



**Call to Action:  
Evaluations, Eligibility, & Timelines in a Pandemic**

The Florida Association of School Psychologists recognizes the unprecedented circumstances school professionals around the state find themselves in. These times of uncertainty can create anxiety not only for students and families, but also for school and district staff.

We recognize that there are unique ethical concerns amongst school district professionals around meeting the federally protected rights of students during this time. In particular, school districts across the state have indicated a need for guidance around how to continue with evaluations and eligibility decision-making given the current circumstances while also meeting federally mandated timelines for evaluations.

Current guidance from [OCR and OSERS](#) indicates that evaluations, as well as meetings about eligibility and Individualized Education Plans (IEPs) can continue virtually, assuming that parents/guardians agree. Additionally, this guidance indicates that public agencies are encouraged to work with parents to reach mutually agreeable extensions of time.

**However, the Florida Association of School Psychologists strongly discourages the continuation or initiation of evaluations and eligibility decision-making specific to any newly initiated evaluations since the onset of the Governor's order to shut down the schools.**

**Support for the Discontinuation of Evaluations & Eligibility Decision-Making during this Crisis:**

- Questionable Validity: First, what students are currently experiencing is something that nearly all living generations have never experienced before. It is impossible to ascertain whether or not we are truly capturing the typical performance of our students when conducting our evaluations. Put another way, there are no norms for student performance in a pandemic for us to use as comparison.
- Comprehensive evaluations and the tools that are used for completing comprehensive evaluations require direct observation and face-to-face administration in order to be considered reliable and valid.
  - The Centers for Disease Control has recommended that [schools limit interactions that require close contact](#) and our process of evaluation would violate this recommendation. Furthermore, many evaluation components require close physical proximity and the use of manipulatives that could easily spread contagions between the evaluator and student.
  - Not all assessment instruments can be used in a virtual format as they require the hands-on use of manipulatives or online evaluation systems to which many districts do not have access.
  - For assessment instruments that *may* be able to be utilized virtually, many school professionals are not typically trained or competent in the virtual delivery of

assessment tools. As such, continuing evaluations would be a violation of 34 CFR § 300.310(a) and 34 CFR § 300.310(c)(1).

- Finally, deviation from standardization often invalidate the results of these tests, potentially impacting eligibility decision-making.
- Some districts have suggested completing partial evaluations of students using the pieces of evaluations that may be administered in virtual environments. This is problematic in that we are not truly capturing the full range of the child's needs or abilities. Further, we see this as a violation of 34 CFR §300.304(c)(6) and Rule 6A-6.0331(5)(g), F.A.C.
  - If pieces of evaluations are to be administered virtually, assessors, caregivers, and students would all require training in this technology.
- Some districts have suggested bringing students into a school site for evaluation, and some have suggested restricting these evaluations to low-incidence populations.
  - With the Governor's mandate to close all K-12 schools, we believe that bringing students in for evaluations negates the spirit of the order and puts children and school psychologists in undue risk. Further, restricting evaluations to a low-incidence disability group (e.g., students with significant multiple impairments) can be viewed as discriminatory and may disproportionately include children who are medically fragile.
- Rule 6A-6.0331 of the Florida Administrative Code (FAC) specifically refers to the implementation of interventions for a period of time sufficient to determine effectiveness. While we know that school professionals are all doing the best they can with difficult circumstances, it is nearly impossible to (1) determine that appropriate interventions are even occurring as school staff who have limited training and experience working in virtual environments move to online instructional delivery and (2) that any interventions are being implemented are truly being implemented with fidelity. Further, Rule 6A-6-0331 indicates that a student may not be deemed eligible as a student with a disability if the determinant factor is lack of appropriate instruction in the core content areas of reading and mathematics. As the virtual platform and instructional continuity plans are uncharted waters for districts, it will be inherently difficult, if not impossible, to assess the impact of appropriate instruction on student performance. Therefore, any data collected during this time should be interpreted with substantial caution and, as such, any eligibility decisions based on this data should be interpreted with substantial caution.

We recognize that a one size fits all approach likely will not work; districts will have unique needs. However, we would like to make general recommendations to the various educational stakeholders involved in service provision.

### **What Superintendents, Deputy Superintendents, Directors of Exceptional Student Education (ESE) & Student Services Can Do:**

- Agree within districts and among districts to cease evaluations (initial evaluations, re-evaluations and evaluations for gifted eligibility) until state entities determine that it is safe for schools to re-open and students to return to school.
- Provide a message indicating such to parents/guardians via district and school websites.
- Share the message with all educational stakeholders.
- Promote clear and consistent communication throughout the pandemic so that parents/guardians of students with suspected disabilities and those who have been identified with disabilities know that supports will be available.
- Enable your school psychologists to provide the critically important work of supporting students through this pandemic through the provision of mental health supports (provided virtually to students), professional learning opportunities for instructional staff, and addressing barriers to learning in these unique times.

### **What Supervisors of School Psychological Services Can Do:**

- Support and encourage school psychologists to engage in the meaningful work of:
  - Creating and disseminating self-care resources for school professionals during this stressful time.
  - Creating and disseminating self-care resources for students and families including ways families can talk to students about the pandemic.
  - Engaging in virtual or phone counseling with students or families to address the mental health needs of students.
  - Creating professional development resources for staff in how to support the social emotional, mental health, and academic needs of students in a virtual environment.
  - Partnering with the community to support families and students with accessing and understanding technology for virtual services.

### **What the Florida Department of Education (FLDOE) Can Do:**

- First, we ask the FLDOE to release guidance to districts indicating that evaluations and decision-making around eligibility related to those evaluations be suspended during this unprecedented time of crisis following the spirit of the [ESEA waiver request](#) that was submitted on March 24<sup>th</sup>.
- We believe that a mutually agreed upon extension of the timeline as instructed by OCR and OSERS has barriers. These barriers include the logistics of individual communication with all parents who have provided consent for evaluations which have not been completed, providing Prior Written Notice, documenting the outcome, etc. As a result, we ask that you grant a waiver to remove the requirements of timelines for evaluations that is not contingent upon receipt of the mutually agreed upon extension.
- Further, we ask that you hold harmless districts who are unable to comply with evaluation timelines (i.e., Indicator 11 of the State Performance Plan which measures the percentage of children with parental consent to evaluate, who were evaluated

within the State established timeline) or who are unable to obtain mutually agreed upon extensions.

**Resources:**

- [USDOE COVID-19 “Coronavirus” Information and Resources for Schools and School Personnel](#)
- [USDOE Questions and Answers on Providing Services to Children with Disabilities During the Coronavirus Disease 2019 Outbreak](#)
- [USDOE Fact Sheet: Impact of COVID-19 on Assessments and Accountability under the Elementary and Secondary Education Act](#)
- [USDOE Guidance for IDEA Service Delivery FAQ for School Psychologists](#)
- [NASP Webinar on Wading through a Sea of Ambiguity: Charting a Course for Special Education Services during a Pandemic](#)
- [NASP Webinar on When One Door Closes Another Opens: School Psychologists Providing Telehealth Services](#)
- [Virtual Service Delivery in Response to COVID-19 Disruptions](#)
- [Preparing for a Pandemic Illness: Guidelines for School Administrators and School Crisis Response Teams](#)
- [Preparing for Infectious Disease Epidemics: Brief Tips for School Mental Health Professionals](#)
- [Responding to COVID-19: Brief Action Steps for School Crisis response Teams](#)