

## Revisiting Larry P. v. Riles – A CASP Convention 2006 Report

Presented by Holly Evans-Pongratz and Bernard Yaklin of the California Department of Education  
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*Editor's note: CASP continues to receive calls from school psychologists who have questions regarding the testing of African-American students for Special Education purposes. At CASP Convention 2006, Holly Evans-Pongratz and Bernard Yaklin of the Special Education Division of the state Department of Education presented the Department's interpretation of current law on the matter. This is a summary of the presentation made at the Convention. The hand-out that was included with the presentation may be found at [www.casponline.org](http://www.casponline.org); click on FAQs or What's New on the left-hand side of the home page, scroll down to Assessing African-American Students and click on California Department of Education Larry P. Handouts.*

In addition to an excellent presentation that incorporated Disproportionality and Larry P., speakers Holly Evans-Pongratz and Bernard Yaklin included a handout that will be a valuable resource. It included a copy of the CDE Legal Advisory from Bill Honig, Superintendent of Public Instruction, dated 9/10/92, on the subject, "Analysis of Judge Peckham's August 31, 1992 decision in Larry P. v. Riles and Crawford V. Honig," in addition to the 8/20/97 Memorandum from Leo Sandoval, Assistant Superintendent of Public Instruction, on the subject, "Clarification of the Use of Intelligence Tests with African-American Students for Special Education Assessment." There were three attachments to those documents that are outlined here:

Attachment A – Part I: Prohibited Tests for African American 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	Leiter International Performance Scale	Stanford-Binet
Cattell Infant Intelligence Scale	Merrill-Palmer Pre-School Performance Test	Van Alstyne Picture Vocabulary
Columbia mental Maturity Scale	Peabody Picture Vocabulary Test	WISC, WISC-R, WAIS, WPPSI
Draw-A-Person	Raven Progressive Matrices	
Gessell Developmental Schedule	Slosson Intelligence Test	

Attachment A – Part II: Additional Standardized Intelligence Measures: -- The Larry P. Settlement (1986) prohibits the use of IQ tests with African American students 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	Structure of Intellect Learning Aptitude Test
Expressive One-Word Vocabulary Test	Tests of Non-Verbal Intelligence
K-ABC Mental Processing Subtests	Tests of Cognitive Ability from the Woodcock-Johnson (including cognitive section of the Bateria)
McCarthy Scales of Children's Abilities	Cognitive Subtest for the Battelle Developmental Inventories

Attachment A – Part III: Additional Tests Which Might be Regarded as IQ Tests:

Detroit Tests of Learning Aptitude	Peabody Picture Vocabulary – Revised
Detroit Tests of Learning Aptitude – 2, and Primary Test of Vocabulario en Imagnes Peabody	

The materials also included conceptual strategies to use for evaluation, such as Development Assessment, Dynamic Assessment, Ecological Assessment, Information Processing, Neuropsychological Assessment, Psychological Processing, and Skills with Subjects with descriptions of each type of assessment, purpose/ use, cautions, the assessment areas and methods, reporting of results, assessor training, examples of assessment tools and resources.

Considerable time was available to discuss a limited sample of other tests that are acceptable. Below are listed some of the tests:

BADS	Behavioral Assessment of Dysexecutive Syndrome	RAVLT	Rey Auditory Verbal Learning Test
BTA	Brief Test of Attention (Ages 17 – 82)	TPT	Tactile Performance Test
CAS	Cognitive Assessment System	TVPS	Test of Visual Perception Skills
CFT	Rey-Osterrieth Complex Figure Test	WCST	Wisconsin Card Sort Test
CMS	Children's Memory Scales	WMS	Wechsler Memory Scale
CPT	Continuous Performance Test	WRAML-2	Wide Range of Assessment of Memory and Learning
CVLT	CA Verbal Learning Test (included in the D-Kefs)		Sentence Repetition
D-Kefs	Delis-Kaplan Executive Function System (Ages 8 – 89)	Stroop Test	
NEPSY	A Developmental Neuropsychological Assessment		

The discussion period was excellent. Here are a few items that were included:

- There was a discussion about a legal pleading in Temecula, CA, regarding the use of the Matrix Analogies Test (MAT). The publisher listed this test under the category of "Intelligence Tests." The decision is pending.
- An IQ test may not be administered, regardless if the parent has specifically requested one, if the school records indicate the student's primary ethnicity is African-American.

Evans-Pongratz and Yaklin included a grid to help make decisions about how to approach an assessment. Below is the grid from their handout:

### Considerations in Test Selection and Interpretation

In making a determination of whether a test falls under the IQ test ban for African-American 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.*

!. When testing African-American pupils for special education purposes, it is not acceptable practice to use selected subtests of IQ tests.

### 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 stated 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 ranges?				
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 characteristics of the pupil to be tested to those of the persons in the standardization sample?				
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: Reading level or questions or directions                      Style of problem-solving Speed of response    Test-taking behavior				
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