



RE: Special Education Evaluations &
Virtual Assessment

Dear Michigan Department of Education,

I am writing on behalf of the Michigan Association of School Psychologists (MASP) and school psychologists practicing across the state of Michigan. In response to the COVID-19 pandemic, and in light of a declared national emergency, we recognize that the physical and psychological well-being of students, families, educators and communities are the immediate and overriding priority.

During this unprecedented time, MASP is aware of the significant impact that mandatory school closures have on the learning and well-being of all children, and the various ways districts are attempting to provide supplemental learning opportunities to students. Thus far, the U.S. Department of Education (USDE) has issued various guidance documents which include the Office of Special Education Programs (OSEP) interpretations regarding the IDEA and the Office for Civil Rights (OCR) interpretations regarding § 504/ADA. Regardless of how local districts and ISDs proceed with regard to providing instruction, delivering FAPE, conducting IEPs or evaluations, etc., MASP is deeply concerned about conducting evaluations during this turbulent time of crisis and the inherent difficulty in ethically, validly, and reliably administering certain types of measures virtually.

As we prepare for shifts in our service delivery, the COVID-19 pandemic presents unique challenges in regards to legal mandates, ethical assessment, and decision-making practices:

- Some direct services, such as counseling to address emotional difficulties associated with COVID19, can be provided through virtual means. However, direct observation and certain assessments cannot be administered through means other than face-to-face. A comprehensive and individualized evaluation, initial or reevaluation, requires direct classroom-based observation of the student in the child's learning environment to document the child's academic performance and behavior in areas of difficulty (34 C.F.R. §300.310(a)).
- In reference to the federal guidelines, assessments and other evaluation materials used to assess a child must ensure the assessments or measures are reliable and valid, administered by trained and knowledgeable personnel, and administered in accordance with any instructions, including standardization protocols, provided by the producer of the assessment to remain valid and reliable (34 C.F.R. §300.304(c)(1)).
- The preponderance of standardized tests (i.e., IQ tests, formal achievement tests) used in such evaluations are not designed to be administered virtually. The administration of such tests must be given through the means in which they were developed and standardized. Deviations from standardization must be reported and, at times, can invalidate test results which could potentially impact eligibility determinations. For those few measures that could be administered virtually, additional factors would need to be considered to maintain test integrity. **Evaluations that require in-person testing or observations should be postponed until school reopens.** If the evaluation or reevaluation does not require in-person testing or observation, it may be completed

while school is closed, with parent consent, and in accordance with your LEA guidance.

- If evaluations are to be conducted remotely, they should be conducted through platforms specifically designed for that purpose. Prior to administering a virtual assessment, additional in-person training of the evaluator, student, and adult facilitator (likely a parent/caregiver who is assisting the student at home) would be required for these tests. Due to “social distancing” and “stay home” restrictions related to COVID-19, this type of training is not able to be conducted at this time. Additionally, the presence of additional individuals in the room may also lead to invalid results if their presence alters the results that would otherwise be obtained, thus causing the standardization of the test to be broken, and thereby rendering the assessment invalid.
- Furthermore, current circumstances may lead to validity issues which must be addressed when assessments are taking place in a time of heightened anxiety and uncertainty for youth, their families and caregivers, and school personnel. The likelihood of making inappropriate eligibility determinations based on invalid assessment data is high. Since students are likely to earn lower achievement test scores due to stress and anxiety related to the pandemic, this could lead to an over-identification of students with disabilities.

With consideration of the ethical implications and responsible assessment practices, the Michigan Association of School Psychologists strongly recommends upholding the advice provided by the U.S. Department of Education, Office of Civil Rights as follows, "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Initial evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents."

We ask that MDE OSE adopt the recommendation put forth from the U.S. Department of Education, which outlines that in person testing should be completed once students are able to return to school. Further, we recommend that school psychologists (and other MET members) be given 30 (in person) school days to complete the evaluation from the date of consent.

The mission of the Michigan Association of School Psychologists is that ALL Michigan students will achieve to their fullest potential. In order to achieve our mission, we promote best practices in academic achievement, positive behavior, social-emotional development, and mental health as well as support quality educational programs and services for Michigan students and their families. Thus, we believe we have an ethical obligation to promote best practices in psychological assessment, especially during this time.

Thank you for your consideration,

Jim Corr
MASP President (on behalf of the MASP Executive Board)