CPSE Considerations for Conducting Preschool Evaluations during COVID-19

A Toolkit for Committees on Preschool Special Education to continue Child Find responsibilities during the COVID-19 outbreak

July 2020
As of the publication of this document, there is no waiver of federal timelines related to special education compliance, including timely preschool evaluations.

The Individual Evaluation guidance provides relevant information as to the preschool evaluation requirements:


All children with disabilities who are in need of special education and related services, are identified, located, and evaluated.

The initial evaluation must be completed within 60 days of receipt of consent to evaluate.

Any delay in meeting timelines must be documented appropriately and communicated to parents in their preferred language or mode of communication.
During the COVID-19 Outbreak, evaluations may not be able to be conducted in the same manner they are typically provided due to the need to protect the health and safety of students with disabilities and those individuals performing the evaluation.

Determinations as to what information is readily available, what evaluation data is needed, which assessments may be conducted remotely, and which assessments require face-to-face contact must be made by the Committee on Preschool Special Education (CPSE) on an individual student basis.

CPSEs must continue to complete required components of the evaluation to the extent practicable. Review of existing evaluation data and utilization of distance technology will best position the CPSE for timely completion of evaluations.

Ongoing communication with parents and adequate documentations of decisions continues to remain essential.
NYSED has issued Guidance on the Provision of Services to Students with Disabilities During Statewide School Closure Due to COVID-19

The following information is contained in the guidance:

- **#7** If a school district is having difficulty meeting timelines for evaluations, can timelines be extended?

- **#22** If a student was referred for an initial evaluation prior to school closure or is referred during school closure, must the school district move forward with the evaluation?

- **#23** Can procedures, test or assessments conducted as part of an initial evaluation or reevaluation be conducted remotely?

- **#24** Can a remote observation of the student while he/she is receiving continuity of learning at home be conducted?


**EXECUTIVE ORDER 202.37**

Notwithstanding any prior Executive Order to the contrary, special education services and instruction required under Federal, state or local laws, rules, or regulations, may be provided in person for the summer term in school districts. Any district providing such services in person must follow State and Federal guidance.

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**In-Person Evaluations May Resume**

- NYSED interprets EO 202.37 to authorize in-person preschool and school-age initial evaluations and reevaluations for all children, not solely those children receiving Extended School Year programs and services.

**DOH Guidance is Applicable**

- Evaluators should adhere to the health and safety principles, as practicable, outlined in the New York State (NYS) Department of Health (DOH) titled *Interim Advisory for In-Person Special Education Services and Instruction During the COVID-19 Public Health Emergency* and any other guidance applicable to their professional practice.

**Remote Evaluations May Continue**

- Evaluations may continue to be conducted entirely remotely or may be implemented through a combination of remote and in-person assessments provided that in-person evaluations may be delayed where the parent or provider has health and safety concerns for the child.
The individual evaluation must be at no cost to the parent, and the initial preschool evaluation must include at least:

- a physical examination

- an individual psychological evaluation; except that for the 2020-2021 school year, to allow for appropriate flexibility due to the unique circumstances that have arisen as a result of the COVID-19 crisis, no individual psychological evaluation shall be required if schools are closed pursuant to an Executive Order of the Governor and students are learning remotely, unless it is determined to be necessary by a school psychologist

- a social history

- an observation of the student in an environment appropriate for a student of that age, to document the student’s academic performance and behavior in the areas of difficulty; except that, to allow for appropriate flexibility due to the unique circumstances that have arisen as a result of the COVID-19 crisis, during the 2020-21 school year if schools are closed pursuant to an Executive Order of the Governor and students are learning remotely an observation shall only be a required component of an initial evaluation where determined appropriate by the CPSE

- other appropriate assessments or evaluations, as necessary, to ascertain the physical, mental, behavioral and emotional factors which contribute to the suspected disabilities

See emergency regulations to Part 200.4 of Commissioner’s Regulations: https://www.regents.nysed.gov/common/regents/files/72obra8revised.pdf
What Options are in the CPSE Toolkit for ensuring preschool evaluations continue Evaluations during COVID-19?

- Identify existing available information that may be used to meet the required component(s) of the initial evaluation
- Identify evaluation data that is still needed to perform a comprehensive evaluation
- Identify evaluation components that may be performed remotely and those that must be completed face-to-face
- Identify School District resources to perform evaluation components, where alternative evaluator options are not available
- Maintain communication with the Parent/Guardian in their preferred language or mode of communication
- Adequately Document CPSE decisions, informed parent consent, and mutually agreeable timelines
Identify existing available information that may be used to meet the required component(s) of the initial evaluation

Previous evaluations and assessments may be provided to the CPSE with parental consent

This information must be reviewed by a group that includes the CPSE and other qualified professionals, such as the approved evaluator, as appropriate

The CPSE may determine that existing evaluations fulfill requirements to determine eligibility or satisfy a component of the child’s individual evaluation

This determination does not necessarily need to take place at a formal CPSE meeting

Review of existing evaluation data must be initiated to determine what, if any, additional data is needed to make an eligibility determination.
Factors for the CPSE to Consider when Determining whether Existing Evaluation Data Fulfills Initial Evaluation Components

Existing assessment data may fulfill requirements to determine eligibility or satisfy a component of the child’s individual evaluation with the following determinations:

1. The student has been assessed in the area(s) of the suspected disability or identified area(s) of need;

2. The existing evaluation data is current; and

3. Existing data reflects the current needs or functioning of the student.

- If a previous assessment is current and relevant to the purpose of the evaluation, then it may not be necessary to repeat that assessment.

- Whether an existing assessment is current should be determined on an individual basis.

- Generally, a test or assessment would be considered current if it were conducted within one year of the request for an initial evaluation. However, for some students, a test or assessment conducted within one year could be determined not to be a current and relevant evaluation of the student’s needs.
Children transitioning from EIP to CPSE may have existing assessments and evaluations available for CPSE consideration. The current Individualized Family Service Plan (IFSP), progress notes, recently conducted EI evaluations, or diagnosis of a condition associated with developmental delay records would be part of the information reviewed by the CPSE as it determines what, if any, additional information is needed for a comprehensive preschool evaluation.

The Early Intervention Service Coordinator and Early Intervention Official, the CPSE chairperson and the approved evaluator work together to facilitate a smooth transition by reviewing the child's progress in the Early Intervention Program and determining the child's eligibility for preschool special education.

Parents are asked to give written consent to share copies of their child's most recent Early Intervention evaluation(s) report with the CPSE and the approved preschool evaluator. These reports should be reviewed by the CPSE and approved evaluator to determine if any of the information contained can fulfill individual preschool evaluation components.
Identify evaluation data that is still needed to perform a comprehensive evaluation

Special education eligibility determinations cannot be made without consideration of all required components of the initial preschool evaluation. Eligibility decisions, and any subsequent IEP development decisions, require consideration of all relevant data in order to ensure that sound decisions are made in the best interest of the student.

Based on a review of previous existing evaluations and assessments and input from the parents/family/caregivers about the child, the CPSE and other qualified professionals, as appropriate, must identify what additional information, if any, is needed to determine eligibility and special education programs and services.
CPSEs are required to collaborate with the evaluator to identify various areas of initial evaluations that could potentially be completed remotely, while considering the following:

- Direct assessments are not the sole method for learning about children’s skills and behaviors
- Multiple sources of information must be used to determine eligibility
- Availability of assessment tools that can be administered remotely

After considering available options for utilizing existing available information pertaining to the student, and exhausting methods for obtaining information remotely, the CPSE may determine that a comprehensive evaluation of a student with a disability requires a face-to-face assessment or observation. Those components of the evaluation would be authorized to be conducted in-person per Executive Order 202.37
The presenter reviews the purposes of evaluation and assessment, and considerations for policies and procedures related to determining eligibility remotely.
Norm-Referenced Assessment Tools for Children Birth to Age Five Years with Potential for Remote Administration for Eligibility Determination

https://ectacenter.org/~pdfs/events/Assessment_Tool_Table.pdf

A list of tools was compiled to assist with identifying assessments that can be administered when the assessor cannot be in the room with the child.

CPSEs are also encouraged to contact publishers directly to obtain information as to which assessments for preschool children with disabilities are being adapted for virtual administration.

Telepractice guidance has been issued by the NYSED Office of the Professions

Telepractice Guidance

Telepractice is defined as the provision of professional service over geographical distances by means of modern telecommunications technology. Telepractice is used by many professions in a growing number of areas including, but not limited to, health care (telehealth). As a general rule, New York State Public Health Law Article 28-G authorizes reimbursement for health care services provided by telehealth means. Public Health Law §2999-c defines, among other things, the following professions as telehealth providers: physicians, physician assistants, dentists, nurse practitioners, registered professional nurses when such nurse is receiving patient-specific health information or medical data at a distant site by means of remote patient monitoring, podiatrists, optometrists, psychologists, social workers, speech language pathologists, audiologists, midwives, physical therapists and occupational therapists. For more information on the requirements of telehealth, please review New York State Public Health Law Article 28-G.

In response to the COVID-19 emergency disaster, Governor Cuomo has issued a number of Executive Orders (EOs), including Executive Order 202.1 which temporarily suspended and modified Section 2999-c of the Public Health Law and any regulatory provisions promulgated thereunder by the Department of Health, the Office of Mental Health, the Office of Addiction Services and Supports, and the Office for People with Developmental Disabilities, to the extent necessary to allow additional telehealth provider categories and modalities, to permit other types of practitioners to deliver services within their scopes of practice and to authorize the use of certain technologies for the delivery of health care services to established patients, pursuant to such limitations as the commissioners of such agencies may determine appropriate.

Additional Telepractice Information and Resources:
- General Telepractice Information for all Professions
- Additional Telepractice Information and Resources

Guidance on psychological tele-assessment during the COVID-19 crisis

The New York State Association of School Psychologists (NYASP) recently released a guidance update titled “Coping with Assessment of Children During the Pandemic.” NYASP recommends that we are all being asked to do a lot of things we are not used to doing. The Committee on Standards and Ethics of the Association of State School Psychologists have changed the way we think about ethical considerations when we provide psychological services remotely. Assessment related to the pandemic will allow psychologists to change to tele or(<a href="http://www.op.nysed.gov/COVID19_Telepracticeguidance.html">http://www.op.nysed.gov/COVID19_Telepracticeguidance.html</a>)

Professional Associations have published clinical judgement opinions to continue evaluations remotely
As per standard practice, CPSEs must carefully document all stages of the evaluation process with the following additional considerations for remote evaluations:

Documentation should reflect CPSE determinations as to what information is readily available, what evaluation data is needed, which assessments may be conducted remotely, and which assessments must be conducted with face-to-face contact.

When other options for remote evaluations have been exhausted, and in-person evaluations are not possible due to parent/provider health and safety concerns for the child, the CPSE is encouraged to work with parents to reach mutually agreeable extensions to established timelines, as appropriate.

School districts having difficulty meeting timelines for initial evaluations may wish to create a template document to assist school personnel in documenting decisions made, why timelines were exceeded, and documentation of parent participation and consent through temporary alternate methods, such as email or notes.

Adequately Document CPSE decisions, informed parent consent, and mutually agreeable timelines.
All School Districts are approved to perform the evaluations necessary to determine eligibility for preschool special education programs and services.

Where alternative evaluator options are not available, School Districts must identify how its own resources may be leveraged to obtain necessary information.

School district staff/independent contractors who are appropriately licensed or certified may perform necessary assessments on behalf of the district.

The evaluations conducted by the School District and by the private approved Multidisciplinary Programs may be used to complete a comprehensive evaluation.

Identify School District resources (staff/independent contractors) to perform evaluation components, where alternative evaluator options are not available.
Maintain communication with the Parent/Guardian in their preferred language or mode of communication.

The evaluation process should be thoroughly described to families/caregivers prior to conducting the evaluation. CPSEs may not delay providing parents with a Prior Written Notice (PWN) or obtaining written parental consent to evaluate until the school district resumes normal operations.

In addition to the other applicable requirements of PWN, the CPSE must consider the following for remote evaluations:

- If the CPSE has information that is still current and valid to make an eligibility determination solely on existing records, PWN must indicate the records that were used for this purpose and inform the parent of their right to request additional assessments.
- If consent to evaluate was already obtained, the CPSE must document an agreement with the parent on those components of the evaluation that will be done remotely.
- If consent to evaluate has not already been obtained, PWN must also include those evaluation components that will be done remotely.

If after exhausting all available options the CPSE determines it cannot complete all necessary components of an evaluation for an initial eligibility determination, then the CPSE should:

1. Communicate to the parents that completion of the evaluation must be delayed;
2. Develop a plan with the parents that reflects completing the individual evaluation; and
3. Document communication with parents regarding the plan for individual evaluation completion.

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2. Develop a plan with the parents that reflects completing the individual evaluation; and
3. Document communication with parents regarding the plan for individual evaluation completion.
CPSE chairpersons, evaluators and families have many opportunities to communicate and collaborate during the evaluation process and this remains critical when completing the preschool evaluation process remotely.

Parent Resources published by the Early Childhood Technical Assistance Center include:

Partnering with Your Child's Assessment Team Members

https://ectacenter.org/~pdfs/decrp/PGF_ASM2_partneringassessment_2018_es.pdf
Sample Documentation Considerations for Remote Initial Evaluations during School Closures due to COVID-19

<table>
<thead>
<tr>
<th>Evaluation Component</th>
<th>What current evaluation information or current records can be used to determine eligibility?</th>
<th>What additional evaluation components/info is needed to determine eligibility?</th>
<th>What additional evaluation components/info will be obtained remotely to determine eligibility?</th>
<th>What information must be obtained via a face-to-face evaluation?</th>
<th>PWN, Parent Consent, Parent Agreement, and other Parent Communication</th>
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Mutually Agreeable Extensions to Established Timelines:
| Question                                                                 | Yes | No | | | |
|-------------------------------------------------------------------------|-----|----| | | |
| 1. Was the referral received by the CPSE?                                | Yes | No | | | |
| 2. If the child is transitioning from the Early Intervention Program (EIP), has the CPSE received the child's EIP records including the IFSP, assessments, and progress notes? | Yes | No | | | |
| 3. Do the parents/family/caregivers have concerns regarding the child's development? | Yes | No | | | |
| 4. Have all existing records and assessments been reviewed by the CPSE and, as appropriate, the approved evaluator? | Yes | No | | | |
| 5. Does the review of existing records and assessments fulfill the components for an individual evaluation? | Yes | No | | | |
| 6. Can the CPSE determine eligibility based on review of existing records and assessments? | Yes | No | | | |
| 7. Are additional assessments/info needed to determine eligibility?       | Yes | No | | | |
| 8. Has the CPSE considered all options for conducting evaluation components remotely? | Yes | No | | | |
| 9. Has the CPSE communicated with parents to discuss any components that have been identified for completion remotely? | Yes | No | | | |
| 10. Has the CPSE received consent to evaluate from the parent?            | Yes | No | | | |
| 11. Is a face to face evaluation required to determine eligibility?       | Yes | No | | | |
| 12. If a necessary evaluation component cannot be completed remotely or in-person, is there a mutual written agreement to extend the timeline between the parent and the CPSE? | Yes | No | | | |
| 13. Has the CPSE maintained documentation of its determinations and communication, consent, and agreements with the parent? | Yes | No | | | |