

Goals and Progress Monitoring in Inclusive Settings



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**10th Annual Focus on Inclusion
Conference**

What We Will Do Today

- The substantive requirements of the IDEA & Article 7
- Measurable annual goals
- Monitoring student progress
- Specifying special education services, including program modifications
- Making educational appropriate & legally sound programming decisions

**The Primary Requirement of the IDEA
and the crucial obligation for special
education administrators and teachers
is to provide a special education that
confers a free appropriate public
education (FAPE)**

Free Appropriate Public Education (FAPE)

- Special education & related services that are:
 - Provided at public expense
 - Meet the standards of the SEA
 - Includes preschool, elementary, or secondary education
 - Are provided in conformity with the individualized education program (IEP)

For students with disabilities eligible for services under the IDEA who are being served in inclusive settings, FAPE will likely include supplementary aids and services and program modifications

FAPE & Litigation

- Special education is a “growth industry” in education litigation
- 70% of education litigation comes from special education (10% to 12% of the public school population)-Gerl, 2015
- 80% to 90% of special education litigation involves FAPE issues (Gerl, 2015)

According to Senator Robert Stafford (1978), Congressional authors “**did not attempt to define ‘appropriate’ but instead we established a base-line mechanism, a written document called the Individualized Education Program (IEP)**” (Stafford, 1978, p. 75).

The *Rowley/Endrew* Two-Part Test

1. Has the state complied with the *procedures* set forth in the law?
2. Is the resulting IEP reasonably calculated to enable the student to make *progress appropriate* in light of his or her circumstances?

The Three Dimensions of FAPE: Procedural, Substantive, & Implementation

Dimension #1: Procedural

- These safeguards are designed to protect the rights of parents and their child with a disability by requiring the school district take actions to involve parents in the special education process
- Procedural requirements represent the “how” and “when” of the IDEA
- Has the school district complied with the procedures set forth in the law? (*Board of Education v. Rowley*, 1982)

Dimension #2: Substantive

- The substantive requirements of IDEA refer to a school districts obligation to provide a FAPE that designed to lead to student progress.
- Substantive requirements represent the “what” of the IDEA
- Is a student’s IEP “reasonably calculated to enable the child to make **progress** appropriate in light of his circumstances.” (*Endrew F. v. Douglas County School District* (2017)).

Dimension #3: Implementation

- In failure to implement cases, parents have asserted that a school district has denied FAPE, based on the claim that the school district failed to partially or fully implement their child's IEP.

“The IEP, like a contract...embodies a binding commitment and provide notice to both parties as to what services will be provided to a student” (*M.C. v. Antelope Union School District*, 2017, p. 1197).

The IEP: The blueprint of a
student's FAPE

“An IEP must aim to enable the child to make **progress**; the **essential function of an IEP** is to set out a plan for **pursuing academic and functional advancement**”

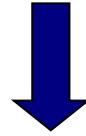
(Endrew F. v. Douglas County School District, 2017)

The Four Questions the IEP Must Answer

1. What are the student's unique academic and/or functional needs that require specially designed instruction?
2. What measurable goals will enable the student to make academic and/or functional progress?
3. How will we monitor a student's progress toward his or her goals?
4. What individually designed services will enable a student to achieve his or her goals?

The IEP Process

Step 1: Present Levels of Academic Achievement and Functional Performance



Step 2: Measurable Annual Goals

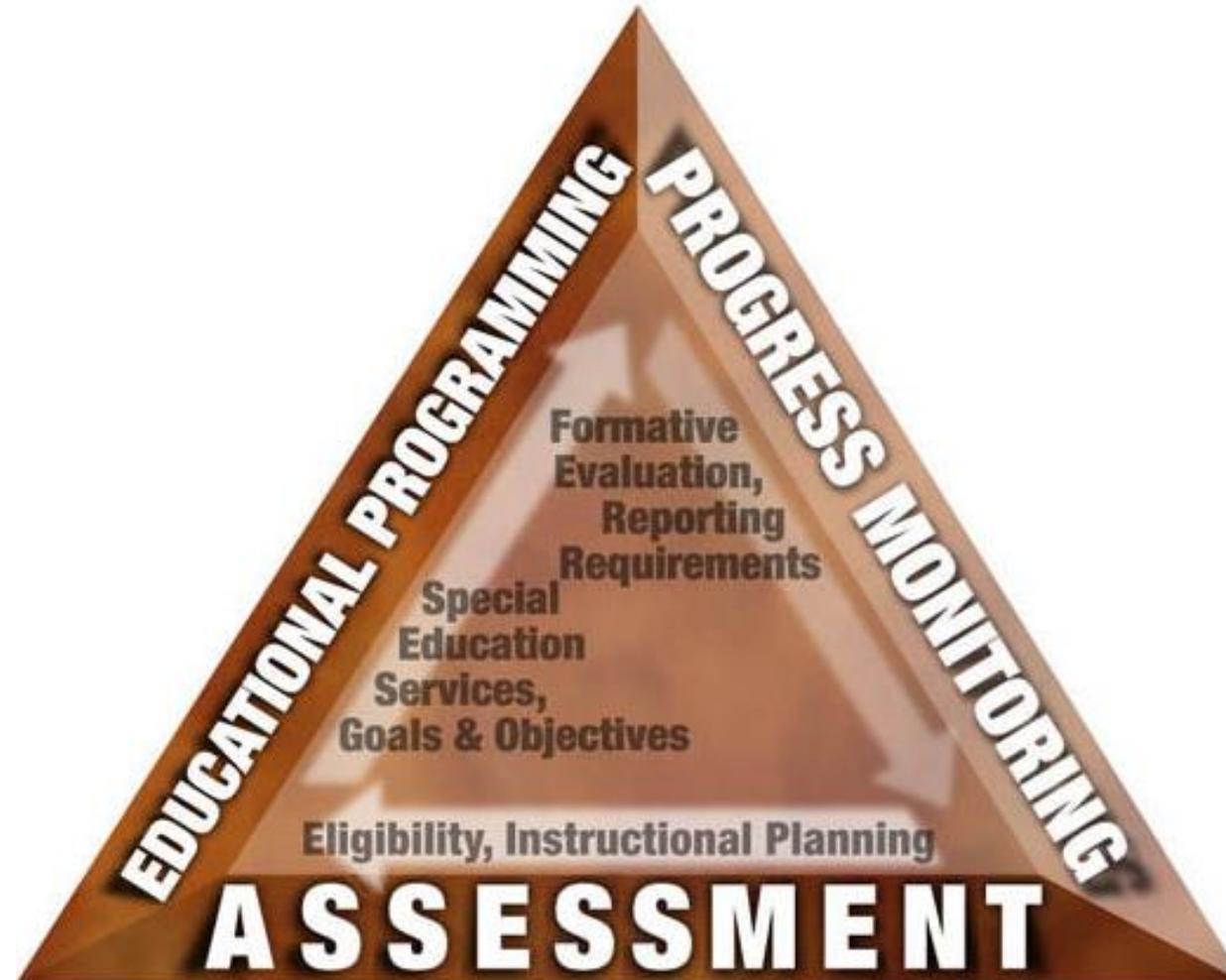


Step 3: Special Education Services

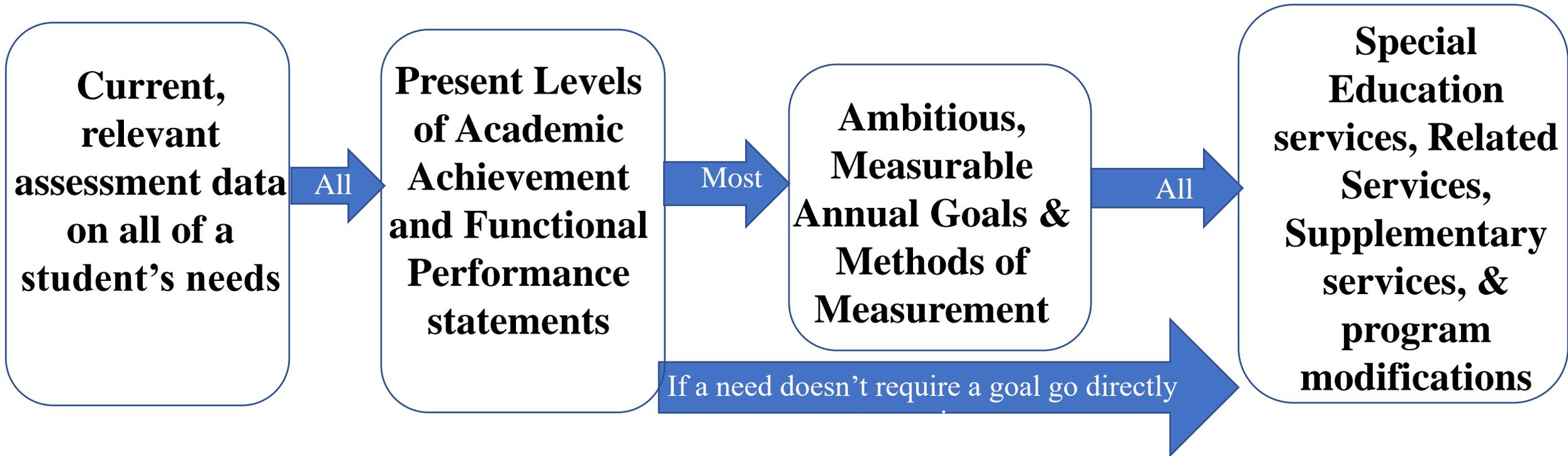


Step 4: Progress Monitoring

Assessment is the Foundation of a Student's IEP



An Internally Consistent IEP

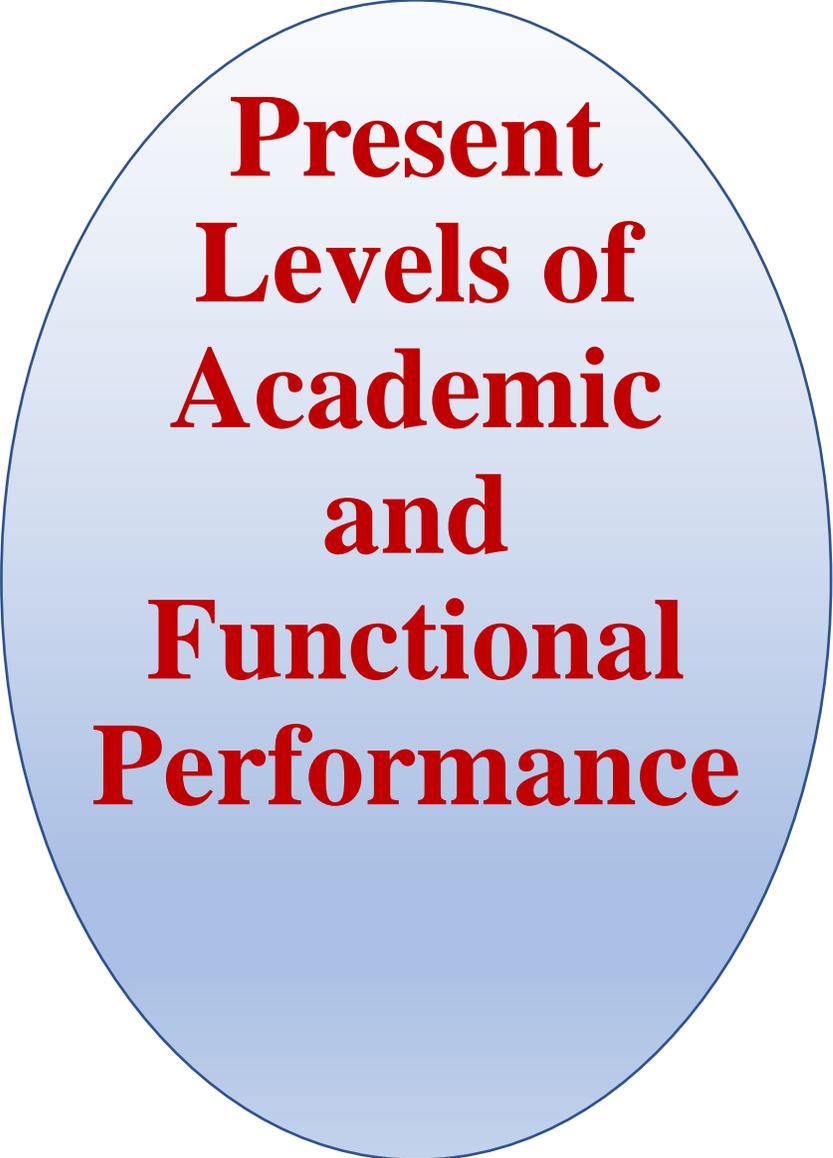


Implications of the IDEA, the Endrew F. Decision, and Policy Guidance

- Ensure that there is direct relationship between the PLAAFP and the other components of the IEP
- If the PLAAFP statement describes a problem with a child's reading level and points to a deficiency in reading skills, the problem should be addressed under both (a) goals and (b) specific special education and related services provided to the child.” (Question 36, IDEA Regulations of 1997)

One component/decision must lead directly to the next.

- Internal consistency assures that:
 - All needs identified in the PLAAFP are addressed either through Specially-designed Instruction (SDI), Accommodations, or both.
 - “Rogue” goals for SDI for which no need is documented are avoided
 - Students are neither “under-accommodated” nor “over-accommodated”
 - Services and supports are linked logically to PLAAFP/needs
 - Data from evaluation and progress monitoring are used to examine the IEP’s appropriateness on a regular basis



**Present
Levels of
Academic
and
Functional
Performance**

According to IDEA Regulations § 300.320 (a), each student's IEP must include...

(1) A statement of the student's present levels of academic achievement and functional performance, including—

(i) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or

(ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities.

The PLAAFP statement is a brief, but detailed, description of all areas of academic achievement and functional performance that are affected by a student's disability

PLAAFP Statement

Critical Point...

The PLAAFP statements are the cornerstone of the IEP. It is the source that drives other IEP components. It is the statement that links all components of the IEP together.

Baseline Information...

The PLAAFP statement is the baseline bridge to the annual goals, special education services, and essential tool for monitoring student progress.

PLAAFP TEST QUESTIONS:	YES	NO
1. Does the PLAAFP provide a descriptive snapshot of the student including both strengths and areas of need?		
2. Is parent/guardian input present and clearly considered?		
3. Do statements about the student have data to support them?		
3a. Are multiple sources / types of data used?		
4. Are the data understandable to the parents / guardians / student / another teacher?		
4a. Do the data provide information about skills that are strengths or weaknesses for the student?		
4b. Does the PLAAFP make it clear what content / skill(s) are an instructional priority for the student?		
4.c Are the content / skills listed specific enough that you could you identify areas for standards-referenced instruction based on the PLAAFP?		
5. Are PLAAFP Summary Statements present for each skill area that connect the data to priorities for instruction and general curriculum access included?		
6. Could you write observable and measurable individualized goals based on the PLAAFP?		
7. If you remove the student's name, could someone who knows the student identify the student based on reading this PLAAFP statement?		

Critical Elements of PLAAFP Statements

Identifies Student Need	Effect on General Education	Serves as Baseline	Connected to a Goal, Service, or Both

Common Errors in Writing Present Levels

- Over reliance on test scores from the initial and three-year special education evaluation.
- Vague descriptions on how the disability affects involvement and progress in the general education curriculum.
- Absence of appropriate baseline data for developing the PLAAFP and Annual Goal/s.

Common Errors in Developing Measurable Annual Goals

- Writing unambitious annual goals.
- Writing vague & overly general goals.
- Writing goals that are not measurable.
- Cluttering the IEP with goals that are unrelated to a student's needs



**Measurable
Annual
Goals**

According to IDEA Regulations § 300.320 (a), each student's IEP must include...

(2) A statement of measurable annual goals, including academic and functional goals—

(i) How the student's disability affects the student's involvement and progress in the general education curriculum (i.e., the same curriculum as for nondisabled students); or

(ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities.

The annual goals tell us

- (a) what we expect the student to learn or be able to do in 1 year,**
- (b) a method to measure a student's advancement toward his or her goals,**
- (c) how we will know when they have learned or can do it**

Measurable Annual Goals

- Specific
- Measurable
- Ambitious
- Realistic
- Time-limited

Essential Components of a MEASURABLE Annual Goal (Mager, 1963)

- 1) Target behavior (What we want to change)**
- 2) Stimulus material or conditions (How we will measure change)**
- 3) Criterion for acceptable performance (How we will know if the goal has been achieved)**

A Goal is not Measurable if it Cannot be Graphed!!



GOALS TEST QUESTIONS:	YES	NO
1. Can I tell this goal was written for <u>this</u> student?		
2. Do I know the skills to which this student is working toward mastery based on the goal??		
3. Are these skills specific to the student (e.g., <i>using context clues while reading</i>) and not just general skill areas (e.g., <i>reading comprehension</i>)?		
4. Are the skills based on data listed/explained in the PLAAFP, and is no additional assessment data needed to support the need for this goal?		
5. Could I begin instruction based on this goal?		
6. Could I evaluate student progress based on this goal?		
7. Does the evaluation logically match the target skill?		

Critical Elements of Measurable Annual Goals

Target Behavior	Given or Conditions	Criterion for Acceptable Performance	Timeline

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Monitoring Student Progress

According to IDEA Regulations § 300.320 (a), each student's IEP must include...

(3) A description of

(i) how a student's progress toward meeting the annual goals will be measured

(i) When periodic reports on the student's progress toward the annual goals will be reported (e.g., using quarterly or other periodic reports concurrent with the issuance of report cards)

“Progress monitoring is a scientifically based practice that is used to assess students' academic and functional performance and evaluate the effectiveness of instruction.”

OSEP Center on Progress Monitoring

Monitoring Student Progress

- “...the IEP process...ensures that parents and school representatives will fully air their respective opinions on the degree of progress a child’s IEP should pursue.”
- “A reviewing court may fairly expect those authorities to be able to offer a cogent and responsive explanation for their decisions that shows the IEP is reasonably calculated to enable the child to make progress appropriate in light of his circumstances.”
- *Andrew F., 2017*

Kathleen Mehfoud

-Attorney with Reed &
Smith and Consultant to
LRP-

- Tri-State Special Education
Law Conference, 2015

“When I have a school district with a FAPE case the first thing I do is go to the teacher and say: ‘Give me information on your student’s progress.’ If the teacher doesn’t have data, I consider advising the school district to settle.”

The Importance of Reacting to Data

When progress report and other data do not reflect that an annual goal will be met, reconvene the IEP team to determine why, **make needed instructional changes**, and continue to collect data

U.S. Department of Education, 2017

Evaluation of Progress Decisions

- Does the child need more than what they are getting?
- Does the child need something different than what they are getting?

Remember:

Considering the *Andrew F.* ruling, not having progress or status data - and/or doing nothing in the presence of actionable data - is likely a denial of FAPE (Bateman, Yell, & Shriner, 2021; Shriner, et al., 2021)

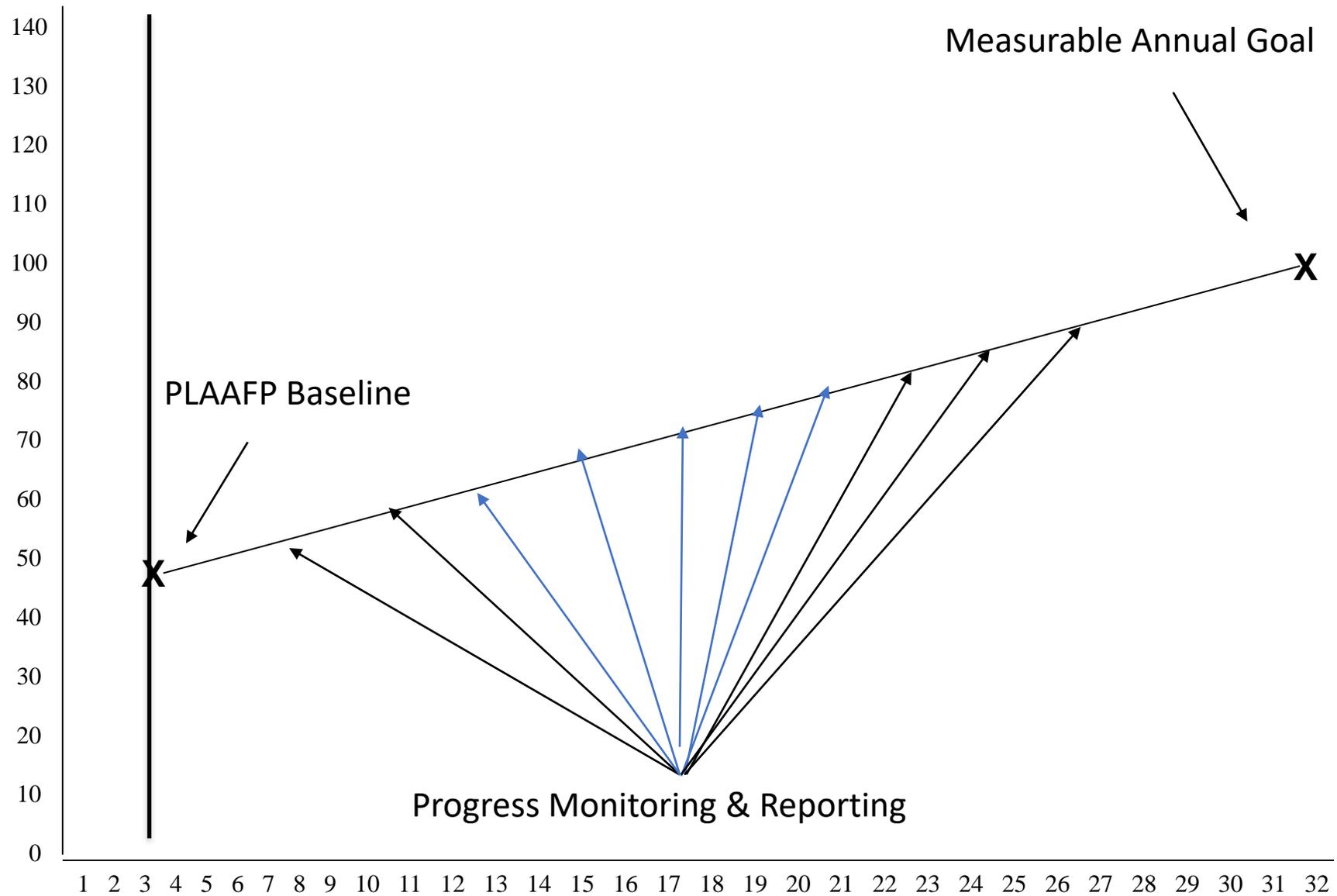
Critical Elements of Progress Monitoring

Can be graphed (Numbers not words)	Measured frequently & systematically	User friendly & time efficient	Used for instructional decision-making

Common Errors in Monitoring Progress Toward Annual Goals

- Writing goals that are not measurable.
- Substituting subjective judgement for objective data.
- Using commercially developed achievement tests to monitor a student's growth.

Student: _____ Grade/Age: _____ Teacher: _____ Academic Area: _____



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U.S. Department of Education, 2017

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Special Education Services

According to IDEA Regulations § 300.320 (a), each student's IEP must include...

(4) A statement of special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable to be provided, and a statement of program modifications or supports for school personnel to enable a student to

- (i) Advance appropriately toward attaining the annual goals
- (ii) To be involved in and make progress in the general education curriculum.

*The service statements
are what the LEA will do
to enable a student meet
his or her goals*

Programming Requirements

- ✓ Special education programming consists of:
 - ✓ Special education services (specially designed instruction to meet a student's unique needs)
 - ✓ Related services (services needed for a student to benefit from their special education)
 - ✓ Supplementary services (aids & services required for a student to be involved in the general education classroom)
 - ✓ Program modifications (supports provided to general education teachers)

Critical Elements of Services

Clearly Specified (frequency, location, & duration)	Address all needs in PLAAPF	Based on PRR

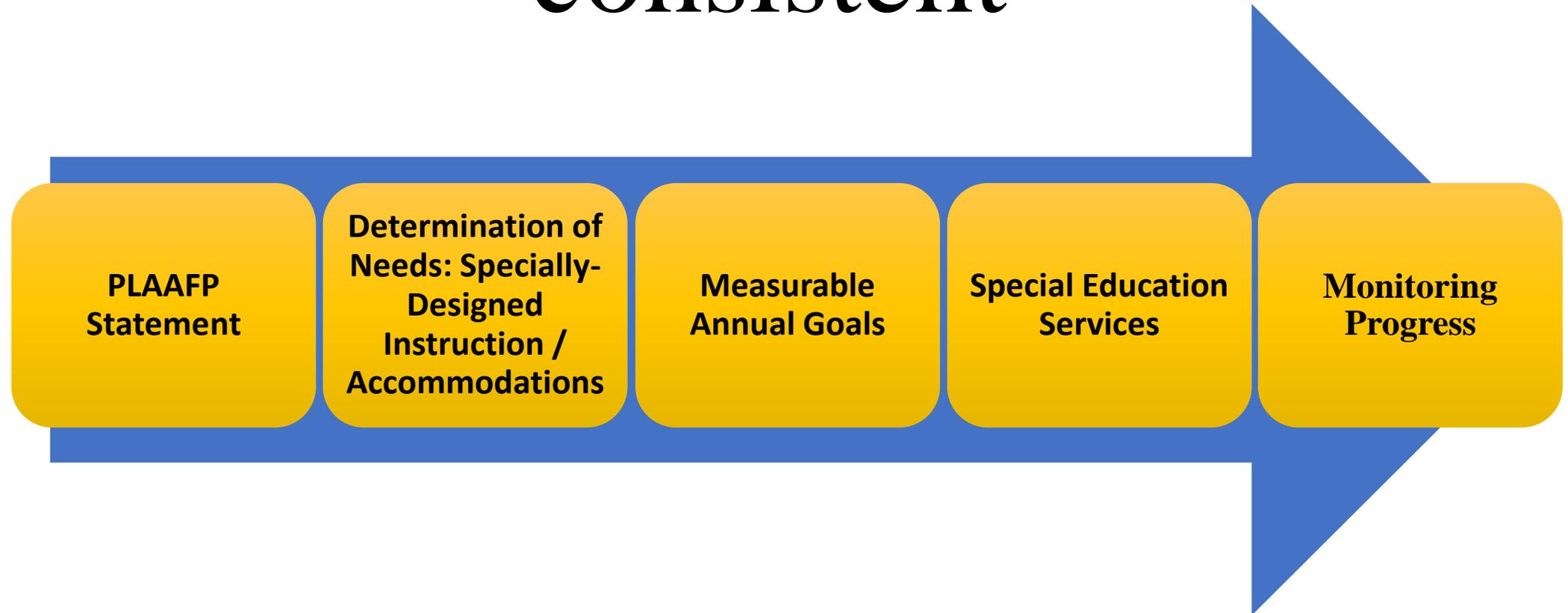
Common Errors in Developing Services Statements

- Failing to connect all services to a student's needs identified in his or her PLAAFP statements.
- Failing to specify frequency, location, & duration of services.
- Failing to implement the services as agreed upon in a student's IEP.

**Recommendations for making
educational appropriate & legally
sound programming decisions**

Recommendation #1

Ensure that IEPs are internally consistent



Recommendation #2

Write annual IEP goals are appropriate,
ambitious, and measurable.

Recommendation #3

Continuously monitor and measure a child's progress on annual goals (and objectives/benchmarks, if applicable) and maintain specific data to demonstrate that progress has been made.

Recommendation #4

Provide frequent and systematic data-based reports to a student's parents on their child's advancement toward their goals.

Recommendation #5

When progress report and other data do not reflect that an annual goal will be met, reconvene the IEP team to determine why and make academic/functional changes!

Recommendation #6

Ensure that supplementary services & program modifications, if needed to enable a student to be involved in and make progress in the general education curriculum are clearly specified in a student's IEP

Recommendation #7

Ensure fidelity of implementation of special education programming, including supplementary aids, services, and program modifications

Questions or Comments

Thank You!!!!