## Introduction

The complex and rapidly changing nature of the COVID-19 pandemic has required significant adjustments and modifications to service delivery and evaluations in both educational and clinical contexts. The Oklahoma School Psychological Association (OSPA) recognizes that the physical and psychological well-being of students, families, and educators are the immediate and overriding priority. We also recognize that this unprecedented crisis has created unique legal and ethical challenges for school psychologists, particularly as it relates to meeting the federally protected rights of students under IDEA. Given school closures and the shift toward virtual learning and telehealth, practitioners across the state have indicated a need for guidance regarding special education evaluations and eligibility decision-making in the context of the pandemic.

To date, both federal and state entities have issued guidance to support providers through these difficult times in order to maintain the health and safety of both students and practitioners. Of particular relevance is a document released by the Office of Civil Rights (OCR), which states the following:

> 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. Evaluations and reevaluations 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 (OCR 2020, p. 3).

This same guidance for prioritizing health and safety is upheld by the Oklahoma State Department of Education (OSDE) and National Association of School Psychologists (NASP).

At the same time federal and state authorities have indicated the legal responsibility to continue with child find activities. For example, the OSDE encourages school evaluations to continue with eligibility teams and "take seriously Child Find obligations…" to ensure students' with disabilities are appropriately identified and provided services (OSDE, 2020, p.1). The OSDE also notes the need for maintaining health and safety of all involved and recommends each evaluation team consider the individual needs of the students on a case-by-case basis.

Finally, there are considerations of ethical and best practice standards for evaluation that practitioners must consider related to test validity and integrity. These variables are often not directly addressed from test publishers, as most companies allow qualified examiners (school

psychologists, school psychometrists and/or speech language pathologists) to use any test the qualified examiner deems appropriate even if the publishers have not intended for the test to be virtually administered (NASP, 2017). As noted by NASP:

> This raises issues regarding the reliability and validity of the results obtained, as norming samples have not included telehealth administration. Additional factors will need to be considered to maintain test integrity, including others who may be in the testing room and the level of distractions present during administration (NASP, 2017, p.6).

In consideration of the safety, legal, and ethical issues noted above, OSPA strongly discourages the initiation or continuation of Part C and Part B evaluations that require individual, in-person assessments and observations. While school closures and social distancing measures are in place, face-to-face assessments are generally unethical, as such in-person contact threatens the physical health of providers, students, and families alike and this risk of harm is directly acknowledged by OCR and other federal entities. With this in mind, OSPA understands that in special education, each case is unique and there is no one-size-fits-all approach. As a result, we encourage practitioners to first prioritize health and safety in their decisions regarding assessment practices, and then consider all relevant legal and ethical issues. The guiding questions below were developed to assist practitioners in making a determination about how to proceed with each unique evaluation, whether be in-person or virtual.

## Guiding Questions for School Teams

The following questions are not intended to contradict or supersede rules being set by district administration, but are offered as a resource when determining how to best move forward. For each of the following, practitioners are encouraged to consult with the child's IEP team and administration.

### Guiding questions: Evaluation
- What is best for the student?
- Does the team have means to access adequate data to complete a sufficiently comprehensive evaluation in order to determine eligibility?
- Is the parent or adult student comfortable proceeding with an evaluation (either virtual or in-person) during this time?
- Can the evaluation tools and tests be administered in compliance with standardized directions?
- Will modifying test materials and procedures to achieve physical distancing jeopardize test security?

- Have considerations of equity been discussed? For example, does the child and family have equitable access to stable internet connection, virtual general education instruction, functional and reliable technology; and, do they have the technological literacy skills necessary to participate in special education evaluation tasks and/or school psychological services?

### Guiding questions: Eligibility Decision-Making
- Is the evaluation sufficiently comprehensive to make decisions regarding eligibility determination and instructional need?
- Is the student's performance due to a lack of appropriate instruction?
- Is the student's performance due to environmental or socioeconomic factors?
- Do the results reflect the student's functioning and needs in the school setting? Or are the results impacted by psychological, economic, and other stressors associated with the COVID-19 pandemic?
- Is appropriate caution being used when interpreting results?

## Considerations

In addition to the guiding questions above, several considerations for assessment practices have been established by professional organizations and school psychology practice literature. These concerns should be carefully considered as practitioners make decisions regarding assessment plans.

- **Observations**. A comprehensive and individualized evaluation requires direct classroom-based observation of the student in their natural learning environment. Research indicates that generalization of testing behaviors to classroom behaviors is low, and this likely applies to behavior observed in the home environment as it relates to school behaviors   Given school closures and social distancing requirements, it seems unlikely that data gathered via remote instruction will be useful in developing recommendations for in-person instructional settings. (Farmer, et al., 2020; McConaughy, 2005).
- **Remote Administration.** At this point, research has not substantiated the use of remote procedures for administering standardized assessments under these specific conditions. In general, these assessments (i.e., IQ tests, formal achievement tests) are not designed to be administered virtually and deviations from standardized protocol may limit the validity of the assessment results. If a test is administered in a remote setting, this must be reported and considered with relation to the interpretation of the test results as it relates to eligibility determination and intervention recommendations (Farmer et al., 2020; Hiramoto, 2020)
- **Assessment Formats.** 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 would be required; however, due to social distancing, these types of training are not currently available. (Pearson, NASP, 2020)

- **Diversity and Equity.** Providers across our state serve a diverse community of learners, many of whom are English Language Learners. When considering equitable, valid, and reliable evaluations, virtual administration of assessments may lead to additional barriers to performance and likely result in invalid outcomes. (NASP, 2020)
- **Validity.** 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. Furthermore, 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. Invalid test results could lead to a mis-identification of students with disabilities and special education teams should carefully consider the impact that the pandemic has on their body of evidence (Farmer, et al., 2020; Horesh & Brown, 2020)
- **Privacy**. It is essential that legal and ethical guidelines related to student privacy be followed as methods for service delivery and evaluation move to virtual platforms. All platforms must be compatible with HIPAA and FERPA regulations. (NASP, 2020)

## Summary

In summary, the OSPA believes that all children should receive the academic, social, behavioral, and emotional supports needed to be successful in the learning environment. In order to achieve our mission, we believe we have an ethical obligation to promote best practices in psychological assessment, especially during this time. OSPA strongly encourages teams to follow the guidance provided by the U.S. Department of Education, OCR, NASP and OSDE and recommends that all evaluations requiring in-person assessment or observations be postponed until schools re-open. For those evaluations not requiring in-person assessment or observation, we encourage IEP teams to use the guiding questions listed above when determining how to best move forward with each unique case.

OSPA acknowledges that because the circumstances of the COVID-19 pandemic are evolving rapidly, other challenges may also evolve. OSPA is committed to providing revised or extended recommendations as new federal and state guidelines emerge and research is published regarding the validity of using assessments in a remote format.

# References

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Office for Civil Rights. (2020). *Fact sheet: Addressing the risk of COVID-19 in schools while protecting the civil rights of students.* Washington, DC: United States Department of Education.

Oklahoma State Department of Education (2020). *Oklahoma Distance Learning Special Education Evaluation and Eligibility Guidance*, Oklahoma City, OK. Retrieved from https://sde.ok.gov/

Pearson. (2020). *Telepractice and the WISC-V.* Retrieved from https:// www.pearsonassessments.com

# Resources Related to Assessment Considerations

- [Conducting Psychoeducational Assessments During the COVID-19 Crisis: the Danger of Good Intentions](#)
- [National Association of School Psychologist Virtual Service Delivery in Response to COVID-19](#)
- [Oklahoma Distance Learning Special Education Evaluation and Eligibility Guidance](#)