Assessment & Intervention of School Based Challenges

Introduction:

Assessing the needs of students with significant challenges in schools has involved individualized testing of student-focused factors, resulting in the reporting of results that reflect a snapshot in time. For most American schools, this has been the case since 1975, when Public Law 94-142 was passed (Education of All Handicapped Children Act; known as IDEA - Individuals with Disabilities Education Act).

In the model of comprehensive evaluations used after the adoption of Public Law 94-142, school assessment professionals collected data about students struggling in school, often heavily emphasizing the use of nationally normed standardized tests. Evaluations, although defined as comprehensive, were focused primarily on suspected challenges or weaknesses within the student. Evaluation results often pointed to the student as the primary source or cause for challenging circumstances, resulting in a special education classification for those who met criteria for one of the disability categories.

For some the process of referral, evaluation, and placement has been referred to as labeling. A significant weakness of the referral, evaluation and placement process is that it assumed that any academic difficulty or behaviors of concern originated with the student or learner. Important environmental or social factors that contributed to concerns were minimized or excluded from understanding factors that impacted a student.

While a true disability is always one possible reason for evaluation results showing low ability, achievement concerns, or social struggles, the evaluated student’s external experiences and cultural characteristics may highly influence evaluation conclusions as well. Failure to consider the culture and ecology of the student can be a factor contributing to the over identification of American Indian and African students in special education programs and their involvement in high rates of suspension and expulsion.

Assessment teams should consider the broader context of the environment of the child, rather than using a limited focus on a suspected problem with the child. In contemporary approaches evaluators adopt a comprehensive assessment lens. Assessment must be part of a continuum of services where preventative practices are in place, and evidence-informed interventions are used to remediate concerns. With this broader approach in mind, comprehensive evaluations should seldom be the first point of entry for developing strategies to address a concern about a student.
Reducing disproportionate placement of American Indian and African American students and confronting any issues of bias in assessment must emphasize prevention, evaluation of system-wide variables such as school climate, and improved understanding and integration of student cultural variables within the decision-making process about the needs of students.

Consider the following assessment example:

Michael is an African American student in the 3rd grade at a school that incorporates Multi-tiered practices into every day practice. While in kindergarten, Michael’s teachers recognized he had difficulty with verbal communication and early literacy skills. He appeared to be well behind his peers in those areas.

As Michael’s kindergarten year progressed, he began to demonstrate problems communicating his needs and with social relationships. He had episodes of verbal frustration and an increase in off-task behavior (out of seat attempts to socialize with his peers). Michael’s school collected curriculum-based benchmark data and ultimately recommended him for a small group literacy intervention due to data that suggested he was frustrated with reading.

Michael made some progress as far as reduction of behavioral concerns as there was greater understanding of his needs. He responded well to some of the interventions he received, but still showed significant reading delays by the time he reached 3rd grade, despite the application of focused interventions.

Michael’s school conducted extensive benchmarking of all students. His progress was monitored and combined with observational data and caregiver input. Data about his performance had been collected over the three previous academic years, providing a solid foundation of understanding his needs. Although concerns were still evident about reading challenges, it was also evident that he demonstrated the ability to make gains in other areas such as social and other academic areas. The team had a truer picture of his needs and his strengths.

It was clear that Michael’s difficulties with reading were a source of off-task behavior. His concerns were identified as a need for reading adjustments, rather than as a “behavior problem”.

Given cases like Michael’s, it is critical to incorporate a more comprehensive definition of assessment and intervention; one that does not imply a wait to fail model in which a single evaluation occurs after the challenging circumstances have persisted. In this case, nondiscriminatory assessment was not just about choosing the most appropriate test for a special education evaluation. Michael was found to be eligible for special education services, but only after he experienced evidence-informed universal instruction, extensive prevention and early intervention efforts, analysis of school-wide data results, identification of his strengths and positive supports, and consideration of his level of acculturation.
Assessment should explore the learner’s relationships, community, and history of instruction. Learner strengths and cultural patterns that can impact learning should be identified. Extrinsic and intrinsic factors should be considered. Ortiz stated that “nondiscriminatory assessment represents a collection of approaches, each designed to systematically reduce bias within the broader framework” of services (2008, p. 665).1

High quality assessment and intervention of student challenges assumes systematic prevention efforts are in place. Data collection of information about student performance must include broader systems, including classroom-wide and school-wide trends. When a student struggles to meet expectations in school, an assessment must include an analysis of the school’s environment and ecology along dimensions suggested by Bronfenbrenner (1979, 2005).

Fair Assessment Practices and a Continuum of Service:

Fair assessment practices include collection of data over time and from multiple sources of data. Data that is collected are linked to instruction or intervention. Fair assessment practices assume student struggles can be influenced by cultural or linguistic differences between the student and the dominant school culture and climate. To assist educators and families focused on reducing bias in school-based assessment and intervention, a multi-tiered system of support (MTSS) involving assessment and intervention is supported in this resource.

Reducing disproportionate placement of American Indian and African American students involves the ongoing collection of quantitative and qualitative information about students. This data collection begins in traditional classroom settings and continues through an individual special education evaluation if the needs of the student cannot be met through other means. A continuum of service options should be present, rather than special education placement thought of as the service option.

Regardless of whether a not a school system is using MTSS, it is important to gather information from a variety of sources when students struggle. Information gained from a variety of sources contributes to the development of appropriate interventions and perhaps prevents the need for a special education referral if important data is collected, evaluated, and used to develop interventions before a special education referral takes place. One goal is to use traditional classroom resources and supports when possible for those students who do not need special education services.

Once a student has been referred for special education evaluation, information that has been collected before the individualized evaluation can be used to guide the assessment. The information that was collected can be reviewed to determine if any exclusionary factors for special education placement apply for the student.

**Multi-tiered Systems of Support (MTSS):**

Example of a multi-tiered system of support:

<table>
<thead>
<tr>
<th>Universal</th>
<th>Targeted</th>
<th>Intensive</th>
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</table>
| • Focused Screening  
  • Design and implement universal supports | • Progress monitoring  
  • Services for students at-risk | • Help/Support  
  • Individualized interventions  
  • Comprehensive Evaluations for nonresponders |
Components of a Multi-Tier System:

- **Tier 1.** Universal instruction and experiences (all students receive/experience)
  - Positive school climate
  - Universal screening and child find
  - Prevention and early intervention programs
  - School-wide data collection/assessment
  - Staff self-reflect on potential bias, vulnerability and participate in continuing education programs

Within any approach to intervention there are likely to be students who fail to respond to instruction, and some who fail to respond to intervention. The mode of instruction for some students may be different than their preferred learning style. For example, some students may have strength in visual processing, yet the bulk of their instruction might require auditory processing.

At Tier 1 interventions and strategies are designed to be inclusive of all students, it is necessary to maintain vigilance to students who are unique responders. Students have differing needs and learning patterns. The goal of universal screeners is to identify common factors and abilities among all students and unique patterns for specific students. To be most effective Tier 1 services must include evidence-based instructional strategies that address varied and diverse approaches to learning, with value being placed on the use of multiple strategies for multiple learning styles (Walker-Dalhouse, et al. 2009).

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**Tier 2.** Focused assessment, instruction, or intervention

- Gather specific data on student acculturation, family, learning ecology for struggling students
- Small group interventions

**Tier 2 Actions**

- Responds to Intervention
  - Continue Progress Monitoring or Return to Tier 1 Supports
- Does Not Respond to Intervention
  - Identify unique learner characteristics
  - Move towards Tier 3 Intervention
Tier 3. Targeted assessment and intervention

- Individualized assessment leading to instructional changes, involving consideration of student acculturation, qualitative interpretations of data, and building on student strengths. **Assessment at this level is not a special education evaluation for program placement.**

- Assessment includes measures of acculturation and exclusionary factors for specific disability categories are considered

- **If student fails to respond to intervention, a referral for a special education evaluation can be made.** Data collected with the intervention process, including social, climate, and cultural aspects, can be used to inform the special education decision process.

Tier 3 Actions

- **Responds to Intervention**
  - Continue Progress Monitoring or Return to Tier 2 or Tier 1
  - Supports with plan

- **Does Not Respond to Intervention**
  - Identify unique learner characteristics
  - Move towards Special Education Evaluation
Examples of multi-tiered models that could serve as excellent structures for serving American Indian and African American students include *Response to Intervention (RtI)* and *Positive Behavioral Supports (PBS)* (Marston, Muyskens, Lau, & Canter, 2003³; Proctor, Graves, & Esch, 2012⁴; Tobin and Vincent, 2011⁵; Utley and Obiakor, 2012⁶).

Multi-tiered strategies ensure a process where prevention and early intervention are critical components and evaluation of school-wide academic and behavioral trends are included. For general information on RtI and PBS, see Sprick, Booher and Garrison (2009⁷).

**The Concept of Seamless Data Collection**

The practice in Minnesota is that referral and special education evaluation occur after Tier 3 services have utilized, but where the student fails to respond to specially designed interventions. Data collection should be seamless as all the information collected in Tier 1 (response to universal interventions), Tier 2 (response to focused instruction and intervention), and Tier 3 (response to individualized instruction and interventions) are combined to develop a comprehensive understanding of the needs of the student.

When a student of American Indian or African American heritage has experienced effective problem-solving strategies from their setting as recommended in Tiers 1 and 2, a high percentage of challenges can be prevented and disproportional representation in special education minimized (Marston, Muyskens, Lau, & Canter, 2003⁸).

In a multi-tiered system of support, if cognitive ability and psychological processing continue to be of concern, a comprehensive evaluation for eligibility for disability-based services may be warranted (Tier 3). Available standardized cognitive ability tests and measures of basic psychological processing may be considered for American Indian or African American students when used with discretion, or from caregiver request.

When a student’s acculturation status (i.e., family and community experiences) has been evaluated as being similar to the American White mainstream, use of traditional tests may be given consideration. However, assessment teams or evaluators must be aware that for many American Indian and African American students, experiences at home or in the community are unique and not consistent with test construction or norm sample make-up of many standardized measures.

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Tiered service delivery structures like RtI are viewed as particularly appropriate for diverse learners such as African American and American Indian students. Recent literature has supported RtI and PBS in reducing the disproportionate number of diverse learners being served at the most intense levels of services (e.g., Special Education placement) (Jones, Caravaca, Cizek, Horner & Vincent, 2006; Marston, Muyskens, Lau, & Canter, 2003; Proctor, Graves, & Esch, 2012; Tobin & Vincent, 2011; Utley & Obiakor, 2012).

**Methods to Increase Fair Assessment Practices**

**Understand student’s level of acculturation.**

Instead of focusing on racial differences in assessment results, a more specific focus on a student’s level of acculturation is necessary when assessing performance and needs. It is the knowledge of a student’s experience in the typically White middle class American culture – more so than race or ethnicity - that best guides choice of assessment techniques and practices.

Race, ethnicity, and acculturation are often connected. Many American Indian and African American school students are acculturated in a manner different from the majority of test norm sample participants. Typically, nationally standardized tests use students from White, middle class backgrounds to represent the norm for all students. Students who come from low-income settings are typically excluded from the standardization group.

Ortiz and Dynda (2005) stated that “Because individuals from diverse cultural backgrounds rarely have levels of acculturation comparable to the mainstream, such bias is likely to operate in nearly every case where testing is conducted” (p. 549). However, it would be inappropriate to assume that all students of American Indian or African American are, by nature, significantly different than the norm (or the test standardization sample). Educators are encouraged to view all students through the lens of acculturation, as opposed to only focusing on race or ethnicity.

While tests may not be psychometrically biased, they are often culturally and linguistically loaded (Ortiz, 2008). Educators, therefore, can assess the appropriateness of tests by viewing them on a continuum of culture reduced to culture loaded as well as language reduced to language embedded.

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Considering a student’s level of acculturation, Ortiz and Dynda summarized potential cultural bias in assessment as “…a function of the match between an individual’s cultural background and experiences and that of his or her age or grade-related peers who comprise the norm sample or comparison group (p. 549\textsuperscript{13}).” The assessment results of students with unique acculturation or distinct life experiences may be impacted by their motivation, priorities, and trust of the process, as much as their true skills and abilities.

**Understand confirmatory bias.**

Confirmatory bias refers to the process whereby we see what we expect to see. Educators responsible for assessing student progress often start traditional assessment with a referral concern suggesting the likelihood of disability. Evaluators in this scenario often choose instruments and interpret results based on confirming eligibility for placement within a disability category, rather than exploring factors that consider alternative explanations for a concern involving a student.

Individual evaluators or assessment teams may tend to overemphasize results that support a preconceived notion of student performance and disability. Data that runs counter to initial suspicions about student disability may be discarded or ignored (Ortiz, 2008\textsuperscript{14}).

Confirmatory bias may be even more common when schools evaluate students from diverse backgrounds (Ortiz, 2008\textsuperscript{15}). In order to reduce the likelihood of confirmatory bias Ortiz encouraged a process of assuming internal normality students and testing hypotheses about alternative explanations for the concerns about the student. “The process of assessment should begin with the hypothesis that the examinee’s difficulties are not intrinsic in nature, but rather that they are more likely attributable to external or environmental problems” (p. 664\textsuperscript{16}).


Understand Bias in Assessment

IDEA 2004\(^{17}\) mandated that assessment teams select and administer assessment techniques that eliminate cultural discrimination. Therefore it is necessary for educators and parents to understand the potential process of how bias might occur in evaluations of students and how fair assessment practices can be increased.

Most available research investigations have defined bias in testing as an outcome of a number of factors.

**Some Sources of Bias in Testing:**

1. Inappropriate test item content
2. Inconsistent or poorly defined factors measured in tests and how different groups respond to such factors
3. Differences in the accuracy of using cognitive ability tests to predict academic achievement for various groups (Ortiz, 2008\(^{18}\)).

Some argue that current available data fail to show a clear test bias against culturally diverse individuals when cognitive ability and other tests are used (Reynolds and Livingston, 2011\(^{19}\)). As examples, low scores on an intelligence test predict low achievement equally well for all racial and ethnic groups, and individual test items in modern tests do not typically favor one group over another in a consistent way.

Differences between groups do not necessarily indicate a test construction problem or test bias. Factors such as poverty, multiple family moves, family disruption, or experience of racism, may change the way the student approaches the testing process and ultimately, the results of the test. The learning ecology must be evaluated carefully and comprehensively. Low test scores produced by a student may not always indicate low ability or disability, but rather indicate problems with adjustment that are a reaction to cultural factors.

Nationally standardized tests, particularly those with a norm sample dissimilar to the population found in a school, should be used cautiously or not at all. When used, such tests should always be combined with multiple sources of data when used with American Indian and African American students. The issue of fairness in test use is complex and continues to be debated and researched in the educational literature. A comprehensive discussion of test bias can be found in Reynolds and Livingston (2011\(^{20}\)).

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**Educators and others interested in assessment should not assume that bias does not exist or never occurs in educational testing and assessment, even with well-constructed standardized assessments and nonverbal tools.**

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\(^{17}\) [http://idea.ed.gov/](http://idea.ed.gov/)


Unfair practices and outcomes can occur when evaluators choose assessment techniques or tests without considering a student’s level of acculturation, regardless of race or ethnicity. Ortiz and Dynda (2005) defined acculturation as “an individual’s general acquisition and learning of the cultural elements of the society in which he or she is being raised (p. 548).” Ortiz (2008) clarified this notion when stating that educators “…must be sensitive to the fact that important differences exist with respect to child-rearing practices, expectations and aspirations, language experiences, and availability of and involvement in information and formal learning experiences…(p. 666-667).”

Understand the Concept of Stereotype Threat

Assessment teams and those involved in evaluating students must engage in assessment practices fair to all students. Some students are aware that some educators, or administrators, view their race or cultural background negatively, which creates tension and stress for them when they also know that those same educators or administrators are judging their performance. Research on the concept of stereotype threat shows that students' knowledge of stereotype-based negative expectations about their test performance can reduce their actual test performance (Jordan & Lovett, 2007).

Stereotype threat is defined as a risk factor for American Indian or African American students where the student confirms to negative expectations about their race (Reducing Stereotype Threat). In some ways the concept of stereotype threat is similar to a self-fulfilling prophecy, where if one expects a student to perform poorly, that message is communicated to the student. Within the definition of stereotype threat the student underperforms due to anxiety or stress about meeting expectations.

The concept of stereotype threat was introduced by Steele and Aronson (1995). In their study the performance of African American college students was depressed when examiners emphasized their race. A common example of a situation where stereotype threat is created for student from a diverse background involves evaluations for intellectual ability. American Indian and African American students may feel additional stress compared to their White peers as they perceive themselves being judged by someone not from their race or background.

Another common example of stereotype threat is the expression of a belief that math is difficult for women. Women who were not aware of this belief system performed math tasks well, women who are told this belief system prior to performing selected math tasks did not score as well.

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24 http://reducingstereotypethreat.org/definition.html

25 http://www.reducingstereotypethreat.org/bibliography_steele_aronson.html

To be clear, educators and evaluators can work cross-culturally, if they are aware of their communication patterns that express support for students, or subtle communication patterns that communicate an expectation of failure or difficulty with a task. Evaluators must be sensitive to the presence of any stereotypes communicated to the student about their performance that could reduce the quality of the student’s response to assessment.

**Negative Correlates of Disability Categories**

For some disability categories negative connotations exist. For example, some parents of American Indian students and African American students may express resistance over the negative correlates of the Emotional/Behavioral disability category.

Negative correlates of this label include the implied assumptions of poor parenting, an unruly or bad kid, or non-supportive family. Due to such concerns about how they are perceived, some caregivers and parents of American Indian and African American students are sometimes reluctant to agree to special education programs that are intended to provide support for emotional or behavioral concerns.

Lacking clear explanations about the factors that contribute to the student’s behaviors of concern, some parents may respond with anger towards the student, negatively impacting the student’s self-esteem and motivation. The student’s self-esteem may further plummet when he or she perceives rejection by their caregiver for difficulty in regulating their behavior.

**The process of identifying the correct intervention for any student always requires considerable professional experience, judgment, and collaboration with others to match the difficulty with an intervention, and is based on understanding the needs of each individual student.**

The reader who is looking for references for current and acceptable interventions can start the search at their own district or neighboring school districts. Another resource to use is the What Works Clearinghouse[^27], which reviews program, policies, and practices in education for benefit to students.

Selecting Assessment Tools

When tests are used at any level (screening, eligibility for programs, or progress monitoring), educational assessment teams must adopt a best-practice policy of choosing them based on student needs (e.g., culture and language). Use of the *Culture-Language Interpretive Matrix* developed by Flanagan, Ortiz and Alfonso (2013) is encouraged as a way to assist evaluators with choosing culturally fair standardized tests. With this matrix, the level of cultural loading and the degree of linguistic demands of various tests can be determined. It is essential to seek the best match possible between student characteristics and test structure, style, and content, keeping in mind that no test will be completely free of bias.

Sattler, in *Assessment of Children* (1992) reminded educators that:

> Probably no test can be created that will entirely eliminate the influence of learning and cultural experiences. The test content and materials, the language in which the questions are phrased, the test directions, the categories for classifying the responses, the scoring criteria, and the validity criteria are all culture bound.

In most cases, a comprehensive evaluation should only be considered after universal evidence-based instructional and preventative strategies have been conducted and exhausted.

Issues of special education referral and eligibility occur when universal instruction and prevention programs have failed to meet the needs of the student. Ortiz (2008) recommended that educators start with the assumption of internal normality in children from diverse cultures who are not meeting expectations in school. A disability that is truly internal to the student (i.e., primarily neurological/biological) is only one reason for school performance difficulties, with numerous other ecological variables (factors outside the child), being potential contributing factors.

Environmental or ecological factors (e.g., home-school communication, family cultural values and customs, family structure and supports, etc.) must be assessed and considered when a student struggles to meet academic expectations. Such factors must be given significant focus when assessing the progress of American Indian and African American students, as the student’s cultural and other environmental factors can be quite different from that of their White Peers.

Assessment teams or evaluators may decide that traditional tests have limitations for a specific student, even if modified or interpreted more qualitatively. **In no instance should any student be recommended for special education placement based primarily on the results of a single standardized measure of IQ or achievement.** Assessment teams must document evidence of consideration of multiple factors for placement decisions. Measures of acculturation should be an important aspect for the evaluation team to consider when an American Indian or African American student is evaluated.

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When a student is evaluated at the individual level, a multiple-source and multiple-method evaluation and data interpretation process is essential (McIntosh, Bohanon, & Goodman 2010\textsuperscript{30}). Data must be gathered from many perspectives and interpreted within the context of the student’s ecology and experiences.

Strategies for properly conducting teacher and parent interviews, student observations, and gathering data from a variety of tools has been discussed extensively in the literature related to evaluation of students (Merrell, 2010\textsuperscript{31}; McConaughy, 2005\textsuperscript{32}; Briesch, Chafouleas, & Riley-Tillman, 2010\textsuperscript{33}; National Association of School Psychologists, 2009\textsuperscript{34}; Braden & Miller, 2007\textsuperscript{35}; Hansen, & Callender, 2005\textsuperscript{36}) and are beyond the scope of this resource. However, assessment modifications or unique emphases may apply when evaluating students from African American or American Indian backgrounds.

**Fair Assessment Tools**

The following tools were developed as tools to enhance the assessment of American Indian and African American students, or to be used by schools systems and educators to monitor implementation of effective practices.

### Tier 1 & 2 – Universal/Ecological

- **Bias Vulnerability Checklist.** Designed to assist schools or districts in the identification of areas where their assessment process may be vulnerable to bias. This tool would be useful for addressing school climate issues.

- **Learning Ecology Checklist.** This checklist will help educators review potential environmental factors involved when American Indian and African American students experience learning difficulties\textsuperscript{(37)}. Based on Ortiz’s best practices in nondiscriminatory assessment (2008), assessing the learning environment helps educators by considering multiple ecological or environmental hypotheses.

\textsuperscript{30}McIntosh, K., Bohanon, H. & Goodman, (2010). Toward true integration of academic and behavior response to intervention systems part three; Tier 3 support. NASP Communiqué’, 39(4), 30-31.


\textsuperscript{37}http://behavioralinstitute.org/uploads/ecological_checklist.pdf
Tier 3 – Individualized Assessment & Intervention

- **Sociocultural Checklist & Guide**: This guide and checklist includes items that help assess possible social and cultural influences on learning and behavior.

- **Assessment Tool Selection Guide**: This checklist serves as a best practice guide for choosing appropriate assessment tools for culturally diverse learners. Individual evaluators and evaluation teams are encouraged to review this checklist prior to conducting comprehensive assessments of an American Indian or African American student. The guide provides a system by which the cultural and linguistic content and expectations in existing tests can be evaluated. This process may lead to one or more instruments being chosen as fairer options for the individual student in question. The use of the guide may lead to a team decision to minimize weight associated with the use of nationally standardized tests for some children.
Assessment Approaches With American Indian and African American Students

Approach assessment with hypothesis that the student is capable

In his best practices framework for nondiscriminatory assessment, Ortiz (2008) shifted the focus of school-based assessments beyond individual student variables (internal factors) to the environment (external factors). Student struggles may be associated with any number of causes; many of them due to environmental components such as stress at home, economic challenges confronted by the family, or issues with community safety. The Learning Ecology Checklist or similar tool can be used to collect data to accomplish the goal of learning about the influence of factors outside of the child.

While assessment of environmental factors is often included in traditional assessments, it is their level of prominence that changes in nondiscriminatory assessment.

A student’s reactions to environmental variables are a viable reason for their difficulty responding in a testing situation. Evaluators conducting traditional assessments sometimes base decisions about special education services primarily on test data and results focused on internal student factors (their attention, their comprehension, their self-regulation) with environmental data (clarity of cues available to support behavior, language used, environmental antecedents) viewed as supplemental. Factors related to the student and factors related to their environment should both be weighed in the decision-making process.

Assess for the purposes of informing instruction or intervention

Assessment teams are encouraged to collect data that directly help classroom teachers with the selection of instructional and intervention strategies that are useful in the targeted environment. Cognitive ability tests developed primarily for the purposes of eligibility determination are often weak choices as tools for developing interventions.

Cognitive ability assessments that provide information about how a student solves problems, identifies their strengths, informs the teaching and learning process, or which shows how the student adapts, are methods that should be used. For evaluators, methods that have teaching items embedded within the evaluation process can be helpful in translating results from the evaluation to real life tasks and skills the student is expected to demonstrate school, home, or within their community.

In general, tests that were developed to measure cognitive processing or style of processing (e.g., the Kaufman Assessment Battery for Children, 2nd Edition [K-ABC-II], Cognitive Assessment System [CAS], as opposed to cognitive tests that emphasize verbal ability, may be more useful for developing instructional strategies for American Indian and African American students (Naglieri & Goldstein, 2009).


Emphasize Student and Family Strengths

Educators are encouraged to more formally assess student protective factors and resilience in psychological and educational evaluations (Smith & Cochrane, 2006; Molony, Henwood, & Gilroy, 2010). Brooks and Goldstein (2001) described the need to search for Islands of Competence as a significant change in mindset for many educators and caregivers.

As an example of a search for competence, an educator may attempt to see when and under what circumstances the referral concerns occur, noting influential environmental components in those situations. It is also important to determine situations or settings when more appropriate functioning occurs.

Assessment team members may take a similar approach when reviewing data from student files or when interviewing parents and teachers. Additionally, several instruments have been developed in recent years to assist assessment teams in the evaluation of resiliency and protective factors. One example is the Social Emotional Assets and Resilience Scales [SEARS] (http://strongkids.uoregon.edu/SEARS.html).

Summary of practices to reduce disproportionate representation:

- Focus on prevention and early intervention efforts.
- Provide a multi-tiered service delivery system.
- Understand the influence of individual student levels of acculturation.
- Analyze the student’s environment and the potential influence of ecological factors on achievement.
- Collect assessment data that leads to intervention or improved instruction.
- Build on student strengths and assets.

Multi-Tiered Systems of Support and Academic Achievement

The underpinnings of Multi-tiered approaches to support academic achievement approach involve the use of Scientific Research Based Interventions (SRBI), or Evidence Based Instructional Strategies (EBIS) [Chapter 2]. Interventions are embedded into the instructional delivery system for students to promote skill building, rather than using a traditional special education evaluation as a delayed response when failure has occurred for a student.

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It is important to recognize that academic difficulties are only some of the many different challenges a student may have in a classroom setting. Whether it is social difficulties, difficulties with self-regulation, adaptive behaviors, or mental health adjustment, all benefit from the same systems found in the SRBI/MTSS processes. These systems can be utilized to **identify the difficulty, teach the needed skill, and monitor the progress of students as they use newly developed skills.**

Tier 1 academic services include evidence-based curricula for reading, math and all subject areas for all students. It assumes that all students are receiving high quality data-informed curriculum and educational experience. At this level brief academic assessments are done with all students in order to quickly evaluate academic skills in need of development as early as possible.

In the traditional academic setting the instructional activities are composed of curriculum and educational activities that are shown to be effective for the instruction of most students. The assumption is that most students will be able to master the expected outcomes of the instruction, with progress monitoring involving formative and summative assessments used to provide feedback on the quality of instruction.

One or more brief assessments are given to all students on several occasions during the year to identify their skill development and identify any delays before it becomes a serious difficulty. Using these data, the teacher and grade level support staff (school counselors, school psychologists) can identify the students who would benefit from additional instruction or re-teaching of the concepts.

Global screening of students provides several advantages. Advantages of global screening include the ability to identify a specific student’s overall progress over a longer period of time as well as classroom and grade level progress.

Beyond universal measures, some common measures of individual progress can be found in settings that use Curriculum Based Monitoring (CBM). The most common adaptations of curriculum for assessment are referred to as Curriculum Based Assessments (CBA) or Curriculum Based Measures (CBM). These are short probes or tests designed to measure progress related to the curriculum and are frequently seen as quick to administer and user friendly for the teaching staff when developed from the actual curriculum.
Using CBM/CBA the student completes the probes/test weekly, with the data recorded by educators to identify progress. For example, if reading is a concern the student may be asked to read a passage with the educator tracking the number of words read, the number of errors and the types of errors the student made. Or, for comprehension, students may read short passages and respond to questions related to the content of what they have read. The underlying goal is to determine what assistance can be provided to the student to develop their reading ability and create success. **The focus is not on labeling the student with a disability.**

The value of CBM/CBA has been researched extensively by Deno and Mirkin at the University of Minnesota, formerly through the Institute for Research on Learning Disabilities. From their work curriculum-based measures were described as an “academic thermometer” that monitored a student’s growth in various academic domains (Hall, T., & Mengel, M. 2002, p. 5).

When designing or determining which CBA/CBM to use, it is important to emphasize that the measures have **high technical adequacy, have high reliability, and be valid measures of the academic domains for which they are used.** Regardless of the type of instrument (standardized measure of intelligence or curriculum-based probe), if it is not technically adequate or valid, it will contribute to errors in the decision-making process about some students.

More formalized methodology to assess student progress can be found using DIBELS [Dynamic Indicators of Basic Early Literacy Skills] and AIMSweb [aimsweb.com]. These examples are structured programs from which school districts can develop norms from repeated assessments within their districts. Evaluation teams should not assume that such measures are inherently fair to American Indian or African American students.

**Tier 2:** When a student or group of students are found to have continued difficulty with some aspect of the academic instruction, the classroom teacher can identify the area of difficulty. Working with the building based teacher assistance teams, or similar problem-solving teams, educators can then identify and document use of specific strategies to remediate concerns for targeted students. With this additional intervention and instruction, most of the students who did not initially master the skill initially will likely be able to master it with specific adjustments provided.
**Tier 3:** At Tier 3 level (within a 3 Tier model), when a student is identified as not making adequate progress toward mastery of the expected curriculum expectations, additional instructional time is developed that specifically targets the academic deficit with instructional strategies that are considered to be effective. At this level, students may receive individualized academic instruction. More frequent progress monitoring and re-adjustment of instruction occurs. Educators trained in understanding unique methods of instruction deliver this instruction, or, the classroom teacher is coached to provide differentiated instruction and alternative instructional methods to benefit the student. Progress monitoring could be daily.

**Academic Achievement**

Much has been written about the achievement gap in education since the passage of the No Child Left Behind act a decade ago (NCLB). Prior to the Education and Secondary Education Act of 2002 (ESEA), there was no coordinated national system of measurement for measuring student progress in the public schools.

NCLB 2002 implemented rules to identify the adequate yearly progress (AYP) of students and the state’s progress toward meeting the goals of having every student meet proficiency standards in reading and math. An expectation from the standards is that every student would be proficient in reading and math by 2014. This was a purposeful policy designed to make the elimination of educational disparities a national priority.

NCLB 2002 mandated that every state create annual assessments to identify that they were meeting the standards of providing instruction that led to proficiency in reading and math, demonstrated by performance on benchmark assessments. Accountability to NCLD standards became an essential aspect of measuring progress toward the goal of academic proficiency for students.

Accountability assessments have been analyzed by separating the data into groups (disaggregating the data).

**Accountability Categories defined by the act include the following:**

1. Socioeconomic status
2. Race/ethnicity, gender,
3. Special education status.

One of the primary tenants of the NCLB act was to ensure that students in each of these categories were making adequate progress toward the goal of proficiency.

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45 [http://www2.ed.gov/nclb/landing.jhtml](http://www2.ed.gov/nclb/landing.jhtml)
47 Ed.gov
As these annual reports from every school district in every state were analyzed, certain groups of students were consistently discrepant in their acquisition of the necessary academic skills to score at a satisfactory level of proficiency. American Indian students and African American students consistently underperformed on measures of proficiency (see School Climate Chapter for more detailed performance data).

**The Academic Achievement Gap**

The academic achievement gap may best be defined as a disparity in academic performance and attainment when results of performance between American Indian and African American students are compared to their White peers. Extensive research and review of the data has consistently found limited improvement in these differences over the years (Johnston, 200048).

**School-wide Assessments**

The Northwest Educational Association [NWEA] assessments are an example of school-wide performance data. These programs are computer-generated assessments identified as Measures of Academic Progress (MAP) and include the evaluation of skills in reading and math. At times other subjects such as science are assessed. The results are based on an extremely large sample of students and can be analyzed for performance trends in and between different groups of students in the school.

When issues related to bias in education are considered, the availability of Tier 1 interventions and services are thought to be critical as a mechanism to reduce the potential for American Indian and African American students to become entrenched in the special education system. Administrators, teachers, and staff need to be prepared in their professional training programs to learn about and understand the cultural considerations of the diverse populations to whom they are likely to provide service.

Understanding cultural and family expectations are a critical component to improve academic expectations and strengthen relationships and communication with American Indian and African American students and their families. Thus understanding affords teachers, administrators and others within the context of the learning environment to help students develop skills and strategies to successfully function within multiple contexts.

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Academic Assessments Using Standardized Instruments

When the decision is made to complete a formal assessment for academic concerns with the possibility of identifying a student as having a specific learning disability, using standardized instruments, several factors should be considered.

(1) Standardized individually administered achievement tests must be administered by a licensed and trained professional who is knowledgeable about the suspected disability area and other possible explanations for the concern.
(2) Professional practices regarding test selection, validity, and reliability for use with American Indian and African American students must be followed.
(3) In addition to considering a test’s technical validity and reliability, evaluators should also keep in mind how individual students might respond to the format of various achievement tests.

The exclusive reliance on norm-referenced assessments is often problematic for use with diverse learners. Data on student achievement must be gathered from sources beyond standardized tests. Other sources of information include anecdotal information from parents and general education teachers gathered through interviews. Curriculum and other performance-based measures are frequently helpful and also may be used to develop IEP goals and objectives, if the student qualifies for an intervention program.

When interpreting achievement data about students, including American Indian or African American students, special attention needs to be given to students’ opportunity to learn. If the student has had a limited opportunity to learn, the referral for special education assessment may not be appropriate and academic interventions may need to be developed and implemented prior to implementation of a comprehensive evaluation.

For most of the standardized academic achievement batteries available, the representation of American Indian and African American students reflects a national set of demographics. On the surface this is an attempt at representation, yet it is imperfect. Even with a norm sample containing a few thousand students the lower rate of representation of American Indian and African American students yields a relatively small number of students across all grade and age ranges used in the standardization process.

Example

For example, one regularly used instrument has 4,784 students to represent students across the country. The test developers have arranged the norm group so that there are approximately 150 students at each age level level. With the smaller subset of students, it is possible that no American Indian or African American student is actually in the norm reference sample at a specific age grouping, considering that there may only be about 500 American Indian and African American students in the total norm sample. It is a challenge to assume that American Indian students or African American students, or other diverse learners, are represented at every age or grade level.
Even if there is representation of American Indian and African American students within a nationally standardized test, the representation may be limited to just a few students. **This issue is referred to as the power of a test.** In other words the potential that there is a significant number of students from a diverse background to actually impact the final results is limited. While a test may be standardized according to census data and population breakdown, an individual’s results may be significantly discrepant from the standardization group in settings where the student population has a great range of diversity.

More recently there has been a drive across the country supported by the federal government to standardize the curriculum and expectations in major subject areas. As a result, many states are moving to adapt Core Competencies and Core Standards in subjects defined by grade level. This system is emerging and will need to be evaluated in terms of benefits to learners and the ability to contribute to achieving the goal of proficiency in reading and math for all students.

**Elements for Assessing Achievement**

<table>
<thead>
<tr>
<th>Element</th>
<th>Details</th>
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<tbody>
<tr>
<td><strong>Element 1</strong></td>
<td>Review the presenting problem and define in measurable terms; review Tier 1 and Tier 2 data on the student</td>
</tr>
<tr>
<td><strong>Element 2</strong></td>
<td>Conduct record review: assess for evidence of concerns and include information on strengths (school and curriculum changes, stress, medical concerns, attendance patterns)</td>
</tr>
<tr>
<td><strong>Element 3</strong></td>
<td>Conduct observation(s): information from multiple settings is preferred, peer comparisons (particularly those from same background; use systematic sampling for discrete behaviors)</td>
</tr>
<tr>
<td><strong>Element 4</strong></td>
<td>Conduct standardized assessment: make decisions about assessments that are likely to be fair for the student; use testing of limits when appropriate and consider qualitative information</td>
</tr>
<tr>
<td><strong>Element 5</strong></td>
<td>Gather data from other sources: caregiver interviews, student interviews</td>
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<tr>
<td><strong>Element 6</strong></td>
<td>Interpret data and generate testable hypothesis for what explains the concerns, carefully consider all of the rule-out criteria in Minnesota eligibility guidelines.</td>
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A Method of Problem Analysis

RIOT/ICEL Matrix

One approach to problem analysis is the RIOT/ICEL matrix (Christ, 2008). Information about a student collected in the domains of instruction, curriculum, environment, and learner (ICEL) through the use of record and progress reviews, student, educator, caregiver interviews, observations of the student, and when need tests (RIOT) in order to evaluate underlying factors related to a concern and to develop strategies to support the student.

The RIOT/ICEL approach is an organizing framework designed to increase schools confidence and consistency among educators or evaluators in the quality of the data that they collect and the findings that emerge from the data. The purpose of the matrix is to avoid a mistake of assuming that student learning or social problems difficulties exist primarily in the learner while underestimating the degree to which instructional strategies, curriculum demands, and environmental influences impact the learner’s academic performance.

A focus on instruction approaches, curriculum, environment, and the learner (ICEL) ensure that a full range of hypothesis to explain a student’s performance is considered. Information collected from a variety of sources aids in attempts to promote fair assessment.

RIOT (Review, Interview, Observation, Test)

Review existing information

1. Report cards
2. Office disciplinary referral data
3. State test results
4. Attendance records
5. Student work samples
6. Physical products of teacher interventions (e.g., a sticker chart used to reward positive student behaviors)
7. Communications sent by a educators/administrators to caregivers detailing concerns about a student’s study and organizational skills.

Interview (parents, teachers, student)

1. Face-to-face
2. Telephone
3. Email correspondence.
4. Structured through questionnaire or checklist

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**Direct Observation** of student during instruction:

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<tbody>
<tr>
<td>1</td>
<td>Academic skills</td>
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<td>2</td>
<td>Study skills</td>
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<td>3</td>
<td>Organizational strategies</td>
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<td>4</td>
<td>Degree of attentional focus</td>
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<td>5</td>
<td>Self-regulation</td>
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<td>6</td>
<td>Social skills</td>
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<tr>
<td>7</td>
<td>Structured through frequency data</td>
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<tr>
<td>8</td>
<td>Narrative observation</td>
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</tbody>
</table>

**Test student skills.**

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<tbody>
<tr>
<td>1</td>
<td>Curriculum-based Assessment</td>
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<tr>
<td>2</td>
<td>Diagnostic Reading Inventories</td>
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<tr>
<td>3</td>
<td>DIBELS/AIMSWEB Benchmark data</td>
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</tbody>
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**ICEL: Instruction, Curriculum, Environment, and Learner**

**Instruction** - How is Content Taught? The purpose of assessing instruction is to discover instructional practices that either help the student to learn more effectively or interfere with that student's learning.

**Curriculum** – What Content is Taught? The curriculum represents the full set of academic skills that a student is expected to have mastered in a specific academic area at a given point in time. To adequately evaluate a student’s acquisition of academic skills the educator must (1) know the school’s curriculum (and related state academic performance standards), (2) be able to inventory the specific academic skills that the student currently possesses, and then (3) identify gaps between curriculum expectations and actual student skills.

**Environment** - The environment includes factors in the student’s school, community, or home surroundings that can directly enable their academic success or hinder that success. Questions about environmental factors that impact learning include whether a student’s educational performance is better or worse in the presence of certain peers or whether having additional adult supervision during a study hall results in higher student work productivity. Other questions about the learning environment include whether a student has a setting at home that is conducive to completing homework or whether chaotic hallway conditions are delaying that student’s transitioning between classes and therefore reducing available learning time.

**Learner** - While the student is at the center of any questions related to instruction, curriculum, or environment, the learner domain includes those qualities of the student that represent their unique capacities. Examples of questions include investigating whether a student has stable and high rates of inattention across different classrooms, or evaluating the efficiency of a student’s study habits and test-taking skills.
<table>
<thead>
<tr>
<th>DOMAINS</th>
<th>R (Review)</th>
<th>I (Interview)</th>
<th>O (Observe)</th>
<th>T (Test)</th>
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</thead>
</table>
| **I** Instruction | • Permanent products such as written pieces  
• tests  
worksheets  
projects | • Educators (about their use of effective teaching practices. | • Effective practices  
• Classroom Instruction teaching  
• Expectations  
• Antecedents, conditions, consequences |          |
| **C** Curriculum | • Permanent products e.g. books, worksheets, materials, curriculum guides, scope and sequences,  
• District Standards and Benchmarks | • Teachers  
• Relevant personnel, (regarding philosophy, district implementation and expectations)  
• Caregivers  
• Student Perception | • Readability of texts |          |
| **E** Environment | School Rules  
School Climate  
Cultural Aspects Present in Climate | • Relevant personnel  
• Parents  
• Behavior management plans  
• Class rules, contingencies  
• Class routines | • Interaction patterns  
• Environment analysis |          |
| **L** Learner | • District Records  
• Health Records  
• Error analysis of work products  
• Cum Records educational history, onset/duration concerns, teacher perception of the problem | • Relevant personnel  
• Parents  
• Students (What do they think they are supposed to do: how do they perceive the problem?) | • Target behaviors  
• Dimensions and nature of the problem  
• Settings of success  
• Settings where challenged | • Student performance  
• Discrepancy between setting demands and student performance  
• AIMSWEB  
• DIBELS  
• CBA |
Specific Learning Disability Rules

https://www.revisor.leg.state.mn.us/rules/?id=3525.1341

Most school districts in Minnesota utilize the Discrepancy Model for identification of students for eligibility for placement programs for Specific Learning Disabilities. Considering difficulties with the standardized assessment process, educational teams need to incorporate additional methods to identify the causes of a student’s lack of expected progress and specific skill deficit. Many professional training programs in the field of school psychology are eliminating training discrepancy models due to concerns that it is not the most accurate method to identify needs of students. Instead, training programs in school psychology are advocating for models based on Multi-tiered systems of support and use of response to intervention models on good data collection and collaboration among educators and caregivers.

Over the coming years and with the support of the Minnesota Department of Education, more schools are moving to a model supporting the use of scientifically-based interventions, and Multi-Tiered Systems of Support (SRBI/MTSS) with ongoing universal progress monitoring.
Cognitive Ability & Basic Psychological Processing

A comprehensive individualized evaluation is conducted by educators when a student struggles to meet academic, behavioral or other school expectations. Cognitive ability tests that produce an intelligence quotient have been used widely in Minnesota and other states to evaluate for the presence of a learning disability or identification of cognitive disabilities. Special education qualification and placement in programs designed to remediate concerns is often the goal and the outcome when such tests are used.

Scores from cognitive ability tests results are influential when educators make alternative placement decisions about struggling students. In theory, results from cognitive ability tests suggest a level of academic and problem-solving expectations that help predict where a student should be academically.

In recent years, the educational literature has challenged the idea that all cognitive assessment tests are fair and appropriate for all students (e.g., Marston, Muyskens, Lau, & Canter, 2003; Naglieri & Goldstein, 2009; Ortiz, 2008). In some cases, the unique characteristics of a student dictate the need to avoid use of traditional norm-referenced tests (Ortiz, 2008). When it has been determined that a cognitive ability measure is necessary educators must be aware that not all cognitive assessment tests are created equally.

Some cognitive ability tests assume some degree of prior knowledge or experience with testing expectations, which is not true of all students. Other cognitive ability tests have complex verbal instructions that could ultimately penalize a student from a diverse background. This penalty occurs with a lower score through lack of understanding instructions, rather than lacking the ability to perform a task in the testing situation.

Carefully Evaluate Executive Functioning and Psychological Processing

Executive skills include the ability to plan, organize, and influence one’s life. Specific to student success, skills such as goal setting, organizing one’s materials, time management, persistence, and self-monitoring are all critical executive cognitive processes, and are important to success in educational settings.

From the perspective of universal prevention and intervention educational settings should screen all students for their ability to utilize skills related to planning and organization. Through screening all students the system can identify gaps in skills that are found across students. Rather than a process of singling out individual students for difficulty in these areas, the system makes adjustments to benefit groups of students.

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Evaluators have options to evaluate executive functioning and basic psychological processing.

*Behavior Rating Inventory of Executive Functioning* (Gioia, Isquith, Roth, Guy, Kenworthy & Espy, 2000, BRIEF\(^{53}\))

*Children’s Psychological Processing Scale* (CPPS; Dehn, 2011\(^{54}\)).

While generally considered psychometrically reliable tools, rating scales can be limited by their vulnerability to subjective bias (Hinshaw & Nigg, 1999\(^{55}\)). **Subjective bias occurs when ratings are completed by educators and caregivers who interpret items based on their own attitudes and beliefs.**

Assisting students with the development of executive functioning and other cognitive processing skills is an important endeavor. Processing skills can be critical to the achievement process. However, when it comes to assessing these skills in American Indian and African American students, much like other standardized and norm-reference tools, extreme caution is warranted.

**Use Nonverbal Cognitive Ability Tests With Caution:**

In recent years, school assessment professionals have used nonverbal assessment tools to address the needs of diverse learners. Ortiz and Dynda (2005\(^{56}\)) noted the intuitive appeal of this process, yet cautioned that even nonverbal tools are not as culturally fair as they may seem to be. Interactions between an evaluator and examinee still require communication that is culturally bound. Use of the *Assessment Instrument Selection Guide* can assist evaluators in choosing appropriate tools.

**Consider Cross-Battery Assessment:**

Cross-Battery Assessment (XBA) is the process of using information from multiple tools to evaluate cognitive processing. The XBA approach is a method to guide assessment of cognitive abilities at the Tier 3 level, *so long as the primary intent is to assist with instruction or intervention* (Ortiz, 2008\(^{57}\)).

The Cross-Battery approach to assessment offers guidelines and procedures to help assist practitioners in “measuring a wider and more in-depth range of cognitive abilities and processes than that represented by a single ability battery (cognitive or achievement) in a manner that is psychometrically respectable and based on contemporary theory” (Flanagan, Ortiz, & Alfonso, 2009\(^{58}\)).

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57 Gioia, Isquith, Roth, Guy, Kenworthy & Espy, 2000
Using a variety of tools through a cross-battery approach is an attempt to ensure a more fair evaluation process for American Indian and African American students. However, as when using a single instrument, caution when using any cognitive ability test still applies in XBA. Additional literature associated with the CHC Theory of Intelligence and the CHC Cross-Battery Approach can be found at http://www.crossbattery.com/.

**Consider Qualitative Procedures:**

Educators trained to evaluate students in schools understand both the value and limitations of standardized assessments. Standardized assessments require maintenance of specific administration and interpretation processes so that student performance can be compared across individuals. However, in some cases, consideration of results from non-standardized procedures may be appropriate.

When evaluating students from African American or American Indian backgrounds the assessment team may want to emphasize *how* the student processes information or solves problems, as opposed to *what* the student knows compared to others. In such cases, trained test administrators may *test the limits* by using test materials in non-standardized ways (Dawson, 200359).

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Social/Emotional/Behavioral Functioning and MTSS

Tier 1 behavioral assessment and intervention strategies in schools involve a focus on fostering and maintaining a positive school climate, using school-wide data collection and proactive behavioral programming provided to all students in a school (Sprick, Booher & Garrison, 2009). Assessment data are gathered frequently about student and school-wide behavioral trends (e.g., hallway behavior trends, timing of challenging behavior, overall school climate).

Data collection systems such as the School-Wide Information System (SWIS) assist educators in recognizing such behavioral trends in schools. Utilizing data based decision making in this manner educators can adjust levels and locations of support and supervision, leading to more efficient use of school staff resources. Ideally, such strategies are conducted prior to any comprehensive special education evaluation for an individual student.

Strategies that are primarily punitive and reactive in nature (e.g., zero tolerance approach), while sometimes immediately effective, have not been found to be effective in the long-term (American Psychological Association Zero Tolerance Task Force, 2008), and may be particularly harmful for African American and American Indian students. Recent literature supports the effectiveness of several school-wide social-emotional learning and positive behavior support programs that are considered to be Tier 1 strategies (Shah, 2012; Horner, et al., 2009).

The Positive Behavior Intervention and Supports (PBIS) system has been found to be particularly helpful for diverse learners (Duda & Utley, 2005; Jones, Caravaca, Cizek, Horner & Vincent, 2006; Utley & Obiakor, 2012; Vincent, Randall, Cartledge, Tobin & Swain-Bradway, 2011). PBIS recognizes the universal human needs of belonging, recognition, and for personal influence.

In a PBIS system, school-wide behavior development curricula and multiple strategies to assist educators in recognizing and encouraging student progress are used. Referrals for Office Discipline Referrals (ODR’s) and for special education evaluations have been found to be reduced significantly in schools utilizing a PBIS approach, thus freeing up resources for more effective instructional and intervention practices (Chitiyo, May, & Chitiyo, 2012). In this way, the majority of students are served proactively while minimizing the need for educator

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61 http://nyspbs.org/SWIS/SWISintro.cfm
dependence on reactive or severe punitive consequences (e.g., suspension, expulsion) and testing as a perceived intervention.

To supplement Tier 1 school-wide assessment strategies at this level, the Learning Ecology Checklist discussed can be used. Additional tools that help educators better understand external influences on a student or school include the Bias Vulnerability Checklist, the Reducing Bias Process Monitoring Checklist, and the Socio-Cultural Checklist & Guide. These tools involve educator self-reflection and analysis of the school’s environment, and help support the perspective that school culture and school climate influence the behavioral development of individual students.

For more information on implementing PBIS, see the Minnesota Department of Education webpage: http://www.pbismn.org/

Within a PBIS structure, about 90% of students will respond favorably to Tier 1 positive behavior approaches (Scott & Eber, 200367). The universal positive behavior process and focus on overall school climate will be sufficient for benefitting and supporting most students.

For those students who do not respond adequately to universal strategies, small group interventions are advised. Mentoring programs such as Check & Connect68 and Check-in/Check-out have been found helpful in assisting behaviorally and academically challenged students (Campbell and Anderson, 201169; Todd, Campbell, Meyer, & Horner, 200870).

Mentoring programs provide opportunities for positive interactions between a trusted adult mentor and the student. Sessions often focus on engaging the student with learning and allow for daily positive interactions with an adult educator or mentor. These strategies have been found to be particularly effective for African American and American Indian students (Gordon, Iwamoto, Ward, Potts, & Boyd, 200971).

A variety of other proactive school-based interventions have been developed that address student aggression and promote self-discipline. Strategies known as Social-Emotional Learning (SEL) programs have strong empirical support when used with diverse students (Bear, 2012). SEL includes programs that may be known as character education, resiliency development, or positive psychology approaches.

68 http://checkandconnect.umn.edu/model/
Specific programs found to be most effective at supporting pro-social behaviors in schools include:

(a) Caring Schools Community (Watson & Battistich, 200672)
(b) Promoting Alternative Thinking Strategies (PATHS; Greenberg & Kusche, 200673)
(c) Second Step: A Violence Prevention Curriculum (Fitzgerald & Edstrom, 201174)
(d) The Seattle Project (Hawkins et al, 200775).

Many SEL programs can be implemented in schools at a Tier 1 (universal) or Tier 2 (targeted small group) level.

Regarding assessment of student behavioral progress at the Tier 2 level, educators are encouraged to continue observing and collecting secondary data on students as they progress through interventions. Numerous data collection tools are offered on-line (e.g., www.interventioncentral.org).

When Tier 1 and Tier 2 services are comprehensive and effective, only a small percentage of students should require additional intense individualized assessment or intervention. Even at the Tier 3 level, continued intervention may be appropriate before any comprehensive evaluation for special education is needed.

One Tier 3 approach that has become increasingly utilized in schools is known as wrap-around (Eber, Breen, Rose, Unizycki, & London, 200876). Wrap-around services are developed on the assertion that students who display severe or unusual behavioral concerns require intense support within multiple systems and across different settings.

The wrap-around approach involves a proactive team focused on engaging the family and identifying positive supports in the child’s life (e.g., spiritual leader, family elder, coach). Given built-in rapport and cultural influence, noted adult supports can better assist the students as she/he develops improved self-regulation and executive functioning skills involving impulse control and improved self-monitoring.

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Successful wrap-around efforts include recognition of the child’s unique qualities, culture, and the need for communication between multiple supports across multiple systems (Woitaszewski, Savage, & Johnson, 2012). A single intervention in one setting is not likely to be effective. For additional information about school wrap-around services refer to Eber, Breen, Rose, Unizycki and London (2008).

For students whose academic progress has been impacted negatively by difficulties with social adjustment or self-control, a referral for a special education evaluation may be necessary, and qualification for Emotional or Behavioral Disability (EBD) services may be warranted. A special education evaluation can allow for additional more individualized data to be collected about the student in need and, ideally, assist educators with additional instructional planning. However, whenever possible, school assessment teams are encouraged to exhaust all available Tier 1 and Tier 2 supports prior to considering and conducting a special education evaluation.

When embarking on a special education evaluation for a student of African American or American Indian heritage with significant behavioral concerns, the following best-practice strategies are indicated:

**Identify Behaviors Impacted by Sociocultural Factors**

It is possible that parents, educators, and administrators respond to the behavior of a student in different manner. Each person brings his or her perspective to a situation where there is concern about a student’s interaction or ability to manage his or her behavior.

**An example**

Given the example of a student who appears “withdrawn”, competing explanations for the behavior can be generated. When pressed for symptoms of withdrawal, responses might include, *fails to talk, is a loner, or doesn’t speak when the educator asks for a response.*

The behavior labeled as withdrawn may be symptomatic of different possibilities, including a function of a normal stage of second language acquisition if the student is American Indian. For other students their lack of response may represent behavior that is culturally appropriate to their culture, where silence in the presence of an elder is expected. Still, some students may feel uncomfortable in a setting where they are engaging with peers that are culturally different from them, choosing to observe and learn quietly.

The behavior labeled withdrawn may have important cultural components that must not be ignored in making decisions about services for the student. This example illustrates the need for educators and individuals in the community to define terms or statements about students carefully and in ways that can be measured.

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Many terms such as behavior problem, defensive, disorganized, or aggressive, are used without reference to an objective definition or standard that allows for clear comparison across different persons that touch the life of a student. For any of these terms, educators, administrators, caregivers and persons in the community who work with the family have different connotations of these terms.

**Behavioral Functioning Assessment & Intervention**

Various theories have been developed to explain the causes of social, emotional, adjustment and behavior difficulties experienced by students. These theories subsequently impact definitions and assessment approaches used to qualify students for programs.

Theories of causation range from viewing the cause as within the student (biophysical), result of developmental lags, or as a reaction to issues within the family such as abuse, neglect, or inconsistent parenting (sociological factors). Other theories attribute causation of behavioral, social, or emotional difficulties to social adjustment concerns to society as a whole or to school in particular (ecological). For example, some would argue that anger from some students is an understandable reaction to a society that oppresses a student or to a school that rejects the student's cultural values (see School Climate discussion).

If a student feels alienated from school and society he or she may develop response patterns that conflict with a school’s academic and behavioral expectations. Behavioral theories suggest that students learn maladaptive behavior through environmental connections (behavioral and social learning).

A student’s difficulty may result from a combination of inherited dispositions, family problems, environmental stressors, and poor environmental match. The debate over theories of causation is ongoing and perhaps impossible to resolve. No single theory accounts for all observed social, emotional, or behavioral problems. Therefore, the consideration of multiple factors to explain concerns about student functioning is beneficial to assessment teams.

Within Tier 1 and Tier 2 strategies for behavioral and social interventions it is important to be inclusive of early stage school-wide behavioral assessment strategies, social-emotional instructional practices, and other resiliency building strategies. These positive approaches are reflective of a school climate that is proactive and preventative (Tiers 1 and 2), and are designed to come before or even prevent the need to conduct individualized interventions at a Tier 3 level.
Tier 1 and Tier 2 preventative and strength-based practices are viewed as particularly vital for assisting students of African American and American Indian heritage (Duda & Utley, 2005; Jones, Caravaca, Cizek, Horner & Vincent, 2006; Utley & Obiakor, 2012). Proactive strategies have been found to lessen the frequency of special education referrals and evaluations for many diverse learners (Sullivan, et al, 2009b) reducing the disproportionality issue that is so clearly noted in the literature (Sullivan, et al, 2009a).

In the case of the development of child and adolescent behavior, both nature and nurture are thought to contribute to the formation of concerns and both are viewed as important student variables in which educators should assess and intervene. For example, understanding a child’s temperament – his or her biologically based behavioral tendencies – is imperative. Recent literature has supported the idea of increasing caregiver understanding of childhood temperament and the need to work with or around a child’s natural temperamental tendencies (McClowry, Rodriguez & Koslowitz, 2008).

Beyond a student’s temperamental qualities, social adjustment, and self-control, their development is influenced by interactions and response to family, peer, and educators. The school, neighborhood and community where the student resides have influence on the student’s development. The cultural domain impacts a student’s identity and social development and behavioral response to the multiple settings in which they are expected to perform.

Educators can reduce bias and promote fairness with American Indian –Alaska Native and African American students by evaluating students with consideration of multiple environmental systems. Likewise, interventions and other supports can be multi-faceted to address the influence of multiple systems.

*From daily evidence-based instruction to advocating for policies that support schools and children at a broader level, educators and interventionists must understand the need to tie together multiple strategies for students where there is concern about their social adjustment or ability to manage their behavior on an independent basis.*

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District Example: Words make a Difference

One aspect of increasing fairness involves improving objective understanding of student needs. One district reported service improvement and reduction of discipline referrals based on reviewing and modifying forms used to document referrals about students.

While reviewing forms for social or behavioral concerns, district staff noted that some words used to document the referral were unclear or subjective. Forms used to collect referral information about students also appeared to express low expectations of students or only reinforced negative perspectives about students. Forms were revised to be more sensitive to the needs of students and to provide more objective understanding of student needs.

<table>
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<tr>
<th>Changes to the form involved the following:</th>
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| **Title Change:** from Discipline Referral Form to Administrative Support Form  
The change in title to a neutral stance reduces defining the concern as a discipline problem. |
| **Change from Problem** Behaviors/Event to Behavior/Event  
Reduces emphasis on defining the student as a problem and focuses more on the circumstances and reactions. |
| **Specific removal of undefined terms** such as disorderly conduct, disrespectful, insubordination, defiant, and more inclusion of specific descriptions such as failure to follow directions, use of inappropriate or abusive language, harassment – threatening, harassment – bullying. |

A completely new section was added that addressed possible motivation for the behavior, including avoiding adult, avoiding peers, avoiding tasks, or gaining attention. This latter section addresses an understanding of the functions of behavior.
Mental Health and Emotional Functioning/Resiliency

The National Alliance on Mental Illness (NAMI) reports “African Americans in the United States are less likely to receive diagnoses and treatments for their mental illnesses than Caucasian Americans.”\(^{86}\) Several factors are associated with this finding, including lack of representation of persons of color among psychiatrists, psychologists, teachers, and social workers within the professional community. In other situations professionals may misunderstand cultural factors within the assessment process, leading to misdiagnosis of mental health conditions.

American Indian and African American families may fail to participate in mental health screenings or mental health services due to concern about the stigma of mental illness within their social context. There may also be shame about participating in mental health services where caregivers may feel judged by educators. For other families access to mental health care may be restricted due to economic factors related to the costs of purchasing services.

Educators should be prepared to provide culturally competent mental health services. Culturally competent mental health services are defined as “policies and practices that enable school personnel to effectively address the social, behavioral and mental health needs of students from diverse cultures”\(^{87}\).

For some American Indian and African American families, concerns about mental health needs of their child are first addressed with use of family and community connections, such as the tribe or church. Given concerns about barriers that interfere with accessing services for American Indian and African American families, it is imperative that school-based professionals understand their role in screening for mental health concerns and in providing support for families who would benefit from such services. Many professional agencies have made a commitment to focus on youth mental health intervention, prevention, and treatment\(^{88}\). It is imperative that the specific needs of American Indian and African American youth be a focus of this national effort and within public schools in Minnesota.

Concerns About EBD Label

Within public school settings many African American students who are involved in special education programs receive services under the category of Emotional or Behavioral Disorder (EBD). Research indicates that the dropout rates for students with severe emotional and behavioral problems are nearly twice as much as other students (Lehr & Johnson, 2004\(^{89}\)). Data also show that suspension or expulsion from school for behavioral concerns is used in a disproportionate manner with African American students where at the elementary level an African American student is twice more likely than their White peers to be sent to the office for problem behavior.

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\(^{86}\) http://www.nami.org/Content/ContentGroups/MIO/Fact_Sheets1/AA_MH_Disparities_04.pdf
\(^{87}\) Williams, B.B. (2007). Culturally competent mental health services in schools: Tips for teachers, NASP.
\(^{88}\) http://www.whitehouse.gov/the-press-office/2013/06/03/fact-sheet-president-obama-applauds-commitments-raise-awareness-and-incr
At the middle school level the referral rate to the office for a discipline concern is almost four times as likely as a white peer (Skiba, 2011). Suspensions and expulsions are often used in a differential manner with African American students as a consequence for behavior. Frequently, White peers who exhibit the same or similar behaviors that draw negative attention do not receive the same degree of consequence involving separation from peers and removal from the school setting as do African American students.

The concern for the overuse of suspension and expulsion for African American students is also important when combined with zero-tolerance policies in schools. Zero tolerance policies are those that require prescribed consequences such as suspension and expulsion for a wide range of violations involving behavior and conduct (Evenson, A., Justinger, B., Pelischek, E. & Schulz, S. 2009).

*With the combination of disproportionate referral for discipline concerns, and the impact of implementation of zero-tolerance policies, African American students are particularly vulnerable to loss of access to a free and appropriate public education.* Some argue that school discipline has shifted from a prevention and intervention model to a model of punishment (Cohn and Canter, 2004). Students from diverse groups, those with disabilities, and students within urban settings all more likely to be penalized by zero tolerance policies or use of suspension and expulsion.

Social factors serve as important warning signs for the potential of developing a mental illness ([www.nami.org](http://www.nami.org)). African Americans make up approximately 12% of US population but 40% of the homeless population. As well, African Americans make up a significant portion of the prison population in the United States.

Other social factors that are indicators of stress on families and individual children include the number of African American children involved in foster care or child protective services, or the number of children and families exposed to violence ([www.NAMI.org](http://www.NAMI.org)). Given exposure to such stressors, potential mental health concerns such as depression, anxiety disorders, or posttraumatic stress syndromes are possible.

Leong and Kalibatseva reviewed literature on the treatment of mental illness within the United States and concluded, “the perennial and intractable problems of inadequate mental health services and mental health disparities for ethnic and racial minorities have remained” (2011). Further, they discussed barriers to treatment and categorized four barriers that contributed to difficulty accessing services for diverse families. The barriers to treatment they identified included cognitive barriers, affective barriers, value orientation barriers, and physical/structural barriers.

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Cognitive barriers involved a person’s perceptions of the nature, cause, and treatment for mental illness, which they argue are culturally influenced. People form their own perception of causes of mental illness as well as what factors will alleviate mental illness. It is important for clinicians and persons developing interventions to develop a sense of understanding about the person’s or caregiver’s perception of the mental illness. As an example locus of control may be an important factor to investigate when developing strategies to address concerns. Does the family consider the difficulty within the person's control, or do they view it as a reaction to some external factor? Failing to address issues such as this may lead to miscommunication about the potential for change.

Affective barriers are present when there is mistrust between the help seeker, and those providing treatment. Caregivers of American Indian and African American students may be sensitive to this barrier due to persistent concerns about bias in testing and their questions as to whether the treatment provider understands the cultural perspective of their child.

Affective barriers may be combined with value barriers when American Indian and African American families periodically question the benefit of talk therapies as opposed to other forms of treatment involving medication, restrictive interventions, or restitution.

Structural barriers may occur when families have difficulty purchasing services, or have challenges with transportation to benefit from services.

As with other aspects of assessment and student services, a foundation of culturally competent services is recommended for mental health services. Aspects of culturally competent services include understanding traditions, customs, and parenting styles of diverse families, acknowledgment of worldview differences between educators and families, and knowledge of help seeking behavior of different cultural groups. Including such information at the intervention stage to design effective intervention, and including such information at the decision-making stage for special education placement, is critical for appropriate decisions for African American students.

Collaboration between schools and community mental health services advisors is essential. The diagnosis of severe mental health disorders and the provision of therapy is beyond the capacity of most public schools. Educators, however, can work with community mental health service providers to identify ways to support students in the educational setting. Educators can help families identify services and provide documentation of the student’s social, emotional, or behavioral standing to service providers outside of the school. This information is useful in developing treatment and intervention plans, or useful in documenting response to medications for those who may benefit from prescriptions. The attainment of a release of information to allow the educational setting to share observations or intervention strategies benefits the student, and helps the student feel supported in the various settings they operate within.

As a bridge to connections to outside sources to provide intervention for more severe cases, mapping community resources is recommended. Agencies outside of the school and social service providers are linked to provide resources for families. Through identifying resources available to families and developing a referral network, particularly those that are culturally
specific, caregiver’s feeling supported, and more severe needs are given the additional support necessary.

Universal interventions for mental health concerns target the entire population of a school with the goal of promoting age-appropriate mental health, social adjustment, and emotional well-being. Within the universal level of support, school-wide programs that foster safe and caring learning environments and which engage all students are the goal. Such services are culturally sensitive and promote social and emotional learning to develop a connection between the school, home, and community. The use of cognitive behavioral instruction focused on self-control techniques may be part of a school-wide strategy delivered to the whole population.

In the realm of mental health services, specific school-wide prevention programming can include a clear and intentional focus on a healthy school climate, where student and staff diversity and varied cultural experiences are valued. Positive intervention approaches (e.g., PBIS) and other Social Emotional Learning (SEL) strategies can be utilized as universal systems of mental health support.

The psychological safety factors discussed in the PREPaRE (Prevent, Reaffirm, Evaluate, Provide Interventions, and Respond Examine) crisis prevention and intervention curriculum are effective evidence-informed and universal mental health support strategies (Brock, Nickerson, Reeves, Jimerson, Feinberg, & Lieberman, 200994).

In an effort to promote mental health and adjustment, and reduce behavioral crises, school leadership teams can focus on resiliency building activities, and school connectedness between and among students, staff and caregivers. These strategies promote a more caring and respectful environment that can increase diversity awareness and respect for varied student and staff beliefs and experiences. Multiple school-focused resources for accomplishing those goals are available for educator use in the PREPaRE curriculum.

Targeted interventions are implemented for individual students or subgroups of students whose risk of developing mental health concerns is higher than average. The presence of risk factors for specific groups of students does necessarily indicate poor outcomes, but only serves as a warning to consider the needs of students. Cultural and family liaisons, if available in the district, can serve as a point of contact between home and school. Cultural liaisons can work with the student, educators, and caregivers to provide support and communicate about circumstances that are impacting the student.

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94 Brock, Nickerson, Reeves, Jimerson, Feinberg, & Lieberman (2009). PREPaRE
Examples of Risk Factors for Mental Health, Social, and Adjustment Concerns

(1) Loss of a parent or loved one
(2) Frequent moves resulting in multiple school placements
(3) Exposure to violence and trauma in the student’s social environment.

Interventions are implemented through the use of a comprehensive developmental approach that is collaborative, culturally sensitive and geared towards skill development and/or increasing protective factors for students and their families. Specific strategies involve individual or small group counseling and supports.

An analysis of Cognitive-Behavioral Therapy (CBT) indicates that this form of support can be effective in reducing disruptive behaviors in the classroom (Ghafoori & Tracz, 2001). The focus of the approach is to combine understanding the factors that reinforce a behavior, including inappropriate behaviors, and what thoughts about themselves students carry with them. CBT looks at distorted beliefs about themselves that some students develop that contribute to anger, frustration, sadness, or loss of self-esteem. The goals of CBT include helping the student redefine their capability and identify their competence.

Intensive interventions implemented through the use of highly individualized and developmentally based interventions. Goals of services at the Tier 3 level include reduction of risk factors and increasing protective factors of students. Typical Tier 3 examples in schools include use of individually designed behavior support plans that address problem behavior at home and school, evidence-based individual and family intervention when appropriate, and the use of comprehensive wraparound plans. Functional Behavioral Assessments can be useful in identifying factors that contribute to the maintenance of a problem behavior.

At the Tier 3 level wraparound plans are useful. Wraparound plans typically include support persons such as liaisons and collaboration with community systems such as social services to address needs and promote enhanced functioning in multiple life domains of the student and family. Obtaining release forms to consult with community supports such as mental health counselors or private practice therapists can connect the different systems that provide support to a student. Youth Service Bureaus, if available in the community, may be a resource that provides after-school support programs such as social skills groups, or topic groups for parents and caregivers so that they are better able to provide support for the student.

Example of a Multi-Tiered System of Support for Adjustment and Social Concerns

**Tier 1 Problem Solving**

- Collect School Wide Data (graph)
- Analyze data
- Determine potential concerns
- Identify and reinforce strengths
- Develop hypothesis about why problems exist
- Determine if intervention programs are implemented with fidelity
- Identify replacement behaviors for concerns
- Determine Interventions: Evaluate Response to Intervention
  - Develop intervention plan, specify who, what, when
  - Train educators on the intervention, provide support to staff
- Evaluate school wide data at team meetings
- Assess fidelity of interventions
- Consider Tier 1 Decisions

**Tier 1: Decisions**

*If* discipline data shows an increase in office referrals or use of suspensions, or that a significant percentage of students receive 1 or more office referrals, *then* consider changing universal supports to improve system capacity to support students. Such change may involve re-teaching expectations, increase in use of positive reinforcement for desired behaviors, and improvement to classroom supports.

*If* a significant number of referrals come from non-classroom settings (school bus, playground, cafeteria), *then* consider whether universal supports are available in those settings. Increase active supervision and implementation of proactive factors in non-classroom settings.

*If* discipline referrals occur in a specific location, time of day, type of activity, or between or among specific sub-groups of students, *then* consider revising school-wide behavior supports to problem-solve and design interventions to match the setting or circumstance.
Possible Tier 1 Interventions for social, adjustment, and behavioral concerns.

School-wide Interventions

- Re-teaching
- School wide programs on individual differences

Interventions for Specific Populations or Locations with the school

- Identify desired behaviors and provide intermittent reinforcement
- Provide classroom support and training for teachers with high referrals
- Restructure discipline procedures
- Insure parent and caretaker communication occurs

Mental Health within State of Minnesota Guidelines

Students who exhibit difficulty with social, emotional, or behavioral functioning may be referred for investigation for the specific category of Emotional or Behavioral Disorders EBD within Minnesota school settings (http://www.asec.net/tses/disability%20criteria/EBD%20Checklist%208.3.11.pdf).

When students exhibit significant difficulty managing or conducting their behavior, an assessment for EBD may be an appropriate step. However, some student mental health conditions such as depression, anxiety disorders, or reactive attachment disorders might be better addressed through mental health services that are community based. It is important for schools to collaborate with mental health service providers to fully address the mental health needs of students.

When assessing a student for concerns within the social, emotional, and behavioral domains of development, members of assessment teams need to be sensitive to diversity factors. Students from diverse backgrounds may be responding emotionally or behaviorally to poverty, reactions to racism, or feelings of isolation when they have no strong relationships within their school.

The Minnesota criteria for emotional or behavioral disorders define difficulty with behavior, problems with social competence, or unsatisfactory educational progress not related to intellectual, physical health, or cultural factors. Additionally evidence must show significant impairment in at least one of the following areas: interpersonal, academic, vocational, or social skills.
Within the Minnesota guidelines for EBD, examples of information that can be used to complete an evaluation include:

(1) Vocational measures  
(2) Measures of personality  
(3) Self-report scales  
(4) Adaptive behavior inventories  
(5) Socio-cultural and ethnic information reviews  
(6) Chemical health assessments

At the K-12 level documentation to support qualification for services within the EBD domain must be based on:

(1) Clinically significant scores on nationally normed behavior rating scales  
(2) Individually administered and nationally-normed tests of intellectual ability and achievement  
(3) Review of records,  
(4) Mental health screenings,  
(5) Interviews with parents, pupils, and teachers,  
(6) Three (3) systematic observations in the classroom or other learning environments,  
(7) Review of health history, and the use of  
(8) Information from functional behavioral assessments

Additional standards apply for EBD placement for prekindergarten students, who must meet standards for difficulty with behavior in patterns of concern, combined with specific areas of impact such as self-care, social relationships, and social emotional growth. Within the pre-K population case histories including medical, cultural, and developmental information must be documented with other aspects of preschool EBD qualifications. Information from cognitive ability assessment, social skills assessment, cultural and developmental information is combined to develop a comprehensive understanding of the student. Standardized adaptive behavior scales, and standardized interviews with parent, teacher, caregiver or childcare provider are also recommended.

**A consistent theme within the EBD criteria is the inclusion of information about the student’s cultural background and the impact that information could have on the decision-making process.**

It is appropriate to consider cultural norms within the decision-making process. An interview of the student, as well as caregivers and educators who work directly with the student, can be an effective means to elaborate on the context surrounding the student and her or his behavior. Information in many places is often collected through the use of rating scales and checklists. Rating scales are useful in gathering information about concerns, but are limited in helping to define the nuances of the circumstance for each individual student and may be susceptible to rater bias. An interview is an important tool useful for gaining information, but perhaps even more important as a means for building relationships with students and their caregivers.
Methods to Improve Fidelity of School-wide interventions for Mental Health

- Review referral forms for objectivity and measurable documentation of concerns
- Provide concrete definitions or examples of behaviors that should result in a referral
- Provide training to staff on completing referrals
- Use teacher assistance teams as a means to provide coaching to staff who refer a large numbers of students

A legislative policy brief funded by the US Department of Health and Human Services, Centers for Disease Control and Prevention stated, “school-based programs provide opportunities to identify, refer and support children with mental health problems.” Further, students from diverse backgrounds have less access to services and often do not receive the care they need. Specific action recommendations from this legislative record suggested that mental health be defined broadly, with emphasis on positive outcomes and the concept of mental health care to reduce the stigma associated with mental health discussions and to specifically confront equity issues such as access to mental health services. Often social factors such as historic racism or issues related to social economic status interfere with access to services, particularly for African American families.

*A student should not be deemed eligible for EBD qualification in Minnesota when unsatisfactory educational progress is primarily a result of cultural or linguistic factors.*

Unfortunately, when comprehensive tiered service delivery does not exist in a school the assessment team may feel pressure to provide services to a child only through special education services. In such cases the influence of culture on behavior may not be given sufficient attention.

An evaluation for EBD in Minnesota requires consideration of a full picture of potential cultural factors that influence the child’s behavior. Awareness of behaviors that can be influenced by culture and use of the *Socio-Cultural Guide* can assist educators with this evaluation. Utilization of a trained cultural liaison or cultural representative will help ensure understanding of the normative nature of an African American or American Indian student.

Minnesota Rules for Emotional or Behavioral Disorders

https://www.revisor.leg.state.mn.us/rules/?id=3525.1329

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96 School mental health services, Legislative Policy Brief (2007). U.S. Department of Health and Human Services, Centers for Disease Control and Prevention

97 https://www.revisor.leg.state.mn.us/rules/?id=3525.1329
Speech Or Language Impairments

The investigation of speech and language impairments in American Indian and African American children can be clouded by several factors. Factors that could influence interpretation of results include culture, dialect, and socioeconomic status. African American students can be at risk for being misidentified as language impaired because of a lack of consideration of cultural dynamics in the assessment process combined with limited use of fair language assessment methods.

It is crucial that speech-language assessment methods distinguish between a child with atypical language development and an African American English (AAE)-speaking child who is typically developing but who is essentially combining two languages. The dynamic assessment approach has been found to be a promising practice when used with African American children (Fagundes, Haynes, Haak, & Moran, 1998).

Craig and Washington (2000) compared the performance of African American children with their same age peers on a number of factors. These factors included (a) measures of expressive and receptive language, (b) patterns of language production and comprehension, and (c) the degree to which a selected set of informal, well-established types of language measures could accurately identify language impairments in African American children.

The language measures used to assess skills were average length of communication pieces or C-units (Craig, Washington, & Thompson-Porter, 1998), frequencies of complex sentences or syntax (Craig & Washington, 1994), and response to requests for information and to probes of the use of active/passive voice in sentence constructions units (Craig, Washington, & Thompson-Porter, 1998).

The criteria they used to select these measures were (a) that they were age and/or grade sensitive, (b) that performance distributions could be measured and characterized independently from the child’s level of AAE use, and (c) that mean C-unit lengths and frequencies of complex syntax could be sampled during low-structured and child-centered language sampling contexts. Craig and Washington (2000) found that all of the selected child-centered measures were sensitive to language impairment and that the sensitivity and specific of the battery was excellent. They believe that all of the measures used should continue to be used with African American students.

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Jackson and Roberts (2001\textsuperscript{102}) examined whether AAE impacted the ability to produce sentences with a preschool population (syntax production). They found that AAE use was not related to the amount of complex sentence (syntax) used by the African American children in their study. They did find that girls used more complex sentence structure than boys, and the responsiveness of the home environment predicted the amount of complex sentences children. The finding that dialect does not impact sentence production has implications for assessment. Mean length of utterance (MLU) and the use of complex sentences are related. This study supported the use of MLU-words as a useful sentence development assessment measure with African American children.

For both African American and American Indian students, poverty is an important variable to consider when examining the differences in special education eligibility and outcomes for these students as compared to other racial groups.

In a study examining past tense marking by AAE-speaking children from low and middle-income backgrounds, the results indicate that poverty as a variable does not affect past tense marking in a way that mirrors the clinical condition of Speech Language Impairment (Pruitt & Oetting, 2009\textsuperscript{103}). Another language development study (Dollaghan, Campbell, Paradise, Feldman, Janosky, Pitcairn, & Kurs-Lasky, 1999\textsuperscript{104}) that focused on children reared in poverty found that children from low-income backgrounds earned lower scores on vocabulary and grammar assessment measures (Peabody Picture Vocabulary Test–Revised and mean length of utterance).

Language development and implications for assessment of American Indian and African-American students population continues to be studied. Available literature indicates that there are some culturally fair language assessment methods available, though, it is important to consider the potential impact of culture, dialect, and socioeconomic status when conducting assessments.

**Minnesota Rules for Speech or Language Impairments**

https://www.revisor.mn.gov/rules/?id=3525.1343


The assessment of adaptive behavior is an essential aspect of eligibility determinations for a variety of disability categories. Every person has a range of behaviors that allows him or her to respond to the demands of daily living across many different settings and different social expectations. From birth, across cultures, every individual is expected to exhibit the skills and an increasingly independent manner that ultimately leads to the effective functioning in adult roles.

The American Association on Intellectual and Developmental Disabilities (AAIDD\textsuperscript{105}) defines adaptive behavior as skills needed for successful life functioning.

**Adaptive behaviors:**

1. Are developmental (increasing in scope and complexity from childhood to adulthood)
2. Reflect expectations of others (parents, communities, cultural groups)
3. Are influenced by specific situations and environments
4. Include both ability and performance dimensions.

The assessment of Adaptive Behavior is important because of the goal of identifying important areas of the child's development that could respond to remediation, increasing their chances for independent functioning later in life.

The assessment of adaptive behavior typically occurs in cases where there are questions about difficulty meeting expectations and functioning as regarding self-care, social interactions, or ability to successfully conduct tasks within the community expected for one's age. Historically, adaptive behavior assessment as a requirement was restricted to concerns for cognitive disabilities or Other Health Impairments (https://www.revisor.leg.state.mn.us/rules/?id=3525.1335)

Assessment of adaptive behavior is useful within a broader context of understanding a student’s functioning and development of skills. Specific disability categories where adaptive behavior inventories are useful include concerns for cognitive disabilities, or difficulty with maintaining appropriate behavioral reactions within social settings. Adaptive behavior assessment is an important component to include whenever there are concerns about the potential for student to have a developmental delay, or when students experience difficulty with learning, so that a full understanding of their skills and strengths are identified through the assessment process.

**Common elements of definitions of adaptive behavior**

A review of inventories of adaptive behavior yields common elements used in definitions. **Cultural specificity:** In many ways, what is appropriate adaptive behavior depends upon the circumstance or the **culture surrounding the individual.** In some cultures, belief in spirits is typical, while in others beliefs in spirits may be denied. In some cultures eye contact between individuals is expected, while in others, it may be considered a sign of lack of respect if a younger looks an older person directly in the eye.

\textsuperscript{105} http://aaidd.org/
**Situational:** Adaptive behavior has a situational component. Generally staff may not expect a teenager to cry in school, however, if the teen doesn’t cry at the death of a close person, it could be considered maladaptive if they didn't cry. Another example of situational determinants is the circumstance of a child with no siblings at home where sharing toys was not an issue. In a setting with other children where sharing is the norm for behavior, they child may have a need for teaching that was not present with the other children.

**Developmental Nature:** Adaptive behavior has a developmental component. As individuals grow, their skills in many areas become more refined. We can anticipate that as a child grows she or he becomes more competent in their ability in various domains of functioning such as independence involving feeding, dressing, toileting, communication skills, and work completion task among other examples.

**Domains of Adaptive Behavior**

Adaptive behavior covers multiple aspects that all contribute to potential for independent functioning.

**Preschool Areas:**

| Self-help skills: eating, toileting, dressing, and hygiene |
| Interpersonal Skills: cooperating, sharing, and taking turns |
| Cognitive/Communication: expressive language, how well the child uses language to communicate, receptive language, how much the child or adolescent understands when spoken to, recognizing shapes by name, counting blocks or sorting objects, written language, the child’s ability to express information through composing sentences. |
| Motor Skills: gross motor (climbing, walking, running, balance), fine motor, use of scissors, pencil grasp |

**For Older Children: Vocational responsibility:** getting to work on time, staying on task, completing work

**Domestic Skills:** preparing food, house cleaning

**Community Skills:** use of telephone, reading safety signs, riding the bus

**Type of Performance Sought Through Adaptive Behavior Assessment**

One of the issues important to consider when assessing for adaptive behavior is making a distinction between **maximal** performance and **typical** performance. Under most circumstances the goal of adaptive behavior assessment is to determine the child's level of typical performance so that he or she is not penalized for expectations that are above their daily capability. The distinction between maximal performance and typical performance is shown by the differences between the following questions: What *could the child do* (maximal) if reminded, cued, or prompted, compared to what *does the child do* (typical) without reminders, prompts, or cues? Adaptive behavior inventories are designed in a different way from standardized achievement tests or standardized tests of intelligence.
When an achievement or IQ test is given, evaluators are attempting to get measures of maximal performance. Outcomes include the highest grade level achieved, highest standard score obtained, or highest percentile rank obtained. With **typical performance**, staff should look at how the child performs under most circumstances. Measures of typical performance assess how the child or adolescent routinely behave and perform. When interviewing caregivers, it must be determined that they are not basing their ratings on what they hope their child can do. When there is concern about a disability when assessing a child’s adaptive behavior it is important to gain an understanding of typical performance, so that realistic goals can be established for that child.

**Methods to Collect Information on Adaptive Behavior**

Adaptive Behavior measures rely heavily upon interview with an informant who is familiar with the child. The informant can be the caregivers/parents, foster care providers, daycare providers, a teacher in a special education program, or a social worker. Given that caregivers and parents are prime audiences for completing information on a student’s adaptive behavior, it is important for evaluators and assessors to consider cross-cultural factors in terms of developing a relationship with the caregiver, and in terms of communication of information about the purpose, goals, and outcome of information collected from an adaptive behavior assessment.

There are many types of adaptive behavior instruments available for gathering information about the student’s status. Some are **broad band** instruments (meaning that they screen for a wide variety of problems), while others are only **narrow band**, meaning that they detect only a specific problem (expressive language inventory). Assessments that focus on measuring social skills should also be considered an aspect of adaptive behavior. The method of gathering information can vary as well and are typically covered by one of four approaches involving structured interview (standardized questions), semi-structured interview (open ended questions), questionnaire (checklist), or use of observation.

**Limitations of Adaptive Behavior Inventories**

Regardless of the type of interview procedure selected and used it is important to consider limitations associated with adaptive behavior inventories. There are several issues to be aware of when following an interview format. It is important for the examiner to make determinations about their confidence in the accuracy of the information collected. Some parents may be at a stage of grief when involved in the assessment process. It may be difficult for them to acknowledge that their child may have challenges.

In some situations the caregiver may not provide an accurate assessment due to their difficulty in acknowledging weaknesses for their child. This level of reaction requires that the interviewer acknowledge the difficulty of the circumstance for the caregiver, and work to communicate ways to provide support through this emotionally challenging time for caregiver and family.

Caregivers do not want to be viewed as failing their child in some way, or feeling that they are to blame for the child’s difficulty. If the interviewer indirectly communicates a sense of blame, a defensive or distant reaction from the caregiver is not surprising. This may be followed by hesitation to comply with requests for information about the child’s social, developmental,
family, and medical history, as a degree of trust has not been established to facilitate information sharing.

A key aspect for the collection of accurate information about the student is sufficient time and experience with the child on a range of behavior to adequately respond to questions about performance. Adaptive behavior inventories operate on the assumption that the respondent has meaningful experience with the child. A non-custodial caregiver might have some experience with the child, but may be in a position where they seldom provide discipline or structure. If they are asked to measure the child's ability to respond to social demands they may not be in the best position to give the best information. The parent who comes home from work and spends an hour and half with the child before bedtime can have a different perspective than the parent who is with that child for 8 hours without a break during the day.

Examiners must be attentive to issues related to comprehension when giving adaptive behavior inventories. If checklists are used, or if the examiner is composing questions for a semi-structured interview, it is important to consider issues related to readability of questions. It is important to access questions to determine that they are they written in a way that most people would understand. If the questions are complex or if the person does not understand the question, the respondent may guess and not give appropriate ratings of behavior.

**Standardization samples with measures of adaptive behavior**

Most adaptive behavior inventories used for decision-making purposes meet standards for technical adequacy. Although they may have a representative sample based on national census data, the standardization sample may not match the census data associated with many urban public school settings. For settings with significant diversity in their population, nationally standardized adaptive behavior inventories are not representative of the population of specific school districts. Therefore, such information from adaptive behavior inventory should be used cautiously and combined with other information when used with diverse populations.

The use of national norms may obscure significant factors in individual's functioning if that individual's daily environment is significantly different from that of the mainstream. The development of local norms maybe an option to address settings the arson is really different from Nestlé standardize instruments. Local norms however can be an asset and a liability depending upon the intended use of the measure. A limitation of local norms is the limited degree of confidence with which generalizations can be made to other populations. Local norms can be useful in terms of identifying specific skills that a population may lack, and then developing interventions to address those skills.
Summary of Methods To Support American Indian & African American Students

Steps can be taken to implement intervention and referral services that lead to positive outcomes and appropriate utilization of mental health resources by American Indian and African American students. Educators can work to support a family’s use of religious and spiritual groups and other social networks for other means of support beyond the school. The development of mentor programs for families to support other families going through the assessment process could be an important tool to foster and develop relationships that would address affective and values barriers.

An example of a mentoring program is Check and Connect (http://checkandconnect.umn.edu/). This program is designed to assess a student’s engagement with their school and monitors attendance, behavior, and grades. As well, the program seeks to develop partnerships among educators, families, and service providers.

Professional educator training programs, as well as those for administrators, should emphasize factors related to cross-cultural mental health and resiliency. Promoting professions in teaching, education administration, school psychology, counseling, social work, communicative disorders, special education licensure, and diversity specialist for high school students, particularly with under-represented groups to develop future career orientation, is important to address issues related to the underrepresentation of persons of color within professional education careers.

Other specific strategies to enhance services for American Indian and African America families include introducing mental health consultation at the preschool level so that families can be assisted in developing strategies early for students who have difficulty with behavioral control, emotional expression, self-esteem, or other academic challenges.

Within schools, a Multi-tiered system of support can be used to address adjustment, social, or behavioral concerns. Caution should be used when referring to behavioral problems associated with student concerns. Without the provision of a concrete or objective definition, educators and parents are left with their subjective definition of what is a behavior problem.

Utilize Functional Behavioral Assessments to Understand the Context of the Student

Data collected should go beyond simple administrative assessment (i.e., an assessment that gathers data intended only to answer the yes/no special education qualification question). Emphasis on Functional Behavioral Assessments (FBA) can be particularly fruitful in providing information that can be used for intervention.

It is necessary to clarify that the use of cognitive assessments does not imply evaluation for discrepancy between intellect (IQ) and achievement. Cognitive assessments are better understood as a mechanism to gain information about a student’s problem solving ability, manner in which she or he processes information, or factors related to attention span. Cognitive assessments should provide a profile of the student that specifically includes strengths and understanding of any unique factors that influence the student’s ability to meet the demands of the educational setting.
Understand limitations of standardized social, emotional and behavioral assessment tools.

The results of commonly used behavioral rating scales (e.g., the BASC-2, Reynolds & Kamphaus, 2004) are based on the perceptions of teachers, caregivers, and/or the evaluated child. When teacher perceptions are used, and cultural differences between student and teacher exists, behavior rating results may reflect an inaccurate picture of the behavior severity. When using behavior rating scales, use of multiple reporters is encouraged so that the perceptions of caregivers at home, school, and in community settings can be compared and contrasted. Qualitative interpretation of the results may be necessary and helpful (discussing significant items with raters and reviewing if culture or language have influenced results).

Provide Elaboration on Important Issues Through the Evaluation Reports

Evaluation reports should provide more than a listing of scores. Scores without elaboration fail to provide a context of understanding the student and their development. The evaluation report or assessment summary should contain information about cultural factors and provide an analysis of information that provides depth to understanding the needs of the student. Assessment reports provide an opportunity to identify strengths, protective factors, or supports that may help the student achieve academic, social, or behavioral goals.

Use Interviews to Build Relationships and Collect Information

Usefulness of an interview:

- Means to establish rapport
- Means to define the referral concerns
- Means to identify the student’s or family’s worldview
- Means to define antecedents, consequences, and functions of behavior
- Means to gather important social, family, and cultural background information

Components of a Caregiver Interview:

- Student’s birth and prenatal history
- Developmental History
- Medical History
- Family History
- Social Skills
- Caregiver Expectations about Education
- Educational History
- Problem Definition
- Determination of Strengths
- Cultural and Linguistic Information