

281—120.28(34CFR303) Nondiscriminatory procedures. All agencies shall use nondiscriminatory evaluation and assessment procedures. Public agencies responsible for the evaluation and assessment of children and families shall ensure, at a minimum, that:

1. Tests and other evaluation materials and procedures are administered in the native language of a parent or child or other mode of communication, unless it is clearly not feasible to do so;
2. Any assessment and evaluation procedures and materials that are used are selected and administered so as not to be racially or culturally discriminatory;
3. No single procedure is used as the sole criterion for determining a child's eligibility for Early ACCESS; and
4. Evaluations and assessments are conducted by qualified personnel. [34 CFR 303.323]