



April 7, 2020

To Whom It May Concern:

I am writing on behalf of the Arkansas School Psychology Association (ASPA) and licensed School Psychology Specialists (SPSs) practicing across our state. Current guidance from OCR and OSERS indicates that evaluations, as well as meetings about eligibility and Individualized Education Plans (IEPs) can continue virtually, assuming that parents/guardians agree. Additionally, this guidance indicates that public agencies are encouraged to work with parents to reach mutually agreeable extensions of time. We recognize that there are unique ethical concerns amongst school district professionals around meeting the federally protected rights of students during this time. In particular, school districts across the state have indicated a need for guidance around how to continue with evaluations and eligibility decision-making given the current circumstances while also meeting federally mandated timelines for evaluations. As an association, ASPA strongly discourages the continuation of assessment timelines during this turbulent time of crisis.

With schools now ordered closed through the end of the school year, alternate methods of instruction are being used across the nation. As we are preparing for shifts in our comprehensive scope of service delivery, the COVID-19 pandemic presents unique challenges in regards to ethical assessment and decision-making practices:

- Face-to-face contact is needed for many assessment activities. While direct services to students can be provided through virtual means, classroom observations of a child in his/her learning environment cannot. A full and individual evaluation, initial or reevaluation, requires direct classroom-based observation of the student in the child's learning environment to document the child's academic performance and behavior in areas of difficulty (34 C.F.R. §300.310(a)).
- Current individual assessments have been standardized in face-to-face settings. In reference to the federal guidelines, assessments and other evaluation materials used to assess a child are used for the purposes for which the assessments or measures are valid and reliable, administered by trained and knowledgeable personnel (e.g., school psychologists), and are administered in accordance with any instructions provided by the producer of the assessment (34 C.F.R. §300.304(c)(1)). SPSs are not typically trained or competent in completing evaluations through electronic means. Furthermore, the standardized tests used (i.e. IQ tests, formal achievement tests) are not designed nor

validated for electronic administration nor have they been normed for use during a national crisis. In short, the administration of tests must be given through the means in which they were standardized. Deviations from standardization must be reported and, at times, can invalidate test results, which could potentially impact eligibility determinations.

- Currently, no supports exist for trained personnel (e.g., school psychologists) to become competent in remote assessments. If evaluations are to be conducted remotely, they should be conducted through platforms specifically designed for that purpose. At this time, such delivery would also require training beyond the evaluator, but also include training for the student and adult facilitator (likely parent/caregiver) who is assisting the student at home. It is unlikely the appropriate supports can be developed quickly.
- Assessment results can be compromised if the student is experiencing considerable stress. Our current unique circumstances pose validity issues which must be addressed when assessments are taking place in a time of anxiety for youth, their families and caregivers, and school personnel. The likelihood of making inappropriate eligibility determinations based on invalid assessment data is high.

With consideration of the ethical implications and irresponsible assessment practices, the Arkansas School Psychology Association (ASPA) strongly recommends upholding the advice provided by the U.S. Department of Education, Office of Civil Rights as follows, "If an evaluation of a student with a disability requires a face-to-face assessment or observation, the evaluation would need to be delayed until school reopens. Evaluations and re-evaluations that do not require face-to-face assessments or observations may take place while schools are closed, so long as a student's parent or legal guardian consents." We ask that Arkansas adopts similar guidelines during this delicate and uncertain time. We would like to acknowledge recent similar statements in Texas and Florida that assisted the development of ASPA's professional position.

Our goal as school psychologist specialists is to consider the best interests of the students and families we serve, while not abandoning their social, emotional, academic, and mental health needs. We have an ethical responsibility to maintain the highest standard for professional practices in educational and psychological assessment.

Respectfully,

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