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Chapter 6: Assessment and Intervention When Students Struggle

With passage of Public Law 94-142, the Education for All Handicapped Children Act in 1975, children with disabilities gained the right to a free public education. At that time more than 1 million children in the U.S. had no access to public school education. This ground-breaking, civil rights legislation has been reauthorized several times in the ensuing years (most recently in 2004) and was renamed the Individuals with Disabilities Education Act, IDEA in 1990. IDEA currently serves approximately 5.8 million children between the ages of 6 and 21, down from a high of 6.1 million in 2004.¹

Assessing the needs of students with significant challenges has involved individualized testing of student-focused factors, resulting in the reporting of results that reflect a snapshot in time. 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.

Often the process of referral, evaluation, eligibility, and placement is referred to as labeling, (e.g., student is LD, or is EBD, and with this label is subject to corresponding educational programming). A significant weakness of the referral, evaluation, eligibility, and placement process is the assumption that academic difficulties or problem behaviors originate within the student. Important environmental or social factors that contributed to concerns were minimized or excluded from understanding factors that impacted a student.

No one could argue that a child born with cerebral palsy or Down syndrome, for example, would most likely be found eligible for special education services due to his or her disability. It is less clear, however, for students who have no obvious, visible impairment. While genuine disability is always one possible reason for evaluation results showing low ability, achievement, or behavioral concerns, 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 total environment and history of the child, rather than using a limited focus on a suspected problem within the child. In contemporary approaches evaluators adopt a comprehensive, multi-disciplinary 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.

**Assessment Case Study**

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 verbally 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. Information from a functional behavioral perspective indicated that his out of seat socialization was due to avoiding academic content that he did not understand.

Michael made some progress as far as reduction of behavioral concerns in partial response to focus intervention for literacy skills. However, he still showed significant reading delays by the time he reached 3rd grade, despite the application of focused interventions during first and second grade.

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 true picture of his needs and his strengths.

It was clear that Michael’s difficulties with reading were a source of off-task behavior. A mistake would have been made if the team had defined his off-task behavior as a “behavior problem”.
It is critical to accurately define student needs. Students who have difficulty should be provided with escalating and more intensive interventions to determine their needs. Learner strengths and cultural patterns that can impact learning should be identified as an important domain of assessment. 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 (Ortiz, 2008, p. 665).

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 class and schoolwide 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 and Ceci (1994).

**Fair Assessment Practices and Continuum of Services**

Fair assessment practices include collection of data over time and from multiple sources. Data should be linked to instruction/intervention. Fair assessment practices realize that student struggles can be influenced by cultural or linguistic differences between the student and the dominant school culture and climate, and ensures full examination of these factors. 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 highly recommended.

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. The use of individual special education evaluation occurs if the needs of the student cannot be met through typical classroom services. A continuum of service options/interventions should be available, rather than special education placement thought of as the inevitable or default service option for a student.

Regardless of whether or 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 can, perhaps, prevent the need for a special education referral, if interventions prove to be effective for the student.

Once a student has been referred for special education evaluation, information that has been collected through the intervention process 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.

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The following is an example of a Multi-Tiered System of Support (Figure 16)

**Figure 16: Components of a Multi-tiered System**

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

**Tier 1**
- Universal focused screening
- Design and implement universal supports

**Tier 2**
- Progress monitoring
- Targeted services for students at-risk

**Tier 3**
- Intensive individualized intervention
- Comprehensive individual evaluations
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 screening 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

Figure 18. Tier 2 Actions

Tier 2 involves the use of targeted instruction or intervention for those students identified as falling in the lower 20% through universal screening. This instruction or intervention is delivered in some type of small-group format using groups that are flexible, fluid, and homogenous in nature, relative to baseline and progress monitoring data (see Footnote 19).

Whereas assessment data at Tier 1 are used to make screening decisions, assessment data at Tier 2 are used to determine those prerequisite, or other skills, which need to be taught to the student or augmented. Other adjustments at the Tier 2 level involve the determination of the instructional conditions that may accelerate a student’s learning trajectory. The data collected are also used to establish homogenous skill groups as a means of matching intervention to student needs.

The evaluations of student progress and response to intervention at Tier 2 also happen more frequently than at the Tier 1 level. These assessments of student progress occur every one to two weeks, so that a student’s progress, or lack thereof, is frequently monitored and appropriate modifications to the intervention are made, as needed. The ultimate goal is to return students receiving targeted instruction and intervention to the universal curriculum and developmentally appropriate instruction (i.e., Tier 1) as quickly as possible.
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.

*Figure 19. Tier 3 Actions*
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 Interventions and Supports* (PBIS) (Marston, Muyskens, Lau, & Canter, 2003; Proctor, Graves, & Esch, 2012; Tobin and Vincent, 2011; Utley and Obiakor, 2012).

Multi-tiered strategies ensure a process where prevention and early intervention are critical components and evaluation of schoolwide academic and behavioral trends are included. For general information on RtI and PBIS, see Sprick, Booher and Garrison (2009).

**The Concept of Seamless Data Collection**

The practice in Minnesota is that referral and special education evaluation occur after Tier 3 services have been utilized, and the student has failed to respond to specially designed interventions. Data collection is intended to be seamless with 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) combined to develop a comprehensive understanding of the needs of the student.

IDEA has detailed requirements to (a) ensure parents’ informed consent and contribution to the evaluation process and (b) thorough, holistic, nondiscriminatory, and unbiased evaluation.

In conducting the evaluation, the public agency must

1. Use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the child, including information provided by the parent that may assist in determining—
   1. Whether the child is a child with a disability under § 300.8; and
   2. The content of the child’s IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities);

2. Not use any single measure or assessment as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child; and

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(3) Use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

Each public agency must ensure that

(1) Assessments and other evaluation materials used to assess a child under this part
   (i) Are selected and administered so as not to be discriminatory on a racial or cultural basis;
   (ii) Are provided and administered in the child’s native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to so provide or administer;
   (iii) Are used for the purposes for which the assessments or measures are valid and reliable;
   (iv) Are administered by trained and knowledgeable personnel; and
   (v) Are administered in accordance with any instructions provided by the producer of the assessments.

(2) Assessments and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

(3) Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child’s aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child’s impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

(4) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities;

(5) Assessments of children with disabilities who transfer from one public agency to another public agency in the same school year are coordinated with those children’s prior and subsequent schools, as necessary and as expeditiously as possible, consistent with § 300.301(d)(2) and (e), to ensure prompt completion of full evaluations.

(6) In evaluating each child with a disability under §§ 300.304 through 300.306, the evaluation is sufficiently comprehensive to identify all of the child’s special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

(7) Assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided [emphasis added].
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 PBIS 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 race, 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 dominant 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 students are acculturated in a manner different from the majority of White middle class students who often make up the norm sample for a test. Traditionally, standardized tests have been normed using students from White, middle class backgrounds. Students who come from diverse environments due to race/ethnicity, culture, language, and/or socioeconomics factors are typically not included in the sample population, and therefore, standardized, norm-referenced assessments are less relevant for defining students from diverse populations, such as American Indian and African American students.

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, must 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). 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 following a referral 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 (potential rule out) factors to explain the student’s performance or behavior. Individual evaluators or assessment teams may tend to overemphasize results that support a preconceived notion that student performance is related to disability. Data that runs counter to initial suspicions about student disability may be discarded or ignored.

Confirmatory bias may be even more common when schools evaluate students from diverse backgrounds. 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).

**Understand bias in assessment.** As has been stated, IDEA 2004 mandates that assessment teams select and administer a variety of assessment tools in order to eliminate cultural bias or 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 include:

- Use of inappropriate/unfamiliar content
- Inconsistent or poorly defined factors measured in tests
- Factors measured that apply to some cultures but not other
- Differences in the accuracy of using cognitive ability tests to predict academic achievement for various groups

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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). As examples, there is evidence that 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. However, 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.

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 with American Indian and African American students, such tests should always be combined with multiple sources of data. 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).

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 that are fair to all students. Some students are aware that some educators, or administrators, view their race or cultural background negatively, which creates additional tension and stress for them as they also know those same educators or administrators are judging their performance. Research on the concept of stereotype

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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 conforms to negative expectations about their race (Steele & Aronson, 1995). 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. An American Indian student or African American student who has been told consistently that are not meeting standards may feel extreme stress in a testing situation and underperform because of pressure they feel to do well.

In the Steele and Aronson 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.

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

Readers who are looking for references for current, acceptable, and effective interventions can start the search at their own district, neighboring school districts, their state department of education, and the U.S. Department of Education, as well as the federally funded Center on Positive Behavioral Interventions and Supports (http://www.pbis.org). Another resource is the What Works Clearinghouse (http://ies.ed.gov/ncee/wwc/), which reviews program, policies, and practices in education. Appendix D includes a listing of the current Technical Assistance and Dissemination Network (TA&D) of IDEA-funded projects designed to promote best, research-based practices for improved outcomes for children with disabilities.

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Selecting Assessment Tools

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.

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). Styck & Watkins (2013) discussed 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, 1992).

Issues of special education referral and eligibility typically occur when universal evidence-based instruction and prevention programs have failed to meet the needs of the student. Ortiz (2008) recommended that educators start with the assumption that children from diverse cultures develop typically, even though they may not appear to meet 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 relationships and 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 and school personnel.

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 eligibility/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 not only essential (McIntosh, Bohanon, & Goodman 2010), but also required by IDEA. 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 from the majority culture of those who are from culturally diverse cultures (Merrell, 2010; McConaughy, 2005; Briesch, Chafouleas, & Riley-Tillman, 2010; National Association of School Psychologists, 2009; Braden & Miller, 2007; Hansen, & Callender, 2005) 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.

Tools to support fair assessment practices. The following tools were developed to enhance the assessment process for American Indian and African American students, and may also be used by schools systems and educators to monitor implementation of effective practices. Samples of each of these tools can be found in Appendix A.

Tier 1 and Tier 2 – Universal/Ecological

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

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

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Tier 3 – Individualized Assessment and Intervention

Sociocultural Checklist and 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.

Framework for Assessment of American Indian and African American Students

1. 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 a similar tool can be used to collect data and learn about the influence of factors outside of the child.

2. While assessment of environmental factors is suggested as an element in traditional (standardized) assessments, it is their level of prominence that changes in nondiscriminatory assessment.

A student’s reactions to environmental variables are a viable reason for difficulty in 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 (attention, comprehension, 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.

3. 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, which 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 strengths, informs the teaching/learning process, or which shows how the student adapts, are recommended methods to use.

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 at school, home, or within their community.

In general, tests 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).  

4. Emphasize student and family strengths.

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

As an example of searching 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), a strengths-based, social-emotional assessment for children and adolescents. SEARS is designed as a cross-informant measure of students' assets and resilience, with separate rating scales for children, adolescents, teachers, and parents. Additional information on SEARS is available from http://strongkids.uoregon.edu/SEARS.html

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5. Use interviews to build relationships and collect information.

Interviews of caregivers and students provides a means to gather important social, family, and cultural background information; gain understanding of their worldview; and of their perceptions of a concern. Most importantly these interviews provide an opportunity to build relationships. The development of rapport and trust are specific goals of the interview process.

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**Multi-tiered Systems of Support and Academic Achievement**

The underpinnings of the multi-tiered approach to support academic achievement involves the use of scientific research-based interventions (SRBI), or evidence-based instructional strategies (EBIS).\(^{34}\) 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.

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, or adaptive behaviors, students dealing with any of these concerns benefit from SRBI/MTSS processes. This system can be utilized to identify the difficulty, teach the needed skill, and monitor the progress of students as they use newly developed skills.

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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, 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 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 becoming 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 concepts.

Global screening of students provides several advantages, including 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 teaching staff, when developed from the actual curriculum.

Using CBM/CBA, the student completes the probes/tests 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.35 From their work, curriculum-based measures are described as an “academic thermometer” that monitors a student’s growth in various academic domains (Hall, T., & Mengel, M. 2002, p. 5).36

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When designing or determining which CBA/CBM to use, it is important to emphasize that the measures have (a) high technical adequacy, high reliability, and (b) 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 Dynamic Indicators of Basic Early Literacy Skills (DIBELS)\(^37\) and Aimsweb, a web-based solution for universal screening, progress monitoring, and data management for Grades K-12.\(^38\) 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.

The Northwest Educational Association [NWEA] assessments are an example of schoolwide 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.

**Tier 2.** When a student or group of students are found to have continued difficulty with some aspect of academic instruction, the classroom teacher will work with building-based teacher assistance teams, or similar problem-solving teams, to identify the area of difficulty and document use of specific strategies to remediate concerns for targeted students. With this additional intervention and instruction, most of the students who do not initially master the skill will likely be able to master it with specific adjustments provided.

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\(^{37}\) University of Oregon, Center on Teaching and Learning. (2014). *UO DIBELS data system* (Web-based Data System). Available from https://dibels.uoregon.edu/

**Tier 3.** At this level 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 readjustment 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 can occur daily.

**Academic achievement.** The United States department of Education set standards for special education services over a decade ago with the No Child Left Behind Act. Prior to the Education and Secondary Education Act of 2002 (ESEA), there was no coordinated national system for measuring student progress in public schools.

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

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

Assessment accountability categories defined by the Act include

- Socioeconomic status
- Race/ethnicity, gender,
- 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.

As 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 the proficient level. American Indian and African American students were among the groups who consistently underperformed on measures of proficiency (see School Climate Chapter for more detailed performance data). This 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.

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39 http://www2.ed.gov/nclb/landing.jhtml
40 http://www2.ed.gov/policy/elsec/leg/esea02/index.html
Extensive research and review of the data has consistently found limited improvement in these differences over the years (Johnston, 2000).41

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

Standardized 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.

Professional practices regarding test selection, validity, and reliability for use with American Indian and African American students must be followed.

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. 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 are represented based on proportion found in the general population. 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.

For example, one regularly used instrument had 4784 students in the sample to represent all students across the country. The test developers arranged the norm group so that there were approximately 150 students at each age level. With the smaller subset of students, it is possible that no American Indian or African American student was actually in the norm reference sample at a specific age grouping, considering that there may have only been 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.

41 Johnston, R. (2000) Unmet Promise: Raising Minority Achievement. Education Week, 19(27), 53-76
Even if there is representation of American Indian and African American students within a nationally standardized test, this representation is usually based on total percentage of diverse students. The actual number of American Indian or African American students found at a specific grade level 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. Even though 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 greater range or percentage 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.

**Commentary on standardized tests and concerns about bias.** Standardized tests of intelligence, achievement, adaptive behavior, or behavioral adjustment must be evaluated for use with students on a case-by-case basis. While appropriate for many students, standardized tests are not appropriate for all students. When standardized tests have content bias or technical limitations because of norming samples that are not sensitive to populations with a significant number of diverse students, evaluators must make decisions about the appropriateness of the instrument with their student population. Although standardized tests undergo rigorous review, it cannot be assumed that these instruments are completely free of bias.

Standardized tests may have greater validity for students who are more acculturated to the norms of the dominant culture and whose experiences are reflected in the content and norming samples of a given test. In determining whether a standardized test is appropriate for a given student, assessment teams need to consider whether a particular student’s life experiences are represented in the content of the instrument and whether he/she is similar to students included in the norming samples.

Standardized tests may have less validity for students who are members of a racial or diverse cultural group and/or who have not been exposed to a wider range of information and life experiences because of economic disadvantage. Inferences and interpretations from nationally standardized tests may be less valid for students living in a home where another language or dialect is spoken or where the use of English is influenced by the cross-generational use of another language. Assessment teams must be vigilant to factors that weaken the reliability or validity of information gained from testing, particularly when placement decisions are potentially under consideration. Any limitations about measures should be communicated to parents and caregivers when results of assessment are shared.

When inferences or interpretations drawn from standardized tests have limited validity for American Indian or African American students, educators should use a variety of strategies to reduce bias and increase fairness. State guidelines require careful consideration of factors that could lead to bias in interpreting results from assessment.
Elements for Assessing Achievement – Minnesota Department of Education

<table>
<thead>
<tr>
<th>Element</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Element 1</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>Element 2</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>Element 3</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>Element 4</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>Element 5</td>
<td>Gather data from other sources: caregiver interviews, student interviews</td>
</tr>
<tr>
<td>Element 6</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>
</tr>
</tbody>
</table>

Analyzing Assessments and Interventions

One approach to problem analysis is the RIOT/ICEL matrix (Christ, 2008).

Information about a student is collected in the domains of instruction, curriculum, environment, and learner, through the use of record and progress reviews; student, educator, caregiver interviews; observations of the student; and when needed, tests in order to evaluate underlying factors related to a concern and to develop strategies to support the student. This type of focus ensures that a full range of hypotheses to explain a student’s performance is considered. Information collected from a variety of sources aids in attempts to promote fair assessment.

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 making an assumption that student learning or social problems exist primarily in the learner, while underestimating the degree to which instructional strategies, curriculum demands, and environmental influences impact the learner’s academic performance.

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RIOT (Review, Interview, Observation, Test)

Review existing information

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

Interview (parents, teachers, student)

- Face-to-face
- Telephone
- Email correspondence.
- Structured through questionnaire or checklist

Direct Observation of student during instruction:

- Academic skills
- Study skills
- Organizational strategies
- Degree of attentional focus
- Self-regulation
- Social skills
- Structured through frequency data
- Narrative observation

Test student skills.

- Curriculum-based Assessment
- Diagnostic Reading Inventories
- DIBELS/AIMSWEB Benchmark data
ICEL: Instruction, Curriculum, Environment, and Learner

*Instruction* - How is content taught? The purpose of exploring 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 (a) know the school’s curriculum (and related state academic performance standards), (b) be able to inventory the specific academic skills that the student currently possesses, and then (c) 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 attention across different classrooms, or evaluating the efficiency of a student’s study habits and test-taking skills.