

MRSD Nondiscriminatory Assessment
Revised 7-20-2016

OAR 581-015-2110 (4) Other evaluation procedures. (a) Assessments and other evaluation materials used to assess a child under this part: (A) Are selected and administered so as not to be discriminatory on a racial or cultural basis; (B) Are provided and administered in the child's native language or other mode of communication and in the form most likely to yield accurate information on what the child knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so; (C) Are used for the purposes for which the assessments or measures are valid and reliable...(c) Assessments are selected and administered so as best to ensure that if an assessment is administered to a child with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

MRSD staff are committed to affording students the rights that are theirs by virtue of guarantees offered under federal and state constitutions and statutes, including the rights to equal educational opportunity and freedom from discrimination (see MRSD Board Policy Section J: Students "Student Rights and Responsibilities"). It is the responsibility of the MRSD examiner to consider cultural, language, and other diversity factors of the examinee when selecting the least biased test instruments and procedures available. The following are general suggestions for common situations and do not apply to all students or situations.

Alternative Assessments

When to consider alternative assessments	Alternatives to consider
Lack of intelligible communication	WNV, KABC-2 NVI, WISC-V Nonverbal
WISC-5 within past 12 months	SB5, WJ-IV, or KABC-2
Significantly impaired motor skills	Verbal subtests of WISC-5 or WJ-IV
Student with hearing impairment, hearing loss	WNV, KABC-2 NVI
Bilingual and English Language Learning	See below
Visually impaired students	Consult
Suspected moderate, severe, or profound cognitive impairment	SB5

Culturally and Linguistically Diverse Students

When parents and teachers suspect a student with a diverse cultural or language history has a disability, careful evaluation is required to ensure not to mistake linguistic and cultural differences for disability. Careful test and procedure selection is especially important as all tests are culturally loaded to a degree and require some form of language or communication. Further,

both of these factors can impact performance and administration.

Although some predictable patterns have been identified in typical second language acquisition, a solid understanding of the language exposure and use history of the examinee is needed before inferring realistic language proficiency expectations (see WJ-IV Tests of Oral Language record form and the Language, Social and Background Questionnaire (LSBQ; attached) for good examples of language exposure and use questionnaires. MRSD examiners preparing to evaluate English Language Learners should also be aware of the distinction between social and academic language proficiency. In brief, second language acquisition occurs across at least two dimensions (Cummins, 1981):

(1) social language skills, which develop in social contexts and are commonly known as **Basic Interpersonal Communication Skills (BICS)**. BICS typically develop within six months to two years after immersion in the target language.

(2) academic language and associated skills (including reading and writing skills), which develop in large part in the context of formal academic learning and are collectively referred to as **Cognitive Academic Learning Proficiency (CALP)**. It has been thought that it takes 5 to 7 years for ELL students to achieve CALP skills on the same level as native language speakers; however, recent research suggests it may take longer (7-10 years).

A complete discussion of BICS and CALP is beyond the scope of this paper. Nevertheless, the importance of the distinction between the two should be noted, as researchers have consistently found students reach adequate levels of BICS much earlier than CALP. In addition, it has been found that teachers and other school staff frequently mistakenly assume students have overcome all difficulties with English when they can converse easily in the language (when they have established BICS). This mistaken assumption can lead to academic difficulties (e.g., when supports are not in place to assist students with understanding instruction and continuing in their development of English academic skills) and inappropriate designations of learning, communication, and cognitive disabilities. The table below provides descriptions of CALP levels and associated instructional implications. Relative Proficiency Index (RPI) scores describe the probability a student will successfully perform a task similar to that used in the assessment, at the level of difficulty that 90% of average grade or age peers can manage. For example, an RPI of 55/90 would indicate that a student would be 55% successful on a task that typical peers would perform with 90% success.

	CALP Level	RPI	Subject Will Find the English-Language Demands of Instruction at Age or Grade Level
5	Advanced	98/90 to 100/90	Very Easy
4-5 (4.5)	Fluent to Advanced	96/90 to 97/90	Easy
4	Fluent	82/90 to 95/90	Manageable
3-4 (3.5)	Limited to Fluent	68/90 to 81/90	Difficult
3	Limited	34/90 to 67/90	Very Difficult
2-3 (2.5)	Very Limited to Limited	19/90 to 33/90	Very Difficult to Extremely Difficult
2	Very Limited	5/90 to 18/90	Extremely Difficult
1-2 (1.5)	Negligible to Very Limited	3/90 to 4/90	Extremely Difficult to Impossible
1	Negligible	0/90 to 2/90	Impossible

Best practice for evaluating students with diverse language and cultural backgrounds requires a number of steps, some of which are not standard in typical evaluations. Below is a list of recommended steps:

1. Before the Individualized Education Program (IEP) team obtains consent for testing, they should eliminate all other potential reasons for learning difficulties, particularly those that can be explained by culture or the process of second language acquisition. Factors the teams may wish to consider include whether the curriculum provides adequate cultural relevance and meaning for the student, appropriate steps have been taken to address language barriers, attendance has been irregular or problematic, the student has had sufficient experience with formal schooling, the home-school relationship is supportive of student learning, the current teacher-student match is satisfactory and not impacted by cultural factors, the student's cultural learning style has been accommodated, etc. Additionally, the team should compare the student's grades, classroom performance, work samples, etc. against the performance and work of other children of the same age, grade, and cultural or linguistic background.
2. In evaluation planning, the team should collect information necessary to determine language development and proficiency. If current native language and English CALP levels (i.e., testing completed within past 6 months) are not available, it is recommended the team request additional CALP testing. The team may also consider having a classroom or ELL teacher complete a Solom English language observation (see Appendix A; this is not a standardized measure, but can assist in identifying ability to meet language demands in the classroom). If the student's native language is Spanish, CALP testing may be completed in English and Spanish by the ELL team or a school psychologist with assistance from a trained ancillary examiner. The following are suggestions for the language to be used for administration of cognitive testing, whether an automatic referral should be made for speech and language testing, and the language to be used for administration of speech and language tests in speech only referrals (*note: instructional setting [e.g., history of academic instruction in native language] and family language use should be considered when determining language of cognitive testing administration; when staff are not available to complete Spanish testing, testing modifications may be necessary).

CALP Evaluation Reference Guide

* Note the Woodcock-Munoz III uses the following terms to describe CALP Levels: CALP 1 = Initial Development, CALP 2 = Early Development, CALP 3 = Continuing Development, CALP 4 = Emerging Proficient, CALP 5 = Proficient, CALP 6 = Advanced Proficient

English CALP	Spanish CALP	Cognitive Testing	Automatic Referral to SLP	Speech Only Referral
4	4	English	No	English/Spanish
4	3	English	No	English/Spanish
4	2	English	No	English Only
4	1	English	No	English Only

English CALP	Spanish CALP	Cognitive Testing	Automatic Referral to SLP	Speech Only Referral
3	4	Spanish	No	English/Spanish
3	3	Spanish	Yes (Eng/Sp)	English/Spanish
3	2	English	Yes (Eng/Sp)	English/Spanish
3	1	English+Nonverbal Index	No	English

English CALP	Spanish CALP	Cognitive Testing	Automatic Referral to SLP	Speech Only Referral
2	4	Spanish	No	English/Spanish
2	3	Spanish	Yes (Eng/Sp)	English/Spanish
2	2	English+NV Index	Yes (Spanish)	English/Spanish
2	1	English+NV Index	Yes (English)	English/Sp (early education); English (k-12)

English CALP	Spanish CALP	Cognitive Testing	Automatic Referral to SLP	Speech Only Referral
1	4	Spanish	No	English/Spanish
1	3	Spanish	No	English/Spanish
1	2	Spanish+NV Index	Yes	English/Spanish
1	1	Nonverbal Index (NV Index)	Yes	English/Sp (early education); English (k-12)

3. As noted above, both CALP testing results and the Alternative Assessment guide should be considered with test selection. The following assessment steps are specific to situations where

academic instruction at MRSD will be provided exclusively in English:

- a. Academic testing should be completed first following standard administration. Typically, this means test instructions are provided in English and only English responses are scored as correct. Should the data suggest it appropriate (e.g., student has previously received academic instruction in native language, native language CALP $\geq$ English CALP), academic tests on which the student performed below average (~ 85 or below) can be administered a second time with an interpreter providing directions and test stimuli in native language and assisting the examiner in determining whether responses in native language are correct. *Note this second administration is considered testing of limits, and, thus, the modifications and impact of the modifications on the validity of scores and how this alters interpretation of scores must be discussed in the report.
- b. Cognitive testing should be completed first following standard administration. Typically, this means test instructions are provided in English and only English responses are scored as correct. Should the data suggest it appropriate (e.g., student has previously received academic instruction in native language, native language CALP $\geq$ English CALP), cognitive tests on which the student performed below average (~ 85 or below) can be administered a second time with an interpreter providing directions and test stimuli in native language and assisting the examiner in determining whether responses in native language are correct. *Note this second administration is considered testing of limits, and, thus, the modifications and impact of the modifications on the validity of scores and how this alters interpretation of scores must be discussed in the report. * Note tests of crystallized intelligence should not be readministered in the native language as this fundamentally changes the abilities measured by these tests.
- c. When interpreting scores, the Cultural Language Matrix (see below) may be used to evaluate the validity of cognitive test scores.

Scores: Batería III NU Woodcock-Muñoz (cognitive only)

Extended Cluster Scores	
GIA (Ext)	General Intellectual Ability
HABILIDAD VERBAL (Ext)	Verbal Ability Cluster
HABILIDAD PENSAR (Ext)	Thinking Ability Cluster
EFICIENCIA COG (Ext)	Cognitive Efficiency Cluster
COMP-CONOC (Gc)	Comprehension-Knowledge (Gc)
RECUP LAR PLAZ (Glr)	Long-Term Retrieval (Glr)
PERCEP VIS-ESP (Gv)	Visual-Spatial Thinking (Gv)
PROCES AUDITIVO (Ga)	Auditory Processing (Ga)
RAZON FLUIDO (Gf)	Fluid Reasoning (Gf)
RAPIDEZ PROCES (Gs)	Processing Speed (Gs)
MEM a COR PLAZ (Gsm)	Short Term Memory (Gsm)
PERCEPCION FONEMICA	PHONEMIC AWARENESS
MEMORIA de TRABAJO	WORKING MEMORY
FLUIDEZ COGNITIVA	COGNITIVE FLUENCY
PROCES de EJECUCION	EXECUTIVE PROCESSES
Standard Subtests	
Comprensión verbal	Verbal Comprehension
Aprendizaje visual-auditivo	Visual-Auditory Learning
Relaciones espaciales	Spatial Relations
Integración de sonidos	Sound Blending
Formación de conceptos	Concept Formation
Pareo visual	Visual Matching
Inversión de números	Numbers Reversed
Palabras Incompletas	Incomplete Words
Extended Subtests	
Información general	General Information
Fluidez de recuperación	Retrieval Fluency
Reconocimiento de dibujos	Picture Recognition
Atención auditiva	Auditory Attention
Análisis-Síntesis	Analysis-Synthesis
Rapidez en la decisión	Decision Speed
Memoria para palabras	Memory for Words
Planeamiento	Planning
Cancelacion de pares	Pair Cancellation

Scores: Batería III NU Woodcock-Bateria (achievement)

Standard & Extended Clusters
LENGUAJE ORAL
EXPRESION ORAL
COMPRESION AUDITIVA
DES en CÁLC MAT
EXPRESIÓN ESCRITA
DES BÁS en LECTURA
COMP de LECTURA
RAZON en MATEMATICAS

Standard & Extended Clusters
Oral Language (Ext)
Oral Expression
Listening Comprehension
Math Calculation Skills
Written Expression
Basic Reading
Reading Comprehension
Math Reasoning

Standard & Extended Subtests
Ident de letras y palabras
Fluidez en la lectura
Rememoracion de cuentos
Comp de indicaciones
Cálculo
Fluidez en matemáticas
Ortografia
Fluidez en la escritura
Comprension de textos
Problemas aplicados
Muestras de redacción
Mem-diff- Remen cuentos
Vocabulario sobre dibujos
Analisis de palabras
Comprehnsion oral
Correccion de textos
Vocabulario sobre dibujos
Conceptos cuantitativos
Conocimiento academico
Analisis de sonidos
Discernimiento de sonidos
Puntuuaciaon y mayusculas

Standard & Extended Subtests
Letter-Word Identification
Reading Fluency
Story Recall
Understanding Directions
Calculation
Math Fluency
Spelling
Writing Fluency
Passage Comprehension
Applied Problem Solving
Writing Samples
Story Recall-Delayed
Picture Vocabulary
Word Attack
Oral Comprehension
Editing
Reading Vocabulary
Quantative Concepts
Academic Knowledge
Spelling of Sounds
Sound Awareness
Punctuation and Capitalization

Scores: Clinical Evaluation of Language Fundamentals, 4th Ed Spanish Edition (Ages 9 - 12)

Subtest Scaled Score	
Conceptos y siguiendo direcciones C&SD	Concepts and Directions
Recordando oraciones RO	Recalling Sentences
Formulacion de oraciones FO	Formulated Sentences
Clases de palabras - Receptivo CP-R	Receptive Word Classes
Clases de palabras - Expresivo CP-E	Expressive Word Classes
Clases de palabras - Total CP-T	Word Classes
Vocabulario expresivo VE	Expressive Vocabulary
Entendiendo parrafos EP	Listening to Paragraphs

Sample Interpretive Statements for use with the Culture-Language Interpretive Matrix (C-LIM)

Listed below are some sample validity statements that provide a general framework for how results from analysis with the C-LIM may be worded and prepared for inclusion in an evaluation report. There are four statements that may apply to four different evaluation scenarios. Statement 1 may be used in cases conducted for the purpose of suspected learning disability and where use of the C-LIM has resulted in a clear declining pattern that merits declaration of the scores as being invalid due to the primary influence of cultural and linguistic variables on test performance. Statement 2 is also written for cases conducted for the purpose of evaluating suspected learning disability but where the results have been declared valid and the results point to limited difficulties such as a learning disability. The third and fourth statements are similar to the second and apply in cases where the results have been declared to be invalid but the manifest patterns are more consistent with significant types of dysfunction including global cognitive impairment (Statement 3) and speech-language impairment (Statement 4).

The statements in this Word file are Copyright © 2013, Samuel O. Ortiz but have been released in the public domain to assist practitioners in describing their findings and designed for use in report writing. Therefore permission is granted to freely use and copy, in edited or un-edited form, any and all of the following statements to suit the user's needs as long as the purpose is educational and not for profit. In addition, it is not necessary to display any copyright statement and there is no need to provide any reference or citation the original source. These statements are offered only as guide and framework for crafting appropriate descriptive statements following analysis of the impact of cultural and linguistic factors on test performance. The statements can be easily personalized by changing the words, "the student" to the examinee's actual name. However, as no statement can apply specifically to all cases in all circumstances, users are cautioned to ensure that any necessary edits or modifications are utilized to ensure the accuracy of these statements as they may apply to any specific evaluation.

Statement 1. Evaluations of Suspected Learning Disability - Invalid Results

The following sample validity statement may be used in cases where a clear declining pattern is evident, that is, that there is a primary effect of culture and language thus results are NOT valid and there is no disability.

Because the student is not a native English speaker, it is necessary to establish the validity of the results obtained from testing to ensure that they are accurate estimates of ability or knowledge and not the manifestation of cultural or linguistic differences. To this end, a systematic evaluation of the possible effects of lack of acculturation and limited English proficiency was carried out via use of the Culture-Language Interpretive Matrix (C-LIM).

A careful review of the student's test data, as entered into the C-LIM, reveals a pattern of decline that is typical of and within the range that would be expected of other individuals with similar cultural and linguistic backgrounds. This overall, declining pattern of test performance suggests that test performance was due primarily to the influence of cultural and linguistic factors rather than lack of actual ability. Accordingly, the test results evaluated here cannot be considered valid and are not interpretable from a strict psychometric standpoint. However, given that the observed pattern is consistent with research-based performance that is typical of non-disabled, culturally and linguistically diverse individuals who are of average ability or higher, it can be reasonably concluded that the student's abilities are also within the average range of performance (or possibly higher) and does not suggest or support the presence of any type of disability.

In summary, the observed pattern of the student's test results is consistent with performance that is typical of non-disabled, culturally and linguistically diverse individuals who are of average ability or higher. Therefore, it can be reasonably concluded that the data evaluated with the C-LIM are invalid due to the presence of overarching cultural and linguistic influences and that the student's test performance cannot be used to support the presence of any type of learning disability or other cognitive-based disorder.

Statement 2. Evaluations of Suspected Learning Disability - Valid Results

The following sample validity statement may be used in cases where a clear declining pattern is NOT evident, that is, there is no primary effect of culture and language thus the results ARE valid and there may be a disability.

Because the student is not a native English speaker, it is necessary to establish the validity of the results obtained from testing to ensure that they are accurate estimates of ability or knowledge and not the manifestation of cultural or linguistic differences. To this end, a systematic evaluation of the possible effects of lack of acculturation and limited English proficiency was carried out via use of the Culture-Language Interpretive Matrix (C-LIM).

A careful review of the student's test data as entered into the C-LIM does not appear to reveal a pattern of decline that is typical of or within the range that would be expected of other individuals with similar cultural and linguistic backgrounds. The overall pattern of test performance does not decline systematically and suggests that test performance was not due primarily to the influence of cultural and linguistic factors. Although such influences remain contributory factors, they cannot account for the resulting pattern of performance in its entirety and are, therefore, not believed to be the main or only reason for the reported learning difficulties. In addition, other extraneous factors that might account for the observed pattern (for example, lack of motivation, fatigue, incorrect administration/scoring, emotional/behavioral problems) have been excluded. This indicates that the test results can be considered valid, interpretable, and are likely to be good estimates of the student's actual ability or knowledge with

the exception of Gc, which must be evaluated only against other ELLs due to the fact that it is a direct measure of cultural knowledge and language proficiency.

In summary, the observed pattern of the student's test results is not consistent with performance that is typical of non-disabled, culturally and linguistically diverse individuals who are of average ability or higher. Therefore, it can be reasonably concluded that the data evaluated with the C-LIM are likely valid and that, if supported by additional data, the student's test performance may be attributed primarily to the presence of a learning disability.

*(← *Note: a description of the data that support the presence of LD should follow here at this point in the report.)*

Statement 3. Evaluation of Global Cognitive Impairment - Valid Results

The following sample validity statement may be used in cases where although a declining pattern may be evident suggesting a primary influence of cultural and linguistic factors, the overall magnitude of the scores are well below the expected range and appear uniformly depressed.

Because the student is not a native English speaker, it is necessary to establish the validity of the results obtained from testing to ensure that they are accurate estimates of ability or knowledge and not the manifestation of cultural or linguistic differences. To this end, a systematic evaluation of the possible effects of lack of acculturation and limited English proficiency was carried out via use of the Culture-Language Interpretive Matrix (C-LIM).

A careful review of the student's test data as entered into the C-LIM indicates that one of the primary influences on testing was likely due to cultural and linguistic differences. Ordinarily, this might invalidate the results. However, in this case, the observed range of scores reveals an overall pattern that is considerably below what might generally be expected from individuals of similar cultural and linguistic backgrounds who possess average general cognitive ability. Therefore, although the results demonstrate a systematic decline as the demands of the tasks increase in terms of cultural loading and linguistic demand, the obtained values across the board are at least about a full standard deviation below expected performance. This pattern suggests the presence of a broad, pervasive influence that, in addition to the cultural and linguistic ones, is primarily responsible for lowering overall performance more or less uniformly across the entire range of functioning. Such a finding could include the possibility of a significant cognitive-based disability.

In summary, the observed pattern of the student's test results is not consistent with performance that is typical of non-disabled, culturally and linguistically diverse individuals who are of average ability or higher. Although the overall pattern of results in this case does decline, the results appear to be valid because the magnitude of the scores are much lower than what would be expected and indicate the presence of another influence. Therefore, it can be reasonably concluded that, if supported by additional data, the student's test performance may be attributed to some type of global cognitive impairment and intellectual functioning is at a level that could be considered significantly sub-average as compared to same age peers with similar cultural and linguistic backgrounds.

*(← *Note: a typical description of the data that support the presence of a global cognitive deficit or MR should follow here at this point in the report.)*

Statement 4. Evaluation of Speech-Language Impairment - Valid Results

The following sample validity statement may be used in cases where although a declining pattern is evident, the rate and severity of the decline is significantly more rapid and steeper than the expected range and cannot be attributed to cultural and linguistic factors only.

Because the student is not a native English speaker, it is necessary to establish the validity of the results obtained from testing to ensure that they are accurate estimates of ability or knowledge and not the manifestation of cultural or linguistic differences. To this end, a systematic evaluation of the possible effects of lack of acculturation and limited English proficiency was carried out via use of the Culture-Language Interpretive Matrix (C-LIM).

A careful review of the student's test data as entered into the C-LIM indicates that one of the primary influences on testing was likely due to linguistic differences (not necessarily cultural differences). Ordinarily, this might invalidate the results. However, in this case, the observed pattern of scores reveals that performance on tests tends to decrease primarily as a function of the increasing demands of language and not as much in relation to increased cultural content. In addition, the rate of the decline in performance is much more rapid and severe as the demands of the tasks increase in terms of language as compared to the decline that would generally be expected from individuals of similar cultural and linguistic backgrounds who are of average ability or higher. This pattern suggests the presence of an additional factor, most likely related to language skills, that, in addition to the cultural and linguistic influences that remain contributory, is primarily responsible for lowering performance on these tasks to a degree that cannot be accounted for or attributed solely to language or cultural differences. This finding includes the possibility of a language-related disorder being present.

In summary, the observed pattern of the student's test results is not consistent with performance that is typical of non-disabled, culturally and linguistically diverse individuals who are of average ability or higher. Although the overall pattern of results in this case does decline, the results appear to be valid because the rate and magnitude of the decline is more rapid and severe than what would be expected and indicate the presence of another influence. Therefore, it can be reasonably concluded that, if supported by additional data, the student's test performance may be attributed to some type of language-related learning disability or speech-language disorder and performance in the domain of language, even when viewed within the context of the student's cultural and linguistic background and experiences, is a level that is significantly below that of same age peers with similar backgrounds.

*(←*Note: a description of the data that support the presence of a speech-language disorder/language-based LD should follow here at this point in the report.)*

Make sure to substitute the name of the student who is being evaluated in place of where I have written "the student's" to make the report more personalized. Also, if you use the statement above pertaining to LD/ID/SLI, where the results are deemed valid, you should then proceed to using the XBA DMIA and provide an analysis and interpretation of those results as they might pertain to the presence of a learning disability just as you would for any other student (with the noted exception of Gc).

Sample validity statement where declining pattern is evident:

Because the student is not a native English speaker, it is necessary to establish the validity of the results obtained from testing to ensure that they are accurate estimates of ability or knowledge and not the manifestation of cultural or linguistic differences. To this end, a systematic evaluation of the possible effects of lack of acculturation and limited English proficiency was carried out via use of the Culture-Language Interpretive Matrix (C-LIM). A careful review of the student's test data as entered into the C-LIM reveals a pattern of decline that is typical of and within the range that would be expected of other individuals with similar cultural and linguistic backgrounds. This declining pattern of test performance suggests that test performance was due primarily to the influence of cultural and linguistic factors rather than actual ability. Accordingly, the test results evaluated here cannot be considered valid and are not interpretable from a strict psychometric standpoint. However, given that the observed pattern is consistent with performance that is typical of non-disabled, culturally and linguistically diverse individuals with average ability, it can be reasonably concluded that this student's abilities are also within the average range of performance and does not suggest or support the presence of any type of disability.

Sample validity statement where declining pattern is NOT evident:

Because the student is not a native English speaker, it is necessary to establish the validity of the results obtained from testing to ensure that they are accurate estimates of ability or knowledge and not the manifestation of cultural or linguistic differences. To this end, a systematic evaluation of the possible effects of lack of acculturation and limited English proficiency was carried out via use of the Culture-Language Interpretive Matrix (C-LIM).

A careful review of the student's test data as entered into the C-LIM does not appear to reveal a pattern of decline that is typical of or within the range that would be expected of other individuals with similar cultural and linguistic backgrounds. The pattern of test performance does not decline systematically and suggests that test performance was not due primarily to the influence of cultural and linguistic factors. Although such influences may be contributory factors, they are not believed to be the primary reasons for the observed pattern. In addition, other extraneous factors that might account for the observed pattern (for example, lack of motivation, fatigue, incorrect administration/scoring, emotional/behavioral problems) have been excluded. This indicates that the test results can be considered valid, interpretable, and are likely to be good estimates of the student's actual ability or knowledge.

Because the observed pattern is not consistent with performance that is typical of non-disabled, culturally and linguistically diverse individuals with average ability, it

can be reasonably concluded, if supported by additional data, that the student's test performance may be attributed primarily to the presence of a learning disability.