

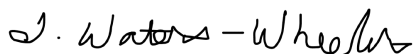
The North Dakota Association of School Psychologists (NDASP), on behalf of school psychologists across the state, strongly discourage conducting assessments for special education eligibility during the COVID-19 pandemic. The unprecedented circumstances related to unique global challenges from this crisis does hit close to home for North Dakota students and their families. Shifts in service delivery to accommodate individual student require careful considerations regarding ethical assessment and decision-making practices.

- Direct assessment methods such as observations and standardized test administration are typically conducted face-to-face. Full, individualized evaluations (both initial and reevaluation) require 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)).
- According to federal guidelines (34 C.F.R. §300.304(c)(1)), 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, and are administered in accordance with any instructions provided by the producer of the assessment.
- Standardized tests (i.e., IQ tests, formal achievement tests) are not designed to be administered electronically.
- School psychologists in North Dakota are not typically trained or competent in completing evaluation through electronic means. Administration of tests must be given through the means in which they were standardized. Administering tests outside of a school setting (or clinical setting in some circumstances) to make school determinations suggest a deviation from the means in which the test was standardized. Deviations from standardization must be reported and may invalidate test results which may have potentially inaccurate implications on special education eligibility determinations.
- If evaluations are conducted remotely, they would need to be conducted through electronic platforms designed for that purpose. Service delivery of this kind would require training beyond the evaluator as it would need to include the student and an adult facilitator which is likely to be a parent/caregiver that is assisting the student at home. Support and training of this kind is unlikely giving the circumstances presented during this health crisis.
- Validity issues must be addressed when assessments are taking place during the COVID-19 pandemic. This health crisis will likely affect youth, families, caregivers, and school personnel (and all stakeholders for that matter) in different aspects of their lives. Economic, mental and behavioral and medical health factors among many others need to be carefully considered as they may contribute to inappropriate eligibility determinations based on invalid assessment data.
- Considerations for one-on-one assessments in an isolated setting should also be made. While keeping in accordance to Governor Burgum's declaration of no more than 10 people in a group setting and students not allowed on school premises, this should not be misinterpreted as an opportunity to conduct one-on-one assessments in any setting that is not a school-based setting. Further, schools

should refrain from encouraging families to seek outside psychological assessments for the sole purpose of facilitating special education eligibility decisions due to ethical concerns related to risk of exposure to COVID-19. Children and their families should not be expected to risk exposure to a COVID-19 infection via engaging in community activities such as testing from outside services to obtain assessment data to make special education eligibility decisions, especially when those assessment methods may be potentially invalid.. The concept of “Do No Harm” should be emphasized here. The NASP *Principles for Professional Ethics* describe that “School psychologists use their expertise in psychology and education to promote school, family, and community environments that are safe and healthy for children”.

With consideration of the ethical implications and irresponsible assessment practices, the North Dakota Association of School Psychologists 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. The state of California has followed this guidance and will not be completing face to face evaluations until normal school routines have returned for all students. We ask that North Dakota adopt similar guidelines during this delicate and uncertain time. Our goal as school psychologists 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,



North Dakota Association of School Psychologists

Tamara Waters-Wheeler, NDASP President