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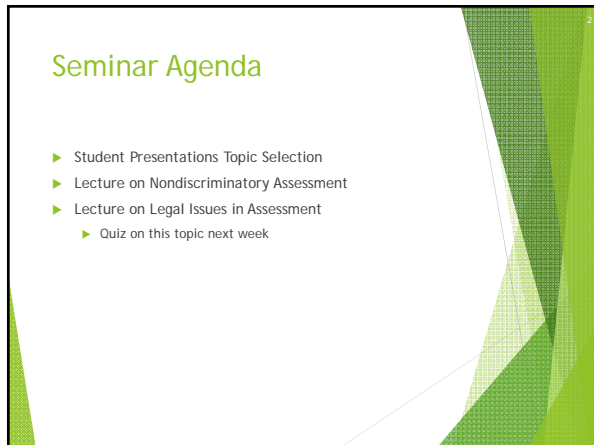
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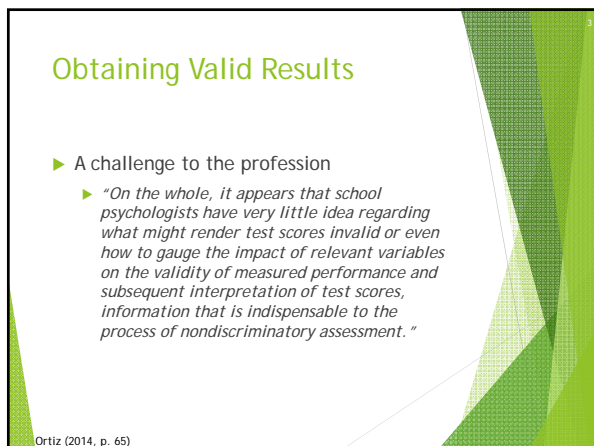
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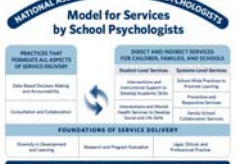
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### Obtaining Valid Results

- ▶ The goal of any assessment is to obtain valid results.
- ▶ We want our test to assess the constructs that given test purports to measure
  - ▶ And not other factors
  - ▶ Understanding diversity is a foundation of the practice model!



The diagram, titled 'Model for Services by School Psychologists' from the National Association of School Psychologists, illustrates a cyclical process. It features a central circle with a double-headed arrow. To the left, a box labeled 'PRACTICES THAT SUPPORT ALL ASPECTS OF SERVICE DELIVERY' includes 'Ethical Practice, Equity, and Accountability', 'Collaboration and Collaboration', and 'Data-Driven Decision Making'. To the right, a box labeled 'DIRECT AND INDIRECT SERVICES FOR CHILDREN, FAMILIES, AND SCHOOLS' includes 'Assessment and Behavior', 'Behavioral and Emotional Services', 'Instructional and Learning Support Services', 'Intervention and Support', and 'Prevention and Assessment'. Below these boxes, 'FOUNDATIONS OF SERVICE DELIVERY' includes 'Ethical and Professional Standards', 'Research and Program Evaluation', and 'Self-Directed and Collaborative Practice'. At the bottom, it states 'SERVING STUDENTS AND FAMILIES BEYOND SCHOOL'.

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### Basic Considerations

- ▶ Assessment is more than just administration and scoring of a test
  - ▶ A competent psychologist is required to interpret the findings
- ▶ Error is inherent in all obtained test results
  - ▶ We need to be able to gauge how much error is present
- ▶ Cultural and linguistic competence is essential
  - ▶ Involves "as knowledge base of, or direct experience with, the values, attitudes, beliefs, and customs of a particular culture, which can be used as both guide and context for collecting, evaluating, and assigning meaning to all assessment data."

Ortiz (2014, p. 64)

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### Best Practices

- ▶ Assess for the purpose of intervention
- ▶ Assess initially with authentic and alternative procedures
  - ▶ Don't let any test score dictate your actions
  - ▶ Establish an appropriate basis for comparison
- ▶ Assess and evaluate the learning ecology
  - ▶ Avoid simply looking for learning challenges within the student
  - ▶ Critically evaluate the learning environment
- ▶ Assess and evaluate developmental language proficiency
  - ▶ In both L1 and L2 (which is typically English)
- ▶ Assess and evaluate opportunity for learning

Ortiz (2014)

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**Best Practices**

- ▶ Assess and evaluate relevant acculturative and developmental language factors
  - ▶ "... the ability to draw valid conclusions regarding school dysfunction from the whole of assessment data rests squarely on proper identification and understanding of the student's total linguistic history as well as other factors that may have influenced the development of both languages.
- ▶ Evaluate, revise, and retest hypotheses
- ▶ Determine the need for language(s) of formal assessment

Ortiz (2014, p. 69)

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**Best Practices**

- ▶ Reduce bias in testing practices
  - ▶ Are the test norms adequate?
  - ▶ Exactly what is the test supposed to measure?
  - ▶ What does the literature have to say about how diverse students perform on the test
  - ▶ How has validity been effected by linguistic and cultural factors/
- ▶ Support conclusions through data convergence and multiple indicators
  - ▶ A signal data source is at best meaningless and at worse dangerous.
  - ▶ Look for multiple data sources before coming to any conclusion.

Ortiz (2014)

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**Nondiscriminatory Assessment**

Stephen E. Brock, PhD, NCSP, LEP  
California State University, Sacramento



SACRAMENTO STATE  
Leadership Begins Here.

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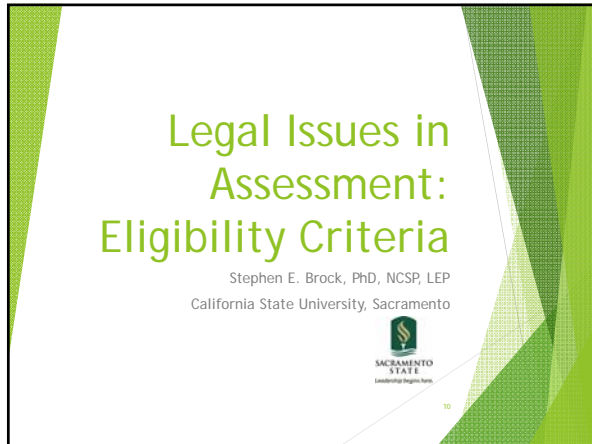
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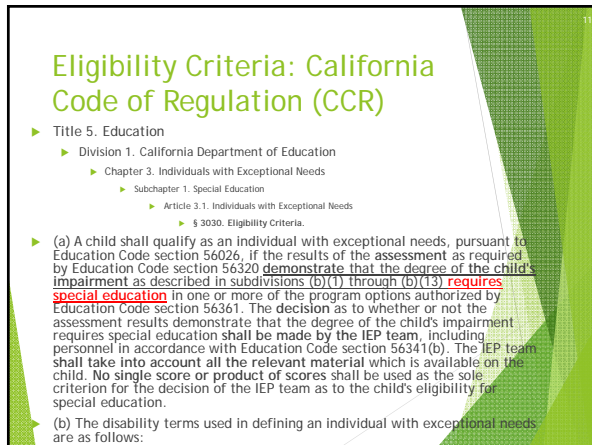
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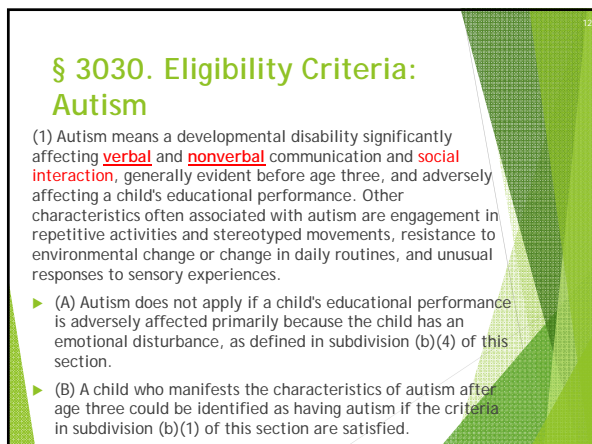
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**§ 3030. Eligibility Criteria:  
Autism**

Sample Psychoeducational Report Eligibility Statement

- From this assessment it would appear that Name meets eligibility criteria as an individual with exceptional needs [according to the California Code of Regulations - Title 5; Division 1; Chapter 3, Individuals with Exceptional Needs; Subchapter 1, Special Education; Article 3.1, Individuals with Exceptional Needs; §3030(b)(1)]. Name is suggested to meet "autism" eligibility criteria as he/she exhibits significant verbal and nonverbal communication, and social interaction deficits. These challenges were evident early in Name's development and are judged to significantly adversely affect his/her educational performance. These difficulties do not appear to be primarily due to an emotional disturbance [as defined in CCR, Title 5 §3030(b)(4)]. Other characteristics associated with "autism" and displayed by Name include: engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. *[NOTE: these associated characteristics are listed in §3030(b)(1), but are not specified as being required for eligibility as a student with autism.]*

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**§ 3030. Eligibility Criteria:  
Deaf-Blind**

(2) Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

Sample Psychoeducational Report Eligibility Statement

- From this assessment it would appear that Name meets eligibility criteria as an individual with exceptional needs [according to the California Code of Regulations - Title 5; Division 1; Chapter 3, Individuals with Exceptional Needs; Subchapter 1, Special Education; Article 3.1, Individuals with Exceptional Needs; §3030(b)(2)]. Name is suggested to meet "deaf/blind" eligibility criteria as he/she has concomitant hearing and visual impairments, the combination of which causes severe communication, developmental, and educational problems. It is suggested that Name's vision and hearing challenges cannot be accommodated in special education programs solely for students with deafness or students with blindness.

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**§ 3030. Eligibility Criteria:  
Deaf**

(3) Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification that adversely affects a child's educational performance.

Sample Psychoeducational Report Eligibility Statement

- From this assessment it would appear that Name meets eligibility criteria as an individual with exceptional needs [according to the California Code of Regulations - Title 5; Division 1; Chapter 3, Individuals with Exceptional Needs; Subchapter 1, Special Education; Article 3.1, Individuals with Exceptional Needs; §3030(b)(3)]. Name is suggested to meet "deaf" eligibility criteria he/she has a hearing impairment that is so severe that he/she is impaired in processing linguistic information through hearing, with or without amplification. This impairment is suggested to adversely affect Name's educational performance.

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**§ 3030. Eligibility Criteria: Emotional Disturbance (ED)**

(4) Emotional disturbance means a **condition** exhibiting one or more of the following characteristics over a **long period of time** and to a **marked degree** that **adversely affects** a child's educational performance:

- a) An that cannot be explained by intellectual, sensory, or health inability to learn factors.
- b) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- c) Inappropriate types of behavior or feelings under normal circumstances.
- d) A general pervasive mood of unhappiness or depression.
- e) A tendency to develop physical symptoms or fears associated with personal or school problems.
- f) Emotional disturbance includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance under subdivision (b)(4) of this section.

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**§ 3030. Eligibility Criteria: Emotional Disturbance (ED)**

Sample Psychoeducational Report Eligibility Statement

Name appears to meet appears to meet eligibility criteria as an individual with exceptional needs [according to the California Code of Regulations - Title 5; Division 1; Chapter 3, Individuals with Exceptional Needs; Subchapter 1, Special Education; Article 3.1, Individuals with Exceptional Needs; §3030(b)(4)]. Name is suggested to meet "emotionally disturbed" eligibility criteria as from this assessment it has been suggested that he/she has an emotional condition. [NOTE: as indicated specified the emotional condition here.] that results in the following characteristic(s): [NOTE: only one of the following is required, but if a student displays more than one list all that apply]

- a) An inability to learn which cannot be explained by intellectual, sensory, or health factors.
- b) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- c) Inappropriate types of behavior or feelings under normal circumstances.
- d) A general pervasive mood of unhappiness or depression.
- e) A tendency to develop physical symptoms or fears associated with personal or school problems.

This/These challenges appear to have existed for a long period of time, to a marked degree, and are suggested to adversely affect Name's educational performance. This/These challenges do not appear to be solely due to social maladjustment.

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**§ 3030. Eligibility Criteria: Hearing Impairment**

(5) Hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.

Sample Psychoeducational Report Eligibility Statement

- ▶ From this assessment it would appear that Name meets eligibility criteria as an individual with exceptional needs [according to the California Code of Regulations - Title 5; Division 1; Chapter 3, Individuals with Exceptional Needs; Subchapter 1, Special Education; Article 3.1, Individuals with Exceptional Needs; §3030(b)(5)]. Name is suggested to meet "hearing impairment" eligibility criteria as he/she has a **permanent/fluctuating** hearing impairment, that adversely affects Name's educational performance and is not included under the definition of deafness [as defined in CCR, Title 5, §3030(b)(3)].

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**§ 3030. Eligibility Criteria: Intellectual Disability (ID)**

(6) Intellectual disability means significantly **subaverage general intellectual functioning**, existing concurrently with **deficits in adaptive behavior** and **manifested during the developmental period** that **adversely affects a child's educational performance**.

Sample Psychoeducational Report Eligibility Statement

- Name appears to meet eligibility criteria as an individual with exceptional needs [according to the California Code of Regulations - Title 5; Division 1; Chapter 3, Individuals with Exceptional Needs; Subchapter 1, Special Education; Article 3.1, Individuals with Exceptional Needs; §3030(b)(6)]. Name is suggested to meet "intellectual disability" eligibility criteria as he/she appears to have significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior. These challenges were manifested during the developmental period (which is generally thought to be birth to age 18 years) and are suggested to adversely affect his/her educational performance.

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**§ 3030. Eligibility Criteria: Multiple Disabilities**

(7) Multiple disabilities means concomitant impairments, such as intellectual disability-blindness or intellectual disability-orthopedic impairment, the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. "Multiple disabilities" does not include deaf-blindness.

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**§ 3030. Eligibility Criteria: Multiple Disabilities**

Sample Psychoeducational Report Eligibility Statement

- Name appears to meet eligibility criteria as an individual with exceptional needs [according to the California Code of Regulations - Title 5; Division 1; Chapter 3, Individuals with Exceptional Needs; Subchapter 1, Special Education; Article 3.1, Individuals with Exceptional Needs; §3030(b)(7)]. Name is suggested to meet "multiple disabilities" eligibility criteria as he/she has the following concomitant impairments *(NOTE: must specify at least two of the following, with intellectual disability-blindness and intellectual disability-orthopedic impairment being two examples specifically mentioned in §3030(b)(7))*: autism, intellectual disability, blindness, deafness, orthopedic impairment, traumatic brain injury. The combination of these disabilities is suggested to cause severe educational needs that cannot be accommodated in a special education program solely for one of the impairments. Name does not appear to meet criteria for deaf-blindness (as defined in CCR, Title 5).

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### § 3030. Eligibility Criteria: Orthopedic Impairment

(8) Orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by a congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

**Sample Psychoeducational Report Eligibility Statement**

► From this assessment it would appear that **Name** meets eligibility criteria as an individual with exceptional needs [according to the California Code of Regulations - Title 5; Division 1; Chapter 3, Individuals with Exceptional Needs; Subchapter 1, Special Education; Article 3.1, Individuals with Exceptional Needs; §3030(b)(8)]. He/She has a severe orthopedic impairment, [NOTE: specify the impairment here. These impairments may be disabilities caused by a congenital anomaly, disease (e.g., poliomyelitis, bone tuberculosis), and impairments from other causes (e.g., cerebral palsy, amputations, and factors or burns that cause contractures), that adversely affects Name's educational performance.

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### § 3030. Eligibility Criteria: Other Health Impairment (OHI)

(9) Other health impairment means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment that:

- Is due to chronic or acute health problems such as asthma, **attention deficit disorder or attention deficit hyperactivity disorder**, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and
- Adversely affects a child's educational performance.

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### § 3030. Eligibility Criteria: Other Health Impairment (OHI)

**Sample Psychoeducational Report Eligibility Statement**

► From this assessment it would appear that **Name** meets eligibility criteria as an individual with exceptional needs [according to the California Code of Regulations - Title 5; Division 1; Chapter 3, Individuals with Exceptional Needs; Subchapter 1, Special Education; Article 3.1, Individuals with Exceptional Needs; §3030(b)(9)]. Name appears to meet "other health impairment" eligibility criteria as he/she is suggested to have limited strength/vitality/alertness, heightened alertness to environmental stimuli with respect to the educational environment, due to a chronic/acute health problem: [NOTE: specify the impairment here. Specific health problems offered in (b)(9) are "asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome.]. This health impairment is suggested to adversely affects Name's educational performance.

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**§ 3030. Eligibility Criteria:  
Specific Learning Disability (SLD)**

(10) Specific learning disability means a disorder in one or more of the basic **psychological processes** involved in understanding or in using language, spoken or written, that may have manifested itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The basic psychological processes include **attention, visual processing, auditory processing, sensory-motor skills, cognitive abilities including association, conceptualization and expression.**

- a) Specific learning disabilities do not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of intellectual disability, of emotional disturbance, or of environmental, cultural, or economic disadvantage.
- b) In determining whether a pupil has a specific learning disability, the public agency may consider whether a pupil has a **severe discrepancy** between intellectual ability and achievement in oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematical calculation, or mathematical reasoning. The decision as to whether or not a severe discrepancy exists shall take into account all relevant material which is available on the pupil. No single score or product of scores, test or procedure shall be used as the sole criterion for the decisions of the IEP team as to the pupil's eligibility for special education. In determining the existence of a severe discrepancy, the IEP team shall use the following procedures:

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**§ 3030. Eligibility Criteria:  
Specific Learning Disability (SLD)**

1. When standardized tests are considered to be valid for a specific pupil, a severe discrepancy is demonstrated by: first, converting into common standard scores, using a mean of 100 and standard deviation of 15, the achievement test score and the intellectual ability test score to be compared; second, computing the difference between these common standard scores; and third, comparing this computed difference to the standard criterion which is the product of 1.5 multiplied by the standard deviation of the distribution of computed differences of students taking these achievement and ability tests. A computed difference which equals or exceeds this standard criterion, adjusted by one standard error of measurement, the adjustment not to exceed 4 common standard score points, indicates a severe discrepancy when such discrepancy is corroborated by other assessment data which may include other tests, scales, instruments, observations and work samples, as appropriate.
2. When standardized tests are considered to be invalid for a specific pupil, the discrepancy shall be measured by alternative means as specified on the assessment plan.

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**§ 3030. Eligibility Criteria:  
Specific Learning Disability (SLD)**

3. If the standardized tests do not reveal a severe discrepancy as defined in subdivisions 1. or 2. above, the IEP team may find that a severe discrepancy does exist, provided that the team documents in a written report that the severe discrepancy between ability and achievement exists as a result of a disorder in one or more of the basic psychological processes. The report shall include a statement of the area, the degree, and the basis and method used in determining the discrepancy. The report shall contain information considered by the team which shall include, but not be limited to:
  - i. Data obtained from standardized assessment instruments;
  - ii. Information provided by the parent;
  - iii. Information provided by the pupil's present teacher;
  - iv. Evidence of the pupil's performance in the regular and/or special education classroom obtained from observations, work samples, and group test scores;
  - v. Consideration of the pupil's age, particularly for young children; and
  - vi. Any additional relevant information.
4. A severe discrepancy shall not be primarily the result of limited school experience or poor school attendance.

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**§ 3030. Eligibility Criteria:  
Specific Learning Disability (SLD)**

(C) Whether or not a pupil exhibits a severe discrepancy as described in subdivision (b)(10)(B) above, a pupil may be determined to have a specific learning disability if:

1. The pupil does not achieve adequately for the pupil's age or to meet State-approved grade-level standards in one or more of the following areas, when provided with learning experiences and instruction appropriate for the pupil's age or State-approved grade-level standards:
  - i. Oral expression.
  - ii. Listening comprehension.
  - iii. Written expression.
  - iv. Basic reading skill.
  - v. Reading fluency skills.
  - vi. Reading comprehension.
  - vii. Mathematics calculation.
  - viii. Mathematics problem solving, and ...

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**§ 3030. Eligibility Criteria:  
Specific Learning Disability (SLD)**

2. (i) The pupil does not make sufficient progress to meet age or State-approved grade-level standards in one or more of the areas identified in subdivision (b)(10)(C)(1) of this section when using a process based on the pupil's **response to scientific, research-based intervention**;
- or -
- (ii) The pupil exhibits a **pattern of strengths and weaknesses** in performance, achievement, or both, relative to age, State-approved grade-level standards, or intellectual development, that is determined by the group to be relevant to the identification of a specific learning disability, using appropriate assessments, consistent with 34 C.F.R. sections 300.304 and 300.305; and

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**§ 3030. Eligibility Criteria:  
Specific Learning Disability (SLD)**

3. The findings under subdivisions (b)(10)(C)(1) and (2) of this section are not primarily the result of:
  - i. A visual, hearing, or motor disability;
  - ii. Intellectual disability;
  - iii. Emotional disturbance;
  - iv. Cultural factors;
  - v. Environmental or economic disadvantage; or
  - vi. Limited English proficiency.

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**§ 3030. Eligibility Criteria:  
Specific Learning Disability (SLD)**

4. To ensure that underachievement in a pupil suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group making the decision must consider:

- i. Data that demonstrate that prior to, or as a part of, the referral process, the pupil was provided appropriate instruction in regular education settings, delivered by qualified personnel; and
- ii. Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the pupil's parents.

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**§ 3030. Eligibility Criteria:  
Specific Learning Disability (SLD)**

5. In determining whether a pupil has a specific learning disability, the public agency must ensure that the pupil is observed in the pupil's learning environment in accordance with 34 C.F.R. section 300.310. In the case of a child of less than school age or out of school, a qualified professional must observe the child in an environment appropriate for a child of that age. The eligibility determination must be documented in accordance with 34 C.F.R. section 300.311.

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**§ 3030. Eligibility Criteria:  
Specific Learning Disability (SLD)**

Sample Psychoeducational Report Eligibility Statement

▶ Name appears to meet eligibility criteria as an individual with exceptional needs [according to the California Code of Regulations - Title 5; Division 1; Chapter 3, Individuals with Exceptional Needs; Subchapter 1, Special Education; Article 3.1, Individuals with Exceptional Needs; §3030(b)(10)]. Name is suggested to meet "specific learning disability" criteria as he/she appears to have a disorder in the following basic psychological process(es) involved in understanding or in using spoken/written language: [List the basic psychological processing disorder(s) here. NOTE: Examples of basic psychological processes mentioned in (b)(10) are: "attention, visual processing, auditory processing, sensory-motor skills, cognitive abilities including association, conceptualization and expression." Specific "conditions" that can result in these processing disorders, offered as examples of a "specific learning disability", and mentioned in (b)(10) are "perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia."]. For Name, this specific learning disability appears to result in an imperfect ability to listen, think, speak, read, write, spell, do mathematical calculations. Name's learning problems are not primarily the result of visual, hearing, or motor difficulties; of intellectual disability; of emotional disturbance; or of environmental, cultural, or economic disadvantage. Nor can they be primarily attributed to limited school experience or poor school attendance. Further, data is available that demonstrates he/she was provided appropriate general education instruction by qualified professionals and that prior to this referral there was data-based documentation of repeated assessments of achievement at reasonable intervals, which reflected formal assessment of Name's progress during instruction (data that was provided to his/her parents).

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**§ 3030. Eligibility Criteria:  
Specific Learning Disability (SLD)**

Sample Psychoeducational Report Eligibility Statement

► [Use the following in school districts that make use of a response to intervention (or RTI) model.]  
Evidence that the basic psychological processing deficit has adversely affected Name's educational performance includes that he/she does not achieve adequately for his/her age to meet State-approved grade level standard in the following area(s) even after having been provided with appropriate learning experiences and instruction: [Specify the area(s) here from the list of the following] oral expression, listening comprehension, written expression, basic reading skill, reading fluency skill, reading comprehension, mathematics calculation, mathematics problem solving. Further, Name is suggested to have not made sufficient progress to meet age or State-approved grade-level standards in these areas despite the use of scientific, research-based interventions.

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**§ 3030. Eligibility Criteria:  
Specific Learning Disability (SLD)**

Sample Psychoeducational Report Eligibility Statement

► [Use the following in school districts that make use of a response to processing strengths and weaknesses model.]  
Evidence that the basic psychological processing deficit has adversely affected Name's educational performance includes that he/she does not achieve adequately for his/her age to meet State-approved grade level standard in the following area(s) even after having been provided with appropriate learning experiences and instruction: [Specify the area(s) here from the list of the following] oral expression, listening comprehension, written expression, basic reading skill, reading fluency skill, reading comprehension, mathematics calculation, mathematics problem solving. Further, Name appears to exhibit a pattern of strengths and weaknesses in performance/achievement/performance and achievement relative to his/her age/State-approved grade-level standards/intellectual development.

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**§ 3030. Eligibility Criteria:  
Specific Learning Disability (SLD)**

Sample Psychoeducational Report Eligibility Statement

► [Use the following in school districts that make use of the now outdated and widely discredited discrepancy model.]  
In the SchoolDistrictName School District eligibility for special education, as a student with a specific learning disability, also requires a severe discrepancy between intellectual ability and achievement (as specified in § 3030(10)(B)(1)(2)(3). [NOTE: List "(1)" when the tests used to obtain the discrepancy are judged to be valid. List "(2)" when the tests used to obtain the discrepancy are judged to be invalid and then specify the alternative procedures used to determine the "discrepancy." List "(3)" if the IEP team finds a severe discrepancy to exist despite the obtained test scores. When using this last criterion the report must include a statement of the area, the degree, and the basis and method used in determining the discrepancy, and the report must include data obtained from the standardized assessment instruments: information provided by the parent and the student's teacher; evidence of the student's performance in the general and/or special education classroom obtained from observations, work samples, and group test scores; consideration of the student's age, especially for young children, and any additional relevant information.] From the assessment data it is suggested that there is an educationally significant discrepancy between Name's intellectual ability and achievement test scores in the area(s) of [Specify the area(s) here from the list of the following] oral expression/listening comprehension/written expression/basic reading skill/reading comprehension/mathematical calculation/mathematical reasoning. Further, there is a logical connection between this/these low achievement test score(s) and the basic psychological processing disorder identified above. This discrepancy does not appear to be primarily the result of limited school experiences or poor school attendance. The ability/achievement discrepancy would not appear to be due to poor school attendance. It should also be noted that in the opinion of the Examiner, this learning problem could not be corrected within the general education program.

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**§ 3030. Eligibility Criteria:  
Language or Speech Disorder**

(11) A pupil has a language or speech disorder as defined in Education Code section 56333, and it is determined that the pupil's disorder meets one or more of the following criteria:

- A. Articulation disorder.
  1. The pupil displays reduced intelligibility or an inability to use the speech mechanism which significantly interferes with communication and attracts adverse attention. Significant interference in communication occurs when the pupil's production of single or multiple speech sounds on a developmental scale of articulation competency is below that expected for his or her chronological age or developmental level, and which adversely affects educational performance.
  2. A pupil does not meet the criteria for an articulation disorder if the sole assessed disability is an abnormal swallowing pattern.

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**§ 3030. Eligibility Criteria:  
Language or Speech Disorder**

(11) A pupil has a language or speech disorder as defined in Education Code section 56333, and it is determined that the pupil's disorder meets one or more of the following criteria:

- B. Abnormal Voice. A pupil has an abnormal voice which is characterized by persistent, defective voice quality, pitch, or loudness.
- C. Fluency Disorders. A pupil has a fluency disorder when the flow of verbal expression including rate and rhythm adversely affects communication between the pupil and listener.

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**§ 3030. Eligibility Criteria:  
Language or Speech Disorder**

(11) A pupil has a language or speech disorder as defined in Education Code section 56333, and it is determined that the pupil's disorder meets one or more of the following criteria:

- D. Language Disorder. The pupil has an expressive or receptive language disorder when he or she meets one of the following criteria:
  1. The pupil scores at least 1.5 standard deviations below the mean, or below the 7th percentile, for his or her chronological age or developmental level on two or more standardized tests in one or more of the following areas of language development: morphology, syntax, semantics, or pragmatics. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified on the assessment plan, or
  2. The pupil scores at least 1.5 standard deviations below the mean or the score is below the 7th percentile for his or her chronological age or developmental level on one or more standardized tests in one of the areas listed in subdivision (A) and displays inappropriate or inadequate usage of expressive or receptive language as measured by a representative spontaneous or elicited language sample of a minimum of 50 utterances. The language sample must be recorded or transcribed and analyzed, and the results included in the assessment report. If the pupil is unable to produce this sample, the language, speech, and hearing specialist shall document why a fifty utterance sample was not obtainable and the contexts in which attempts were made to elicit the sample. When standardized tests are considered to be invalid for the specific pupil, the expected language performance level shall be determined by alternative means as specified in the assessment plan.

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### § 3030. Eligibility Criteria: Language or Speech Disorder

Sample Psychoeducational Report Eligibility Statement

- ▶ From assessment conducted by the speech and language specialist it has been suggested that Name meets eligibility criteria as an individual with exceptional needs [according to the California Code of Regulations - Title 5; Division 1; Chapter 3, Individuals with Exceptional Needs; Subchapter 1, Special Education; Article 3.1, Individuals with Exceptional Needs; §3030(b)(11)]. Name appears to meet "language or speech disorder" eligibility criteria as he/she has been suggested to have [From consultation with the speech and language specialist specify the disorder here from the list of the following] an articulation disorder, abnormal voice, a fluency disorder, a language disorder.

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### § 3030. Eligibility Criteria: Traumatic Brain Injury (TBI)

(12) Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech.

- A. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

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### § 3030. Eligibility Criteria: Traumatic Brain Injury (TBI)

Sample Psychoeducational Report Eligibility Statement

- ▶ From assessment conducted by the speech and language specialist it has been suggested that Name meets eligibility criteria as an individual with exceptional needs [according to the California Code of Regulations - Title 5; Division 1; Chapter 3, Individuals with Exceptional Needs; Subchapter 1, Special Education; Article 3.1, Individuals with Exceptional Needs; §3030(b)(12)]. Name appears to meet "traumatic brain injury" eligibility criteria as he/she has an acquired injury to the brain that is the result of an external physical force. As the result of this injury Name has total/partial functional disability/psychosocial impairment that is suggested to adversely affects his/her educational performance. From the assessment data it appears that Name's close/open head injury has resulted in impairment(s) in the following area(s): [Specify the area(s) here. The following list provides examples] cognition; language; memory; attention; reasoning; abstract thinking; judgement; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; speech. This is not a congenital or degenerative injury and was not induced by birth trauma.

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### § 3030. Eligibility Criteria: Visual Impairment

(13) Visual impairment including blindness means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

**Sample Psychoeducational Report Eligibility Statement**

► From this assessment it would appear that **Name** meets eligibility criteria as an individual with exceptional needs [according to the California Code of Regulations - Title 5; Division 1; Chapter 3, Individuals with Exceptional Needs; Subchapter 1, Special Education; Article 3.1, Individuals with Exceptional Needs; §3030(b)(13)]. **Name** is suggested to meet "vision impairment" eligibility criteria as he/she has a visual impairment (partial sight/blindness) that, even with correction, can be argued to adversely affects his/her educational performance.

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## Legal Issues in Assessment: Eligibility Criteria

Stephen E. Brock, PhD, NCSP, LEP  
California State University, Sacramento




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### Coming up next....

<p>3. September 11 EDS 329 1:00-2:30pm</p>	<ul style="list-style-type: none"> <li>Quiz 1: Legal Issues</li> <li>The Psychoeducational Report</li> <li>Rules of School Psychology</li> <li>Student presentation 2: FAR</li> </ul>	<p>Required reading</p> <ul style="list-style-type: none"> <li>Harrison &amp; Thomas (2014a), Chapter 28</li> <li>Harrison &amp; Thomas (2014b), Chapter 22</li> <li>Brock (2014, December)</li> <li>Brock (2015, January-February)</li> <li>Brock (2015, March/April)</li> </ul>
<p>4. September 18 EDS 311 4:00-6:30pm</p>	<ul style="list-style-type: none"> <li>Learning Disabilities</li> <li>Reading Disabilities</li> <li>Student presentation 3: TOWRE</li> <li>Student presentation 4: GORT</li> </ul>	<p>Required reading</p> <ul style="list-style-type: none"> <li>California Department of Education (2017)</li> <li>Harrison &amp; Thomas (2014a), Chapter 11</li> <li>Harrison &amp; Thomas (2014a), Chapter 22</li> <li>Harrison &amp; Thomas (2014c), Chapter 7</li> </ul> <p>Recommended Reading</p> <ul style="list-style-type: none"> <li>Christo et al. (2009)</li> </ul>
<p>5. September 25 EDS 320 1:00-2:30pm</p>	<ul style="list-style-type: none"> <li>Reading Disabilities</li> <li>Math Disabilities</li> <li>Written Language Disabilities</li> <li>Student presentation 5: TOWL</li> <li>Student presentation 6: K-Math</li> </ul>	<p>Required reading</p> <ul style="list-style-type: none"> <li>Harrison &amp; Thomas (2014a), Chapter 12</li> <li>Harrison &amp; Thomas (2014a), Chapter 14</li> </ul>

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