**Section 226.150 Evaluation to be Nondiscriminatory**

Each evaluation shall be conducted so as to ensure that it is nondiscriminatory with respect to language, culture, race, and gender. (See also 34 CFR 300.304(c).)

a) The languages used to evaluate a child shall be consistent with the child's primary language or other mode of communication. (See Section 226.140.) If the language use pattern involves two or more languages or modes of communication, the child shall be evaluated by qualified specialists or, when needed, qualified bilingual specialists using each of the languages or modes of communication used by the child. The provisions of subsections (b) and (c) of this Section shall apply when a qualified bilingual specialist is needed but unavailable.

b) If documented efforts to locate and secure the services of a qualified bilingual specialist are unsuccessful, the district shall use an individual who possesses the professional credentials required under Section 226.840 to complete the specific components of the evaluation. This qualified specialist shall be assisted by a school district employee holding an educator license issued pursuant to Article 21B of the School Code [105 ILCS 5/Art. 21B] or other individual who has demonstrated competencies in the language or modes of communication of the child.

c) If documented efforts to locate and secure the services of a qualified bilingual specialist or a qualified specialist assisted by another individual as provided in subsection (b) are unsuccessful, the district shall conduct assessment procedures which do not depend upon language. Any special education resulting from these alternative procedures shall be reviewed annually until the student's proficiency is determined no longer to be limited pursuant to 23 Ill. Adm. Code 228.25 (Program Options, Placement, and Assessment).

d) Tests given to a child whose primary language is other than English shall be relevant, to the maximum extent possible, to his or her culture.

e) If the child's receptive and/or expressive communication skills are impaired due to hearing and/or language deficits, the district shall utilize test instruments and procedures that do not stress spoken language and one of the following:

1) Visual communication techniques in addition to auditory techniques.

2) An interpreter to assist the evaluative personnel with language and testing.

(Source: Amended at 40 Ill. Reg. 2220, effective January 13, 2016)