



Navigating Special Education Evaluations for Specific Learning Disabilities (SLD) Amid the COVID-19 Pandemic



**NATIONAL ASSOCIATION OF
School Psychologists**



The COVID-19 pandemic has presented districts and educators with many challenges related to student health, safety, and instruction. One particular challenge facing school districts is how to appropriately evaluate whether students are eligible for special education. This is made more difficult by the ongoing [loss of in-person instruction](#) and persistent issues relating to access to broadband and devices, limited access to support, and instability at home or within the community. There are also questions related to the reliability and validity of assessments in a virtual setting.

In most districts, when schools closed to in-person learning, special education evaluations were put on hold. Districts needed time to reconsider how to administer assessments, complete observations, and collect adequate data under new conditions and new environments. With the beginning of the new school year, districts are facing a backlog of evaluations. Districts are also facing a potential increase in the number of new referrals for academic and/or mental and behavioral health interventions and, possibly, special education, as more students struggle to meet grade-level standards in current conditions. At the same time, federal law remains unchanged and districts must continue to evaluate students within the required time frames.

To help schools and districts navigate this complex challenge, the National Association of School Psychologists published "[The Pandemic's Impact on Special Education Evaluation and SLD Identification](#)," a resource that describes practical steps that school psychologists and school districts can consider. Building on that resource, this brief provides recommendations to adapt state policies on evaluations for SLD in light of the pandemic, with a goal of ensuring that students get timely and thorough evaluations to develop educational programs that meet their needs.

Emerging Challenges and Policy Considerations

States should consider the following actions to support schools to provide high-quality, differentiated instruction to meet the needs of all students and evaluate students for special education, if needed, despite school closures and changes to instructional delivery due to COVID-19.



Challenge #1:

Interruptions to instruction

A core component of special education evaluations is the requirement that evaluation teams rule out a “lack of appropriate instruction” before determining that a child is eligible for special education.¹ School closures in the spring of 2020 and the continuation of virtual and remote instruction may have resulted in less regular or rigorous instruction for some students. This makes it hard to determine whether students have received appropriate instruction and thus are potentially eligible for special education.

Policy Consideration #1: States and districts should work to ensure that educators reestablish core instruction with grade-level content for every student and a robust Multi-Tiered System of Supports (MTSS), even in virtual or hybrid learning environments.

Grade-level instruction must resume for all students regardless of the current delivery method. In other words, if a cohort of students opts for fully virtual instruction and another opts for in-person instruction, both groups should have equal access to rigorous grade-level content. States should offer technical assistance or guidance to help districts establish core instruction with grade-level content in all instructional settings — blended, virtual, or in-person. To support this effort, states should:

1. **Offer professional development to general educators in the use of evidence-based, effective instructional strategies.** [Research](#) shows that educator mindsets and eight key practices improve outcomes for students with disabilities as well as for all students. States can allocate resources — funding, coaches, curriculum — to districts for professional development.

1 Under 20 U.S.C. § 614 (2004), LEAs must ensure that (1) lack of appropriate instruction in reading and math, and (2) limited English proficiency are not the “determinant factor for the determination” of special education under any disability category.

2. Work with individual districts to conduct a needs assessment to identify and overcome barriers to equal access to rigorous instruction. Districts and educators are navigating how to ensure equitable access to rigorous instruction. Nationwide, [30 percent](#) of students do not have access to either adequate broadband or devices. States can guide districts through a needs assessment to determine how best to develop and implement policies based on their unique student population, geographical context, and changing infection rates by supporting a needs assessment.

3. Assess where students are and implement class-wide intervention. Given that school disruptions interrupted the regular instruction of *all* students, districts can administer short assessments (such as curriculum-based measurements) in each subject area to determine where students are in comparison to the planned curriculum from last school year. This information can help identify the content students have missed and help educators set the curriculum and implement class-wide interventions upon restarting regular instruction. It can also help evaluators determine to what degree their test results are impacted by lack of instruction. States can support this effort by offering guidance or additional resources.

4. Allocate additional resources to support accelerated instruction for students, especially those who are behind their peers. While most students will need support to mitigate instructional loss, school

disruptions will have a more profound impact on certain subgroups, including students who are already struggling to reach grade level, English learners, students in low-income communities, students in rural communities, and students with disabilities. Students whose academic deficit persists despite class-wide interventions should receive more intensive support. States can allocate additional resources to provide more intensive intervention for these students and reiterate the importance of following an MTSS model.



As a part of this effort, states can allocate resources to scale effective, small-group tutoring programs like [SAGA Education](#) or [Minnesota Reading Corps](#) by leveraging funding from the CARES Act or Title I. States can also encourage school districts to use [effective acceleration models](#).

- 5. *Establish a Multi-Tiered System of Supports (MTSS), even in virtual or hybrid learning environments.*** As a part of high-quality core instruction, schools should establish MTSS, or a data-based problem-solving approach in which teachers monitor student behavior and performance and change course or intensify interventions if a child is not making appropriate progress that is similar to that of their peers. This type of approach also collects data that can help inform evaluations for student education. States should provide guidance and technical assistance to help districts implement MTSS in virtual and blended settings. Educators should consider the rate of learning in the current learning environment, recognizing that the rate of learning may be lower for students in virtual or blended settings. That doesn't mean, however, that it is inappropriate or different from that of their peers. For more information on how to adapt MTSS and progress monitoring in virtual or blended settings, visit the [National Center on Intensive Intervention](#) or [MTSS4Success](#) resources.
- 6. *Allocate sufficient funding for school psychologists and other specialized instructional support personnel.*** States should allocate sufficient funding to districts to ensure that they can recruit and retain school staff who are instrumental in establishing and implementing a robust MTSS system. COVID-19 will have a lasting impact not just on academics but also on the health and well-being of children, and students will require additional support from school mental health professionals. School psychologists, in particular, play an essential role in the implementation of an effective MTSS framework, often developing, delivering, and evaluating academic, social-emotional, and mental and behavioral health interventions. They also often play a primary role in the special education evaluation process for students suspected of having a learning disability. Given the complications related to COVID-19, this process will require more time and attention. Schools will need to preserve or increase school support staff to ensure sufficient capacity to meet the comprehensive needs of all students.



Challenge #2:

Administering assessments under new circumstances

Many districts rely on standardized measures in the evaluation of students with learning disabilities. In general, for test results to be reliable, valid, and applicable, standardized assessment tools should be administered according to standardization procedures. Many of these assessments were designed to be administered in person, sitting one-on-one with a student. In an ideal situation, assessments that were designed, validated, and normed for in-person use should not be administered virtually. However, these are unprecedented times, and school districts may need to continue evaluations for special education under specific timeline requirements. Health and safety concerns, coupled with a limited ability to reliably and validly administer assessments virtually, can make it difficult to assess learning challenges through standardized assessment measures.

Policy Consideration #2: States and districts should encourage evaluators to apply best practices when selecting, administering, and interpreting assessment materials.

Assessments are most reliable when administered in a setting in which they have been tested and validated. Therefore, states, districts, and teams must consider the potential applications and limitations of different assessment tools across various settings. When there are any changes to standardization, these modifications should be documented, and a great deal of caution should be exercised in the interpretation of assessment scores. States should encourage school districts to follow, to the greatest extent possible, standardization procedures for the administration of each assessment, and to carefully consider the impact of any adaptations that are necessary for safety. As a part of that, states can help districts:

- 1. Consult with experts in assessment to issue guidance urging professionals to consider, evaluate, and note the limitations of assessment tools under current circumstances.** When using assessments in ways in which they haven't been standardized or normed, it cannot be established whether the modification or alteration increased or decreased the reliability of the measurement. States should issue guidance to help ensure that school psychologists and others involved in administering standardized assessments make selections judiciously, with appropriate reliability, validity, and functional application standards.

2. Document any changes regarding modifications or alterations in how assessments were administered or interpreted within the assessment report.

Standard professional practice requires evaluators to be conscious of the potential impact of any changes to assessment procedures, and to clearly explain those potential impacts during interpretation of findings and/or feedback. During the current timeline, these considerations will likely include changes in setting (e.g., remote or greater spacing in person), behavior (e.g., wearing masks, using digital content), emotional considerations



(e.g., trauma), and instructional impact (e.g., missing a period of education). In addition to documenting these adaptations carefully, evaluators should remain aware of the potential impact on interpretation of results, and should inform both teams and parents of the same.

It is important to emphasize that no single score or procedure can be used as the basis for making any disability determination. These decisions, whether rendered by individuals or teams, must have sufficient evidence and a wide variety of data to support their validity. Such documentation will provide transparency

regarding deliberative analysis of all data and better accountability by permitting independent examination of the interpretation being offered.

States should issue guidance to encourage this practice and offer examples to make it easier for child study or IEP teams to review data in the future or during reevaluations.

3. Emphasize the use of multiple sources of information and data, and interpret assessments within the context of the student's present circumstances and relevant developmental experiences.

Even when concerted efforts to adhere to publisher guidelines are taken, the pandemic may force those conducting assessments to estimate the abilities or knowledge of individuals who have experienced circumstances that were never present in the population that comprised the norm sample. For instance, assessments are not normed on students who have been out of school for nearly six months, on children who have experienced significant trauma, or in a setting where the participants are wearing masks.

States should reiterate the importance of using multiple — not single — indicators (or test scores), along with considering factors in the individual's background (linguistic history, school attendance, developmental milestones, etc.) and circumstances (illnesses, lack of instruction, change to remote instruction, etc.) when interpreting data. In other words, any high-stakes decision should be supported by the collected evidence and preponderance of data.

4. Establish guidelines for how school districts can administer assessments in person even if schools are closed, in situations where applicable health and safety standards can be met. If infection rates force schools to close for long periods during the 2020–2021 school year, states can help districts consider ways to administer assessments in person while following the latest CDC safety requirements. Some evaluators and parents may choose to allow in-person testing if sufficient health and safety precautions are taken. Therefore, states and districts should put in place protocols that can be followed in such circumstances and provide the necessary resources to do so, such as funding for personal protective equipment (PPE).

5. Encourage integration of multiple sources of data (e.g., screening data, Curriculum-Based Measurements or CBM, progress monitoring data, work samples, portfolios, etc.) with standardized evaluation assessment results. Given some of the potential limitations of norm-referenced assessments in the current situation, states can encourage districts to collect and rely on additional data that is typically collected as part of the MTSS/progress monitoring process, including CBM. Such information tends to be more complementary than conflicting, and integration of all forms of data increases both the reliability and validity of any subsequent decisions.

[Research](#) has consistently shown that using CBM to make instructional decisions has improved student outcomes and resulted in reliable decision making. More importantly, CBM provides an opportunity for continuous assessment to make up for limitations in comparing data to national norms. Data collected over time can be interpreted with intra-individual comparisons (e.g., growth compared to in-person instruction or to preintervention growth). CBM can also be interpreted by creating local norms from virtual assessments. See more on the importance of progress monitoring in Policy Consideration #1.



Challenge #3: Ruling out exclusionary factors

To determine that a child is eligible for special education services due to SLD, IDEA requires local education agencies (LEAs) to first identify the primary cause(s) of a student’s low achievement and confirm that one or more of the exclusionary factors² are not the primary cause of the student’s learning challenges. Because COVID-19 has disrupted instruction and normal routines for all students and has impacted some students in more traumatic ways, ruling out exclusionary factors relating to environment or economic disadvantage can be particularly challenging.

Policy Consideration #3: Develop guidelines to effectively assess the exclusionary criteria.

States can develop guidelines to help districts understand and apply the exclusionary factors in light of the pandemic before conducting any additional assessments to save time and undue burden on children, school support staff, and educators. As a part of these efforts, states should:

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- 2 The exclusionary factors found in 20 U.S.C. § 602 (2004) are as follows: “Such term does not include a learning problem that is primarily the result of visual, hearing, or motor disabilities, of intellectual disabilities, of emotional disturbance, or of environmental, cultural, or economic disadvantage.”

1. **Apply exclusionary factors as a first step in the eligibility process.** States should recommend that school districts rule out exclusionary factors as a first step in the evaluation process for special education, before administering any assessments. This will streamline the evaluation process and minimize the time school districts would spend on evaluations. States should help school districts consider:
 - a. The impact of no or less instruction over the last year;
 - b. The impact of stress, adversity, instability, or trauma on students and learning; and
 - c. Whether evidence existed prior to COVID-19 (if available) that might suggest the presence or absence of LD or other concerns.

2. **Invest in building capacity in specialty areas such as the intersection of disability and English learner status.** It can be especially difficult to determine if a child is struggling academically due to a disability — particularly a specific learning disability — or due to a lack of English language proficiency. States can seek out and provide districts access to psychologists and educators who are experts in this area. These experts can help educators with perspective to evaluate data for evaluations for special education.

3. **Develop robust Tier 1 interventions to ensure that students who need supports receive them.** It may take time for districts and schools to refine their evaluation process and parse out the many complicated factors influencing student learning and evaluations. It is important for schools to have a way to provide interventions to students who need them, even if the evaluation is not yet complete.





Challenge #4:

Addressing the backlog of evaluations under tight timelines

Given school closures in the spring of 2020 and the likelihood of partial school closures during the 2020–2021 school year due to fluctuations in infection rates, districts will have to work through a backlog of initial evaluations and reevaluations under the confines of IDEA's timelines.

Policy Consideration #4: Issue FAQ or guidance to help districts prioritize evaluations and ensure timely completion.

States should develop guidance and FAQ documents to help districts work through the backlog to ensure timely evaluations regardless of future uncertainties. Geographic context and district policies should inform each state's guidelines, but states can consider:

- 1. *Establishing regular and clear communication with families of children who are in the evaluation pipeline.*** States should work with districts to ensure that IEP teams are providing regular and clear communication with families about the progress of an evaluation pipeline, if it is delayed, and how the district will provide additional support in real time to maximize learning during the delay.
- 2. *Using as much information as possible from previous interventions or assessments.*** Normal observation and data collection procedures may be more challenging during virtual or blended instruction. Instead of waiting until data is available, IEP teams should draw on existing data from a child's response to instruction or previous assessments. For open referrals that started before the school closures in the spring of 2020, there may be sufficient evidence to begin elements of the evaluation, including evaluating the impact of various exclusionary factors to determine if more assessment or observation is needed.
- 3. *Administering only necessary assessments.*** To minimize how long evaluations take and how much time a child is pulled from instruction, states should encourage districts to avoid a "standard battery" of assessments. Many of these assessments are not necessary to determine how to design specialized instruction to help a child access general curriculum. Districts should limit the assessments in an initial evaluation to only those that assess areas of suspected disability.

4. ***Developing guidelines to prioritize a school district's backlog of evaluations.*** There is no clear research or national recommendation regarding how to prioritize evaluations within the backlog. States can provide options for districts and weigh the benefits and challenges of each approach.

For instance, districts may choose to first complete evaluations that require fewer assessments, given the difficulty of administering assessments in virtual or blended situations. Or districts may choose to prioritize initial evaluations rather than reevaluations, as students with an existing IEP are already receiving specialized instruction.



5. ***Using a student's annual review and reevaluation as strategic opportunities to measure progress and assess needs.*** The Individuals with Disabilities Education Act requires that an IEP team review a child's IEP annually and conduct a reevaluation at least every three years to set learning goals and assess the effectiveness of the specialized instruction. States can clarify how to better use each opportunity to reevaluate goals and tweak services in light of the changing context of the pandemic. For instance, states should consider:

- a. ***Strategically using annual reviews.*** As required by IDEA, "the IEP Team reviews the child's IEP periodically, but not less than annually to determine whether the annual goals for the child are being achieved." Given that IEP teams may have to make decisions for initial evaluations using less data than normally available, IEP teams can use annual reviews as a strategic opportunity to revisit necessary interventions with the additional data on a child's response to instruction and interventions. States can reiterate and offer guidance to clarify the requirements of current law.

b. **Limiting assessments during triennial reevaluations.** Districts have to reevaluate a child with an IEP at least every three years to determine if the child continues to have a disability, “whether the child continues to need special education and related services,” and “whether any additions or modifications to the special education and related services are needed to enable the child to meet measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum.” Standardized assessments are not required by law as part of the reevaluation process for every student. Educators should only administer assessments if instructional data and observation indicate that the results of any of the assessment may have changed or if additional data is needed to supplement observation or other forms of data. This is best practice, but especially important during and soon after the pandemic when districts will struggle to work through a backlog of evaluations. States can reiterate and offer guidance to clarify the requirements of current law.

For more information, visit www.nclld.org or contact NCLD via email: info@nclld.org
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