



Communiqué

Council for Educational Diagnostic Services

A Division of the Council for Exceptional Children

Volume 34, Issue 1, Fall 2006

President's Message

Carol A. Layton

First of all, I want to convey to you that I consider serving as president of CEDS an honor. We are one of the few diagnostic groups rooted in an organization that places students with special needs first. CEC, our learned society in special education, is our home. CEDS, the diagnostic branch of CEC, plays host to our professional endeavors to create better diagnostic and prescriptive services to students with special needs.

In this new beginning, we will see some changes to CEDS. Our esteemed journal is being put into production by PRO-ED. In the coming months, our newsletter will be tucked inside the journal. We hope that you will read both. Part of our goals as assessment professionals remains the building up of our profession. We increase our knowledge base by remaining on top of our field in research and organizational advocacy.

Some of the goals that I have chosen to work on this coming year appear lofty, but are doable within our constituency.

- Increasing membership numbers enhance our ability to speak loudly within CEC. Consider talking with your colleagues. If all of us could recruit two new colleagues, then CEDS would dramatically increase its voice.
- Encouraging participation nationally among members will widen our scope of influence. We are diagnostic individuals threaded together with a common interest in assessment practices. Our titles are many, yet our principle mission remains the same: to increase the use of better diagnostics to improve outcomes for children with special needs. Please encourage members of your state groups to include CEDS in their choice of professional development organizations.
- Staying abreast of current research-based practices and new strategies that increase good outcomes for all students in special education continues to push CEDS forward. Our annual conference in Kansas City and the upcoming CEC conference in Louisville are excellent avenues for increasing our professional development and networking across the nation for better diagnostic services.
- The National Board for Certification of Education Diagnosticians moves forward under the leadership of a newly elected national board. This certification presents a wonderful opportunity to link with other diagnostic professionals

in a national body of well-credentialed assessment specialists. We welcome your interest in this new national credential.

- Finally, the CEDS board engages in the business and planning of our organization. We welcome your participation. We know we need more assessment personnel to join us and help shape national policy and services to children. Without the national voice of CEDS, there will be a void within CEC in securing and improving the assessment of students, and consequently, the individual education programs for students across the nation.

I look forward to serving you as president for two years.

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Call for Nominations

Nominations are open for secretary and treasurer on the CEDS Board beginning July 1, 2007, each for a two-year commitment. Below is a summary of officer responsibilities; a complete listing of responsibilities is available in the CEDS Constitution on the CEDS website.

Secretary responsibilities: record all proceedings of the annual business meeting, meetings of the Executive Board, and necessary correspondence; record votes of the Executive Board and Executive Committee; keep accurate lists of Executive Board and Committee members.

Treasurer responsibilities: make an annual report of the financial status of the division to the Executive Board and general membership at the annual business meeting; prepare and submit a budget; be responsible for the division banking and taxes; assume duties related to the annual conference as directed by the president (processing registrations).

In accordance with our Constitution, any group of 10 active CEDS members may submit a nomination petition for these positions. Nomination petitions must include the names, signatures, and addresses of the members submitting the nomination petitions. A letter from the nominee should accompany the petition accepting the nomination and including the nominee's complete vita, home, work, and e-mail addresses and telephone number.

Nominations are due by October 15, 2006. Send nomination petitions to Nancy Halmhuber, CEDS Past President, 12901 Drury Lane, Plymouth, MI 48170.

Alternative Assessment Used as Pre-assessment

**Carol Oberg, PhD, Associate Professor,
University of La Verne (obergc@ulv.edu)**

Teachers need to be well informed about their students to make appropriate instructional and curriculum decisions. The special education process "front loads" instructional decision-making with initial testing using standardized achievement tests such as the Woodcock/Johnson III to make eligibility and placement decisions. Teachers sometimes use these test results to make initial classroom instructional decisions. Though these assessments are useful for eligibility purposes, their standard delivery and limited response format may fall short in providing necessary information to guide daily, ongoing instruction. In addition, special needs and second language learners may find these types of assessments problematic (Estrin, 2002). Curriculum-based assessments and criterion-referenced assess-

ments, though more connected to curriculum, may also be limiting in their format and response styles.

Estrin (2002) suggests that special-needs students as well as students from non-dominant cultures and language groups, already limited in their reading ability and understanding of oral language, are "negatively impacted" by traditional assessments in demonstrating their knowledge due to format and content styles. These students may have difficulty in responding to the paper-pencil format and may guess and provide random, quick-think answers not indicative of their true abilities. Additionally, these tests provide little if any information about student culture, attitudes, learning styles, social skills, and other critical information needed by teachers. Therefore, teachers may find themselves "data-deprived" by traditional assessments as they search for student information to guide instruction and encourage all learners.

Finding adequate and meaningful assessments is a constant challenge for teachers (Rulon, 2002). Alterna-

tive assessments, such as performance-based assessments, may be a powerful pre-instructional tool for teachers. "Alternative assessment will reveal what [learners]...truly know and can do" (Estrin, 2002, p.1).

Performance assessments vary in style and content and are limited only by purpose and teacher creativity. Examples of performance assessments are learning logs, posters, experiments, debates, mock interviews, art works, and writing/performing music. In developing performance-based assessments, teachers are guided with the following: 1) what is important about content for students to know, 2) how can students demonstrate current knowledge in a variety of ways, 3) what are the criteria for competence and what will mastery look like, 4) how will feedback be provided, and 5) how will the results be used for curriculum/instructional purposes (O'Neil, 1996; Hall & Salmon, 2003).

Alternative assessments may provide the special needs learner and second language learner with avenues of demonstrating their skills in a manner unavailable to them with traditional assessments. For example, teachers wanting to learn students' current knowledge about the federal government may have students work in groups creating posters describing the three branches, their history, and purposes. To learn about students' money skills, teachers may create a store experience or a mock restaurant asking students to count money, give change, etc.; or older students may review stock prices and make judgments about a stock inventory. Teachers glean important information about students' leadership skills, interpersonal and social skills as well as compassion and empathy for others as they observe them in group work. In addition, teachers learn about students' technology skills, artistic abilities as well as subject knowledge, which is possible with either individual or group assessment tasks.

Scoring these assessments and providing feedback to students can be accomplished with rubrics, scoring guides that formalize the evaluation process and provide fair and clear results to students. Rubrics clarify and communicate expectations of assessments, describing what work is considered exemplary, proficient, passing, or needing improvement. As performance assessments are created, teachers also create matching rubrics to inform students of their expectations. Both holistic as well as analytic rubrics are useful to "...delineate the teacher's expectations for performance..." (Hall & Salmon, 2003, p. 8).

Pre-testing with alternative performance assessments allows students to demonstrate their abilities, strengths, knowledge, likes, and desires. This type of pre-assessment effectively links assessment to instruction and fits well with

standards-based theory. A "primary purpose of standards-based classroom assessment is to inform teaching and improve learning...{and} is an integral part of instruction..." (Carr & Harris, 2001, p.35). Judgments based on scant information of students' knowledge may over- or underestimate students' abilities, leading to ineffective instructional strategies and limited learning. Traditional standardized assessments offer important but limited information for the classroom teacher to create instruction. By utilizing performance assessments as pre-tests and guiding students with clear expectations from rubrics, teachers can enrich their understanding of their students and provide all their students with rigorous, meaningful, and motivating instruction. In order to provide focused lessons with multiple instructional strategies to help all learners, teachers may find it useful to adapt performance assessments as pre-assessments to guide their instructional process.

References

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Introducing New Board Members

Carol A. Layton

It is with great pleasure I introduce you to new board members that will be spearheading certain tasks within CEDS. These jobs require a great amount of time and a commitment to our professional organization. As president, I am happy to share with you a little about each board member. I also am excited about others who are continuing on with the board in their existing assignment; some individuals have shifted assignments to better serve our organization. Please join us at the fall conference in Kansas City to meet your CEDS board. You may wish to contact these individuals to volunteer your time to enhance our membership and our professional goals. Check for the email addresses on the CEDS roster located on our website. Feel free to contact any of the board members. We welcome your input and expertise.

Robin Lock Communications Chair (July 2006–June 2009)

Robin Lock is an Associate Professor of Special Education at Texas Tech University. Robin spent eight years at The University of Texas at Austin working as a lecturer and administering the undergraduate program. In 1996, she moved to Texas Tech University, where she is an associate professor. Robin manages the Generic Special Education program and she is the Co-Director of the Burkhart Center for Autism Education and Research. Robin has served as the Newsletter Editor for the *CEDS Communiqué* since September of 2005. In addition to her work with the *CEDS Communiqué*, Robin works as an associate editor for *Intervention in School and Clinic* with the *Twenty Ways to...* Column. She also serves on the editorial boards of *Remedial and Special Education* and the *National Academic Advising Association Journal*.

Leann DiAndreth-Elkins Newsletter (July 2006–June 2008)

Leann DiAndreth-Elkins holds an MEd in Special Education from Texas Tech University. She has completed all courses for the educational diagnostician program. Leann

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CEDS *Communiqué*

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Leann DiAndreth-Elkins, Editor

Communiqué is the official quarterly newsletter of the Council for Educational Diagnostic Services (CEDS), a division of the Council for Exceptional Children. Subscriptions are by membership to CEDS. Web postings are made thirty days after the newsletter is sent to members. The editor encourages responses, ideas, and inquires. Submissions of previously unpublished material are welcome for consideration.

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Assessment for Effective Intervention:

The official quarterly research journal of CEDS is *Assessment for Effective Intervention*, provided through CEDS membership. The primary purpose of the journal is to publish empirically sound manuscripts that have implications for practitioners. Submittals are encouraged; guidelines are available on the CEDS Website.

CEDS Website:

www.unr.edu/educ/ceds/

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(“Introducing...” continued from p. 4)

has considerable experience with post-secondary evaluations for students with learning disabilities. At the current time, she is employed by the Burkhart Center for Autism Education and Research, where she is developing a university program for students with ASD. Leann is a candidate for a doctoral degree in special education. She has been instrumental in the format and organization of the newsletter during the last year. She has graciously agreed to serve as newsletter editor, completing the term of Robin Lock. Her computer skills and organizational skills are excellent and will be of great benefit to CEDS.

Stephen Walker Governmental Relations (July 2006–June 2009)

Stephen Walker is returning to the board as our Governmental Relations Representative. Several years ago Stephen was the newsletter editor for CEDS. Currently Stephen is a Professor of Special Education at Northern Kentucky University. He currently serves the special education profession in several ways. He is a member of the Kentucky Department of Education State Task Force on Personnel Development in Special Education. In the past he was a member of the CEC Cadre of National Trainers on IDEA. We welcome Stephen's input regarding our laws and the implementation of federal laws affecting students with exceptionalities. He will be an asset to CEDS during Governmental Relations Meetings.

Connie Nielson Membership (July 2006–June 2009)

Connie Nielson has accepted the important position of membership chair. As CEDS national conference local arrangements chair, she is engaged in planning our fall conference in Kansas City. Connie is a School Psychological Examiner with more than twenty years of evaluation experience. Connie has served several years as the MO–CEC past president and representative to national CEC. She brings a wealth of knowledge and experience to the board. An increase in membership is one of CEDS goals for the coming years. The impact of professional development on our members will increase the ability of educational diagnosticians to serve children with exceptionalities. Please help Connie find evaluation professionals across the nation who would benefit from CEDS.

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(“Introducing...” continued from p. 5)

Brenda Gilliam Treasurer (July 2006–July 2007)

Brenda Gilliam serves as the CEDS treasurer. She is the Chair of the Department of Early Childhood, Reading and Special Education and an associate professor at the Uni-

versity of Texas at Tyler. She also coordinates the special education program. Brenda has been very active in the Texas CEC organization and a faithful CEDS member for many years. She joins us as a talented professional with great organizational skills. We are pleased to have Brenda managing our funds. She has vast experience within the field of special education.

CAN Report (Continued from Summer Issue)

David Walker
Former CAN Coordinator

Nothing in this summary of case law related to assessment issues pertaining to IDEA should be construed as providing legal advice. The information should be taken as educational information only.

Undoubtedly, the most important case on the issue of FAPE was the Supreme Court’s decision in *Schaffer v. Weast* (105 LRP 55797). This was a case out of the 4th Circuit that involved what party bore the burden of persuasion, which refers to the concept of which party must present evidence of a substantial nature in order to tip the scales of justice to its side of the issue. For example, the lower court in this case sided with the parent who challenged the IEP presented by the district. The district court ruled that the school district had not provided substantial evidence to support its position that the IEP was developed to confer educational benefit. However, the 4th Circuit Court of Appeals overturned the decision of the district court. The Supreme Court supported the decision of the 4th Circuit, stating that the IEP process was designed to be a collaborative process. Therefore, the party who is in disagreement and requests a due process hearing has the burden of persuasion. The possible implications for educational diagnosticians are as follows. First, if parents who challenge the results of educational assessments conducted by the school district or recommendations resulting from, those results will bear the burden of persuasion in showing that the assessment results or recommendations are faulty. On the other hand, if a school district challenges the results of IEPs, then that school district will bear the burden of persuasion and must show that the results of the IEP, or recommendations from those results are faulty. In other words the results of assessments will be presumed to be valid and reliable, and it will be the

responsibility of the party requesting a due process hearing to show otherwise. It is important to note that the Supreme Court’s decision only applies to those states that do not specify what party bears the burden of persuasion in its laws or state plan.

Out of the 10th Circuit, the T.W. by McCullough and *Wilson v. Unified School District No. 259, Wichita, Kansas* (105 LRP 24026) case involved the district’s placement of a child with Down Syndrome in a self-contained setting. The district had previously tried placement in the regular classroom with supplementary aides and services. Despite the mother’s protestation that her son acquired benefit from being around children without disabilities and that those children benefited from being in class with him, the court ruled that it was impossible and infeasible to implement the child’s IEP in a way that was tied to the regular education curriculum. The importance of this case is that it essentially rules against placement in a regular classroom setting with a parallel curriculum. The Court’s position was that children placed in the regular classroom must receive educational services on the curriculum required by the grade level of that classroom.

The *Pardini v. Allegheny Intermediate Unit* (105 LRP 41793) case involved a child transitioning from her IFSP to an IEP. The 3rd Circuit Court of Appeals overturned a decision made by a district court that stay-put did not apply for a child transitioning from an IFSP to an IEP. The district court’s reasoning was that an IEP is based on an “educational model” and an IFSP is based on a “medical model.” Therefore, the school district’s proposed IEP was the child’s first IEP. The Court of Appeals for the 3rd Circuit rejected this argument, stating that Congress had understood that there would be “significant overlap” between Part B and Part C when a child is in transition between the two. It noted that districts have used funding from either to provide services that maintain the status quo during the transition process. It also observed that the legislative intent of stay-put was to provide for a “smooth transition” from one placement to another, including from Part C to

Part B. This is an important decision for educational diagnosticians because it will require diagnosticians to consider what services were being provided in an IFSP when making recommendations for an IEP. It also raises the issue of whether school districts will have to do a full-blown evaluation as they do with an initial evaluation, or whether the transition between an IFSP and an IEP is simply a re-evaluation with the policies and procedures for a re-evaluation being in effect.

In *Bradley ex rel. Bradley v. Arkansas Dept. of Education* (106 LRP 21288), the case involved the issue of whether district-wide assessments could be used to demonstrate that the IEP had conferred educational benefit, and whether a school district had to use the parents' experts who were knowledgeable about Asperger Syndrome when designing the IEP. The 8th Circuit upheld the lower court's decision that a student's district-wide standardized test scores could be used to show that a student had received educational benefit from his/her IEP. The Court also noted that while the parents had wanted the district to use their experts the district was not required to implement parental preferences, so long as the IEP offers FAPE.

The implications of this decision are that district-wide assessment data for an individual student may be used to demonstrate educational benefit, and districts do not have to adhere to the recommendations of "experts" in a disability area as long as the developed IEP confers educational benefit.

Finally, *Casey K. by Norman K. v. St. Anne Community High School District No. 302* (105 LRP 10086) out of the 7th Circuit involved the issue of whether an IEP written by one district must be implemented by another district when the child changes school districts. The court concluded that because the IDEA viewed each state as an indivisible unit, a state could not avoid the stay-put requirement by dividing its schools into separate districts. It noted that a state's decision to break its schools into separate districts did not affect the applicability of, or the purpose behind, the stay-put provision. Therefore, while a school district has 45 days in which to write a new IEP for an eligible child who has moved into the district from another district, the new district must implement the IEP developed by the former school district until it has written a new IEP.

CEDS IS GOIN' TO KANSAS CITY

COUNCIL FOR EDUCATIONAL DIAGNOSTIC SERVICES FALL 2006 ANNUAL TOPICAL CONFERENCE

Assessment and Intervention: Putting Assessment to the Test Kansas City, Missouri November 2-4, 2006

The Council for Educational Diagnostic Services is pleased to announce its annual topical conference, to be held in the beautiful Country Club Plaza District of Kansas City (location of the nation's first shopping center, and home to abundant shopping, restaurants, and entertainment).

The pre-registered conference cost will be \$180 for CEDS members (\$215 for non-members), or \$100 for a single day, with group discounts available. All registrants will receive a CD containing the conference proceedings. The location will be the Kansas City Plaza Embassy Suites. The conference rate for this all-suite hotel includes both a cooked-to-order breakfast and an evening manager's reception. For registration information see the CEDS website (www.unr.edu/educ/ceds/).

Scheduled workshop sessions include:

Thursday AM: Cecil Reynolds—Behavior Assessment System for Children-2

Thursday PM: Larry Weiss—WISC-IV Advanced Interpretation

Thursday evening: Conference Social sponsored by American Guidance Services

Friday AM: Keynote by Matt Burns—Response to Intervention, panel discussion

Friday PM: Bruce Bracken—Clinical Assessment of Behavior and the Clinical Assessment of Attention Deficit

Austin Connolly and John Bielinski—KeyMath 3 and Vineland-II Classroom Edition

Saturday AM: Gale Roid—Wide Range Achievement Test 4—Progress Monitoring Version

Other than during the keynote, every session will have a minimum of three concurrent sessions on a variety of topics relevant to educational assessment in today's schools. Continuing education credit will be available for a number of strands, including assessment and instruction, legal and ethical issues, and behavioral and social assessment.

For information, contact Gene Schwarting (gschwart@fontbonne.edu).

Membership in the Council for Exceptional Children (CEC)

CEC is the leading voice for special and gifted education. Through the vision and dedication of its nearly 45,000 members, CEC sets the standard for high-quality education for children and youth with exceptionalities. The Council ensures the needs of children and youth with exceptionalities are met in educational legislation, establishes professional standards for the field, and develops initiatives to improve special education practice. And, CEC is known as THE source for information, resources, and professional development for special educators.

To join or renew your membership for CEC and CEDS, go to the CEC website:
<http://www.cec.sped.org>
and select the Membership link at the top of the page.

Mission of CEDS

- To promote the most appropriate education of children and youth through appraisal, diagnosis, educational intervention, implementation, and continuous evaluation of a prescribed educational program.
- To facilitate the integration of services offered by educational diagnosticians, physicians, psychologists, social workers, and/or other disciplines.
- To promote research that encourages the involvement of more efficient diagnostic instruments, practices, and techniques which will lead to a better understanding of the relationship between educational needs and educational practices.
- To select, support, and monitor research designed to improve the performance of the membership in fulfilling their professional roles.
- To strengthen the Council for Educational Diagnostic Services as a professional organization.
- To work for more adequate programs of recruitment, education, and certification of personnel involved in diagnostic and prescriptive programs for children and youth.

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