Preface

This book was written because our colleagues could not find an effective and learner-friendly textbook to use for their special education assessment courses. As we talked, their frustration was evident. There was no “one” textbook that covered the basics as well as the emerging assessment areas (e.g., linkage of RtI to classroom assessment practice or technology), and they were always forced to add material from other sources to supplement the textbook readings. They also commented on how the available textbooks were not practical in their orientation and delivery. Furthermore, in their view, an integrated assessment approach was rarely articulated and connected to daily instruction with commercially available textbooks.

After continued conversation, we (the authors) combined our talents to write a textbook that addresses these important professional and pedagogical issues. We decided to produce a book that possessed the most current and meaningful assessment material and content, and one that was designed to provide the knowledge and skills that would allow a student to use and effectively implement those skills in the classroom. This book is written with two major audiences: preservice special education teachers and current practitioners in the field. We believe that the next generation of special education teachers needs to be well educated and effective assessors of student learning, regardless of the academic content, instructional settings, learning standards, and desired student outcomes. In addition, current teachers will find this textbook a valuable resource to support their existing and future assessment practices. In today’s classroom, assessment matters, and for that reason, special education teachers need to be exemplary in the coordination of their teaching and assessment practices.

To enhance affordability and portability this exciting new text is available as a Pearson eText. With the eText students can easily take and share notes, highlight, and search for key concepts. To learn more about the Pearson eText, go to www.pearsonhighered.com/etextbooks.

ORGANIZATION OF THE BOOK

Each chapter of Assessment in Special Education covers critical assessment concepts and issues in a comprehensive manner. These concepts are directly connected to a variety of the Council for Exceptional Children professional practice standards.

Chapter 1, Special Education History and Legislation: Impact on Current Classroom Assessment Practices, provides a historical review of the events and periods of philosophical thought from the early 20th century through present day that have had an impact on assessment. It examines the litigation that directs current assessment practices, such as the use of nonbiased assessments, and the administration and interpretation of various assessment measures in a timely manner. The chapter describes an evolution of the federal legislation that mandates classification categories, specific guidelines, and time lines for assessment, with an emphasis on the legal requirements involving parental consent and participation, roles of a multidisciplinary team, and due process. A comparison of federal legislation from preschool to adulthood is provided, along with important information regarding the impact of federal civil legislation.

Chapter 2, Assessment in Today’s Classroom: Purpose, Function, and Ethical Practice, examines the essential connection of assessment to the instructional process and the
necessary benefits derived from it for both the teacher and student. In particular, the Response to Intervention (RtI) process is reviewed and linked to classroom assessment practices. The chapter defines classroom assessment and places it in perspective relative to instruction and the documentation of desired student learning outcomes and progress. In addition, the important role of ethical and professional practice, particularly as it relates to assessment, is investigated.

Chapter 3, Connecting Assessment to Instruction: Essential Components to the Process, discusses the integration of the instructional process with essential measurement components. The chapter specifically explores the necessity of instructional integration of the academic standards and content to Bloom's cognitive taxonomy. Generated results of any assessment measure, based on classroom instruction, are then examined in regards to validity and reliability. In particular, the chapter examines content-related, criterion-related, and construct-related evidence of validity and their importance in constructing accurate and effective classroom assessment procedures and measures. Stability, alternate form, and internal consistency are also reviewed within the area of reliability.

Chapter 4, Response to Intervention and Progress Monitoring, explores the emergence of RtI as a general education initiative and the impact it has on special education procedures, policy, and programming. Information is presented on different models of RtI, the nature of evidence-based interventions, as well as how to assess the effectiveness of interventions used with students. Methods for presenting and graphing such information within an RtI report are reviewed. The chapter examines the development of curriculum-based measurement (CBM) and its impact on daily educational practice for providing universal screenings or benchmark testing for students from K–12 in the general curriculum. In addition, this chapter details the subsequent use of CBM to monitor the progress of those students identified as being at risk or in significant need of intervention and how IEP goals can be created from such efforts. Emphasis is placed on identifying key features of CBM; providing illustrations of CBM; and describing how to give, score, and interpret such assessments. Student profiles are presented to contrast their use within general education and special education contexts.

Chapter 5, Child as Assessment Focus, discusses the importance of obtaining and using relevant background information. The legally recognized categories of disabilities are presented in detail, as well as specific assessment requirements for each category. The assessment process from referral to determination of eligibility is reviewed.

Chapter 6, Accountability in the Classroom: Using Assessment Results to Confirm and Enhance Student Learning, examines the relevancy of assessment in all its forms and functions. In particular, the chapter highlights descriptions and implementation of formative, summative, and self-assessment. Specific techniques and activities that can be embedded and practiced within the classroom setting are reviewed. The chapter covers the qualities of performance events and products and how they can be designed to measure student progress relative to identified standards and learning objectives in the classroom. Particular performance assessments involving several different forms of student work are examined and reviewed. The chapter examines basic evidence collection sources (observation, questioning/interviewing, and student-generated products) relative to their utility and effectiveness in documenting student performance and progress. In addition, the test construction process is examined with an emphasis on the review of sound assessment practices to follow when constructing and using both selected- and constructed-response items in a test.

Chapter 7, Intelligence and Adaptive Behavior: Using Test Results to Enhance Learning Outcomes, examines the use, interpretation, and current issues surrounding the assessment of intelligence and adaptive ability. The major instruments in both domains are identified and compared, with an emphasis on the demystification of results from intellectual and adaptive exams. Special attention is provided regarding the accuracy, reliability, and validity of such instruments. Student profiles are used to share information
about best practice in using intellectual and adaptive measures within the context of a multidisciplinary and comprehensive evaluation.

Chapter 8, *Assessment of Student Behavior*, reviews behavior assessment techniques that are used to identify and classify students with emotional and behavior disorders, attention-deficit/hyperactivity disorder, or autism spectrum disorder and students exhibiting internalizing and externalizing behaviors. Formal and informal methods of behavior assessment are described, as are the sources of information that teachers can obtain to complete an assessment. Assessment of emotional status and social skills is explored. The chapter discusses the process of conducting a functional behavioral assessment, including how to identify the behavior of interest, use techniques to measure the behavior through observation, and monitor behavior once an intervention plan has been implemented.

Chapter 9, *Assessment of Reading, Writing, and Mathematics*, examines the five components of reading literacy. Reading literacy is a skill that is crucial for student success in all subject areas, and teachers must be able to accurately identify student strengths and weaknesses. This chapter presents techniques to assess students at all levels of reading ability, from diagnostics to assessment of student proficiency. Best practices in the measurement and monitoring of student skills in phonemic awareness, phonics, fluency, vocabulary, and comprehension are presented. The chapter also presents methods for providing and implementing student accommodations on standardized and/or high-stakes tests. Informal measures of reading literacy, such as the use of informal reading inventories, miscue/error analysis, questioning, and cloze/maze instruments are explained.

Chapter 9 also presents the current methods for assessing student mathematical skills for diagnostic purposes, achievement, and general proficiency. Mathematics assessment instruments typically include word problems and essay questions, so this chapter addresses the evaluation of mathematics literacy. Teachers must be able to effectively monitor student understanding of concepts, so the use of informal measures, such as error analysis, think-aloud/interview, and authentic assessment is discussed.

It is critical that special education teachers have a solid understanding of the assessment of written language because many high-stakes assessments have incorporated short-answer and essay questions into content-area assessments, in addition to writing sections of most tests. The chapter examines assessment and the impact of written language proficiency. It presents standardized instruments used to measure written expression, spelling, and handwriting. Techniques for preparing students to take high-stakes assessments are discussed. Informal assessment techniques are addressed for teachers to easily monitor student progress.

Chapter 10, *Assessment Measures Used in Collecting and Interpreting Student Learning Evidence*, examines appropriate methods of data collection from varied types of assessments as well as ways to interpret the data in order to create a comprehensive understanding of the child. Ways to effectively and appropriately report assessment results to specific audiences are presented. The chapter discusses using data to evaluate instruction and monitor student progress and using data to determine eligibility for special education services.

Chapter 11, *Student Evidence for Special Education Qualification and High-Quality Services*, provides a view of best practice in the field regarding the determination of disability and qualification for services within the schools. Eligibility issues that affect the referral process and existing federal regulations are examined. The chapter provides a functional template to help practitioners avoid pitfalls and provide excellence in service provision. Two separate case studies are provided to illustrate and contrast issues involving assessment in the determination process. Multiple forms of assessment are included to provide a capstone of how such elements should be used in a multidisciplinary and comprehensive manner.
Chapter 12, *Multidisciplinary Team and the Role of Parents*, examines the function and purpose of the multidisciplinary team and the members who can and should constitute this team. The prereferral process for disability consideration is reviewed as it corresponds to required intervention-based models (RtI) for school districts. Along with the documentation of intervention and assistance in the general education classroom setting, the required legal requirements and steps that must be followed for disability determination are carefully reviewed and discussed. In addition to mandated requirements (e.g., parental consent, due process), the chapter examines potential types and areas of individual assessment (e.g., language, academic, behavior) and who conducts these evaluations. A particular emphasis of this chapter is the role of parents in the determination process, especially related to the assessment of the child’s skills, behaviors, motivation, or other relevant areas of investigation.

Chapter 13, *Assessment Accommodations and Grading Students in the Classroom*, explains the types of accommodations and modifications that are permissible and effective within the classroom as well as provides guidance in appropriately implementing necessary accommodations and modifications. The instructional importance of grading student work is also emphasized, along with a complete content review on the common types and approaches to grading. The chapter discusses critical issues and challenges of grading and evaluating the work of students with identified special needs. Current approaches, along with the strengths and limitations of the various grading systems, are reviewed. In addition, the chapter challenges each reader to construct and follow a grading system that is effective, equitable, and meets its intended evaluation needs.

Chapter 14, *IEP Development and Implementation*, examines the development, construction, and implementation of the individualized education program (IEP). In order to facilitate a collaborative relationship among members of the IEP team, teachers must be aware of the sources of necessary information for constructing the IEP and the responsibilities of each team member. The chapter describes the process of using assessment data to determine the present levels of student learning progress, specific goals and objectives, and individual instructional needs. Teachers must be cognizant of how to most effectively present the IEP process to the other members of the IEP team; the chapter presents tips for soliciting information from the other members. Due process policies are reviewed to provide teachers with a clear understanding of the procedures. The chapter also presents steps and suggestions for embedding assessment (i.e., formative, summative, and self-assessment) within the instructional practices to monitor the student’s progress and learning outcomes as stipulated in the IEP.

Chapter 15, *Technology and Assessment of Student Learning*, discusses the use of technology to facilitate a teacher’s ability to collect and analyze student progress data. Current programs and instruments are reviewed, as well as their applicability to various assessment functions and purposes in the classroom setting. In addition, the chapter examines the use of technology to construct and maintain academic or behavioral records for students identified with special learning needs. The chapter provides a comprehensive review of common computer programs and products, including instrument functions, classroom applications, costs, and support issues.

**FEATURES OF THE BOOK**

Each chapter lists Student Learning Outcomes that are connected with the covered material; this element provides a clear picture of what the student should “walk away with” after reading and completing the chapter. Most chapters have a *Conclusion* section in which a real student or classroom issue is examined and in which the reader can address specific questions related to that event or situation. A field-based Case Study is also provided in almost every chapter. Each case provides an in-depth review and analysis of a
specific assessment-related situation and is designed to enhance and refine each student’s knowledge base and skill set(s).

A Progress Check, or self-assessment review, exists in every chapter. Answering these questions helps the reader confirm the acquisition of the chapter material and the intended learning outcomes. To further extend the learning, a Resources section provides a listing of additional resources and websites that can be examined and explored by the reader.

This book is designed to present the reader with the most relevant and current information on assessment while providing engaging exercises and case studies that focus on practical knowledge and skill sets for professional educators. There should be no “surprises” for special education teachers when it comes to assessment procedures in the classroom. This book provides an “I can use it” perspective on assessment while generating a clear picture on assessment’s relevancy to the instructional process and desired student progress in the classroom.

ACKNOWLEDGMENTS

“This book benefited from invaluable feedback from reviewers. They are Evelyn Barese, Mount St. Mary College; Alicia A. Brophy, University of North Carolina-Wilmington; Jodi Duke, George Mason University; Rebecca Fogarty, Eastern Illinois University; Constance Fournier, Texas A&M University; Heather Garrison, East Stroudsburg University; George Johanson, Ohio University; Jennifer Madigan, San Jose State University; Carol Morecki-Oberg, University of La Verne; James Persinger, Emporia State University; Marcia Reinholz, Greensboro College; Patricia Renick-Wood, Wright State University; Jordan C. Shurr, Purdue University; Kristin Stang, California State University-Fullerton; and Debra Troxclair, Lamar University.”
1

Special Education History and Legislation: Impact on Current Classroom Assessment Practices

Student Learning Outcomes

After completing this chapter, you should be able to do the following:

- Recognize the historical litigation and legislation that directly affects current assessment practices.
- Identify the core components of the current legislation that have an impact on people with disabilities.
- Differentiate between services provided by the three major laws relative to people with disabilities.
- Describe legal assessment practices that comprehensively evaluate a student identified with a disability.

INTRODUCTION: ASSESSMENT HISTORY FOR EDUCATORS

Assessment is a crucial component to every aspect of special education. It is used for making eligibility decisions, measuring academic progress, guiding curricular content and programs, evaluating instructional programs and interventions, documenting mastery of individual academic and behavioral goals, and determining student academic proficiency in the classroom. Assessment plays a major role in the education of every student. As a special educator, you need to understand where and why current legislation and policies originated. You also need to appreciate the lessons learned from the current legal requirements and the potential impact of current laws on later laws and/or services.

The history of special education in the United States covers more than a century and influences current legislation and policies. Periods of time devoted to specific philosophical theories, prior legislation, and litigation are all part of the history of special education. Special educators need an understanding of this history in order to appreciate this professional journey and to avoid repeating events from history that may not have served students with
exceptionalities well. With this historical knowledge, it is hoped that emerging professionals in special education will be in a better position to continue to enhance their services to better aid children and young adults with disabilities; to make the most effective, informed decisions for students; and to work toward better learning outcomes for all students.

This chapter is intended to walk you through the history of special education based on selected time periods. The description of each period will feature philosophical ideas, historical events, litigation, and legislation that led to the current policies and assessment measures and procedures in special education. Current legislation is discussed in depth to ensure a comprehensive understanding of assessment policies. Discussion of potential policies to be included in forthcoming legislation is also provided.

As a future special educator, you are learning about the role assessment plays in the classroom as well as the policies that guide the special education process in schools. You may be wondering how different types of assessment came to be or why specific information is used and required in the determination of specific disabilities. The next section of this chapter explains the history behind assessment as well as legislation that pertains to the assessment of individuals with exceptionalities.

A WALK THROUGH THE HISTORY OF SPECIAL EDUCATION

1900–1919

Historical accounts of alternative educational programs for children date back to the late 1700s and early 1800s (Mostert & Crockett, 1999–2000). During the 1800s, theories existed that measured head size, reaction time, and sensory acuity to identify individuals with presumed cognitive disabilities (Sternberg, 1982). These theories were determined to be imperfect. Meanwhile, at the turn of the 20th century the French government mandated that all French children receive a public education. The French Ministry of Education wanted a tool to distinguish between children who were considered “normal” versus those who were “subnormal” in order to provide alternative classrooms for children who were not successful in the regular classroom. Alfred Binet and Theodore Simon were commissioned to create a test and, through their collaborative work, the Binet-Simon Scale was developed in 1905. This scale used tasks related to everyday life that were matched to the developmental level associated with specific ages. In 1908, the Binet-Simon Scale was revised and translated into English. Lewis Terman, a Stanford psychologist, found that the English translation of the scale did not provide accurate estimates of the mental age of American children in relation to expected age-based cognitive skills, overestimating the mental age of chronologically young children and underestimating the mental age of chronologically older children. In 1916, Terman revised the Binet-Simon Scale by eliminating some of the tasks that Binet and Simon had used and adding new tasks such as interpreting fables (Kaplan & Saccuzzo, 2008). Terman also renamed the instrument the Stanford-Binet Intelligence Scale.

The Stanford-Binet Intelligence Scale was important to the area of ability testing in special education because Terman’s revision introduced the term intelligence quotient (IQ). Binet’s original scale reflected the following positions (Gould, 1981):

- The resultant scores did not support any theory of intellect, nor did they define any innate or permanent ability.
- The scale was not intended to rank children, only to identify those needing additional assistance.
- The scores were not intended to identify children as incapable of being educated or to identify the cause of the educational difficulty.

1“Normal” and “subnormal” labels are used in the context of the period of time being discussed.
Based on clinical work and experience at Bellevue Psychiatric Hospital, he created an accurate measure of adult intelligence because it was designed for use with children. The intent of the scale moved away from identifying struggling children who needed extra academic assistance to identifying children with inferior intelligence quotients to prevent reproduction of the disability in future generations. Terman, a prominent eugenicist, believed—as did much of society at that time—that people who were criminals, poor, or lazy suffered from intellectual disability and that the identification and elimination of people with inferior intelligence would lead to a better society (White, 2000).

In 1917, when America entered World War I, the U.S. Army classified recruits by intellectual ability in order to place them into appropriate jobs. The Stanford-Binet Intelligence Scale was too time-consuming and required highly trained administrators, so a team of psychologists was commissioned to create a group intelligence assessment. Two forms were developed: the Alpha (a written test) and the Beta (a test administered with demonstration and pantomime for nonreaders and non–English-speaking soldiers). The use of the Army Alpha and Beta tests led to more widespread use of intelligence tests by schools and colleges (Kaplan & Saccuzzo, 2008).

The development and subsequent revisions of the Stanford-Binet are significant because for a long period of time the revised instrument was the primary method for identifying students who required some alternate form of education. The Stanford-Binet also became a controversial instrument because of the potential for cultural and linguistic biases as well as an overreliance on the instrument; however, for a period of time, it was the best tool available for schools to determine if students needed special education services.

1920–1939

After the conclusion of World War I, a common viewpoint in the United States was that cognitive ability, and more specifically intelligence, was genetically tied to race. When people from other ethnicities were provided with intelligence tests in English that included questions related to American cultural ideals, they tended to perform poorly because many of them had minimal, if any, English language skills, and they had not been in the country long enough to learn about American culture. Legislators passed laws limiting immigration for people of specific ethnicities and races thought to have subaverage intellectual ability. Laws forcing sterilization of people of those specific ethnicities and races were passed in numerous states. The backlash of these policies led psychologists to explore the idea that socioeconomic status affected intellectual ability more than ethnicity did, thus leading to an increased push in social welfare programs to assist people in need.

Also at this time, standardized achievement tests (standardized normed measures that compared children against their grade or age peers across an array of academic skills and knowledge sets) became popular in schools. These tests became prevalent because they provided a useful standard of academic performance that students could be compared to based on local, state, region, or national results. These tests were less subjective, usually covered more material, and allowed comparisons between students. The tests were administered to a group of students in order to form a set of norms to which others could be compared. If a new examinee performed below the set of norms, that typically was an indicator of a problem (Kaplan & Saccuzzo, 2008). In 1923, Lewis M. Terman, Truman L. Kelley, and Giles M. Ruch developed the Stanford Achievement Test. By the end of the 1920s, schools were using standardized achievement tests more than the essay tests that were traditionally used (Kaplan & Saccuzzo, 2008).

In 1939, David Wechsler felt that the Stanford-Binet Intelligence Scale was not an accurate measure of adult intelligence because it was designed for use with children. Based on clinical work and experience at Bellevue Psychiatric Hospital, he created an
instrument that measured both verbal and nonverbal ability. He also was the first to use a point scale approach, instead of age-based items, to quantify intellectual performance. Wechsler borrowed test items from other instruments, including the Army Alpha test, when he developed the Wechsler-Bellevue Test. Wechsler eventually used the original instrument as the basis for two separate instruments: the Wechsler Intelligence Scale for Children (WISC) in 1949 and the Wechsler Adult Intelligence Scale (WAIS) in 1955 (Kaplan & Saccuzzo, 2008).

During the 1930s, problems with testing instruments began to be recognized. It was no longer sufficient to merely accept the instrument for what it was; rather, specific issues that affected people's performance on the instruments were identified and addressed. Problems of the instrument not being an appropriate tool for specific purposes (e.g., measuring skills in adults instead of children) were addressed through revisions to existing instruments, and in other cases, alternative instruments were created. In addition, instruments were developed to measure student achievement. These instruments allowed teachers to compare individual students' performance to that of the larger peer group to see which students were struggling and which were excelling.

1940–1959

The historic court case of Brown v. Board of Education occurred in 1954. The National Association for the Advancement of Colored People (NAACP) organized 13 African American parents of 20 children to attempt to enroll their children in segregated schools limited to Caucasian children. When the parents were denied enrollment in the schools, the NAACP filed a class action lawsuit. Oliver Brown was one of the plaintiffs; it was customary at the time to select a male to be the lead name on a class action suit. Brown v. Board of Education was a combination of five different cases revolving around the same theme of segregation. The U.S. Supreme Court found that segregated schools violated the 14th amendment of the Constitution, saying

In the field of public education, the doctrine of "separate but equal" has no place. . . . [I]t is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity . . . is a right which must be made available to all on equal terms. (Brown v. Board of Education, 1954)

The decision helped launch the Civil Rights movement and was the basis for legislation regarding special education (Brown Foundation for Educational Equity, Excellence, and Research, 2004).

The major court case of this decade spurred parents of students with exceptionalities to fight for equal rights for their children. The outcome of Brown v. Board of Education showed parents that separate but equal was not sufficient for the education of children of another race; thus, it should not be sufficient for children with different abilities. Parents began forming support groups to lobby for equal education, and eventually they were able to convince legislators that a federal law was needed to guarantee an equal education for students with special learning needs.

1960–1969

During this time, educators and psychologists were engaged in intensive research on children who were performing unsuccessfully in school but showed no indication of cognitive disabilities. These children were labeled “brain-injured” or “perceptually handicapped.” Because these children performed adequately on intelligence measures, the focus of assessment shifted from cognitive to visual, auditory, and linguistic perception. In 1963, Samuel Kirk, a special educator from the University of Illinois, proposed the
term learning disabilities to describe the characteristics of children performing below their peers academically with no discernible disability. Kirk's definition of learning disabilities specifically excluded students with other identified disabilities such as deafness, blindness, and cognitive impairments. Advocacy groups such as the Association for Children with Learning Disabilities (later known as the Learning Disabilities Association) and Learning Disabilities Worldwide were founded shortly after the term was adopted.

As stated previously, the U.S. Supreme Court ruled against segregation in schools in the Brown v. Board of Education case in 1954, which spurred parents and advocates to begin organizing a push for federal legislation. As the Civil Rights movement became more prominent in the 1960s, there were many public demonstrations both for and against segregated schools. The federal government passed legislation to protect the rights of African Americans and other ethnic minorities in the country. The Civil Rights Act of 1964, specifically Title IV of the act, provides educational equality for all students through financial support and training (Crocker et al., 1976). This legislation was the cornerstone of the future laws affecting special education.

In 1965, Congress passed PL 89-10, the Elementary and Secondary Education Act (ESEA). This law addressed educational inequity for children from economically disadvantaged backgrounds by providing financial support to schools for programs to assist this population (Harris, 2006). It was amended that same year (ESEA Amendments of 1965) to provide funds for state-operated institutions and schools for children with disabilities. This marked the first legislation devoted to the education of children with exceptionalities. In 1966, the ESEA was amended again to provide local education agencies with funds to establish educational programs for children with disabilities.

As more special classrooms were set up for students needing alternative education programs, some schools started to abuse the system. Using poorly designed and subjective assessments, schools would erroneously identify minority children and/or children from economically disadvantaged backgrounds as “handicapped” and put them into segregated classrooms. These practices led to many court cases that laid the precedent for the assessment practices used today. For example, the decision in the 1967 case of Hobson v. Hansen found IQ tests used in the District of Columbia schools were culturally biased and therefore inaccurate for tracking students who were not from a Caucasian, middle-class background. The court declared that the tracking system used in the District’s schools was illegal (Edington & Koehler, 1985). This was one of the first cases that invalidated assessment results from culturally biased instruments.

As seen in previous decades, action was taken to remediate issues with assessment instruments as the issues came to light. In this decade, the first legislation to assist with the education of students with exceptionalities was created, but the problems with the instruments used to determine who needed the alternative education programs led schools to abuse the system. The instruments were designed to identify students who needed assistance to be successful in schools, but schools were using the instruments to place students who were culturally or linguistically different, or who were from a lower socioeconomic class, in an alternative educational setting. As parents protested the inappropriate placement of their children in alternative settings, courts began to recognize the biases of these instruments. In response, professional and ethical standards of practice were created in order to ensure effective assessment practices, which are held and followed to this day (see Chapter 2).

1970–1979

The results of Hobson v. Hansen led to a realization that the IQ tests used in schools had a negative impact on students who were not from a Caucasian, middle-class background, as well as students who did not speak English as a primary language. In 1970, Diana v.
California State Board of Education challenged the use of English-based IQ tests that included verbal subtests. A settlement was reached between the parties that eliminated the verbal sections of the test, allowed non–English-speaking children to choose the language used for test responses, and called for the development of a test that did not discriminate based on culture and language. As a result of this case, legislation was passed in the state of California that required evaluation of a student’s development, culture, and academic achievement in addition to the measure of intelligence when determining eligibility for special education classes (Edington & Koehler, 1985).

A similar case occurred in 1972 in Guadalupe Organization v. Tempe Elementary School District. Students who did not speak English as a primary language were being tested using instruments that did not account for linguistic diversity and therefore were considered biased. The decision from this case was the same as Diana v. State Board of Education with the addition of several provisions. Children no longer had to choose the language of their responses; they would be automatically tested in their primary language, and unfair portions of the test could not be considered when determining eligibility for special education classes. Scores on the IQ tests needed to be at least two standard deviations below the mean in order to identify a student as having an intellectual disability. Finally, the IQ test could not be the only measure used to place a student in a special class; adaptive behavior outside of school also had to be considered (Aiken, 1996). Daniel J. Reschly (1991) contended that the reforms that resulted from both the Diana and the Guadalupe cases significantly influenced federal legislation regarding assessment as well as reduced the number of Hispanic students who were overrepresented in special education.

Students with disabilities do not always qualify for educational services under the Individuals with Disabilities Education Act. In order to receive special education and services, students must be found to have a condition that falls into one of 13 identified categories of exceptionality, and the condition must adversely affect a student’s academic performance. These categories include visual impairment, hearing impairment, deafness, deaf-blindness, traumatic brain injury, orthopedic impairment, autism, emotional disturbance, intellectual impairment, other health impairment, speech or language impairment, specific learning disability, and multiple disabilities. In particular, a disability may fall outside these 13 categories. As a consequence, Section 504 of the Rehabilitation Act of 1973, a civil rights statute that prohibits any organization, school, business, or group receiving federal assistance from discriminating against people due to the presence of a disability (Lindstrom, Tuckwiller, & Hallahan, 2008), can be used to provide access to an education for students who do not qualify for special education and services.

Section 504 protects people considered to have “a physical or mental impairment which substantially limits one or more major life activities” (U.S. Department of Health and Human Services, 2006). Major life activities include tasks needed to survive and thrive in society: walking, speaking, breathing, working, learning, and so forth. The disabling conditions covered by this statute can be either temporary or permanent and can include AIDS, cancer, mental illness, asthma, broken limbs, and other conditions. The initial impact of Section 504 was felt relative to the employment of people with disabilities (Hix, 1996) but gradually spread to schools and other social services. The purpose of the legislation was to prevent people with disabilities from discrimination.

What kind of accommodations and modifications within schools are covered under a Section 504 plan? A student with diabetes might require assistance with medical testing or injections, snacks at specific times during the day, trained staff in school and on the school bus to monitor symptoms and administer necessary assistance, and increased drink and restroom privileges. The Section 504 plan is designed to provide reassurance to the student, parents, and school personnel that staff members are ade-
quately trained and identified, necessary equipment is identified and located, potential needs of the child (e.g., regular meals or snacks, increased privileges) are known and permitted, and responsibilities are delegated to appropriate parties. It should address all aspects of the school experience, including transportation, school-day routines, testing accommodations, field trips, and extracurricular activities. It should also include communication plans that identify when to notify parents and provide a list of emergency contacts, health-monitoring procedures, people responsible for provision of medical supplies and snacks, and so forth. The plan should include information about the disability, including symptoms that should be monitored, their meanings, and their identified treatments.

In 1974, the Education Amendments, or PL 93-280, contained two crucial laws pertaining to special education. First, the Education of the Handicapped Act was the first major legislation to mention the right of children with disabilities to a free appropriate public education (FAPE). It was the precursor to the major special education law that would come out a year later. The other law enacted in this legislation was the Family Education Rights and Privacy Act (FERPA) of 1974. FERPA was designed to protect the privacy of students by allowing parents or guardians and students who have reached the age of majority to obtain confidential school records. Prior to this act, parents were not permitted to obtain school records; after the act was passed, parents were permitted to examine and question the records for accuracy. This law also protected the records from public purview. The information in the records may only be released for purposes specified by the law. FERPA required that parents be notified annually about their rights regarding student records, and the notification must be provided in a way that the parents can understand (i.e., primary language, accommodation for parental disability or illiteracy) (Daugherty, 2001). When students reach the age of majority, they must also be informed of their right to obtain their school records. Both parents and students over the age of 18 must be informed about how to provide consent for disclosure of information in the record to relevant parties. This law is particularly applicable to special education because these records contain information that may be needed to provide an accurate identification of a disability, complete an evaluation of the student, or write an individualized education program (IEP). FERPA also serves as a protection for students with disabilities through the restriction of access to confidential information about students.

The Education for All Handicapped Children Act of 1975, or PL 94-142, was the first law to specifically mandate compulsory education for all children with disabilities and create a number of educational policies for this group of students (Harris, 2006). This law required the provision of a FAPE in the least restrictive environment. It also required a formal assessment process conducted by a team of professionals for identification of disabilities as well as the development of an IEP for all children with disabilities. Under this law, children were eligible for services if they were identified in one of eight conditions, including hard of hearing, deaf, speech impaired, blind, emotional disturbances, specific learning disabilities, intellectual impairment, or physical impairment (§121a.5[a]).

Parents were provided with due process rights, and schools were required to obtain parental consent before evaluating students for eligibility for services as well as encourage parents to be involved in the development of educational plans for the students. The federal government committed to providing funding for schools to implement the new requirements for this population. The Education for All Handicapped Children Act was the first law to mandate what had previously been determined in court cases. Assessment measures needed to be nondiscriminatory, administered and reported in the native language of the students and parents respectively, and conducted in all areas relative to the suspected disability.
Larry P. v. Riles was a California court case that had initially been filed in 1971. The final decision on the case did not come through until 1979 as a result of numerous appeals filed on both sides of the case. This case was filed as a class action suit alleging that there was an overrepresentation of African American students placed in a class designated for students with mild intellectual disability. The final decision reached by the court concluded three things (Reschly, 1991):

- Intelligence tests are biased.
- The use of such tests to identify African American children as having cognitive disabilities was no longer permitted in the state of California.
- The overrepresentation of minority children in the category of cognitive disabilities needed to be eliminated.

The decision in this case was brought before the court two more times. In 1984, the state of California appealed the decision, and the appeal was overturned. In 1986, the case went before the court again when the plaintiffs complained that overrepresentation of minority children still existed and only the label had changed. The court prohibited the use of intelligence tests with all African American children for the purpose of determining eligibility for special education services in any category, even if the school was able to obtain parental consent to use the test. Based on the outcomes of this case, the kind of assessment tools that can be used for eligibility determination in the state of California have been significantly affected.

This decade saw major impacts on the education of students with exceptionalities as well as the role assessment played. Litigation prevented schools from abusing the system designed to help students by prohibiting the use of culturally biased instruments and by prohibiting the use of a single instrument for making an educational decision about a child. Results of litigation in this decade led to practices in assessment that are in use today as well as standards for ethics that must be followed. In addition, federal legislation was passed that prevented the discrimination of children based on disability and guaranteed an appropriate education for students with exceptionalities, so parents who had begun fighting for their children's education after Brown v. Board of Education saw success. Their mission had been accomplished—a law had been passed. That law has been revised many times, but the basic tenets are the foundation for current special education policy.

1980–1989

The case of Parents in Action on Special Education (PASE) v. Hannon was tried in 1980. The complaint was similar to the Larry P. v. Riles case in that the plaintiffs felt there was an overrepresentation of minority children in special education due to bias in the intelligence tests used for determining eligibility. Many of the witnesses from the Larry P. v. Riles case appeared in PASE v. Hannon. The decision in PASE v. Hannon was almost the exact opposite of Larry P. v. Riles. The court found that the tests could not be considered biased and that socioeconomic differences were enough to account for the minimal cultural and ethnic differences that may affect the test results. Considering that both cases made the same complaint, why did the courts find in favor of the students and families in Larry P. v. Riles and in favor of the school in PASE v. Hannon? One difference was that PASE focused on the use of socioeconomic differences that accounted for the differences in performance on the intelligence tests instead of just attributing the differences to genetic differences. PASE also stressed the idea that although the tests do represent a dominant Caucasian culture, schools also represent that same culture. Therefore, the schools and tests are in alignment; although they may be biased against other cultures, that alignment leads to validity of the instrument (Elliott, 1992).
Chapter 1 • Special Education History and Legislation: Impact on Current Classroom Assessment Practices

In 1982, a class action suit titled *Luke S. & Hans S. v. Nix et al.*, was filed in the state of Louisiana to complain about the lack of timely evaluations. Although the state regulations required a 60-day time frame from receipt of parental permission to completion of the assessment, it was estimated that thousands of children were backlogged in the system. The suit resulted in a cost of more than $1 million to the state to pay for overtime hours and extra assistance to decrease the number of children awaiting evaluation; it also established ratios for school psychologists to avoid the creation of a similar backlog in the future. It created compliance levels that school districts across the state of Louisiana had to adhere to in order to avoid sanctions (Canfield, 1996). The case of *Jose P. v. Ambach* was filed in New York City in 1983. The plaintiffs in this case claimed a delay in the provision of special education services as a result of delayed evaluations. The court agreed with the plaintiffs that timely evaluations were necessary for provision of special education services. The final decision mandated a 30-day time frame from referral in which evaluations must be completed. This time frame has now been extended to 60 days to complete the evaluation after referral.

The *Debra P. v. Turlington* case filed in 1984 claimed state competency assessments were discriminatory and prevented African American students from obtaining a diploma. The court explored issues to be used in determining whether the state assessment was legal, including the following: providing adequate notice to students about the assessment and how it relates to graduation; ensuring the test is aligned with both the curriculum and instruction provided by the school; and using instruments that were not racially, linguistically, or ethnically biased (Russo & Osborne, 2008). The court found that the school provided appropriate notice and instruction and ruled that the test was a legal requirement for graduation. A case filed in 1985 (*Bonnadonna v. Cooperman*) found that IEPs can be considered invalid if not based on proper evaluations. A school used only observations of a student to determine the presence of a disability and as the basis for the IEP. The court determined that the lack of validated instruments to measure the student’s aptitude, as well as the observation procedures used, were discriminatory against the student, who had a hearing impairment. In addition, the school did not include anyone with expertise in the education of students with hearing impairments on the evaluation team. Therefore, the IEP was declared inappropriate and invalid (Russo & Osborne, 2008).

Further amendments of the Education of the Handicapped Act were released in 1986 (PL 99-457). The amendments necessitated the development of diagnostic and monitoring protocols appropriate for children from birth to age 5 for newly mandated preschool services and comprehensive early intervention programs. The law also provided a FAPE to children with disabilities who fall between 3 and 5 years of age. In addition, schools were required to provide instruction as well as transition services, or a coordinated set of activities based on each child’s unique needs, to assist in the transition from preschool to kindergarten programs. These activities might include related services coordination and provision, development of an IEP with goals appropriate for the kindergarten program, and implementation of support to help the child with the transition and help the child to be successful in the classroom. There were essentially two separate stages of this legislation: one stage dealt with the needs of children from birth to age 2, whereas the other focused on children from ages 3 to 5. The legislation that focused on children from birth to 2 was more family focused in that an individualized family service plan (IFSP) was developed to help meet the needs of both the children and families. Services provided to children at this level are provided in natural environments, where children who are typically developing would normally be found. The legislation that focused on children ages 3–5 includes the provision of an IEP and more child-centered services that foster a more successful transition to the school environment. Services are provided in a more academic environment as opposed to a home setting.
Litigation in this decade served to specify more details of the role of assessment in the special education process. Time lines were developed to facilitate the assessment process in order to more effectively serve students who were struggling in schools. IEPs had to be based on data from the assessments of student performance. Assessments in the schools needed to be aligned with content that was taught, and consequences related to high-stakes assessments, such as state proficiency tests, needed to be communicated to students. All of these developments served to bring to light the practices that affect special education.

1990–1999

In 1990, the Education of the Handicapped Act was once again amended. This amendment recognized the increased emphasis on politically correct language by changing the name of the act to the Individuals with Disabilities Education Act (IDEA). All references to “handicaps” in the original PL 94-142 and subsequent amendments were changed to the term disabilities, and person-first language was incorporated into the legislation. The law changed such phraseology from “handicapped child” to “a child with a disability.” The amendments continued to support discretionary programs and mandated transition services for students with disabilities. The transition services, including vocational evaluation, were to be included on the IEPs of all students by age 16 (Katsiyannis, Yell, & Bradley, 2001). Autism, traumatic brain injury, multiple handicaps, and deaf-blind were added to the list of disabilities that were deemed eligible for special education services, thereby increasing the list of identified categories from 8 to 12.

Also in 1990, the Americans with Disabilities Act (ADA; PL 101-336) was enacted. This law directly related to the Civil Rights Act of 1964 and specifically addressed the rights of people with disabilities. The ADA guaranteed access to participate in daily living activities of all types, not just education, and it applied to people of all ages; however, it is particularly relevant for people with disabilities after they leave high school. Among the provisions of this law, businesses, schools, and government agencies were required to be physically accessible to people with disabilities (e.g., wheelchair ramps, elevators, accessible restroom facilities), and equipment necessary for successful participation in activities must be able to accommodate people with disabilities (e.g., sign language interpreter for an employee with a hearing impairment). In addition, employers were not allowed to penalize employees with disabilities for the disability (e.g., an employee with cancer may be excused for needing to attend chemotherapy treatments, an employee with diabetes may be allowed extra breaks to eat and monitor blood sugar levels). This legislation directly affected the community in which the individuals with disabilities lived, worked, went to school, and participated in daily life. It also provided access to necessary accommodations for people attending college. Although IEPs are mandated by the Education of the Handicapped Act, IDEA, and subsequent amendments, they do not carry over from high school into college. Colleges, however, may refer to the most recent IEP, if provided by the student, to determine the type of accommodations necessary for student success on academic tasks.

Gerstmyer v. Howard County Public Schools was a case filed in Maryland in 1994 on behalf of parents wishing reimbursement for private education and tutoring services that were used as a result of a delay in the evaluation process. The state required evaluations to be completed within 45 days of referral; in this case, the school was not able to complete the evaluation within the allotted time. In addition, the parents had requested an evaluation 4 months prior to the start of the school year; however, the school informed the parents that the evaluation could not be conducted until 3 months into the school year due to budget constraints. After the evaluation took place, the school proposed an
education plan that was not individualized according to the child's needs or the results of the assessment. The parents withdrew the child from public school and enrolled him in a Montessori program that he had previously attended part-time. The court found that the student's rights were violated by the delay in evaluation and that the school did not provide a FAPE for the student. The court mandated that the parents be reimbursed for the expense of the Montessori program and private tutors.

Also in 1994, the ESEA of 1965 was reauthorized as the Improving America’s Schools Act (PL 103-382). This legislation mandated the development of state standards for student achievement. In addition to developing standards, states were required to develop assessments that would measure student progress toward the achievement of those standards. State Departments of Education had to ensure the alignment of the standards with the assessments as well as develop policies for the administration of the assessments (e.g., when they would be administered during the year, which grade levels would be assessed).

In 1997, IDEA was reauthorized as PL 105-17. The reauthorization of the law attempted to strengthen and improve IDEA to be more effective in the provision of FAPE for children and young adults with disabilities. The law retained the core of the original Education for All Handicapped Children Act in that FAPE in the least restrictive environment was still required for all students, and due process and procedural safeguards were still guaranteed. The reauthorization also added the other health impairment disability category to cover students who are identified as having attention-deficit/hyperactivity disorder (ADHD).

What specific changes were made in this reauthorization relative to assessment and evaluation? First, the eligibility and placement process was mandated to be more streamlined, and parents were provided an increased participatory role in the process (Yell & Shriner, 1997). Initial eligibility continued to be determined by a comprehensive assessment; decisions should not be based on the results of a single assessment. Reevaluations could use a review of records rather than the administration of a full battery of tests. Second, IDEA 1997 included a key provision related to the assessment of student behavior in disciplinary situations. When a prescribed disciplinary action results in a change of placement for a student (i.e., extended suspension and/or expulsion), schools are required to conduct a functional behavioral assessment. The results of that assessment will be used in the creation of a behavior intervention plan that attempts to remediate inappropriate behavior prior to removal from a specific setting (Etscheidt & Clopton, 2008). A third provision mandated that students with disabilities participate in state and district testing with accommodations permitted as necessary (Yell & Shriner, 1997). Guidelines for use of alternate assessments for students unable to participate in the regular assessments should also be provided. Schools were required to increase the inclusion of students with disabilities in the general education classroom and to involve general education teachers during the development of IEPs in order to better prepare students for the assessments as well as provide greater access to the general education curriculum. This reauthorization was the initial movement toward including students with disabilities in state and district high-stakes achievement tests. The goal was to provide students with exceptionalities greater access to the general education curriculum and to ensure that they were graduating with the necessary skills to be productive, contributing members of society.

The developments occurring in this decade served to continue to specify the role of assessment in the special education process. The purpose of assessment expanded to include accountability for students. This accountability was intended to ensure greater access to the curriculum that was designed to teach skills needed to be successful in society. The shift to a standards-based curriculum was initiated, and the role of assessment started to become even more prominent.
Chapter 1 • Special Education History and Legislation: Impact on Current Classroom Assessment Practices

2000–2009

The No Child Left Behind Act (NCLB), signed in 2001 and enacted in 2002, was the most comprehensive education law written to date (Rosenberg, Sindelar, & Hardman, 2004) and the first to mandate the use of sanctions for failure to abide by the provisions of the law (Kimmelman, 2006). NCLB was designed to improve the achievement of all students across the country by providing a definitive measure of accountability by states, schools, teachers, and students, with the goal of having all students perform on grade level by 2014.

As a result of this legislation, measures have been implemented to improve accountability at all levels. States are required to develop and follow rigorous academic standards; schools are expected to administer assessments that are aligned with the academic standards; teachers are required to provide evidence-based, high-quality instruction that is aligned with the academic standards; and all students are required to participate in state assessments to demonstrate their academic proficiency. The state assessment data must be able to be disaggregated by specific target populations in order to monitor the progress of individual groups based on such categories as gender, ethnicity, disability status and label, and socioeconomic status. NCLB requires that students with disabilities be included in statewide assessments that are used to determine whether schools have met adequate yearly progress (Lindstrom et al., 2008). This means that students with disabilities are expected to have access to general education curriculum and instruction because they are expected to pass the same state assessments as their general education counterparts in order to receive a diploma (Yeh, 2008). NCLB requires that at least 95% of students participate in the state assessments between Grades 3 and 8 and one assessment at the high-school level (U.S. Government Accountability Office, 2005).

NCLB addressed the need for quality instruction to prepare students for the assessments by requiring standards for teachers who are highly qualified. In essence, NCLB calls for teachers to have both the knowledge of the content for which they are primary instructor as well as the ability to convey that knowledge to the students (Rosenberg et al., 2004). Institutions of higher education who prepare preservice educators are expected to integrate the state standards for highly qualified teachers into personnel preparation programs to fill the need of the field of special education by incorporating more content instruction in teacher education courses.

The IDEA legislation was reauthorized in 2004 and renamed as the Individuals with Disabilities Education Improvement Act (IDEIA), with the regulations released in 2006. The reauthorization of IDEA was intended to align special education with the goals set forth in 2001 by NCLB. Many of the provisions in NCLB were replicated in IDEIA with the intent of improving the achievement of students with disabilities. The reauthorization also maintained many of the provisions set forth by the Education of the Handicapped Act and subsequent reauthorizations of IDEA, but added provisions related to the evaluation process, parental participation in the eligibility and placement process, and the use of Response to Intervention (RtI) as a method for the identification of students with learning disabilities. Some provisions were added to IDEIA 2004 to improve procedures and provision of services. One such provision was the requirement of a 60-day time frame in which eligibility is determined and the IEP is developed. Many previous court cases addressed the time from the referral to the completion of the evaluation; however, this provision provides 60 days from the receipt of parental consent to make the eligibility and placement decision. Within that time, a comprehensive evaluation must be completed, and an IEP must be developed.

With regard to the evaluation process, IDEIA 2004 has made the procedures for schools more specific. First, the evaluation must be comprehensive in its scope, and
decisions cannot be based on results from a single measure or evaluation procedure (Weishaar, 2008). Specifically, the evaluation must address how the student is developmentally different from peers as well as the academic differences between the student and peers. Also, as stated in other iterations of IDEA, decisions cannot be based on results of a single assessment. The instruments used must be technically adequate (i.e., reliable and valid), designed to accurately assess the areas affected by the suspected disability, administered by a trained professional, and administered in a way that is consistent with standard procedures identified by the test publishers; they cannot be biased in any way (Cohen, 2009).

Second, parents must be included in the evaluation process. They must provide consent as well as input into the process. In prior iterations of IDEA, schools had little recourse for students with suspected disabilities if parental consent for the evaluation process could not be obtained (through refusal, inability to establish communication, or other factors). Schools must document methods used to facilitate parental participation. IDEIA 2004 has separated the eligibility process so that parents must provide consent for both the evaluation and the initiation of special education services (Cohen, 2009). The 2006 IDEIA regulations have established that districts may choose to invoke due process hearings for the initial evaluation of a student if other methods to obtain parental consent fail (Slater, 2006).

Third, the evaluation must purposefully address both eligibility decisions and development of the IEP. The results of the assessment are intended for use in the development of the IEP, specifically the goals for the student. Finally, the evaluation must provide information detailing the needs of the student necessary for success in the general education classroom. IDEIA 2004 has aligned with NCLB in the requirement that students with disabilities participate in state and district competency assessment; therefore, the evaluation of the student must provide information about how the student can be most successful in the general education environment. The entire evaluation process should be planned prior to the initiation of the process, and the plan should be included in the evaluation report. The reevaluation process is also outlined in IDEIA 2004. The law specifies that reevaluation cannot occur more frequently than once per year unless the parent and school are in agreement about the necessity of the reevaluation. Students must be reevaluated every 3 years unless the school and parent agree that a reevaluation is not needed. When this agreement occurs, the evaluation team is expected to review prior evaluation data in order to answer the following questions: (1) Is there still a disability? (2) What are the present levels of academic and developmental achievement, and what needs exist in those areas? (3) Are special education services still necessary? and (4) Does the educational program (e.g., general education curriculum, services provided through the IEP, placement, related services) need to be modified in order for the child to succeed? (Taylor, 2009). If the questions can be answered by preexisting evaluation data, a formal reevaluation is not required.

2010 to the Present

In the early stages of this decade, changes to legislation as well as the role of assessment are sure to come. Until these laws are passed and enacted, educators must follow the laws that are already in place. As special educators and assessors, we must have flexibility to adapt our practices to changing expectations, changing roles, and changing times. It is our responsibility as educators to ensure that we stay current in research, policies, and legislation as well as resources and tools that are available for us. We have a responsibility to keep learning and growing in our knowledge of assessment and the role that it plays in special education. The history of our field has affected our current practices; our current practices are the foundation for our future.
Chapter 1 • Special Education History and Legislation: Impact on Current Classroom Assessment Practices

CASE STUDY

As a special educator, you will be asked to assist with the assessment of students for eligibility, progress monitoring, and readiness for state assessments. As such, it is important to have a good understanding of best practices in assessment. The following scenario reflects the way special educators may be called on to share their assessment expertise.

Mr. Jackson is working in a small, rural school district as a special education teacher. He is licensed to teach K–12 students with mild or moderate exceptionalities and completed two assessment courses during his preparation program. He currently co-teaches an eighth-grade social studies inclusive class and also teaches reading and mathematics to students in Grades 6–8 in a resource room setting. The district’s part-time school psychologist, Ms. Hayes, is responsible for all students in Grades K–12 and is assigned to the entire district 2 days per week. Because Ms. Hayes is responsible for so many tasks in the short amount of time that she is assigned to the district, she has asked Mr. Jackson if he can assist with some of the academic achievement testing. Mr. Jackson agrees to help however he can.

Within a week, Ms. Hayes has given Mr. Jackson the name of a student who needs to be tested for academic achievement as well as the assessment to be administered. The instrument is fortunately one that Mr. Jackson was specifically trained on during his assessment classes, so he is familiar with the instrument. He is concerned, however, because it has been 2 years since he took the class. He is also concerned because he does not know the student to be assessed. He remembered that his professor mentioned that research indicated students’ scores are likely to be higher when there is familiarity between the test taker and examiner (Fuchs & Fuchs, 1986). Do you believe Mr. Jackson is qualified to administer this achievement assessment? What aspects of IDEIA 2004 should Mr. Jackson be mindful of as he prepares for and administers the assessment? Think of three tasks Mr. Jackson should complete before administering the assessment to the student in order to ensure a proper and accurate evaluation is conducted. First, consider that it has been 2 years since Mr. Jackson has worked with that assessment. What might he need to do prior to the assessment to re-familiarize himself with it? Second, consider Mr. Jackson’s concern about not knowing the student or having a rapport with him. What could he do in order to start to build that relationship with the student? Finally, remember that any tests administered must be free of bias and administered in the student’s primary language. What might Mr. Jackson need to do to ensure these conditions are met before he administers the test? What things will you need to do before administering assessments to your students?

QUALIFICATION FOR LEARNING DISABILITIES

IDEIA modified the process for identifying students as having a learning disability. States were previously mandated to use a discrepancy model approach that required a severe discrepancy between ability (IQ score) and achievement. Schools tended to use a student’s failing grades as the impetus to initiate the process of identifying a learning disability in order to document a severe discrepancy between achievement and ability. IDEIA 2004 allowed states to consider an alternative method of identification for students with suspected learning disabilities in response to the “wait-to-fail” approach of the aptitude–achievement discrepancy model. States were required to develop criteria for the identification of students with learning disabilities; those criteria for an alternative method of identification had to meet three conditions. First, the criteria could not require the use of a severe discrepancy between IQ and academic achievement. That was the basis of the prior evaluation model, and the problems associated with it were the impetus for the development of a new model. Second, the criteria must allow the use of a process that measured the student’s response to research-based interventions. One concern that arose from this criterion is the lack of definition regarding research-based interventions. IDEIA 2004 did not specify how much or what kind of research was necessary to consider an intervention to be research based; differing interpretations have led to a great deal of confusion in schools about the type of interventions to offer. Finally, the
criteria could permit the use of an alternative research-based procedure for the evaluation and identification of students with a learning disability (IDEIA, 2004).

One such alternative method currently being used in schools across the country is called RtI. School districts currently have the option to continue using the discrepancy model or to use an alternative model such as RtI. More in-depth information about this topic will be provided in later chapters of this book. The framework for the creation of RtI was the theory that children were underperforming in schools due to ineffective instruction (Cohen, 2009). RtI involves the use of universal screening and the provision of evidence-based instruction for all students. For students who appear to be struggling, as seen during the universal screening, additional instruction is provided, and more frequent monitoring is provided (Tier 1 interventions) by general education teachers. If students continue to struggle after receiving Tier 1 interventions, they receive more intensive interventions and potentially small-group instruction and support (Tier 2 interventions) by either general or special education teachers. If students continue to struggle after receiving the additional support, then students receive Tier 3 interventions, which may include individualized instruction provided by special education teachers, content specialists, or other personnel who have expertise in delivering intensive and individualized interventions. Some states consider students receiving Tier 3 interventions eligible for special education services; other states provide students receiving these interventions with a comprehensive evaluation to determine eligibility for special education services.

The 2006 regulations to IDEIA clarify the IDEIA 2004 law regarding the use of the RtI process for determining the presence of a learning disability. The regulations require schools to provide documentation that appropriate instruction has occurred in the general education classroom. Schools are also required to provide evidence that a formal process for assessing student progress at reasonable intervals was used and the data shared with parents (Cohen, 2009). Schools are permitted, according to the 2006 regulations, to identify patterns of strengths and weaknesses in the progress-monitoring data for use in determining the presence of a learning disability. Discrepancies in the relationship between a child's academic performance and academic grade-level standards are also permitted as part of the evaluation process (Cohen, 2009). IDEIA 2004 continues to require schools to address developmental and functional progress as well as academic performance during the evaluation process as well as during the development of the IEP.

The tenets of the reauthorized IDEIA 2004 have led to additional litigation related to the assessment of students with exceptionalities. In 2008, A. P. v. Woodstock Board of Education was heard in the U.S. District Court of Connecticut. Parents of a sixth grader contended that the school was negligent in determining the eligibility for special education services because the school attempted general education interventions prior to referral for evaluation. The court determined that current legislation allows schools to attempt interventions to keep students in the classroom; thus, the school was not negligent in determining eligibility for services (Slater, 2008). That same year, a similar case was heard in the Western District of the U.S. District Court of Texas (El Paso Independent School District v. Richard R. ex rel. R. R.). Although the case itself was similar, the court's decision was very different. In the Texas case, the court found that the school was indeed negligent in their child-find responsibilities by continuing to attempt interventions in the general education classroom for a student with ADHD. The district offered to evaluate the student for eligibility more than 13 months after the initial referral as part of a due process settlement that was brought to comply about the lack of provision of FAPE (Slater, 2008).

Since the 1900s, the process of identifying disabilities has shifted from a single measure of intelligence to the implementation of nonbiased, comprehensive assessment practices. Advocates for people with disabilities have voiced relevant concerns that have led to current legislation that affects the identification and evaluation of students with disabilities today. The aforementioned legislation directly affects assessment practice and function for all students, regardless of whether they have identified disabilities.
CHAPTER EXERCISE: UNDERSTANDING LEGISLATION AND COURT DECISIONS

The following classroom instructional activity involves a child named Timmy and two of his teachers (Mrs. Greene and Mr. Warren). Timmy is a fourth grader who is struggling in school. He seems to enjoy school except for reading and social studies. He is currently failing in both of these subject areas. Timmy is also getting a D in science class. Timmy’s teachers have been in constant contact with his parents to let them know what is happening in the classroom. Timmy’s parents realize that Timmy needs help to succeed in school and are grateful for the assistance of his teachers. Both Timmy’s parents and teachers suspect that Timmy has a specific learning disability in reading.

Timmy’s reading teacher, Mrs. Greene, has graphed Timmy’s progress on 1-minute fluency probes (quizzes) that she administers twice per week. She has seen the gap between Timmy’s performance and the performance of his peers widen over the last few weeks. Mrs. Greene has moved Timmy’s seat closer to the front of the room so that he is away from peers who distract him and has monitored his progress more closely. Mrs. Greene provides reading instruction on material written at the third-grade level for Timmy and three other struggling readers in the class, and she has done that throughout most of the school year. None of these interventions seem to be working for Timmy.

In social studies, Mr. Warren has also changed Timmy’s seat to be closer to the front of the room. He asks Timmy to read part of the assigned chapters to him while the other students work on independent practice sheets. Mr. Warren has noticed that Timmy struggles to sound out words, easily loses his place in the passage, forgets what he reads, and becomes physically tense when asked to read. When Mr. Warren reads the text aloud, Timmy is able to successfully answer questions; however, Mr. Warren does not have enough time to do this on a daily basis.

Mrs. Greene and Mr. Warren decide that Timmy needs more help than they alone can provide him, so they refer him to the building’s intervention assistance team (IAT). The IAT works with the teachers to try additional interventions for another month, but Timmy continues to struggle and underperform in his classes. The members of the IAT suspect that Timmy may have a learning disability, and they refer Timmy for the eligibility process.

Reflect on the following questions:

1. Which law(s) might Timmy best be served under, and why?
2. What evidence does the school have that effective instruction is being provided?
3. Numerous court cases have led to legislation that mandates effective assessment practices. What are some of the practices that the school will need to follow when assessing Timmy to determine if he is eligible for special education services?

CHAPTER REFLECTION

As you continue your journey to become a special educator, you will find that your knowledge about assessment will help as you learn to plan lessons, individualize instruction, and assist colleagues and teachers in the field. You will hopefully begin to see the connection between historical court cases and current legislation. That connection has led to the development of current assessment practices that are mandated by IDEIA. As such, it is critical that you have a good understanding of the law so that you can effectively assess your students as well as act as an advocate to make sure the assessment process is conducted appropriately.
Chapter 1 • Special Education History and Legislation: Impact on Current Classroom Assessment Practices

CONCLUSION

The ability to recognize and follow the various pieces of legislation is an important skill for special educators. In particular, IDEIA 2004 mandated assessment practices such as the use of nonbiased instruments, trained administrators, and the alignment of instruments with the purpose(s) of the assessment(s). Special educators must possess a solid understanding of these practices in order to both properly evaluate a student for a disability and act as an advocate for the student with the evaluation team. An understanding of the events that have led to the development of the current legislation is essential in the special educator’s comprehension of the reason for mandating specific practices.

RESOURCES

The Wrightslaw website at www.wrightslaw.com is the leading resource for information about current special education legislation and litigation. In addition, the site provides information regarding workshops and print resources related to special education law. What key components would you include in your talk? Which components are least clear to you at this time?

1. Which court cases do you believe had the greatest impact on the development of current legislation that affects assessment in special education?

2. Imagine you are asked to talk about IDEIA to a group of teachers unfamiliar with special education law. What key components would you include in your talk? Which components are least clear to you at this time?

3. If a parent asked for an explanation of the differences between Section 504, IDEIA, and ADA, how would you summarize the laws?

Charles Fox, a Chicago attorney and parent of a child with a disability, has created a special education law blog at specialedlaw.blogs.com to provide current information about litigation and policy updates. The site has received endorsements and commendations from various organizations for providing up-to-date information in an easy-to-understand format.

The Special Education Law Blog by Jim Gerl is a resource that presents information about federal legislation and court cases related to special education in a reader-friendly manner. The resource, specialeducationlawblog.blogspot.com, has also received various awards and commendations.
INTRODUCTION: ASSESSMENT LITERACY FOR EDUCATORS

Assessment is a professional “language” that teachers must know and understand in today’s classroom. In fact, all teachers, along with administrators, need to be fluent with assessment because this process is designed to collect relevant student evidence in order to make effective educational decisions in the classroom, regardless of where the instruction is received or who provides it (Cohen & Spenciner, 2007; Earl, 2003; Gardner, 2012; Salvia & Ysseldyke, 2009; Stiggins, 2008).

When the qualities and characteristics of a successful special education teacher are examined and discussed, skills such as providing effective instruction, embracing the diversity of students, professional collaboration, and being an active member of the learning
support team often come to mind. In addition, one key professional skill area is assessment, and it has existed for some time, given the federal legislation (e.g., Individuals with Disabilities Education Improvement Act [IDEIA], 2004) connected with students with identified special learning needs. But as intervention models have emerged and been implemented within general education, the need to serve all students has emerged and so, too, has the need to assess and monitor the progress of those students. The accountability function of documenting student performance that was legislated with the passage of the No Child Left Behind Act (NCLB) now dominates the educational landscape. The documentation of actual academic progress of students, particularly those at risk academically, has taken center stage in education and consequently so has classroom assessment.

Assessment standards, both within the profession (CEC Initial Level Special Educator Preparation Standards; Council for Exceptional Children, 2012) and across most states require educators to evidence a wide range of assessment practices to meet different assessment needs (e.g., formative assessments, summative reviews, diagnostic assessments, self-assessment, eligibility requirements). Beyond the need to collect data to inform and direct instructional decisions, teachers must also be able to effectively communicate data findings and decisions to a number of different audiences, including students, parents, related professionals, and the general public—a tremendously important and necessary service and professional skill.

Beyond professional requirements and public accountability issues, there lies a more basic and essential purpose for the need of classroom assessment. Data that is obtained through assessment practices help answer the fundamental question of whether effective instruction, as evidenced through student learning, has been provided in a lesson. Assessment data can confirm whether or not students have learned and acquired the knowledge and skill sets that are expected based on the predetermined learning goals and outcomes of the lesson and/or instruction. It provides the confirmation that students have benefited from the provided instruction and their learning has been enhanced, providing for a deeper and more comprehensive understanding. With this assurance, moving on to the “next lesson” or connecting to a more advanced information or skill set(s) is then possible. An effective assessment system serves as the essential complement to the instructional process because it helps to confirm what is strived for during the teaching process.

The Function of Assessment

As a process, assessment can and should serve several functions and purposes for a teacher. For that reason, specific purposes need to be identified with an assessment system before it is constructed and put into operation. A few of the common uses of assessment in the classroom are the following:

- To review and/or confirm the prerequisite skills and knowledge of students prior to the presentation of a lesson or unit (known as preassessment)
- To measure ongoing learning progress by students as a lesson or learning activity is being completed (known as formative assessment)
- To provide needed instructional changes during the course of a lesson (connected to formative assessment and feedback)
- To confirm student accomplishments and proficiency relative to specific learning outcomes and goals (known as summative assessment)
- To provide information to students on their improvement and progress during a learning event or activity (connected to self-assessment)
- To improve the teaching process and the resulting instructional decisions made by the teacher (formative assessment and feedback of instructional practice)
Chapter 2 • Assessment in Today’s Classroom: Purpose, Function, and Ethical Practice

- To appraise and evaluate the quality of the work produced during a learning event or activity by the students (connected directly to grading)
- To confirm skill proficiency and processing levels through diagnostic tests and measures so that qualifications or criteria are met for required services and supports in the classroom (connected to all forms of assessment)

Assessment clearly serves many functions. As the number of functions and responsibilities increase, however, so does the complexity of the system that is required to complete those functions. As a teacher, you will need to recognize what specific functions must be addressed for your classroom so that the system will reflect those needs.

**ASSESSMENT DEFINED**

Assessment, as an educational practice, has historically been identified with qualifying students for special education services and/or administering formal or summative tests at the completion of an instructional unit. However, assessment—which can reflect a variety of student evidence-collection approaches (e.g., observations, checklists, interviews, demonstrations, tests, projects) and is recognized collectively as classroom assessment—has evolved from a testing-only function into a more dynamic practice that is threaded throughout the instructional process (Earl, 2003; Stiggins, 2008) and whose primary purpose is to facilitate student learning (Black & William, 2012). Moreover, the definition of assessment, along with a larger set of expectations, has expanded due in large part to the growth of both professional as well as state standards and the requirement of having documented evidence connected to educational decisions and services for all students. In regards to a working definition, classroom assessment as reported by Raymond Witte (2012) is, “viewed as an active process of systematically collecting and analyzing student learning evidence in order to make effective educational decisions which are designed to promote student learning” (p. 8). In particular, four essential components and actions make up this process (Table 2-1).

By design, assessment is an active and systematic process whereby authentic student evidence of student progress and performance data is collected. The collection process can and should include a wide variety of data sources collected on numerous occasions over a period of time in order to provide multiple indices of student evidence and work. That evidence can take the form of written answers on a quiz or computation problems that are completed as part of homework, exams, or progress checklists. In the classroom, a student’s reading progress may be monitored through periodic reading checks that are completed on a monthly basis as well as with weekly skill performances that are reviewed and monitored through individual student skill checks that are part of the reading instruction program. In addition, the reading progress and accomplishments of the students could, and should, be demonstrated and documented through larger district and/or statewide measures and instruments. All of the aforementioned activities can serve as legitimate and verifiable evidence of student learning progress.

---

**TABLE 2-1 Essential Components of Classroom Assessment**

1. Active and systematic process of collecting student evidence
2. Active review of collected evidence to determine impact on learning
3. Instructional decisions need to be based on critical review of student evidence
4. Decisions should be focused on promoting student learning and success

Reprinted with permission by McGraw-Hill.
Second, a review of collected evidence is necessary and required in order to determine if effective learning is taking place and students are making appropriate and expected progress in acquiring the presented material. This is needed in order to confirm whether the targeted learners are on the desired instructional path. If not, then instructional modifications need to be implemented, based on the collected data, to correct this problem.

Third, instructional decisions must be connected to the critical review of collected student evidence and data. Data-supported and referenced decisions are defensible and reflect professional accountability, as opposed to decisions that are centered on general impressions, perceptions, or other conclusions that are not based on student evidence. These decisions are ultimately directed toward promoting student learning, and that is the guiding purpose to an instructional event or experience. The elemental actions that compose classroom assessment need to reflect a data-focused problem-solving approach that is used directly to confirm as well as enhance the instructional effectiveness and impact of an instructional event, as well as address learning challenges in the classroom, whether they are academic or behavioral in nature.

CHAPTER EXERCISE: ASSESSMENT AS AN ACTIVE PROCESS

The following classroom instructional activity involves a child named Chase and his teacher Mrs. Shaw. Chase is a third-grade student who is currently demonstrating difficulty in mastering basic mathematical computation and memorization of math facts. He has weak math computation fluency, and he is currently working on single- and double-digit addition and subtraction facts with addends and subtractions (e.g., \(9 + 9 = 18\), \(18 - 9 = 9\)). Mrs. Shaw gave him a formative quiz (i.e., a quiz that provides learning performance feedback without receiving a grade or formal evaluation mark) that consisted of 25 problems (Figure 2-1), and he was only able to accurately answer two of those problems (\(16 + 1 = 17\); \(1 + 10 = 11\)). Additional quizzes were given to Chase over the past 2 weeks, and similar results were demonstrated.

Based on Chase’s assessment results, information from other work he has attempted, and teacher observations, Mrs. Shaw has decided to use the cover, copy, and compare (CCC) math approach (McLaughlin & Skinner, 1996) with Chase. This is a drill-and-practice method in which the student looks at a correct problem and answer (e.g., \(12 + 2 = 5\)). Then, the item is covered up. After that, the student writes out the problem and answer from memory. The correct problem is uncovered, and the student checks his or her student-generated answer for accuracy (Figure 2-2). This technique allows Chase to work on and improve his accuracy and retention of math facts and operations.

**FIGURE 2-1** Formative Quiz

<table>
<thead>
<tr>
<th>Math Practice</th>
</tr>
</thead>
<tbody>
<tr>
<td>(8 + 5)</td>
</tr>
<tr>
<td>(16 - 5)</td>
</tr>
<tr>
<td>(18 - 10)</td>
</tr>
<tr>
<td>(8 + 5)</td>
</tr>
<tr>
<td>(19 - 10)</td>
</tr>
<tr>
<td>(3 + 15)</td>
</tr>
<tr>
<td>(1 - 10)</td>
</tr>
<tr>
<td>(13 + 7)</td>
</tr>
<tr>
<td>(1 - 10)</td>
</tr>
<tr>
<td>(13 + 7)</td>
</tr>
<tr>
<td>(14 - 6)</td>
</tr>
<tr>
<td>(-7 + 12)</td>
</tr>
<tr>
<td>(-7 - 4)</td>
</tr>
</tbody>
</table>
Over several decades, considerable evidence has accumulated that attests to the value of student engagement and the importance of instructional and learning feedback for students (Black & Wiliam, 1998a, 1998b; Bloom, 1976, 1984; Bloom, Hastings, & Madaus, 1971; Fuchs, Deno, & Mirkin, 1984; Fuchs & Fuchs, 1986; Hattie & Timperley, 2007; McTighe & O’Connor, 2005; Stiggins & DuFour, 2009). The impact of assessment on student learning has been well established in the findings of the Assessment Reform Group.

This activity is practiced and monitored for 3 weeks, and a practice set of 100 single- and double-digit addition and subtraction problems are reviewed. At the end of each week, Chase takes a quiz of 20 items that are randomly selected from the practice set. The items that are chosen for a quiz are removed from the practice set once selected. His results for each of those weeks are as follows:

- **Week 1**—8 out of 20 correct
- **Week 2**—17 out of 20 correct
- **Week 3**—16 out of 20 correct

Mrs. Shaw decided, based on these findings, to continue this activity with Chase as part of his instructional plan. In addition to the aforementioned classroom math intervention, Mrs. Shaw has asked Chase’s mother (Mrs. Ewing) to work with Chase at home. Each night for 30 minutes, they play a math game with addition and subtraction flash cards. They take turns identifying the correct answer to each card. At the end of each week, Mrs. Ewing sends a list of the addition and subtractions problems that Chase has successfully solved and completed at home; Mrs. Shaw also creates a list of computations (e.g., 20 – 11, 19 – 10, 18 + 9) that need to be practiced and reviewed at home.

At this time, review the information pertaining to Chase’s intervention plan, and answer the following questions based on the definition of classroom assessment that is provided in this chapter:

1. Does the math intervention involve an active and systematic collection of student evidence? Why or why not?
2. What about the analysis of the intervention data? Do you agree with Mrs. Shaw’s decision to continue with the intervention? Why or why not?
3. Discuss with your classmates, if possible, the school–home alliance that is established with this intervention. Why is this an important aspect to this intervention?

**CLASSROOM ASSESSMENT AND ITS IMPACT ON STUDENTS**

Over several decades, considerable evidence has accumulated that attests to the value of student engagement and the importance of instructional and learning feedback for students (Black & Wiliam, 1998a, 1998b; Bloom, 1976, 1984; Bloom, Hastings, & Madaus, 1971; Fuchs, Deno, & Mirkin, 1984; Fuchs & Fuchs, 1986; Hattie & Timperley, 2007; McTighe & O’Connor, 2005; Stiggins & DuFour, 2009). The impact of assessment on student learning has been well established in the findings of the Assessment Reform Group.
TABLE 2-2  
Assessment Reform Group Key Assessment Factors

- The provision of effective feedback to pupils;
- The active involvement of pupils in their own learning;
- Adjusting teaching to take account of the results of assessment;
- A recognition of the profound influence assessment has on the motivation and self-esteem of pupils, both of which are crucial influences on learning;
- The needs for pupils to be able to assess themselves and understand how to improve.

Reprinted with permission from the Assessment Reform Group.

The ARG was formed in 1989 as part of the British Educational Research Association (BERA) and has generated assessment research and influenced policy for the past two decades. Through an extensive meta-analysis conducted by Paul Black and Dylan Wiliam (1998a) that examined instructional effectiveness, five core elements and practices were identified as critical to student success in the classroom, particularly for students who would be viewed as academically at risk (Table 2-2).

As public pressure and concerns escalate regarding formal educational practices, educators continue to search for research-supported methods and approaches that help students succeed. These educational practices provide for greater student learning and achievement, and the impact has been identified within the literature. The message is clear. Adhering to these practices increases the likelihood that students will learn more. In addition, follow-up work from the ARG (2002) identified 10 assessment principles that should guide instruction in the assessment of learning as it unfolds in the classroom. Table 2-3 lists those essential practices.

These classroom actions and the assessment foundations they represent serve as essential guidelines for teachers and provide a clear instructional direction if the ultimate outcome is for all students, including those with special learning needs, to reach and attain their highest learning levels. So what should be taken away from this? Assessment practice in the classroom directly and positively contributes to instructional effectiveness, which increases the academic achievement of students.

TABLE 2-3  
Assessment for Learning: 10 Principles

- Assessment for learning should be part of effective planning of teaching and learning.
- Assessment for learning should focus on how students learn.
- Assessment for learning should be recognized as central to classroom practice.
- Assessment for learning should be regarded as a key professional skill for teachers.
- Assessment for learning should be sensitive and constructive because any assessment has an emotional impact.
- Assessment should take account of the importance of learner motivation.
- Assessment for learning should promote commitment to learning goals and a shared understanding of the criteria by which they are assessed.
- Learners should receive constructive guidance about how to improve.
- Assessment for learning develops learners’ capacity for self-assessment so that they can become reflective and self-managing.
- Assessment for learning should recognize the full range of achievement of all learners.

Reprinted with permission from the Assessment Reform Group.
Connecting Assessment with Teaching Content

Along with following research-supported instructional practices, teachers must also develop and utilize a framework that ensures alignment between the assessment process and classroom instruction. As a process, assessment results are only valid and effective when measures, designed to examine and record student learning progress, are used that directly and accurately measure the specific instructional material that is taught; this connection is recognized as instruction–learning–assessment alignment (Beck, 2007). Because instruction is normally formatted based on specific grade-level content standards, classroom assessment measures are designed to examine a student’s progress in meeting desired outcomes that are directly connected to those required standards (La Marca, 2001). National (e.g., Common Core State Standards) and state academic standards serve as the essential “material” to know and learn for all students, including students with special needs. For students with identified services, however, individualized learning outcomes are explicitly stated in the individualized education program (IEP) and objectified in the student’s listed learning goals and outcomes. Following the objectives and outcomes in a designed lesson and/or from a learning plan, combined with effective instruction, allows for the desired learning effects to take place for students. Therefore, collecting student evidence must be recognized for its own value and serve as a normal part and outcome of the instructional process.

There is no guarantee that the instruction and learning alignment will persist once it is established in the classroom. Problems can emerge, especially if specific skills are emphasized or additional content is covered that does not connect with or is not included with the identified area of coverage. If one goes “off-target” from the intended instructional path, then the designed assessments will likely not line up as well with the original outcomes and standards of the instructional lesson(s). Teachers can always teach beyond the standards; however, the chosen assessments must be aligned in order to accurately evaluate student progress relative to identified learning outcomes.

THE EDUCATION TRAIL

In regards to orchestrated learning events and experiences (both inside and outside the classroom), it is important for educators to view a learning event from the perspective of the intended learners. For example, when educators provide direct instruction, essential information at distinct points must be given in order for students to make sense of and understand the learning experience, regardless of the content or the required skills (Siggins, Arter, Chappius, & Chappius, 2004). The rationale behind this approach is comparable to taking a hike in the woods. First, a person needs to know where the hike begins: the origin point. In addition, there must be a recognized end point or destination, along with following the actual path or trail that connects these two points. Knowing the origin and destination points, along with staying on the correct path between these points, is necessary for a successful hiking experience, and that also holds true for a successful educational experience.

Preview and Preassessment: Destination and Learning Status Known

In regards to the “education trail,” students need to know and be informed of the learning event (e.g., preview of what will be covered, how it will be covered, required activities) as well as the intended learning objectives and outcomes that are expected to be acquired as part of the experience. The identified learning outcomes are direct extensions of the state or national standards that the students, at recognized grade levels, are expected to master as part of their learning experiences. For students with identified
special needs, the “origin point” starts with the recognized IEP goals and objectives for each student. In the classroom setting, however, the learning journey begins with a pre-assessment of what the learners know and can do prior to the instructional activity or lesson. The preassessment focus can involve the review of prerequisite skills required for the intended instruction or the assessment of the specific information and skills that are to be taught. Both areas are important to review and confirm. Assessment of prerequisite skills is not always necessary, however, because previous assessments can confirm the existence of certain knowledge/comprehension and/or skill levels. As a teacher, knowing where your students are, relative to their comprehension and prerequisite skill levels, is essential so that they can benefit from the material presented to them as part of the lesson or activity.

Teachers can then use the information that is collected through the preassessment(s) to accurately match the instruction, skill demands, and materials to the current functioning levels of their students. The approach of connecting instruction to the existing levels of students and then moving them to higher levels of understanding and awareness is known as scaffolding. Through this arrangement, students obtain high instructional value and receive maximum learning benefit.

Outcomes: What Are Students Expected to Learn?

On the educational trail, because there is a starting point, there must also be an ending point, and it is imperative that the intended learners know what is to be accomplished once the educational experience is completed. That is why sharing the learning objectives and outcomes with the students before the instruction is so important. Students must know what is expected of them and the performances that will need to be generated to demonstrate the acquisition and/or proficiency of those outcomes. This also helps guide the learning process because both the teacher and the students themselves can gauge general progress as the learning experience unfolds. Moreover, based on this approach, the teacher can decide whether or not the students are headed in the right direction based on assessment data and, if not, determine what knowledge and skills still need to be acquired before the intended destination is reached.

Instruction: Delivering an Effective Learning Experience

When following an educational trail, knowledge of the beginning and ending points is not enough. The trail must be successfully traveled and completed by the students. For the teacher, this requires the skillful and successful delivery of the lesson material so that the students arrive at their educational destination with the required knowledge and skill sets. Verification of whether that learning has occurred (or not occurred) is necessary, and a classroom assessment system should provide that for an instructor. When effectively utilized, the assessment process can provide learning feedback to a teacher and his or her students on a daily basis—instead of at the traditional end-of-lesson or end of-chapter exam that documents a student’s progress after the learning event is over or finished—thereby ensuring that the students are learning what they need to learn before the lesson is completed.

During any instructional activity, the actions of collecting and reviewing student learning evidence used to make instructional decisions need to be a seamless part of the classroom curriculum and the instructional delivery method(s) of the teacher. As Lorna Earl (2003) accurately pointed out, whenever the focus is on teaching, then a focus on assessment must also exist because they are directly connected. Therefore, classroom assessment serves as the essential evidence-based decision-making mechanism that teachers can use to enhance the learning progress of their students as well as the instructional effectiveness of the lessons and learning activities that are provided. Required with this
model, however, is the condition that classroom instruction must align with recognized standards (i.e., what students are expected to academically know and be able to do based on preset performance or competency levels) and the learning outcomes connected to those standards; thereby maintaining instruction–learning–assessment alignment (Beck, 2007; Cohen & Hyman, 1991).

**CASE STUDY**

As a teacher in training, it is sometimes helpful to see and hear how colleagues in the field use and incorporate assessment into their daily teaching practice. Every teacher's approach and system is unique (while maintaining some essential similarities) but envisioning how assessment can be implemented helps to give preservice teachers greater awareness and appreciation of how they might approach, or not approach, assessment in their own classroom. For the moment, turn your attention to Mrs. Green as her classroom assessment system is reviewed.

Mrs. Green has taught for 7 years and is licensed to teach both general and special education. Because she has a license to teach students with learning disabilities, every district that she has worked in has wanted her to teach in the area of special education. She took two assessment courses in college. She reports that she feels most confident in administering standardized achievement tests, but she also received training in informal measures and alternative grading methods. She has taught kindergarten through fifth grade, but she has been most often involved in teaching first, second, and third graders.

The size of her classrooms has ranged from 9 to 17 students, as she runs a predominantly resource-based classroom for students identified with learning disabilities. She has been responsible for covering the primary content areas of language arts and math. Science and social studies have been mostly taught as part of inclusive practices in the general education classroom.

In her classroom, Mrs. Green focuses predominantly on formative (nonevaluative feedback and correction) and summative (formal and evaluative) assessment. Given the young age range of her students, she does not believe that her students have the skills or the inclination to effectively use self-assessment (individual and student-generated learning review). Performance-based assessments are also utilized, approximately 10%–20% of the time, especially with the younger students through the use of manipulatives.

In all of the districts that Mrs. Green has taught (i.e., Indiana, California, and Ohio), teaching to national as well as state-generated academic content standards has been a constant and important focus. In fact, in California, her district (Santa Barbara School District) standards-based report card was directly aligned with the state’s standards-based curriculum. When asked what her assessment system does for her, Mrs. Green reported that, “It lets me know if my students learned what they had been taught.” She indicated it was essential that what was taught as part of a lesson or activity was directly assessed, and this match-up of teaching and assessment follows the concept of instruction–learning–assessment alignment.

Her assessment system is focused on student progress within the content areas of reading and math. She incorporates elements of what her district uses (e.g., Dynamic Indicators of Basic Early Literacy Skills [DIBELS]) as well as actual teacher-constructed curriculum-based measures. DIBELS is one of the most recognized early reading literacy assessment programs. This program involves the review of the core reading skills, including phonological awareness, alphabetic understanding, accuracy and fluency in reading connected text, vocabulary, and comprehension (Kaminski & Good, 2009). She monitors reading fluency, comprehension skills, and other reading and math skills every 2–3 weeks, and she inputs the results into progress portfolios that she keeps on all her students. She indicates that her major challenges are having and maintaining an organized system, following a consistent assessment schedule, and knowing the entire academic curriculum and the standards to which the students are held accountable. Other sources of student evidence include exit slips (questions dealing with student learning, perceptions, or other selected areas that are answered anonymously by the students and collected by the teacher for feedback and reflection) that are given out at least twice per week. This information...
is used by Mrs. Green to check on student perceptions regarding their progress, to check instructional effectiveness, and to gauge the overall learning climate of the classroom.

This classroom assessment system was constructed and used to meet the needs of Mrs. Green. She reports making changes and adjustments to her system on a periodic basis. She has come to accept this reality as a requirement for continuing to improve her assessment system. Based on Mrs. Green’s assessment system, examine and answer the following questions:

1. How does her assessment system match up with the elements of classroom assessment mentioned earlier in the chapter?
2. What do you like about her system? What would you change, if anything, and why?
3. How does her system compare to the assessment systems of other teachers you have observed (or the system you are considering for your classroom). How are they alike? Different?

LEGISLATIVE MANDATES

The basis of a systematic assessment process is connected to the passage of NCLB in 2001, where evidence-based instruction was mandated for all children throughout the entire educational system (Reschly, 2008). NCLB requires that scientifically based and supported strategies be used in the classroom for general instructional purposes as well as when intervention is required for students who experience learning challenges.

When viewed through this legislation, classroom intervention is provided for all students, including those in general education who are struggling, those who receive help through remedial education, and those with identified disabilities within special education. These intervention services can be provided at any time during a student’s educational career. Providing greater learning opportunities in key student outcome areas such as high school graduation, successful completion of high stakes and high school exit exams, and successful transition to post-high-school levels (e.g., college, career training) are also expected within this legislation.

In addition, the Individuals with Disabilities Education Improvement Act of 2004 (IDEIA) requires that early and documented intervention services take place before any referral for special services is considered; part of that process must be a review of a student’s specific response to the intervention services that are provided prior to the qualification and consideration of special education services. The necessity of classroom assessment for all students and the collection of student evidence or data were clearly established with this legislation.

In reaction to the mandated requirement of intervention services contained in both the NCLB and IDEIA legislation, the RtI model has been promoted as an effective intervention framework and delivery approach. RtI is a systematic model, typically consisting of three levels or tiers, that addresses and provides remediation and intervention services and monitors student progress. As confirmed by W. David Tilly, III,

An emerging evidence base suggests that implementation of a three-tiered system is effective at remediating academic and behavior problems for a significant number of students (e.g., Burns, Appleton, & Stehouwer, 2005; Colvin, Kame’enui, & Sugui, 1993; Lau et al., 2006; Torgesen et al., 2001; Vellutino et al., 1996; Walker et al., 1996). In addition, ongoing research is demonstrating that tiered models of service delivery can produce important improvements for special populations such as English language learners (e.g., Healy, Vanderwood, & Edelston, 2005; Linan-Thompson, Vaughn, Prater, & Girino, 2006) and minority populations (e.g., Hosp & Reschly, 2004; Marston, Muyskens, Lau, & Canter, 2003; Shinn, Collins, & Gallagher, 1998). (2008, p. 33).
Four-tiered models exist (Georgia Department of Education, 2011; Klingner & Edwards, 2006), with the fourth tier often connected to special education and IEP-determination issues. Regardless of the number of provided intervention levels, however, the framework of the RtI approach recognizes and emphasizes instruction–intervention delivery along three primary paths: (1) the use of effective daily instruction for all students within the general education classroom, along with documentation of student learning progress; (2) small-group instruction for those who are identified as needing more practice and instructional time in order to improve specific skill sets; and (3) individual instruction for those who have the most need and who require direct, one-to-one instruction and feedback. Because many, if not most, RtI intervention models across the country are configured within a three-tier delivery system, that approach will be specifically examined and discussed in this chapter and referenced throughout the book (Adelman & Taylor, 1998; Sugai, Horner, & Gresham, 2002).

**THE RtI PROCESS**

RtI reflects a problem-solving process in which academic and/or behavioral concerns are substantiated, interventions are developed and implemented, and student progress is monitored in order to determine the effectiveness of the provided intervention services. Educational decisions are directly influenced by the status of the student progress data, which are generated by that process. As was mentioned earlier, RtI is typically viewed as a leveled support system consisting of multiple tiers (Figure 2-3) with the most common models possessing three levels (Batsche et al., 2007).

![Three-Tiered Intervention Model](https://example.com/image.png)

**FIGURE 2-3** Three-Tiered Intervention Model

Reprinted with permission from the National Association of State Directors of Special Education (NASDSE).
According to the three-tier model of school supports (Batsche et al., 2007), three primary intervention tiers exist and operate, which include the following:

1. **Tier 1—Core instructional interventions** are provided for all students and are designed to be preventive and proactive in effect (expected to serve approximately 80% of all students).

2. **Tier 2—Targeted group interventions** involve identified at-risk students who receive specific assistance and support and have received services such as small-group instructional activities or other intervention approaches (expected to serve approximately 15% of all students).

3. **Tier 3—Intensive individual interventions** are designed to provide high-intensity, individually designed learning supports for each student (expected to serve approximately 5% of all students) and reflect a longer duration in regards to the intervention.

### Tier 1: Core Instructional Intervention

Tier 1 intervention centers on providing effective schoolwide instruction that maximizes the learning of all students within the classroom while minimizing the number of students who will require more specialized and direct intervention assistance. Teachers match up students’ needs with appropriate course content to ensure an effective instructional match and subsequently high levels of student achievement. This is reflected within daily instruction through the effective use of preassessment activities, formative feedback, self-assessment strategies, and universal academic skill screenings, as well as generating accurate summative evaluations of student progress.

In Tier 1, the intervention focus is on the general education curriculum and providing the best daily instruction possible in order for all students to reach their expected lesson outcomes and subsequently meet their intended academic benchmarks and standards. Information gathered through a variety of assessment measures is then used to affirm student progress and the attainment of achievement and/or behavioral accomplishments. Students who need supplemental help, beyond what is provided within the curriculum in Tier 1, can be identified through systemic universal screenings (usually completed at three times of the year—fall, winter, and spring) and progress-monitoring collection points that are instituted throughout the school year within grade levels of a school building and/or district.

### Tier 2: Targeted Group Intervention

At the Tier 2 level, the core curriculum and instructional delivery model is still maintained with the students, but supplemental help is provided to students who have demonstrated a poor response to the instruction (e.g., have fallen behind their grade-level peers in academic progress) within Tier 1. Content or skill screenings (e.g., reading, math) and classroom performance evidence are used to identify students at risk for not reaching the expected academic and/or behavior standards that exist for their grade-level peers.

In order to assist these identified students, a combination instruction approach is followed in which the children receive specialized direct instruction and/or practice in addition to their regular classroom instruction in order to become proficient in the areas of identified need. The intervention may reflect issues such as intensity, frequency, duration, and instructional changes. As Tilly identified,

Supplemental instruction in all cases is put in place in addition to core instruction. It does not replace it. It is usually delivered in groups of three to six students. Often, 30–45 minutes of supplemental instruction are provided to students. Usually 10 weeks of supplemental instruction might be provided in a cycle with the option of an additional 10-week cycle being available if student performance warrants it. (2008, p. 32)
Tier 3: Intensive Individual Intervention

Tier 3 is designed to provide intensive and individualized instruction to address a child’s particular needs and skills. It is anticipated that approximately 5% or less of students will need this level of intervention. The range of specialized services can include Title 1 services, district remediation programs, or even special education programs (Batsche et al., 2007); however, this level does not automatically imply any special status or special needs classification.

As Tilly emphasized,

Intensive instruction does not connote special education. Special education is one service that might be brought to bear to meet some students’ intensive instructional needs. However, there will be students who have intensive needs that will not qualify for nor would it be appropriate to provide them special education services. So, for example, there may be talented and gifted students who need intensive instructional services who do not qualify for special education. In another example, a student whose academic difficulties stem from the fact that he is learning English as a second language may need intensive instructional support, though he may not qualify for special education services. Tier 3 refers to the need for intensive instruction, not for a particular program. (2008, p. 33)

At this level, a student’s intervention involves a written plan that outlines his or her individualized, research-based supports and instruction along with an instructional team that would monitor that student’s progress. Supports would be specifically and individually designed in order to provide explicit instruction by skilled and highly trained educational specialists. For skill development issues, one-on-one instruction and/or small-group instruction on a daily basis could be part of an intensive and long-term focused intervention program. A student’s progress would be carefully monitored (e.g., weekly) and reviewed in order to determine the effectiveness of the implemented intervention(s).

The tiered model is designed to provide a continuum of services based on the particular needs of the students. These levels are flexible in that students can move up and down through the levels. For instance, if Level 2 intervention services prove to be effective (i.e., student is on grade level in reading), then students who received those services would then move back into Level 1, and their progress would be closely monitored. This model reflects a two-way movement system with the goal of serving most students within the daily instructional experience of the general education classroom.

Intervention Services in the Classroom

What do interventions at the different tiers of support look like in the classroom? Mrs. Walter’s first-grade students are continuing to develop their reading skills and proficiency. As is found in many classrooms, however, not all the students are at the same skill and performance levels. As a consequence, different students are in need of a range of support levels and interventions. For example, the majority of Tyler’s classmates are on grade level and progressing well. Their needs are being met as part of the reading instruction program that is provided on a daily basis in the classroom (Tier 1).

Tyler, on the other hand, still has not completely mastered his phonics and still needs help with consonant–vowel blends. Due to a slower skill acquisition process, his word knowledge and reading pace is weaker than his class peers and falls below what is expected based on the class goal line (Figure 2-4). In fact, there are a group of students who are still working on these skills, and for this reason, small-group instruction that deals specifically with this skill set is provided to these students. This type of focused, small-group intervention reflects a Tier 2 approach and is provided in combination with the Tier 1 intervention of effective reading instruction already in place in Mrs. Walter’s class.
Chapter 2 • Assessment in Today's Classroom: Purpose, Function, and Ethical Practice

Jacob is one of the weakest readers in Mrs. Walter's classroom. He is well behind his peers (e.g., a functional reading word base of less than 20 words), and based on teacher assessments and direct readings, he needs intensive and immediate practice with phonics, fluency, as well as general comprehension. Given his delay and pervasive needs, Jacob receives Tier 3 support, which is manifested in the form of individual, 30-minute direct instruction and practice sessions that are provided each day in class by the teacher's aide.

In addition, it is important to understand that a tiered intervention model is not exclusively designed to address academic-based problems or issues. Schools are also required to have resources and instructional supports in place so that they can also address the behavioral intervention issues of the students. Both the academic and behavioral arenas must be monitored and addressed based on the progress, or lack thereof, of the students.

This review of the RtI process serves only as an introduction, as more detailed information on the present topic and how it connects with other related subject and topic areas is covered in greater depth in the following chapters of this book. As your assessment journey begins, it is important to recognize and understand the significance of data-informed decision making and its essential role and impact in today's classroom. Wherever instruction is being provided and learning activities are planned and executed, then assessment procedures need to accompany and be embedded with the instructional process so that student progress and accomplishments can be documented, and/or instruction modified if student performance data warrant such changes. The process of assessment as it relates to education, and to teaching in particular, is now broader in scope and function, and its importance has increased for both teachers and the students they teach (Guskey, 2003; McTighe & O’Conner, 2005; Shepard, 2000).

PROFESSIONAL AND ETHICAL ASSESSMENT PRACTICES

As a special education teacher, you need to have a well-designed assessment system to complement a strong instructional program. For all of this to work well, however, proper professional and ethical decisions regarding assessment practices must be made. Assessment findings and the decisions that result from collected data have both short- and long-term implications for students; most of which have an important, if not significant, impact on the educational careers of students.
Therefore, teachers are ethically obligated to make sure the student evidence they collect is as accurate and reliable as possible. In addition, the procedures and measures used in obtaining those results must be determined to be genuine for their intended purpose and use. As you might expect, there are additional responsibilities that are associated with assessment and the evaluation of a child’s academic performance in the classroom.

According to the Council for Exceptional Children (CEC), the Ethical Principles and Practice Standards for Special Education Professionals (adopted January 2010) in Table 2-4 must be followed. Within the professional teaching standards recognized by the CEC, the professional integration of teaching and assessment is acknowledged—for good reason because both of these skills are so interconnected. Within teaching, essential assessment skills are recognized and expected for special education teachers, including those shown in Table 2-5.

These aforementioned professional standards represent the expected skills and proficiencies of a special education teacher. These skills require instruction and practice, and because assessment skills are acquired skills, they also require time in order for any teacher to refine and fully develop them. The execution of these skills is also necessary for the ethical development of a teacher as these skills are directly connected (particularly in the area of assessment) to many functioning ethical practices in the classroom.

**Assessment Is a Required Skill**

Given the professional reality that all teachers are expected to be proficient in the area of assessment, professional skill standards in this area were established almost two decades ago. The Standards for Teacher Competence in Educational Assessment of Students (Buros Center for Testing, 1990) were developed in collaboration with the American Federation
of Teachers, National Council on Measurement in Education, and the National Education Association and include seven core competency standards. These seven standards include the following:

**Standard 1**—Teachers should be skilled in choosing assessment methods appropriate for instructional decisions.

**Standard 2**—Teachers should be skilled in developing assessment methods appropriate for instructional decisions.

**Standard 3**—The teacher should be skilled in administering, scoring, and interpreting the results of both externally produced and teacher-produced assessment methods.

**Standard 4**—Teachers should be skilled in using assessment results when making decisions about individual students, planning teaching, developing the curriculum, and encouraging school improvement.

**Standard 5**—Teachers should be skilled in developing valid pupil grading procedures that use pupil assessments.

**Standard 6**—Teachers should be skilled in communicating assessment results to students, parents, other lay audiences, and other educators.

**Standard 7**—Teachers should be skilled in recognizing unethical, illegal, and otherwise inappropriate assessment methods and uses of assessment information.

These standards, although developed more than 20 years ago, are just as relevant and essential for a teacher in today’s classroom. These competencies are enduring in their necessity and importance in regards to effective assessment practice. In order to make these standards more relevant and understandable, the following explanations are provided.

**TABLE 2-5 Assessment Content Standard Expectations**

- Use assessment in the instructional delivery and classroom decision-making process.
- Utilize multiple types of assessments for a variety of needs and decisions.
- Draw on assessment results to help identify and/or adjust to exceptional learning needs and develop individualized instructional programs.
- Understand the legal policies and principles as they relate to measurement and assessment procedures, particularly as they relate to children from culturally and linguistically diverse backgrounds.
- Identify and understand measurement terms and operations including validity, reliability, bias, as well as provide accurate interpretations of test results.
- Recognize the appropriate usage of and limitations to various types of assessments.
- Collaborate with families and other professionals in order that nonbiased, meaningful assessments are completed.
- Conduct both formal and informal assessments within both academic and behavioral areas.
- Use assessment results to identify supports and adaptations needed for students with special learning needs.
- Integrate assessment findings and results to design effective instructional delivery and to enhance student learning progress.
- Develop appropriate assessment accommodations and modifications for school, system, or statewide assessment programs.
- Monitor the learning progress of identified students in both special and general education classrooms and programs.
- Integrate useful technology to support assessment activity in the classroom.

Source: Council for Exceptional Children.
Chapter 2 • Assessment in Today's Classroom: Purpose, Function, and Ethical Practice

**STANDARD 1** Standard 1 deals with the need for teachers to select the right or needed assessments that are required for a particular classroom decision or judgment. Consider the following example and how a carefully selected assessment process is followed to make an important and challenging classroom selection. The selection process for a senior-level advanced placement (AP) course in art requires that students complete all the prerequisite classes. At the end of the junior year, each student's art portfolio is reviewed, and the best pieces across specific mediums (i.e., charcoal, pen and ink, acrylic, oil) are blindly reviewed and compared to a performance rubric based on specific criteria such as strength of technique, originality, aesthetic appeal, and other key factors. The students with the highest scores, based on the total score of the rubric along with teacher recommendations, are then selected for this senior class. The same careful review that went into the senior AP selection process should also be found with an appropriate and effective developmental checklist and interview that is conducted to determine if a 5-year-old student is ready for kindergarten in your school district. In general, teachers are expected to know that the right and appropriate educational measures and instruments are being used for the appropriate educational purposes and decisions; this reflects selecting the “right-tool-for-the-right-job” mindset. A teacher's competency in this area is critical.

**STANDARD 2** Standard 2 extends the aforementioned competency in that teachers are expected to be able to personally develop and construct a variety of assessments and to use them for their designed purposes. Selecting available assessments is important, but oftentimes a measure or procedure may not be commercially available or, more important, relevant for a particular group of students given the intended learning outcomes and instruction received. For this reason, teachers must be able “to make their own” and use the results gained from such procedures to make important instructional decisions.

Teachers clearly need to be able to construct classroom tests that are both valid and reliable. Test construction requires careful planning, generating items and tasks that directly reflect the learning outcomes of the provided lessons, along with proper administration procedures (e.g., clear directions, adequate completion time, student assistance requests). Examine the following anatomy quiz (Figure 2-5). Based on the examination of the provided information in Figure 2-5, can you determine if this quiz is a “good” quiz? Why or why not? What must you know in order to determine if this quiz is truly appropriate for its intended purpose? Read on to the next paragraph, as the needed connection between instruction and assessment is discussed.

Tests need to possess several essential parts: (1) understandable directions; (2) clear and direct questions; (3) a variety of item formats (e.g., multiple choice, short answer, essay); and (4) adequate completion time. But a test, or any assessment measure, is more than the parts that make it up. It should have a designed purpose and must reflect a concerted effort to genuinely measure and determine the knowledge and skill base of the students relative to the examined content. That is why every assessment that is administered to students must match up with the learning outcomes of the lessons that are embedded within the classroom instruction (i.e., instruction–learning–assessment alignment). Once that is established, good and effective questions and tasks that are designed to assess the covered material can be constructed and incorporated within the test or quiz.

**STANDARD 3** Selecting and constructing various assessments is essential; however, obtaining and interpreting the findings from those measures is the most important goal, which is recognized in Standard 3. Regardless of whether the assessments are commercial tests or classroom projects, interpreting and using the results is most important. Why? Because success depends on what you do with the data. The whole point behind conducting the
assessments is for data that is extracted to be analyzed and reviewed so that the best decisions regarding the students and their learning can be made.

**STANDARD 4** As a professional educator, you need to make sure your results are valid, and once you are assured of that you can then use that data to make good and appropriate educational decisions, whether the decisions involve just one student, the whole classroom, or the entire school. And those decisions can be quite broad and often far-reaching. Good decision making is critical for a teacher and must be based on relevant and accurate data.

**STANDARD 5** Along with using student evidence for data-driven decisions, the quality of student work must be evaluated, and, for that reason, teachers must be skilled in grading procedures and methods. This area often draws the most attention and requires

---

### Anatomy Quiz

<table>
<thead>
<tr>
<th>Question</th>
<th>Options</th>
</tr>
</thead>
</table>
| 1. How many lobes make up the cerebral cortex? | a. 2  
  b. 3  
  c. 4  
  d. 5 |
| 2. If I sustain a blow to the head and I am unable to see, what lobe has likely been affected? | a. temporal  
  b. occipital  
  c. parietal  
  d. frontal  
  e. cerebellum |
| 3. What area or region of the brain maintains all basic thermostatic functions? | a. cerebellum  
  b. corpus callosum  
  c. hippocampus  
  d. brain stem |
| 4. Myelin is | a. a fatty coating for neural fibers  
  b. a support fiber found in neurons  
  c. a neurotransmitter required for conducting neural impulses  
  d. a compound necessary for ion transport |
| 5. The spinal cord is part of the central nervous system. True or false? | |
| 6. List and describe the three functional units of the brain as conceptualized by A.R. Luria. | |
| 7. Based on myelogenetic cycle development, identify the last region or lobe of the cerebral cortex that fully matures. What potential effect(s) does this have on an individual’s learning and development? | |
careful planning because grading has the greatest political energy associated with it. Having a logical and reasonable grading system is one of the most valuable assets a teacher can possess.

**STANDARD 6** Standard 6 deals with the all-important aspect of being able to talk about and explain assessment results to all those involved, including students, parents, and other professionals. As a teacher, you must be able to discuss assessment results as if you are having a general conversation. You must be explain results in clear, practical terms so that everyone understands the findings and the implications of those findings; however, the responsibility is clearly on the teacher to be able to “interpret and translate” the scores into understandable language for any audience.

**STANDARD 7** Standard 7 deals with a teacher clearly understanding appropriate assessment practice and standards. As with anything, assessment practices can be poorly constructed and/or followed or even abused, and that is why ethical principles and professional standards play such a vital role in an educator’s professional career. Every teacher must know his or her professional ethics and standards of practice as they pertain to assessment.

At this time, take a moment, either individually and/or in small groups, and compare these standards with the assessment proficiencies found within the CEC standards. How do these standards correspond with the listed CEC standards? What similarities exist? Are there key differences? Also, as a future teacher, do you believe you should be held accountable to all of these standards of practice? Why or why not?

**ETHICS IN THE CLASSROOM**

The impact of ethics-based choices and decisions is reflected in the classroom on a daily basis. For all teachers, but especially for those in special education, professional issues surrounding competency, fairness, nonbiased assessment, and confidentiality are confronted every day. For that reason, a brief review of these foundational elements is provided.

**Competency**

As part of the commitment to strive for the highest level of academic accomplishment, special education teachers recognize the need for professional competency and integrity in the delivery of services to students. Competency involves the acquisition and demonstration of professional qualifications. In particular, teachers are expected to possess a high level of expertise and must be able to translate and deliver specific knowledge and skill sets to the students they teach. Professional competency is often associated with a content area or areas (e.g., English, math, science), but it also applies to other educational domains (e.g., classroom management), and that includes assessment practices. Assessment competency involves acquiring a strong foundational knowledge base (e.g., purpose and function of assessment types, measurement principles), effective skill sets (e.g., aligning assessments to provided instruction, using student data to make educational decisions), and the ethical principles to guide assessment practice throughout one's professional career. Moreover, assessment competency is not a static professional condition but one that requires the continual refinement and development of skills and proficiencies throughout an educator’s career.

Without question, special education teachers are expected, in the eyes of parents as well as the general public, to possess the knowledge and skills to accurately assess the learning progress of their students, as well as to make appropriate and fair decisions that directly affect the lives of those students.
Chapter 2 • Assessment in Today’s Classroom: Purpose, Function, and Ethical Practice

Fairness

Providing valuable high-quality instruction to learners with special needs is one of the expected hallmarks of the special education profession. With this challenge comes the need to collect useful and accurate evidence of student learning and academic and/or behavioral progress in order to direct and maintain effective instruction in the classroom. This can only happen if the assessment data that is collected is valid (measures what it is supposed to measure) and reliable (consistent results are obtained every time). The responsibility falls on each educator to make sure that precise and useful assessments (e.g., tests, projects) are used to accurately and fairly evaluate the needs and progress of their students, and that appropriate and useful decisions are made based on the collection of accurate student evidence. In addition, special education teachers must recognize the importance of their position and the potential impact their decisions have on the lives of their students. This requires the recognition to execute fair and objective judgment and decision making particularly in matters that directly affect students, parents, families, and all other educational constituents.

Nonbiased Assessment

Nonbiased assessment is essential for every special educator. As a special education teacher, you are responsible for making sure that the assessment measures you use in your classroom are valid and are properly administered. To ensure validity, tests or other measures cannot unfairly penalize students and their performance on those measures. In addition, offensive or denigrating material (e.g., insensitive or inappropriate test items) should not exist. According to W. James Popham (2012), three common sources of assessment bias include (1) racial/ethnic bias; (2) gender bias; and (3) socioeconomic bias. Sensitivity and awareness to these potential sources is needed along with the systematic review and examination of all assessment material and procedures utilized in the classroom. Beyond the deliberate elimination of procedures and/or measures that provide a student or students with a decided advantage or disadvantage relative to some performance or work product, there are additional assessment procedures that need to be followed in order to avoid biased or inaccurate findings. For example, instruction–learning–assessment alignment (i.e., assessing what was truly covered and taught) needs to exist and is essential for obtaining valid assessment results from students.

Also, exposing students to the types of assessment activities and measures (e.g., essay questions, performance activities) that are used as part of formal assessments is necessary. Familiarity and comfort with those measures and demands that are completed by students is needed if a true indicator of a student’s work and/or understanding—and not an artifact of just the procedures—is to be obtained. Moreover, teachers need to be practiced and well versed in the delivery of assessment measures within the classroom setting. In addition, teachers must always recognize the limitations of the evidence that is collected and the decisions that are rendered based on that information.

Confidentiality

Given the nature and importance of assessment results, a considerable amount of personal and private student information is collected. Because of that reality, special education teachers need to acknowledge and maintain the highest level of confidentiality when it comes to their students and their families, especially because teachers hold a position of power and authority in the school setting. A considerable amount of assessment history and personal information is collected on a student over the course of his or her educational career. As that information grows, so does the necessity of maintaining the
confidentiality of that material. Withholding information from individuals, even other teachers who are not directly involved with the student, can be difficult but reflects the privileged nature of confidential information. It is important to recognize that student information is truly private, and every effort must be made to keep it that way unless written permission to disclose information, including test results, is requested and provided. Protecting confidentiality can be challenging when a student turns 18 and permission to disclose private information (e.g., test records, results, documents) is held solely by the student and no longer rests with the parents.

CHAPTER REFLECTION

In the Chapter Exercise, a math instructional activity was described, and you were asked to analyze this event to determine if it met the elemental actions of the assessment definition that was provided in the text. An additional case is now provided. With the provided information, either individually or in a small group, determine if the core elements and actions connected to the assessment process have been followed with Seth.

Seth is a 4-year-old preschooler who demonstrated several behaviors of concern, including crying, tantrums, difficulty interacting with peers, and refusal to share and take turns with others. This constellation of behaviors occurred on a daily basis, ranging from two to up to eight episodes per day, and the events sometimes lasted for up to 20 minutes in duration. Seth’s teacher, along with members of the school team, determined that Seth’s primary problem centered on his inability to interact with his peers. Therefore, they devised a classroom intervention plan to help Seth develop specific social skills and responses. For his intervention, every morning Seth listened to a Social Story, which examined and discussed specific social difficulties and/or issues (e.g., not sharing, turn-taking) along with productive ideas and suggestions on how to address and overcome social challenges. This research-based approach has met with success (Kokina & Kern, 2010), and it was hoped that it could be helpful for Seth and his particular issues.

In order to see if the classroom intervention was successful, Seth’s participation in cooperative play (i.e., engaging in sharing, turn-taking, and/or verbal interactions) during free time was examined. Prior to the start of the program, Seth was found to only appropriately interact with his peers on average about 2–3 times during the 20-minute free time period, which is well below what would be expected. A goal of 12 interactions (4 times his baseline number) during this period was selected.

Over an 8-week intervention period, Seth demonstrated significant progress, culminating with a high of 26 positive interactions during the last recording week. The average number of interactions during the intervention was approximately 8½ times per week. (Note: No data was recorded for Weeks 3 or 7.) Seth’s teacher commented on the fact that soon after the intervention was started she had heard him say “share,” “my turn,” and “your turn” during unstructured times and without any prompts from adults. A steady improvement pattern was demonstrated with the intervention. Moreover, Seth exceeded his goal of 12 interactions on the last two data collection periods (Figure 2-6). Later follow-up with Seth indicated continued positive growth in the area of interaction.

Does the implementation of Seth’s classroom intervention adhere to the listed assessment elements discussed earlier in the chapter? Why or why not?
Chapter 2 • Assessment in Today's Classroom: Purpose, Function, and Ethical Practice

PROGRESS CHECK

Review and answer the following questions; these queries are designed to help provide a self-check of the material and concepts that have been covered in the chapter:

1. If asked by a colleague or a parent to provide your definition of classroom assessment, what would you say and why? Do you think your definition will change over time? Why or why not?

2. From your perspective, what are the advantages (as well as the challenges) of designing and utilizing a classroom assessment system, based on the collection of student evidence, when making educational decisions?

3. Imagine that you are responsible for organizing a presentation to the local parent association on RtI and progress monitoring and how they work in the classroom. How would you describe the process in general and the three-tier/level model in particular?

4. What ethical principles and guidelines will have a direct impact on the assessment practices and procedures within your classroom?

CONCLUSION

This chapter examined the role of assessment as it relates to the instructional process and the essential benefits derived from it, for both teachers and their students in the classroom. Moreover, in response to and in compliance with federal mandates and professional expectations, RtI has emerged as a central framework and problem-solving process for educators in providing academic and behavioral interventions to meet the needs of all students. RtI is a multileveled/tiered intervention approach that allows for the provision of help and support at the specific level that it is needed. This system, which is based on the assessment and collection of student learning evidence, can confirm the effectiveness, or not, of the interventions used in facilitating student progress and success in the classroom.

RtI serves as a key example of how assessment and progress monitoring functions as the essential complement to teaching. When integrated within the classroom curriculum and the chosen instructional delivery model(s), a demonstration of student learning and progress can be confirmed through assessment. In addition to auditing a student’s learning status, the more important ability to critically adjust and modify the instructional process, based on the collection of student evidence, is provided (Guskey, 2003; McTighe & O’Conner 2005; Stiggins & DuFour, 2009). Classroom assessment is the essential support to effective teaching in the classroom, and for that reason, it is an essential skill for teachers. It is also a professional skill that requires continued refinement and development and one that must be guided by the highest standards and ethics of the profession.

Printed with permission. The authors are grateful for the assistance of Ms. Sarah Seaman regarding this case study.

FIGURE 2-6
Participation in Cooperative Play Data

![Graph showing Participation in Cooperative Play Data]

Date
Frequency
0  8  15  23  30
RESOURCES

The National Center on Response to Intervention website at www.rti4success.org offers a wide range of resources devoted to RtI and its utility in schools today. In addition, it provides links to various implementation tools, resources, and state assistance activities and projects.

The RTI Action Network at www.rtinetwork.org presents useful, easy-to-understand information about intervention-based services across the entire educational time line, from prekindergarten to higher education. It provides steps to help schools get started with their RtI services and also provides professional development opportunities (e.g., webinars, podcasts, videos).

The Oregon Response to Intervention site at oregonrit.org lists a number of valuable RtI resources, including instructional videos and valuable links. It also provides information on the status of the RtI initiative in Oregon that was started in 2005.

The Council for Exceptional Children (CEC) website at www.cec.sped.org provides a broad array of networking and professional resources, including the listing of CEC ethics and professional standards. In addition, current topics, evidence-based practices, instructional strategies, and additional resources are available.

The National Board for Professional Teaching Standards (NBPTS) at www.nbpts.org provides detailed information on the five core standards (including assessment and monitoring student learning) that must be met in order to receive the distinction of a National Board Certified Teacher.

No Child Left Behind at www.ed.gov is an extremely valuable resource for anyone seeking to better understand this law and its impact on the children of America.

The Office of Special Education Programs (OSEP) website at www2.ed.gov/about/offices/list/osers/osep/index.html provides information on policy, federal legislation, and research, along with general news and updates from OSEP. In addition, this user-friendly site provides resources and links that a teacher can use on a daily basis in their classroom.