

**2010 Larry P Work Group
Final Report**

April 28, 2011

2010 Larry P Work Group

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Introduction and Overview

The California Department of Education (CDE) contracted with Technical Assistance and Consulting Services (TACS), University of Oregon, to convene a work group to revisit the Larry P. v. Riles (1979) decision and revisit the recommendations made in the 1989 Larry P Task Force Report. The purposes of the 2010 Larry P Work Group, as directed by CDE, were to:

- Revisit the recommendations from the 1989 Larry P Task Force Report.
- Review and discuss recent research on the assessment of African American students.
- Review the current criteria and practices for assessing African American students.
- Recommend criteria for selecting assessment instruments to the California Department of Education (CDE).
- Review and recommend practices for assessing African American students that respond to the initial Larry P decision and comply with the Individuals with Disabilities Education Act (IDEA) requirements.

The 2010 Larry P Work Group convened on November 30, 2010 in Sacramento. At that meeting, the group revisited the recommendations from the 1989 Larry P Task Force Report; reviewed and discussed recent research on the assessment of African American students; and reviewed current criteria and practices for assessing African American students across the state, as reported by members of the work group.

Following the initial November meeting, members of the work group voluntarily participated in sub work groups designated to accomplish the tasks for reviewing criteria for selecting assessment instruments and recommended practices for assessing African American students. The work of the two sub groups took place through virtual meetings hosted online and email communication and collaboration. The sub work groups met from December 2010 to April 2011.

On April 21, 2011 the work group reconvened in Sacramento. The focus of the April meeting was to prioritize the recommendations and to identify resources, available and needed, for implementation of these recommendations. While the work group recognizes the significant human and fiscal resources needed to implement these recommendations, it also emphasizes the importance of continued focus on the recommendations and appropriate, authentic assessments for African American students.

The work group highly recommends that this report be shared with the California State Board of Education's African American Advisory Council.

In addition to implementing the recommendations in this report, the work group recommends that CDE respond to the following questions in order to provide clarity to the field regarding the Larry P decision and appropriate assessment for African American students:

- To whom does the Larry P decision apply?
- Given the development of new tests and advancements in the analyses of validity, reliability and fairness, are there IQ tests that might now be considered appropriate?

2010 Larry P Work Group Participants

The following participated in the work group and contributed to the development of the recommendations reflected in this report:

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Section I: 1989 Larry P Task Force Report Recommendations: Implementation Progress Report and Recommendations for Revisions

In the 1989 report, the Larry P Task Force made 15 recommendations related to the implementation of the Larry P decision in addition to recommending considerations for test selection and interpretation (see Appendix A).

The 2010 Larry P Work Group reviewed each recommendation, discussed the status of its implementation in California statewide as well as in represented school districts, and discussed whether each recommendation remained relevant. The results of the review of the work group, including brief evaluations of implementation of each recommendation and recommendations for revisions to and/or continuing each recommendation are reported in this section. The original recommendations are noted with *italics* and the recommendations of the 2010 Larry P Work Group are **bold**.

- 1. The Task Force urges statewide inservices to occur between January and December 1989, and to continue on an as needed basis. The inservices should be on two levels: 1) Awareness – an orientation for pre-referral alternative assessment process appropriate to Local Education Agency Administrators, School Psychologists and other Individualized Education Program team members; and 2) Technical – a detailed training for school psychologists of the specific components of learning processes and of eligibility standards including guidelines for determining a severe discrepancy. The training should include the range of alternative assessments, interpreting environmental, cultural and economic effects on achievement and professional standards for the development and use of test and non-test procedures. The Task Force also recommends that monies/funds must be specifically designated on a priority basis for staff development in order to accomplish the above named recommendation. These trainings should follow current research on effective staff development (i.e. rather than one-shot workshops/trainings, each workshop training must be supplemented with ongoing coaching and feedback).*

While inservices occurred immediately following the distribution of the 1989 Larry P Task Force Report, focused inservices on these topics have not continued consistently in the state. Since this recommendation has been minimally implemented, much work remains to be done.

The 2010 Larry P Work Group recommends that inservices be conducted statewide to increase awareness of the Larry P decision and its relationship to the pre-referral and assessment process. Inservices related to awareness of the pre-referral process and intervention strategies must be ongoing and provided to a broader group than were included in the original recommendation.

Principals, teachers and all general and special education school personnel should participate together in these inservices. A plan for dissemination of such inservices and the recommendations of this work group should be developed collaboratively between general and special education partners at CDE to ensure effective distribution through staff development. Given the dire fiscal condition of California, proposed legislation to support this staff development should be considered.

- 2. Alternative means for assessing intellectual functioning may be utilized for any pupil, when considerations of reliability, validity and cultural sensitivity have been taken into account. The State Department should take a leadership role in developing procedures in evaluating the outcomes and the ability to generalize assessment models being utilized by districts which have elected not to use IQ tests for any pupil.*

The 2010 Larry P Work Group agrees that this statement is still applicable; however does not believe that it is a measurable recommendation.

The work of the 2010 Larry P Work Group is specifically related to the assessment of African American students. However, as stated by the earlier task force, this work group agrees that the recommendations included in this report might benefit all students. **The 2010 Larry P Work Group proposes that these recommendations be distributed in such a manner that they may benefit all students.**

- 3. A strong statement in the form of a guideline needs to be made regarding general education's responsibility to provide modifications and a range of program options for "pupils whose education needs are due primarily to unfamiliarity with the English language; temporary physical disability; social maladjustment or environmental factors..." (E.C. 56026). Further, "a pupil shall be referred for special education instruction and services only after the resources of the regular education program have been considered and, where appropriate, utilized" (E.C. 56303). Each school should have a systematic team process for consideration of alternatives within the general education program. The process is implemented by use of a school site, school consultation, student study or other related general education team. School consultation teams should document the resources of the general education program that have been considered, modified and, when appropriate, the results of intervention (Title 5, Adm. Code, Section 3021). Modifications may include parent consultation, support staff involvement, behavior management, change in instructional style, and/or strategies, etc.*

The documentation should further include delineation of the process used to determine the effects of environmental, cultural and economic differences upon academic performance within the core curriculum.

While discussions regarding general education responsibility have happened in individual schools and school districts, it is not clear to the work group that this guideline was disseminated or implemented.

The 2010 Larry P Work Group agrees that guidelines need to be developed regarding general education responsibility. The development of such guidelines must be a collaborative effort between general and special education at all levels. If special education staff develops them in isolation, the chances for implementation by general education will be lessened.

The 2010 Larry P Work Group recommends that guidelines be developed, disseminated and enforced by general and special education representatives at all levels regarding general education's responsibility to provide effective, evidence-based, instruction and interventions in both academic and behavior areas to all students. This should involve universal screening, progress monitoring, and individual problem-solving team approaches. The effort to provide services in general education should be supported with human, material and fiscal resources and dedicated time for ongoing training.

- 4. As a component of the local plan, the State Department of Education should require that when conducting an assessment to determine eligibility for special education, a step-by-step review should be utilized to identify educationally relevant health and developmental factors and to determine the effects of environmental, cultural/linguistic or economic differences on achievement (E.C. 56327(e)(g)).*

When reviewing current procedures for determining eligibility, the 2010 Larry P Work Group did not see environmental or economic factors being taken into account consistently. It is not clear how it looks in practice, and they may be just a box to be checked.

The work group recommends that the original recommendations 4, 10, 11 and 14 be combined, as follows.

The 2010 Larry P Work Group recommends that CDE continue to require that, when determining eligibility, a process be used to identify educationally relevant health and developmental factors and to determine the effect of environmental, cultural/linguistic or economic differences on achievement. This process should include, at a minimum, a “pupil’s history (including health) and development, adaptive behavior, classroom performance, academic achievement, and evaluative instruments and procedures designed to point out specific information relative to a pupil’s abilities and inabilities in specific skill areas.” (Larry P Judgment) These specific requirements should be added to the California Education Code sections and regulations related to assessment and eligibility determinations. While similar language is included in California Education Code 56320, the recommended language is not included in applicable sections that would facilitate more consistent implementation.

The work group recommends that processes be developed to support effective, consistent practices in this area. The recommended practices are included in the “Recommended Practices for Assessing African American Students” section of this report. Capacity building should take place with members of the pre-referral team as well as with those conducting eligibility determinations on this issue. Implementation of these practices should be monitored through local plan reviews in addition to the continued monitoring of compliance with state and federal guidelines (see recommendation 8).

5. *The Student Study Team that has become part of the support system for many schools should be renamed the School Consultation Team.*

The 2010 Larry P Work Group recognizes the importance of a team that includes general and special education to make decisions regarding programs for students. These teams vary by school and by district and, in some cases, have become “RtI” or “problem-solving” teams. In some districts, these teams continue to function as special education teams and are not school-wide teams.

The 2010 Larry P Work Group recommends that the concept of student study teams be evaluated as part of looking at effective practices for general education programs and interventions. The name is not as important as development of guidelines for the function of such teams, which should be a general education, pre-referral function.

6. *The State Department of Education should take the responsibility to develop state and local norms, including ethnic recommendation. Separate ethnic and socio-economic status (SES) norms should also be developed. This development could be done in cooperation with researchers and test makers.*

The 2010 Larry P Work Group agrees that this recommendation is no longer relevant and should be revised as follows:

The 2010 Larry P Work Group recommends that CDE provide research and best practice updates to school psychologists and members of school teams responsible for intervention and eligibility determination. These updates should include the recommendations related to criteria for selecting assessment instruments and assessment practices included in this report.

During the April 21, 2011 work group meeting, the work group identified this recommendation (6) as a priority for implementation based on the limited resources needed for implementation and its potential for high impact.

The following resources were identified by work group members:

- CDE guide for using Rtl to determine eligibility: this guide is in place, but needs to be distributed more broadly, especially to general education partners at all levels.
 - CDE website: the work group recognizes that CDE has significant resources on its website but recommends an interface that allows quick access.
 - Timelines and benchmarks for implementation must be developed and specific staff dedicated to the project. This should be viewed as a priority statewide.
 - The PENT model used by the CDE Diagnostic Centers is a model to follow for organizing and disseminating information.
 - Partners that should be involved in implementation include: CDE Diagnostic Centers, Institutes of Higher Education, the Commission on Teacher Credentialing, SELPAs, etc.
7. *There is need to do research and follow-up concerning what constitutes reliable and valid instruments and procedures for determining a pupil's abilities and inabilities in specific skill areas.*

While this recommendation has continued in some form, the 2010 Larry P Work Group recommends that it continue. **Detailed information related to current research and best practices for selecting assessment instruments is included in the "Recommended Criteria for Selecting Assessment Instruments to Assess African American Students" section of this report.**

8. *A guideline should be adopted which stresses the need for school employees to follow existing standards regarding reliable and valid assessment instruments and procedures.*

The 2010 Larry P Work Group agrees that such guidelines are in place. However, the extent to which the guidelines are followed is questioned. There does not appear to be a consistent accountability process in place to verify whether school employees follow these standards. There is a need for consistent implementation and accountability across the state.

The work group recommends that the original recommendation 10 be included with this recommendation, as follows:

The 2010 Larry P Work Group recommends that an accountability process be defined, developed and effectively disseminated by general and special education representatives for all guidelines developed related to pre-referral and eligibility determination assessments. This accountability process must assess compliance with federal and state regulations regarding the use of multidisciplinary teams with appropriately credentialed and certified personnel, implementation of appropriate alternative methods of assessing students (see recommendation 4), and standards regarding reliable and valid assessment instruments and procedures.

During the April 21, 2011 work group meeting, the work group identified this recommendation (8) as a priority for implementation based on the need for an accountability process to be able to evaluate the implementation of any other recommendation.

The following resources were identified by work group members:

- There are existing accountability mechanisms in place for general education and special education that should be examined to determine whether accountability for this type of assessment can be included:
 - School Site Plans required by general education (CDE Assessment, Accountability and Awards Division).
 - Plans required for implementation of coordinated early intervening services (CEIS), voluntary or based on significant disproportionality.
 - A strong partnership with general education regarding these issues must be established.
 - Resources are needed to assist in viewing RtI² through a culturally-responsive lens.
 - Partners that should be involved in implementation include: CDE Special Education and Assessment, Accountability and Awards Divisions, SELPA directors, general education administration from all levels (superintendents, principals), general and special education teachers, parents, school or district board representatives, school psychologists, speech and language service providers, school nurses, etc.
9. *A guideline should be adopted indicating that standardized measures should be utilized to the extent that they are appropriate and available. The State Department of Education should encourage research to determine which standardized instruments and procedures are appropriate.*

This recommendation relates directly to the “Recommended Criteria for Selecting Assessment Instruments to Assess African American Students” included in this report. Please see that section for the 2010 Larry P Work Group’s recommendations.

10. *When local special education plans are approved, they should meet federal and state regulations and requirements regarding the use of multidisciplinary teams with appropriately credentialed and certified personnel. Verification of appropriate use should be made through the Coordinated Compliance Reviews.*

The 2010 Larry P Work Group agrees that this recommendation should continue as modified in recommendations 4 and 8.

11. *The State Department of Education should establish a guideline or regulation which mandates that an alternative assessment minimally should include but not be limited to “pupil’s personal history (including health) and development, adaptive behavior, classroom performance, academic achievement, and evaluative instruments (and procedures) designed to point out specific information relative to a pupil’s abilities and inabilities in specific skill areas.” (Larry P. Judgment, p. 4.) This would include assessments of language functioning.*

The 2010 Larry P Work Group agrees that formal guidelines and regulations are not in place and recommends this recommendation continue in coordination with recommendation 4, as modified by the work group.

12. *For the purpose of special education eligibility, criteria as they exist in California Education Code and Regulations (E.C. 56026, CAC 3030) should be maintained. The criteria are to be used to direct the selection of alternative assessments for pupils for whom standardized instruments are not appropriate.*

The 2010 Larry P Work Group did not find the recommended language in the California Education Code. The code does not refer to “alternative assessments,” except in CAC regulation 3030 (j)(4)(B): “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.”

The 2010 Larry P Work Group recommends that the California Education Code be updated based on IDEA requirements related to early intervening services and the use of response to intervention to determine eligibility for SLD. In addition, CCR 3030(j) must be updated by SBE including language related to alternative assessments to determine eligibility including response to instruction and intervention and patterns of strengths and weaknesses, both allowed by IDEA. These updated requirements should be included in local plans as they relate to eligibility determination as well as other general education accountability mechanisms, e.g., school site plans as they relate to pre-referral assessments.

13. *The following wording should be added to the general section of Title 5 on assessment (Section 3023) as follows: When standardized tests are considered to be invalid for a specific pupil, the alternative assessment process shall be specified on the assessment plan.*

The 2010 Larry P Work Group did not find the recommended language in the California Education Code, Section 3023. Similar language is included in CCR 3030(j) as it relates to determining a specific learning disability (SLD).

The 2010 Larry P Work Group recommends that this language in CCR Section 3030 should be updated to apply to all eligibility determinations and not only SLD.

14. *A statement in the form of a guideline or an addition to Title 6 is recommended as follows: Whether or not an IQ test is valid for a pupil, data gathered in other pertinent aspects of functioning (personal history and development, adaptive behavior, classroom performance and academic achievement) should be integrated into the assessment of ability. In addition, such assessment would include non-test based procedures and an alternative model to determine specific information relative to a pupil’s abilities and inabilities in specific skill areas, including language functioning.*

The 2010 Larry P Work Group did not find the recommended language in the California Education Code.

The 2010 Larry P Work Group recommends that this recommendation, as included in revised recommendation 4 be included in official guidelines or the California Education Code as it relates to data gathered in other aspects of functioning. See recommendation 4.

15. *Institutions of higher education must be involved in alternative assessment training. This training should include the effects of environmental, cultural and economic differences upon academic performance.*

Theoretical and practical readings and direct instruction in methods are important components of such training. Sensitivity can be heightened by providing student teachers and interns with experiences in districts that have a multicultural and multilingual population.

The 2010 Larry P Work Group was not able to assess the implementation of this recommendation based on the limited number of participants from institutes of higher education.

The 2010 Larry P Work Group recommends that this recommendation, as modified, be recommended to the California Teaching Commission: **Institutions of higher education must be involved in training on**

appropriate assessment of African American students. This training should include the effects of environmental, cultural and economic differences upon academic performance.

CDE should recommend that CTC include cultural competence as well as alternative means of assessing African American students in accreditation requirements for institutes of higher education and in certification requirements for teachers and school psychologists.

Section II: Recommended Criteria for Selecting Assessment Instruments to Determine Eligibility for Special Education for African American Students

INTRODUCTION

Unfortunately, more attention seems to have been paid to the tests the Task Force prohibited than to the complex issues about educational equity they raised. (Powers, Hagans-Murillo, Restori).

In recognition of this complexity, equity must be addressed for all students when considering eligibility for special education. The cornerstone of an equitable eligibility process is careful analysis of the appropriateness of assessment tools and the research-based use of their results.

The IDEA requires that students meet eligibility criteria in order to receive services from special education. Larry P. v. Riles (1979) declared that intelligence tests should not be used with African American students to determine eligibility as a student with mental retardation.

This resulted in the CDE issuing a list of tests, used at that time, that were prohibited for use with African American students for EMR placement. Subsequently the CDE broadened the prohibition, based on the expanded order in 1986 by Judge Peckam, to all disabling conditions under the IDEA. That was challenged in Crawford v. Honig, which resulted in vacating the 1986 expansion of the injunction, and noting that the prohibition on IQ testing was limited to EMR classes.

In 1994 Barry Zolotar, Deputy General Counsel for the CDE, issued a memorandum to school districts in which he stated that the prohibition on IQ testing for African American students continued to apply to all African American students referred for any type of special education eligibility. At present this is the position of the California Department of Education.

WORK GROUP CONSIDERATIONS AND RECOMMENDATIONS

The state of practice for school psychologists in the field today is to avoid using the tests on the prohibited list. As new assessment tools have come along, the field has struggled with when and how to use them in light of the Larry P. decision. Some of these new tools may be appropriate in determining whether or not an African American student is eligible for special education. However, due to the confusion revolving around the use of standardized tests with African American students, many have declined to use them.

While it was not our charge to develop another list of prohibited or acceptable tests, the group did review the original list. Discussion with professionals in the field and the members of this group brought to light the need to put a process in place that would provide a structure for considering the appropriateness of any given assessment tool. This process, while focusing on the selection of assessment tools, is only one part of the eligibility determination.

It is important to recall the legal requirement “No single measure or assessment is used as the sole criterion for determining whether a pupil is an individual with exceptional needs or determining an appropriate educational program for the pupil” 1414(b)(2)(B) of title 20 of the United States Code, California Education Code 56320(3).

The California Diagnostic Centers developed a rubric for the analysis of the appropriateness of specific assessment tools for specific purposes. This rubric has been used for over a year by all three Diagnostic

Centers, which resulted in further development and changes to the framework. School psychologists have participated in its development from the beginning. The rubric allows professionals to engage in the due diligence necessary to select an instrument appropriate for use with African American students. Based on its application, this work group adopted the rubric to expand upon. That expanded rubric follows, and contains a checklist outlining critical criteria to be considered when deciding whether or not a particular test is appropriate for use with African American Students, accompanied by a discussion of validity, reliability and fairness in test use that is based on the *Standards for Educational and Psychological Testing* (AERA, 1999).

Recommendation 1: Develop a process that provides a structure for professionals considering the appropriateness of any given assessment tool

Recommendation 2: Promote the use of the rubric statewide

Analysis of Test Validity/Reliability

Name of Reviewer:

Name of Test/ Edition:

Date:

Recency of Norm Data (date):

1. Purpose of Test

Psychological	Speech/Language	Academic
<ul style="list-style-type: none"> <input type="checkbox"/> Global Intelligence <input type="checkbox"/> Attention <ul style="list-style-type: none"> <input type="checkbox"/> Alertness <input type="checkbox"/> Performance consistency <input type="checkbox"/> Self-monitoring <input type="checkbox"/> Temporal-sequential ordering <ul style="list-style-type: none"> <input type="checkbox"/> Sequential awareness <input type="checkbox"/> Perception <input type="checkbox"/> Memory <input type="checkbox"/> Time management <input type="checkbox"/> Spatial ordering <ul style="list-style-type: none"> <input type="checkbox"/> Spatial awareness <input type="checkbox"/> Perception <input type="checkbox"/> Memory <input type="checkbox"/> Memory <ul style="list-style-type: none"> <input type="checkbox"/> Short-term <input type="checkbox"/> Long-term <input type="checkbox"/> Active working <input type="checkbox"/> Social Cognition <ul style="list-style-type: none"> <input type="checkbox"/> Verbal pragmatics (includes interpretation of feelings) <input type="checkbox"/> Code switching <input type="checkbox"/> Social behaviors <input type="checkbox"/> Language <ul style="list-style-type: none"> <input type="checkbox"/> Receptive <input type="checkbox"/> Expressive <input type="checkbox"/> Executive Functions/Reasoning <ul style="list-style-type: none"> <input type="checkbox"/> Concept formation <input type="checkbox"/> Critical thinking <input type="checkbox"/> Creativity <input type="checkbox"/> Problem solving <input type="checkbox"/> Logical thinking <input type="checkbox"/> Developmental Levels <input type="checkbox"/> Motor <ul style="list-style-type: none"> <input type="checkbox"/> Gross 	<ul style="list-style-type: none"> <input type="checkbox"/> Receptive Language <input type="checkbox"/> Expressive Language <ul style="list-style-type: none"> <input type="checkbox"/> Oral expression <input type="checkbox"/> Vocabulary <ul style="list-style-type: none"> <input type="checkbox"/> Basic Concepts <input type="checkbox"/> Semantics <input type="checkbox"/> Syntax/Morphology <input type="checkbox"/> Auditory Processing <ul style="list-style-type: none"> <input type="checkbox"/> Listening comprehension <input type="checkbox"/> Language Processing <input type="checkbox"/> Pragmatics <ul style="list-style-type: none"> <input type="checkbox"/> Verbal <input type="checkbox"/> Non-verbal <input type="checkbox"/> Paralinguistics <input type="checkbox"/> Critical Thinking <ul style="list-style-type: none"> <input type="checkbox"/> Verbal Problem Solving <input type="checkbox"/> Articulation/Phonology <input type="checkbox"/> Other 	<ul style="list-style-type: none"> <input type="checkbox"/> Reading <ul style="list-style-type: none"> <input type="checkbox"/> Alphabetic Principle <input type="checkbox"/> Phonemic Awareness <input type="checkbox"/> Word analysis/attack <input type="checkbox"/> Oral <input type="checkbox"/> Silent <input type="checkbox"/> Fluency <input type="checkbox"/> Comprehension <input type="checkbox"/> Vocabulary <input type="checkbox"/> Automaticity of word recognition <input type="checkbox"/> Written <ul style="list-style-type: none"> <input type="checkbox"/> Handwriting <input type="checkbox"/> Mechanics and grammar <input type="checkbox"/> Spelling <input type="checkbox"/> Organization <input type="checkbox"/> Style <input type="checkbox"/> Ideation <input type="checkbox"/> Editing <input type="checkbox"/> Math <ul style="list-style-type: none"> <input type="checkbox"/> Operations/computation <input type="checkbox"/> Application <input type="checkbox"/> Concepts <input type="checkbox"/> Problem solving <input type="checkbox"/> Functional <input type="checkbox"/> Time <input type="checkbox"/> Money <input type="checkbox"/> Charts/Tables/Graphs <input type="checkbox"/> Measurement <input type="checkbox"/> Statistics and Probability <input type="checkbox"/> Adaptive Behavior <ul style="list-style-type: none"> <input type="checkbox"/> Self care/daily living <input type="checkbox"/> Communication <input type="checkbox"/> Social Skills <input type="checkbox"/> Attention <input type="checkbox"/> Motor Skills

<input type="checkbox"/> Fine (e.g., graphomotor) <input type="checkbox"/> Social/Emotional <input type="checkbox"/> Adaptive Behavior <input type="checkbox"/> Processing Speed <input type="checkbox"/> Other		<input type="checkbox"/> Problem solving <input type="checkbox"/> Listening Comprehension <input type="checkbox"/> Oral Expression <input type="checkbox"/> Other
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2. Appropriate samples for test validation

Population for the test								
Normed population/ Sub-population	Sample Size	Age	Gender	Ethnic background	SES	Language	Region of U.S.	Other Country

3. Validity

In order to make a decision regarding the validity of a test **for a particular purpose** multiple sources of evidence must be considered. These sources of evidence help to determine whether or not a test accurately measures the construct it purports to measure. It is most critical to assure that the use of any scores from the test is a **valid use** of those scores.

	Yes	Questionable (If Questionable is marked, please explain below under <i>additional limitations</i> .)	No
A. There is evidence that the test is an accurate predictor of the construct being measured.			
B. There are sufficient test items to measure the skill being assessed.			
C. Any suggested interpretation involving comparison of scores within the test is supported by empirical evidence.			
D. There are sufficient data to support the planned use of this test as being a valid use.			
E. If there is evidence that scores differ in meaning across groups, the effects of construct-irrelevant difference vary across groups, or items function differently across groups, the test publishers provide validity information relevant to each identified group.			

4. Reliability

It is important to evaluate the reliability of a test so that users of the scores can be confident that the score a student obtained can be "trusted." Good reliability indicates that the score is likely to be consistent over multiple administrations of the test. Though setting a strict cutoff for reliability coefficients may not be appropriate it is generally accepted that the coefficient relevant to test use for decisions of eligibility or placement should be at .9 or higher, if that score is the primary consideration; and .8 or higher in combination with other evidence. For screening purposes coefficients of .7 or higher are acceptable. ¹

	Yes	Questionable (If Questionable is marked, please explain below under <i>additional limitations</i> .)	No
A. Reliability data are provided for all scores that are to be interpreted (clusters, subtests, etc).			
B. If within test score differences are to be interpreted, data are given for suggested interpretations and comparisons of scores.			
C. If applicable, there is evidence of sufficient interrater reliability.			
D. The reliability is sufficiently high to warrant the use of the test as a basis for making decisions concerning individual students. Note considerations as to the use of confirming data beyond what are typically required.			
E. If there are generally accepted theoretical or empirical reasons to believe that reliability will be different for different groups, those data should be available.			

¹ A note of caution when interpreting reliability coefficients: When attempting to interpret the reliability coefficient of any instrument, one should be mindful of how the reliability coefficient was calculated, what it likely means, and the effect that it could have on the interpretation of test results. Reliability can be affected in a number of ways. For instance, all other things being equal, instruments that contain a higher number of test items will often exhibit higher reliability coefficients than instruments with fewer items; and instruments that contain items that are more understandable to test-takers will also exhibit higher reliability coefficients than instruments that contain items that are more difficult for test takers to understand.

There are numerous studies/texts that are available to help test users interpret reported reliability coefficients in a manner consistent with the intended use of the measurement instrument. The Buros Institute's *Mental Measurements Yearbook* and a related publication, *Tests in Print*, are also sources that might be considered when attempting to evaluate instruments. Another valuable source for test-related information is the *Standards for Educational and Psychological Testing* (American Educational Research Association, American Psychological Association, National Council on Measurement in Education, 1999); relevant standards from that source are summarized at the end of this document.

5. Clarifying Statements (complete any of the following as needed):

[test-specific]

- A) The limitations described in the manual are ...
- B) The test relies heavily on receptive and expressive English language ability to measure abilities other than language by ...
- C) The acceptable means of adapting the test are
- D) From Mental Measurements Yearbook Rater evaluation. The additional limitations that the examiner should consider are...
- E) The student/test interactions that might affect the scores re: motor issues/language differences/ cultural familiarity are ...
- F) The manual indicates that the test was reviewed for cultural bias and sensitivity by a review panel.
- The panel was composed of ___ people with the following qualifications and demographic characteristics:
 - The panel’s input was used by...
 - The test manual, or research literature, reports the differences in test performance across cultural groups as ...

[use-specific]

If I select this test I can say “yes” to the following statements:

- I am competent in the administration of this test.
- I am familiar enough with the administration of this test to be able to focus on the student.
- I can interpret the results of this test in a way that will be meaningful to others involved in this student’s education (e.g. parents, teachers, the student).

Additional Comments/ Limitations:

Following is a discussion of relevant standards from the *Standards*. A summary of the standards is available at www.spb.ca.gov/WorkArea/downloadasset.aspx?id=2564.

Validity:

Validity refers to the interpretation and use of the scores/information resulting from a test. A test, in and of itself, is not considered valid: rather validity refers to the use of a particular test for a particular purpose. It is the interpretation or use of the test results for a specific purpose that either is or is not valid. The validity of a test should always be considered in the context of the purpose of the assessment. The *Standards* also take a holistic approach to validity. Determining whether or not test results are valid for a specific use is dependent on information from a number of sources: test content, response processes, internal structure of the test, relation of the scores to other measures or variables and the consequences of testing. The consequences of testing or “social validity” is a relatively new way of thinking about validity – but a critical one when considering the use of tests for students from diverse ethnic groups. An examiner must consider all sources of validity information when deciding whether or not obtained scores are valid measures of a given construct and useful for the stated purposes. Most importantly, an examiner must address consequential validity: will the use of this test lead to improved outcomes for the examinee? Following are relevant portions (summarized) from the *Standards*:

- The publisher should provide clear information about how test scores are intended to be used and interpreted as well as the population for which the test is appropriate.
- If validation rests in part on expert judges or opinions the methods of applying these opinions should be clearly stated.
- Any recommendations regarding the interpretation of individual responses, comparison of scores or interpretation of sub scores should be supported by empirical evidence supporting these uses.

When outside criteria are used to support validity, sufficient information should be given about the outside criteria to determine whether or not they are acceptable for the current, planned use of the test scores.

Reliability:

Reliability refers to the consistency and stability of test scores. It lets users know whether or not they can trust that the scores obtained are likely to be consistent if the test was administered to the same individual again. Scores are always going to be a mix of the student’s ability on the tested construct and error: no score is error free. However, it is important to use tests that are as reliable as possible and to account for error when reporting/interpreting scores by using confidence intervals. Reliability must always be considered in the context of a given situation. That is, a test must be given in standardized conditions in order to assume the levels of reliability that were obtained during norming or standardization and are presented in test manuals. Thus reliability “belongs” to the score and not to the test. When reviewing test manuals for information on reliability it is important to determine whether reliability coefficients are different for a given group as opposed to the entire norm sample. Following are selected guidelines (summarized) from the *Standards* regarding reliability evidence:

- For each total score, sub score or combination of scores that is to be interpreted, estimates of relevant reliabilities and standard scores of measurement or test information function should be reported.
- When test interpretations emphasize differences between certain scores, reliability data should be included for such differences.
- When test scores are based on subjective judgments, inter-rater reliability should be reported.
- If there are generally accepted theoretical or empirical reasons to believe that reliability will be different for different groups, those data should be available.
- If a test is proposed for use in several grades or age groups, reliability data should be provided for each specific group.
- If local scores are being used or compared, local reliability data should be gathered and reported.

Because of error that is always present in test scores, the *Standards* recommend that all scores be reported with confidence intervals and that these confidence intervals be used in any decision-making or comparison of scores.

Fairness:

The *Standards* address *Fairness in Testing and Test Use*:

- Fairness as lack of bias. This refers to psychometric bias not possible differences between groups in outcomes. Most large-scale tests published today do not have psychometric bias. That is, the test items or predictive validity of tests do not tend to show bias across different groups.
- Fairness as equitable treatment in the testing process. This refers to the requirement that all examinees be given a comparable opportunity to demonstrate their standing on a given construct.
- Fairness as equality of outcomes of testing. Differences in outcomes or passing rates or mean scores among groups do not mean that a testing use is biased or unfair. Differences in outcomes across groups for a psychometrically sound and unbiased test may reflect genuine group differences in the construct being measured.
- Fairness as opportunity to learn. Opportunity to learn is most applicable when achievement tests are being used. Whether or not a student has had sufficient opportunity to learn may or may not be relevant depending on the context and use of the test data.

Following are relevant standards (summarized):

- If there is evidence that scores differ in meaning across groups, the effects of construct-irrelevant difference vary across groups, or items function differently across groups, the test publishers should provide information relevant to each identified group.
- Any material deemed to be potentially offensive to a particular group should be eliminated to the fullest extent possible.
- Any psychometric differences across groups should be reported and explained.

Section III: Recommended Practices for Assessing African American Students

The 2010 Larry P Work Group has developed recommended practices for assessing African American students. To ensure consistent, effective implementation of these practices, **the Work Group recommends that CDE ensure time is dedicated, monetary resources are available, and appropriate personnel are available** to create tools such as checklists or rubrics to address each recommended area (i.e. developmental history, educational history, ability). The development of these tools will require dedicated time and resources (human and fiscal).

In developing such tools, the Work Group recommends that CDE examine the results of the pilot programs coming out of the Diagnostic Centers, a review of best practices coming out of Long Beach, and a review of the RtI pilots through the SELPAs.

The members of the 2010 Larry P Work Group are willing to continue in the development of such tools. The group recommends that additional, broader input be obtained for their development as well, especially from general education.

The Work Group also emphasizes the importance of effective dissemination of any work that is completed. This work should continue to be viewed as a priority and CDE should continue to emphasize its importance. A web portal similar to the PENT model used by the CDE Diagnostic Centers may be an effective way of providing resources to the field.

Overarching Recommendations:

- Technical assistance and support must focus on evidence-based practices in effective first instruction (general programs) and positive behavior supports for all students in the general education setting. General programs (Tier One of RtI) must be enhanced at the pre-service and in-service training levels. The goal is effective education using differentiated instruction and positive behavior supports to ensure a positive school climate where cultural competence is a factor.
 - Related resources recommended by the Work Group:
 - RtI Action Network (<http://www.rtinetwork.org/>) – OSEP-funded resource
 - Positive Behavioral Interventions and Supports (<http://www.pbis.org/>)
 - CalSTAT (California Services for Technical Assistance and Training) (<http://calstat.org/>) – specifically, look at using funds for addressing disproportionality creatively
 - Equity Alliance (<http://equityallianceatasu.org/>) – has money to work in California districts at no cost, piloting online training
 - Success for All – resource on developing cultural competence
 - Personnel development already in place that is conducted by various organizations (CASP, ACSA, CASHA, etc.)
- Educational systems must include universal screening and progress monitoring of all students to ensure that early intervening services are provided as soon as needed. A student’s response to appropriate instruction and intervention must be part of the process for determining eligibility as a student with an SLD.
 - Related resources recommended by the Work Group:
 - CDE RtI guidelines – need to be looked at for cultural responsiveness and be broadened beyond specific learning disabilities

- Research Institute on Progress Monitoring (<http://progressmonitoring.org/>)
 - SELPA Rtl Pilots – data from 13 SELPAs are coming out
 - CASP is drafting regulations for using Rtl to determine eligibility
 - DIBELS, AIMS web, etc.
 - Ventura pilot data
- Increased awareness of suspension and expulsion practices and recognition of overrepresentation of African American students being suspended and expelled will assist in ensuring appropriate assessments.
 - Related resources recommended by the Work Group:
 - Special education data – are available and are being accessed
 - General education data – not easily accessible
 - Resources on high achieving, high poverty schools
 - Schools Moving Up – WestEd – (<http://www.schoolsmovingup.net/cs/smu/print/htdocs/smu/home.htm>)
 - CalSTAT BEST project
- Services must be provided in a culturally competent and culturally-responsive delivery system.
 - Related resources recommended by the Work Group:
 - The Civil Rights Project (<http://www.civilrightsproject.ucla.edu/>)
 - The Equity Project at Indiana University (<http://www.indiana.edu/~equity/index.php>)
- Resources (time, fiscal, human) must be dedicated to implementing the recommendations of the Work Group.
 - There must be shared responsibility across levels of the education system as well as across special education and general education. Dedicated people should be assigned and the field should know who the dedicated people are.
- Accountability mechanisms, e.g. a dedicated unit or committee with the charge to evaluate implementation of appropriate assessment practices, must be put in place at local and state levels, to ensure implementation of the recommended assessment practices. Current accountability mechanisms (compliance checklists for assessment practices for CDE verification reviews and disproportionality reviews) may need to be revised to include these practices.
 - Related resources recommended by the Work Group:
 - Many school districts and SELPAs have developed monitoring devices and each should be reviewed for appropriateness and to determine whether it could be generalized for a statewide tool. One example is the LAUSD Disproportionality Comprehensive Evaluation Process Monitoring Device
 - School Site Plans
 - Community ombudsmen, liaisons between schools and the community
 - Parent centers – parent education and advocacy will increase accountability
 - Self assessments for districts
 - School and District Boards, including AA Councils at those levels (LAUSD)
- Prior to issuing guidelines, CDE must define several terms, including “alternative assessment,” “cultural sensitivity,” and “culturally responsive systems.”
 - Related resource recommended by the Work Group:
 - The Equity Alliance is available to assist CDE in developing definitions that reflect research and are specific to California.

Recommendations for Assessment Processes:

- School psychologists should not be the solely responsible group for the assessment in order for it to truly be trans-disciplinary as required by IDEA – all team/committee members should participate.
 - Related resources recommended by the Work Group:
 - Guidelines and training need to be developed for trans-disciplinary assessment teams that is not field-specific
 - Look at collaboration and communication between assessment teams and child study teams at schools
 - Look at models for assessment:
 - Mt. Diablo model – one team that is used for assessing African American students that has received specific training
 - Resident experts
 - Cultural translators (Diagnostic Center North Pilot)
- Prior to and during the conduct of a multidisciplinary assessment of an African American student, the assessment team should have a discussion (conduct a self assessment) about their cultural responsiveness and about their ability to assess their school's intervention practices prior to making referrals and during the assessment process.
 - Related resources recommended by the Work Group:
 - Addressing Overrepresentation of African American Students in Special Education: An Administrator's Guide (NASDSE, CEC and USDOE), available online at <http://www.eric.ed.gov/PDFS/ED466051.pdf>
 - Portraits of the children: Culturally competent assessment (NASP), available for purchase online at <http://www.nasponline.org/resources/culturalcompetence/cultcomppractice.aspx>
 - Equity Alliance school self assessments - <http://equityallianceatasu.org/>
 - CASHA guidelines
 - West Contra Costa Equity Walk – training for all school employees on equity
- Appropriate time needs to be given to conduct this type of assessment – these proposed assessment practices will require additional time; and time must be allocated for specialists to conduct this work.
 - Related resource recommended by the Work Group:
 - A study should be conducted to determine how many additional resources (time, staff, fiscal) are needed to conduct this level of assessment

Recommendations for Components of the Assessment:

The 2010 Larry P Work Group recommends development of tools to assist assessors in completing the following, including questions and prompts for completing the tools with cultural sensitivity. These recommended components should be considered in addition to assessments that assess cognitive processes. This list is not all-inclusive.

- Related resources recommended by the Work Group:
 - Authentic Assessment of African American Students – Pilot study by CDE Diagnostic Center North

- **Complete Developmental History** –
 - health history, chronic hereditary health problems
 - environmental factors (socio-economic status)
 - relevant family history (including any foster care, surrogate parents, LCI residence)
 - language development (standard English vs. non-standard English, language/code switching, etc.)

- **Resilience factors** – strengths of student (assets-based)

- **Educational history** –
 - Review of the student’s work
 - Establish that he/she has had the opportunity to receive instruction
 - The student’s ability to be successful in the classroom and in other environments
 - Use a portfolio of the student’s work.

- **Response to additional intervention/instruction** – what has been done in addition to general instruction for the student, how has he/she responded to the instructions and or interventions?
 - Academic and Behavior

- **Observation across settings** –
 - How does the student navigate through his/her world? What is the social/cultural context of learning for this student?
 - What are the student’s play and socialization skills?
 - How does the student learn things and solve problems in the home and in other settings?

- **Interview** (more than a rating scale – collect information through dialogue) people who interact with the student in other settings – work, community, extracurricular, etc.
 - Coworkers, boss, community peers, teachers, student
 - Does the student have responsibilities outside the school setting?
 - Parent and family interviews
 - Assist families to understand the need for the alternative assessment, the process and terminology used in the alternative assessment process
 - Suggestions on how the family can contribute to the assessment and why their input is important
 - Related resource recommended by the Work Group:
 - Many school districts and SELPAs have developed templates for reports and reviews of relevant data collected while assessing a student. The Work Group recommends that CDE review these templates to identify exemplars and develop a recommended template to be used statewide. The Work Group reviewed and recommends reviewing the LAUSD Psychoeducational Case Development and Assessment Report.

Recommendations for Using the Results of the Assessment:

- A tool must be developed to assist staff to **define ability** through this collection of information

- Defining ability without an IQ test (how to navigate the discrepancy model using RtI, a pattern of strengths and weaknesses or other criteria if those mechanisms are not in place)
 - Confidence, social leadership
 - Communication skills
 - Contextual learning
 - Problem solving
 - Observable and measurable goal-directed behavior
 - Interactions with peers
 - Observed competence across settings
 - Within the school
 - In the community (different places in the community – job, extracurricular, etc.)

- Specific guidelines should be developed to assist staff specifically to **determine eligibility as SLD** for an African American student without an IQ test.
 - We must look at exclusionary factors first: environmental, cultural, or economic disadvantage; and/or learning problems that are primarily the result of visual, motor or hearing disabilities, emotional disturbance, or intellectual disability.
 - Related resource recommended by the Work Group:
 - *Using IDEA's Exclusionary Factors in Special Education Evaluation: Developing an IEP Team Toolkit* (powerpoint by Craig Albers, University of Wisconsin, Madison), attached as Appendix C
 - Determining eligibility requires more than testing and observation; it requires observation over time and with interventions, monitoring data as the student learns, to determine a trend line of learning, in comparison to peers.
 - Some formal assessments are required and should be selected based on the criteria recommended in this report. Tests of both short and long-term memory should be included to assess working memory. Processing skills connected to achievement, e.g. phonological processing, should be assessed.
 - Problem-solving skills and performance in academic areas need to be assessed. What level of support does the student need in order to be successful? Does the student *require* special education and services?

- Related resources recommended by the Work Group:
 - Many school districts and SELPAs have developed rubrics and templates for using the results of assessments to determine eligibility for special education. The Work Group recommends that CDE review these rubrics and templates to identify exemplars and develop a recommended template to be used statewide. The Work Group reviewed and recommends reviewing the Mt. Diablo Alternative Assessment Template.
 - Authentic Assessment of African American Students – Pilot study by CDE Diagnostic Center North

2010 Larry P Work Group Meeting
November 30, 2010 – Sacramento, CA – 9:00 am to 4:00 pm

Participants: By invitation.

Purposes of 2010 Larry P Work Group:

- Revisit the recommendations from the 1989 Larry P Task Force Report.
- Review and discuss recent research on the assessment of African American students.
- Review the current criteria and practices for assessing African American students.
- Recommend criteria for selecting assessment instruments to the California Department of Education.
- Review and recommend practices for assessing African American students that respond to the initial Larry P decision and comply with the Individuals with Disabilities Education Act (IDEA) requirements.

Agenda

9:00 am	Welcome, Introductions
9:30 am	Historical Perspective – Larry P Decision and 1989 Larry P Task Force Report and Recommendations
10:15 am	Break
10:30 am	What has Been Done – Report from Diagnostic Center North on Pilot Program and Observations
11:00 am	Recent Research on the Assessment of African American Students
11:45 am	Lunch
1:00 pm	Current Practice in California <ul style="list-style-type: none">• What criteria and practices are currently being used to assess African American students?• What is working well?• What areas need improvement?
2:00 pm	Work Group Activities and Expectations <ul style="list-style-type: none">• Recommend criteria for selecting assessment instruments to the California Department of Education (CDE).• Review and recommend practices for assessing African American students that respond to the initial Larry P decision and comply with the Individuals with Disabilities Education Act (IDEA) requirements.
2:15 pm	Selection of Volunteers for Work Groups to Develop Recommendations and Submit to Larger Group for Feedback
2:30 pm	Break
2:45 pm	Initial Meetings of Work Groups <ul style="list-style-type: none">• Develop Action Plans• Schedule Virtual Meetings
3:30 pm	Closing Remarks, Next Steps
4:00 pm	Adjourn

2010 Larry P Work Group Wrap-Up Meeting
April 21, 2011 – 10:00 am to 3:00 pm
DoubleTree Hotel – 2001 Point West Way, Sacramento CA

Participants: By invitation.

Purposes of 2010 Larry P Work Group:

- Revisit the recommendations from the 1989 Larry P Task Force Report.
- Review and discuss recent research on the assessment of African American students.
- Review the current criteria and practices for assessing African American students.
- Recommend criteria for selecting assessment instruments to the California Department of Education (CDE).
- Review and recommend practices for assessing African American students that respond to the initial Larry P decision and comply with the Individuals with Disabilities Education Act (IDEA) requirements.

Agenda

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| 10:00 am | Welcome, Introductions |
| 10:15 am | Review the Purpose of the Work of the Larry P Work Group |
| 10:30 am | Framing the Discussion: To Whom Does the Larry P Decision Apply? |
| 11:00 am | Present the Work of the Work Group and the Work Group Report to CDE <ul style="list-style-type: none">• Revisited recommendations from the 1989 Larry P Taskforce Report |
| 11:15 am | Review recommended practices for assessing African American students
Small group discussions of the recommendations <ul style="list-style-type: none">▪ Prioritize the recommendations▪ List resources (personnel, funding, materials) that are needed▪ List resources that are currently in place for implementation of the recommendations▪ List resources (materials and tools) that need to be developed▪ List agencies and organizations that should partner to implement these recommendations▪ Report out to the large group |
| 12:15 pm | Lunch on Your Own |
| 1:15 pm | Review recommended criteria for selecting assessment instruments.
Small group discussions of the recommendations <ul style="list-style-type: none">▪ Prioritize the recommendations▪ List resources (personnel, funding, materials) that are needed▪ List resources that are currently in place for implementation of the recommendations▪ List resources (materials and tools) that need to be developed▪ List agencies and organizations that should partner to implement these recommendations▪ Report out to the large group |
| 2:30 | Group Reflections <ul style="list-style-type: none">• Lessons learned: What will participants take back to their groups/work?• What conversations will this work lead to at your level? |
| 2:45 pm | Closing Remarks <ul style="list-style-type: none">• This Work Group is concluded• Copies of the report will be sent to all participants in addition to CDE |
| 3:00 pm | Adjourn |