

Washington State Association of School Psychologists Professional Practice Guidelines in the use of Professional Judgment in Determining Eligibility for Special Services

Background

The term "Professional Judgment" has been misused, even maligned over time, when discussed in reference to the educational evaluation of students. Most professionals can easily define a meaning of the term outside the definitions provided in special education regulations, however, problems begin when trying to discuss the use within the context of the Washington Administrative Code. Furthermore, the problems are exacerbated when professionals do not make it clear whether they are speaking within the parameters defined by special education regulations, or if they are speaking in general. The term professional judgment is only used twice within the current regulations, and in each case the use of the term is very specific to a designated regulatory requirement procedure WAC 392-172-108(8) & 132).

The purpose of this paper is to discuss the usage of the term professional judgment within the regulations, to examine the text within which the term is used, and to define the parameters for the application of professional judgment within regulations. This paper is not intended to explain the use of professional judgment outside of the areas defined with special education regulations.

The Washington Administrative Code references to "Professional Judgment"

The first Washington Administrative Code cited below is referred to as the "Evaluation Procedures WAC," the second is referred to as the "Method for Documenting Severe Discrepancy WAC." The title provided for each Washington Administrative Code is of critical importance when attempting to understand and apply the provisions of the regulations to school psychological activities. It is clear from the titles of the two citations, that these regulations pertain only to evaluation procedures and to the determination of a severe discrepancy. Although this is a statement of the obvious, it is critical to realize that there is no discussion regarding *eligibility*, services, or other major points of contention. The word eligibility is in italics to highlight the fact that confusion exists around the context in which the word eligibility is used, which will be discussed in the paragraph following the citation.

WAC 392-172-108 (8)

Any standardized tests and other evaluation materials that are given to a student shall have been validated for the specific purpose for which they are used and shall accurately reflect whatever factors the tests are designed to measure. If properly validated tests are unavailable, each member of the group shall use professional judgment to determine eligibility for special education based on other evidence of the existence of a disability and need for special education. This professional judgment shall be documented in the evaluation report. If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of test administration) must be included in the evaluation report.

As stated above, the evaluation procedure specifies that only "if properly validated tests are unavailable" then use of professional judgment is provided for within a given set of parameters. The first critical point is that the use of professional judgment, in this case, is only allowed when "properly validated tests are unavailable." It goes on to further define the parameters by stating that "other evidence" must be "documented in the evaluation report." Therefore, the evaluation team must determine what evidence or assessments it is going to use to take the place of the unavailable "properly validated" test. The final sentence further clarifies that any deviation from "standard conditions" must be documented in the evaluation report. Therefore, the use of the word eligibility is referring to the categorical portion of determining eligibility. The term or concept of eligibility in general requires the further documentation of "need for specially designed instruction" and "adverse impact."

... Where the evaluation results do not appear to accurately represent the student's intellectual ability and where the discrepancy between the student's intellectual ability and academic achievement does not initially appear to be severe upon application of the discrepancy tables in WAC 392-172-130, the evaluation group described in WAC 392-172-108 (2)(b), shall apply professional judgment in order to determine the presence of a severe discrepancy. In this event, the group shall document in a written narrative an explanation as to why the student has a severe discrepancy. The written narrative must provide supportive evidence, including the procedures used to determine that a severe discrepancy exists between the student's intellectual ability and academic achievement.

As stated in the section on severe discrepancy, the use of professional judgment, is intended to provide the professionals the *ability to determine* that a child has a learning disability even though it is not documented via the method provided within WAC 392-172-130 (Discrepancy Table for Determining Severe Discrepancy WAC). The italics are used to emphasize that "disability" is only one component of qualification (i.e., disability, need for specially designed instruction, and adverse impact must all be considered and documented). The language of this section is specific in stating that "the evaluation group... shall apply professional judgment in order to determine the presence of a severe discrepancy." As noted this procedure is only to be utilized after the team has applied the standard within WAC 392-172-130 (Discrepancy Tables). As in WAC 392-172-108(8), the evaluation team must provide, in writing, the rationale for professional judgment and the "supportive evidence" used by the evaluation team.

As stated in both cited regulations, there are judgments applied to the validity and accuracy of measurement tools. These judgments should be made with reference and guidance from the appropriate regulations (WAC's 392-172-108(8)(10), 10900, 10905, 114, & 128(8)) and the test manufacturers requirements with regards to the scope of each individuals professional training. Many of the regulations refer to documentation or supportive evidence. A review of the appropriate chapters in Assessment of Children (Sattler, 1988) and Best Practices in School Psychology-II (Thomas and Grimes, 1990) on Reducing Error In Identifying Specific Learning Disabilities can provide excellent models and examples of proper documentation or supportive evidence.

Supplementary Discussion

Historically the use of professional judgment has been inappropriately applied to any and all categories of eligibility determination. However, the previous paragraphs are intended to help in clarifying the two occasions where professional judgment is allowed within the regulations. It is possible that some of the difficulties in determining the proper use of professional judgment have been around a semantic issue. That is, professional judgment, as defined in the regulations, may appear as a component of any evaluation in which any category of disability is being considered. Professional judgment, though, is not the basis of the determination of eligibility but rather one component that may be necessary. The necessity can arise when there is a lack of appropriately validated tests or the tests utilized do not (by professional judgment) measure the student's ability accurately and are impacting the team's effective and appropriate evaluation and definition of the needs of a student.

Bibliography

Andreassen, E. (1999). White paper on evaluation and eligibility. Personal Communication.

Sattler, J. (1988). Assessment of Children. San Diego, Jerome M. Sattler

Thomas, A. & Grimes, J. (1990). Best Practices in School Psychology-II. Washington, DC. The National Association of School Psychologists.