such assessment is attention to how a pupil processes/handles/cope with various learning tasks.

**CAUTIONS:**

- (1) Care must be taken not to reconstitute the IQ test.
- (2) Care must be taken that one or two splinter skills not be assumed to measure cognition.
- (3) Care must be taken to utilize comprehensive measures (i.e., WRAT-R reading is recognition only).

**ASSESSMENT AREAS (CAC Title 5/3030j):**

- (1) Listening
- (2) Thinking
- (3) Speaking
- (4) Writing
- (6) Spelling
- (7) Mathematical Calculations

**REPORTING OF RESULTS:** Profile of learning skills in grade equivalents, age equivalents, percentiles, and/or standard scores.

**ASSESSOR TRAINING:** Competency in depth pattern analysis—school psychologist level.

**EXAMPLES OF TOOLS:**

- Bracken Test of Concept Development
- Sentence/story repetition
- Language sample and/or clinical interview
- Gray/Gilmore/Spache
- Work samples
- Wide Range Achievement-R
- Key Math-R
- K-TEA

**RESOURCES:** Test publishers

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## **Selections of Instrument**

- Prohibited Tests
- Additional Standardized Intelligence Measures
- Considerations in Test Selection and Interpretation
- Identifying Bias in Testing Assessment

## Considerations in Test Selection and Interpretation

1. In making a determination of whether a test falls under the IQ test ban for Black pupils one should consider:
  - a. Is the test standardized and does it purport to measure intelligence (cognition, mental ability or aptitude)?
  - b. Are the test results reported in the form of IQ or mental age?
  - c. Does evidence of the (construct) validity of the test rely on correlations with IQ tests?

An affirmative answer to any of the above indicates that use of the test may fall within the ban.

2. When testing Black pupils for special education purposes, it is not acceptable practice to use selected subtests of IQ tests.
3. The use of general population norms for minority pupils seriously compromises the ability of the assessment team to make valid interpretations, even if minorities have been sampled in representative proportions in the standardization.
4. Translated tests should not be construed as imparting validity to the results and should be used with great caution. If used, translations should preferably be written. On the spot translation severely compromises reliability. Regional dialect and cultural appropriateness of items must be considered when interpreting test responses.
5. The use of minority group and local norms provides a substantial improvement in the application of psychological tests.
6. Tests which have been constructed (reconstructed) and standardized on local minority groups with separate norms provided would be considered valid if the other psychometric standards have been met.
7. Primary reliance on tests designed for group administration in individual assessment detracts from the purpose of individual assessment.
8. The use of group tests for large group screenings would probably contribute to the over identification of minorities in special education.
9. The use of readiness tests for decisions regarding retention is not supported by the research literature.

10. Misidentification of language minority students as learning disabled often occurs because of misinterpretation of verbal ability and process test profiles as demonstrating a process deficit.
11. It is inappropriate to use achievement levels to demonstrate a severe discrepancy between ability and achievement when a pupil had not had the same school/language experience as the comparison age/grade group.

## Identifying Bias in Testing Assessment

1. From the list below, select a behavioral area in which you conduct assessment.
2. In the space beside your selected assessment area, write the name of a test you typically use, might use, or have used in the past.

ASSESSMENT AREA	TEST USED
Basic skills (reading, math, etc.)	_____
Language	_____
Social/emotional	_____
Career/vocational	_____
Adaptive behavior	_____
Sensory-motor	_____
Cognitive	_____
Other:	_____

3. With this test in mind, respond to the following questions:

	YES	NO	N/A*	D/K*
3.1 Do you know what the test author states as the specific purpose for which the test was designed? Has the test been validated for this purpose?				
3.2 Are reliability and validity measures within acceptable limits?				
3.3 Are any limitations of the test described in the manual?				
3.4 Do you know the specific information about the group on whom the test was standardized (socio-cultural groups, sex, age, etc.)?				
3.5 Do you always compare the characteristics of the pupil to be tested to those of the persons in the standardization sample?				

	YES	NO	N/A*	D/K*
3.6 Does the test manual, or research literature, report any differences in test performance across cultural groups?				
3.7 Do the test items take into account differences in values and/or adaptive behavior?				
3.8 Does this test use vocabulary that is regional, colloquial, or archaic?				
3.9 Does the test rely heavily on receptive and expressive English language ability to measure abilities <i>other than</i> language?				
3.10 Is an equivalent form of the test available in another language?				
3.11 Do you conduct assessments in the pupil's primary language or other mode of communication?				
3.12 Do you keep in mind, during the testing, that some pupils may have difficulty understanding your grammar/pronunciation or may find certain of your speech sounds difficult to understand?				
3.13 Do you consider what the test demands of (or assumes about) the pupil in terms of: <ul style="list-style-type: none"> <li>• reading level of questions or directions;</li> <li>• speed of response;</li> <li>• style of problem-solving;</li> <li>• test-taking" behavior?</li> </ul>				
3.14 Would pupils with specific physical or sensory handicapping conditions be penalized by this test, or on certain items?				
3.15 Can the information obtained from this test be readily applied to planning instructional interventions?				
3.16 Do you feel that you are well experienced in the administration of this test?				

\*N/A = Not Applicable D/K = Don't know