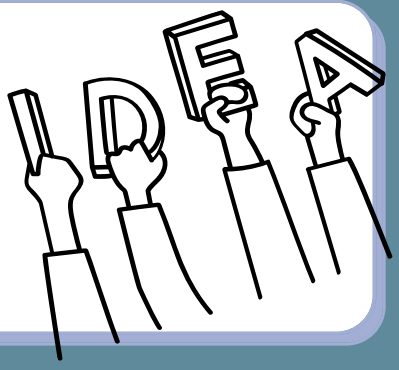
NOTE CATCHER



Vocabulary

Something that squares with my thinking

New Ideas

To Do's When I Get Back

UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, DC 20202

December 7, 2017

Questions and Answers (Q&A) on *U. S. Supreme Court Case Decision*
Endrew F. v. Douglas County School District Re-1

On March 22, 2017 the U.S. Supreme Court (sometimes referred to as Court) issued a unanimous opinion in *Endrew F. v. Douglas County School District Re-1, 137 S. Ct. 988*. In that case, the Court interpreted the scope of the free appropriate public education (FAPE) requirements in the Individuals with Disabilities Education Act (IDEA). The Court overturned the Tenth Circuit's decision that Endrew, a child with autism, was only entitled to an educational program that was calculated to provide "merely more than *de minimis*" educational benefit. In rejecting the Tenth Circuit's reasoning, the Supreme Court determined that, "[t]o meet its substantive obligation under the IDEA, a school must offer an IEP [individualized education program] that is reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances." The Court additionally emphasized the requirement that "every child should have the chance to meet challenging objectives."

The *Endrew F.* decision is important because it informs our efforts to improve academic outcomes for children with disabilities. To this end, the U.S. Department of Education (Department) is providing parents and other stakeholders information on the issues addressed in *Endrew F.* and the impact of the Court's decision on the implementation of the IDEA. Because the decision in *Endrew F.* clarified the scope of the IDEA's FAPE requirements, the Department's Office of Special Education and Rehabilitative Services (OSERS) is interested in receiving comments from families, teachers, administrators, and other stakeholders to assist us in identifying implementation questions and best practices. If you are interested in commenting on this document or have additional questions, please send them to OSERS by email at EndrewF@ed.gov.

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QUESTIONS AND ANSWERS

OVERVIEW

1. What were the facts surrounding the *Endrew F.* decision?

Endrew, a child with autism, attended public school from kindergarten through fourth grade. In April of 2010, Endrew's parents rejected the 5th grade individualized education program (IEP) proposed by the Douglas County School District. Endrew's parents believed the proposed IEP was basically the same as the previous IEPs under which their child's academic and functional progress had stalled. Endrew's parents subsequently withdrew him from public school and placed him in a private school that specialized in the education of children with autism. Endrew's behavior in the private school setting improved significantly; his academic goals were strengthened and he thrived. This case arose because Endrew's parents were unable to obtain tuition reimbursement for the cost of the private school placement.

Endrew's parents sought reimbursement for the private school tuition payments at a due process hearing, and subsequently sought judicial review of the hearing decision in the U.S. District Court for the District of Colorado after the hearing officer did not grant the relief they were seeking. The District Court affirmed the hearing officer's decision, and they appealed to the U.S. Court of Appeals for the Tenth Circuit. In these proceedings, Endrew's parents argued that the IEP proposed by the public school was mostly unchanged from his previous IEPs, under which he made "minimal progress." The Tenth Circuit rejected the parents' arguments and concluded that Endrew had received FAPE through the district's IEPs because they were calculated to provide educational benefit that is merely more than *de minimis* (i.e., more than trivial or minor educational benefit). Endrew's parents then appealed the case to the U.S. Supreme Court. The Court overturned the Tenth Circuit's decision.

2. What is the crucial issue that was addressed in the *Endrew F.* decision?

Endrew F. clarified the substantive standard for determining whether a child's IEP – the centerpiece of each child's entitlement to FAPE under the IDEA – is sufficient to confer educational benefit on a child with a disability.

3. What was the Supreme Court's final decision in *Endrew F*.?

The Court held that to meet its substantive obligation under the IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. In clarifying the standard, the Court rejected the "merely more than *de minimis*" (i.e. more than trivial) standard applied by the Tenth Circuit. In determining the scope of FAPE, the Court reinforced the requirement that "every child should have the chance to meet challenging objectives."[1]

[1] 137 S.Ct. at 1000.

CLARIFICATION OF IDEA's FAPE REQUIREMENT

4. How is FAPE defined in the IDEA?

Under the IDEA, FAPE is a statutory term.[2] It is defined to include special education and related services that

(1) are provided at public expense, under public supervision and direction, and without charge;

(2) meet the standards of the State educational agency (SEA), including IDEA Part B requirements;

(3) include an appropriate preschool, elementary school, or secondary school education in the State involved; and

(4) are provided in conformity with an IEP that meets the requirements of 34 CFR §§300.320 through 300.324.

Further, each child with a disability is entitled to receive FAPE in the least restrictive environment (LRE).[3]

5. Prior to *Endrew F.*, what did the Court say about the substantive standard for FAPE?

Prior to *Endrew F.*, courts relied on the landmark case *Board of Education of Hendrick-Hudson Central School District v. Rowley*. 458 U.S. 176 (1982) ("*Rowley*"). In *Rowley*, the Court held that Amy Rowley, a child with a disability involved in the case, would receive FAPE if her IEP was "reasonably calculated to enable the child to achieve educational benefits." In *Rowley*, the Court did not establish any one test for determining educational benefit provided to all children covered by the IDEA. The Court did, however, discuss what appropriate progress would be for a child with a disability who was performing above average in the general education classroom with the supports included in her IEP. In *Rowley*, the Court emphasized that an IEP had to be reasonably calculated to enable the child to achieve passing marks and advance from grade to grade.

6. What does "*de minimis*" mean and why did the Tenth Circuit Court apply the "*de minimis*" standard in the *Endrew F.* case?

"*De minimis*" is a Latin term which means too trivial or minor to consider. Because the Supreme Court in *Rowley* did not establish one particular test for educational benefit, lower courts (Federal District Courts and Circuit Courts) disagreed over how to determine educational benefit and applied different substantive standards. For example, prior to *Endrew F.*, six U.S. Court of Appeals Circuit Courts applied a "merely more than *de minimis*" standard when considering educational benefit. One of those courts was the U.S. Court of Appeals for the Tenth Circuit, where Endrew and his parents lived. Therefore, initially the court applied the "*de minimis*" standard to Endrew's case. This meant that in order to meet its FAPE obligations, the school district only had to show that the child's IEP was designed to provide a child with a disability more than trivial or minor educational benefit.

[2] 20 U.S.C. 1401(9) and 34 CFR §300.17.
[3] 20 U.S.C. 1412(a)(5) and 34 CFR §§300.114-300.117

7. How did *Endrew F.* clarify the standard for determining FAPE and educational benefit?

With the decision in *Endrew, F*., the Court clarified that for all students, including those performing at grade level and those unable to perform at grade level, a school must offer an IEP that is "reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances." This standard is different from, and more demanding than, the "merely more than *de minimis*" test applied by the Tenth Circuit. As the Court stated, "[t]he goals may differ, but every child should have the chance to meet challenging objectives." [4]

8. Does the standard in *Endrew F*. apply prospectively to IDEA cases?

Yes. The Supreme Court decisively rejected the "merely more than *de minimis*" standard used by the Tenth and other Circuits; therefore that standard is no longer considered good law. The Court explained, "[a] student offered an educational program providing merely more than *de minimis* progress from year to year can hardly be said to have been offered an education at all…The IDEA demands more." Now, as a result of *Endrew F*., each child's educational program must be appropriately ambitious in light of his or her circumstances, and every child should have the chance to meet challenging objectives.

9. Does the standard in *Endrew F.* only apply to situations similar to the facts presented in *Endrew F.*?

No. The standard that the Court announced in *Endrew F.* clarifies the scope of the FAPE requirements in the IDEA and, as such, applies to the provision of FAPE to any IDEA-eligible child with a disability, as defined by the law. The standard in *Endrew F.* applies regardless of the child's disability, the age of the child, or the child's current placement.

CONSIDERATIONS FOR IMPLEMENTATION

10. What does "reasonably calculated" mean?

The "reasonably calculated" standard recognizes that developing an appropriate IEP requires a prospective judgment by the IEP Team. Generally, this means that school personnel will make decisions that are informed by their own expertise, the progress of the child, the child's potential for growth, and the views of the child's parents. IEP Team members should consider *how* special education and related services, if any, have been provided to the child in the past, including the effectiveness of specific instructional strategies and supports and services with the student. In determining whether an IEP is reasonably calculated to enable a child to make progress, the IEP Team should consider the child's previous rate of academic growth, whether the child is on track to achieve or exceed grade-level proficiency, any behaviors interfering with the child's progress, and additional information and input provided by the child's parents. As stated by the Court, "any review of an IEP must consider whether the IEP is reasonably calculated to ensure such progress, not whether it would be considered ideal."[5]

[4] 137 S.Ct. at 1000.
[5] 137 S.Ct. at 999.

11. What does "progress appropriate in light of the child's circumstances" mean?

The essential function of an IEP is to provide meaningful opportunities for appropriate academic and functional advancement, and to enable the child to make progress. The expectations of progress in the IEP must be appropriate in light of the child's unique circumstances. This reflects the focus on the individualized needs of the particular child that is at the core of the IDEA. It also reflects States' responsibility to offer instruction "specially designed" to meet a child's unique needs through an IEP.[6]

While the Court did not specifically define "in light of the child's circumstances," the decision emphasized the individualized decision-making required in the IEP process and the need to ensure that every child should have the chance to meet challenging objectives. The IDEA's focus on the individual needs of each child with a disability is an essential consideration for IEP Teams. Individualized decision-making is particularly important when writing annual goals and other IEP content because "the IEP must aim to enable the child to make progress."[7] For example, the Court stated that the IEP Team, which must include the child's parents[8] as Team members, must give "careful consideration to the child's present levels of achievement, disability, and potential for growth."

12. How can an IEP Team ensure that every child has the chance to meet challenging objectives?

The IEP must include annual goals that aim to improve educational results and functional performance for each child with a disability. This inherently includes a meaningful opportunity for the child to meet challenging objectives. Each child with a disability must be offered an IEP that is designed to provide access to instructional strategies and curricula aligned to both challenging State academic content standards and ambitious goals, based on the unique circumstances of that child. The IEP must be developed in a way that ensures that children with disabilities have the chance to meet challenging objectives, as reflected in the child's IEP goals. Each child's IEP must include, among other information, an accurate statement of the child's present levels of academic achievement and functional performance and measurable annual goals, including academic and functional goals.[9] This information must include how the child's disability affects the child's involvement and progress in the general education curriculum.

How IEP Team members evaluate and assess this information, as well as the establishment of the child's IEP goals, will each contribute to ensuring the child has access to challenging objectives. The IEP Team's effectiveness in gathering and interpreting this information will ensure that, in establishing IEP goals, the child has the opportunity to meet challenging objectives. As the Court

[6] 137 S.Ct. at 999.

[7] 137 S.Ct. at 999.

[8] The term "parent" means a biological or adoptive parent of a child; a foster parent, unless State law, regulations, or contractual obligations with a State or local entity prohibit a foster parent from acting as a parent; a guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child (but not the State if the child is a ward of the State); an individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare; or a surrogate parent who has been appointed in accordance with 34 CFR §300.519. 34 CFR §300.30.

[9] 20 U.S.C. 1414(d)(1)(A)(i)(I)-(IV) and 34 CFR §300.320(a)(1)–(4).

stated in *Endrew F.*, "the IEP must aim to enable the child to make progress."[10] Determining an appropriate and challenging level of progress is an individualized determination that is unique to each child. When making this determination, each child's IEP Team must consider the child's present levels of performance and other factors such as the child's previous rate of progress and any information provided by the child's parents.

13. How can IEP Teams determine if IEP annual goals are appropriately ambitious?

As the Court stated, "advancement from grade to grade is appropriately ambitious for most children in the regular classroom;" however, the Court also noted that while these "goals may differ…every child should have the chance to meet challenging objectives."[11] In order to make FAPE available to each eligible child with a disability, the child's IEP must be designed to enable the child to be involved in, and make progress in, the general education curriculum.[12] The term "general education curriculum" is "the same curriculum as for nondisabled children."[13] We have previously clarified that the phrase "the same curriculum as for nondisabled children" is the curriculum that is based on a State's academic content standards. This alignment, however, must guide, and not replace, the individualized decision-making required in the IEP process. This decision-making continues to "require careful consideration of the child's present levels of achievement, disability, and potential for growth" as discussed in question #11.[14]

14. How can IEP Teams implement the *Endrew F.* standard for children with the most significant cognitive disabilities?

The Department recognizes that there is a small number of children—those with the most significant cognitive disabilities—whose performance can be measured against alternate academic achievement standards.[15] Alternate academic achievement standards also must be aligned with the State's grade-level content standards.

Therefore, annual IEP goals for children with the most significant cognitive disabilities should be appropriately ambitious, based on the State's content standards, and "reasonably calculated to enable the child to make progress appropriate in light of the child's circumstances."

15. What actions should IEP Teams take if a child is not making progress at the level the IEP Team expected?

An IEP is not a guarantee of a specific educational or functional result for a child with a disability. However, the IDEA does provide for revisiting the IEP if the expected progress is not occurring. This is particularly important because of the Court's decision in *Endrew F.*, which clarifies that the standard for determining whether an IEP is sufficient to provide FAPE is whether the child is offered an IEP reasonably calculated to enable the child to make progress that is appropriate in light of the child's circumstances. At least once a year, IEP Teams must review the child's IEP to determine whether the annual goals for the child are being achieved.

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[10] 137 S.Ct. at 999.
[11] 137 S.Ct. at 1000.
[12] 20 U.S.C. 1414(d)(1)(A) and 34 CFR §300.320(a).
[13] 20 U.S.C. 20 U.S.C. 1414(d)(1)(A)(i)(I)(aa) and 34 CFR §300.320(a)(1)(i).
[14] 137 S.Ct. at 999.
[15] See section 1111(b)(1)(E) of the Elementary and Secondary Education Act (ESEA), and Section 200.6(c) of the Department's regulations for Title I Part A of the ESEA.

The IEP Team also may meet periodically throughout the course of the school year, if circumstances warrant it. For example, if a child is not making expected progress toward his or her annual goals, the IEP Team must revise, as appropriate, the IEP to address the lack of progress.[16] Although the public agency is responsible for determining when it is necessary to conduct an IEP Team meeting, the parents of a child with a disability have the right to request an IEP Team meeting at any time. If a child is not making progress at the level the IEP Team expected, despite receiving all the services and supports identified in the IEP, the IEP Team must meet to review and revise the IEP if necessary, to ensure the child is receiving appropriate interventions, special education and related services and supplementary aids and services, and to ensure the IEP's goals are individualized and ambitious.

Public agencies may find it useful to examine current practices for engaging and communicating with parents throughout the school year as IEP goals are evaluated and the IEP Team determines whether the child is making progress toward IEP goals. IEP Teams should use the periodic progress reporting required at 34 CFR §300.320(a)(3)(ii) to inform parents of their child's progress. Parents and other IEP Team members should collaborate and partner to track progress appropriate to the child's circumstances.

16. Must IEPs address the use of positive behavioral interventions and supports?

Where necessary to provide FAPE, IEPs must include consideration of behavioral needs in the development, review, and revision of IEPs.[17] IEP Teams must consider and, if necessary to provide FAPE, include appropriate behavioral goals and objectives and other appropriate services and supports in the IEPs of children whose behavior impedes their own learning or the learning of their peers. [18]

17. How does the *Endrew F*. decision impact placement decisions?

Consistent with the decision in *Endrew F.*, the Department continues to recognize that it is essential to make individualized determinations about what constitutes appropriate instruction and services for each child with a disability and the placement in which that instruction and those services can be provided to the child. There is no "one-size-fits-all" approach to educating children with disabilities. Rather, placement decisions must be individualized and made consistent with a child's IEP. [19] We note that placement in regular classes may not be the least restrictive placement for every child with a disability. The IDEA Part B regulations specify that each public agency must ensure that a continuum of alternative placements (including instruction in regular classes, special classes, special schools, home instruction, placement in private schools, and instruction in hospitals and institutions) is available to meet the needs of children with disabilities for special education and related services.[20]

[16] 20 U.S.C. 1412(d)(4)(A).
[17] 20 U.S.C. 1414(d)(3)(B)(i) and 34 CFR §300.324(a)(2)(i) and (b)(2).
[18] 20 U.S.C. 1414(d)(1)(A)(i)(I)-(IV) and 34 CFR §300.320(a)(4).
[19] 20 U.S.C. 1412(a)(5)
[20] 20 U.S.C. 1412(a)(5)

18. Is there anything IEP Teams should do differently as a result of the *Endrew F.* decision?

The Court in *Endrew F*. held that to meet its substantive obligation under the IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances and expressly rejected the merely more than *de minimis*, or trivial progress standard. Although the Court did not determine any one test for determining what appropriate progress would look like for every child, IEP Teams must implement policies, procedures, and practices relating to

(1) identifying present levels of academic achievement and functional performance;

(2) the setting of measurable annual goals, including academic and functional goals; and

(3) how a child's progress toward meeting annual goals will be measured and reported, so that the *Endrew F.* standard is met for each individual child with a disability.

Separately, IEP Teams and other school personnel should be able to demonstrate that, consistent with the provisions in the child's IEP, they are providing special education and related services and supplementary aids and services; making program modifications; providing supports for school personnel; and allowing for appropriate accommodations that are reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances and enable the child to have the chance to meet challenging objectives.

19. Is there anything SEAs should do differently as a result of the *Endrew F.* decision?

SEAs should review policies, procedures, and practices to provide support and appropriate guidance to school districts and IEP Teams to ensure that IEP goals are appropriately ambitious and that all children have the opportunity to meet challenging objectives. States can help ensure that every child with a disability has an IEP that enables the child to be involved in and make progress in the general education curriculum and is appropriately ambitious in light of the child's circumstances.[21] While many States and school districts are already meeting the standard established in *Endrew F.*, this is an opportunity to work together to ensure that we are holding all children with disabilities to high standards and providing access to challenging academic content and achievement standards.

20. Has the *Endrew F.* decision affected parents' due process rights under the IDEA?

No. Parents can continue to use the IDEA Part B mediation and due process procedures if they disagree with IEP Team determinations about the special education and related services that are appropriate and necessary for their child to receive FAPE.[22] As reflected in *Endrew F*., the IDEA provides a mechanism whereby parents may opt to place their child in a private school setting in circumstances where they believe FAPE has been denied. If a court or hearing officer determines that a school failed to make FAPE available in a timely manner prior to enrollment in a private school setting, that the private placement is appropriate, and that the parents provided notice to the school district, parents may recover the costs of the private placement.[23] Nothing in *Endrew F.* changes or amends these procedural due process rights.

[21] 20 USC §1414(d)(1)(A)(i)(IV); 137 S.Ct. at 1000.
[22] 34 CFR §§300.506-300.516
[23] 34 CFR §300.148(c).

GRAPHIC ORGANIZER

MAIN IDEA

Text Rendering Protocol

Each person starts by placing their sentence on the chart. Then, explain why you selected the sentence allowing for each person to respond. Repeat the same process for the phrases and words selected from the text.

Sentences

Phrases

Words

Text Rendering Protocol

Monitoring Student Progress Toward Meeting IEP Goals

Monitoring a student's progress toward meeting her IEP goals is critical to determining whether the services and supports outlined in the IEP are providing her with educational benefit. In fact, IDEA requires IEP teams to document how student progress will be measured. However, regardless of what method schools select to measure student progress, administrators are ultimately responsible for ensuring that progress monitoring takes place.

A student's progress should be monitored in a frequent and ongoing manner so that educators can respond quickly if the student is not making adequate progress or is making more progress than anticipated. The information below outlines a systematic approach to monitoring a student's progress. It describes how to select a progress monitoring measure, collect and graph the data, and analyze that data to make informed decisions.

Step 1: Choose a measurement tool

Choosing the appropriate measurement tool is a critical first step in monitoring student progress. Administrators should keep several considerations in mind when doing so. The tool should:

- Directly measure the behavior stated in the IEP goal. For each of the goals below, both an example and non-example of a measurement tool that directly measures the target behavior are shown.

Goal: *Given a third-grade level reading passage, Katrina will read aloud at a rate of 115 words correct per minute (wpm) by the end of the school year.*

Example Measure: oral reading fluency assessment

Non-example Measure: end-of-chapter comprehension test

Goal: *By the end of October, Vladimir will initiate at least one positive peer-to-peer interaction (e.g., asking to play, saying "Hi") during the 20-minute morning recess, 3 out of 5 days, for 4 consecutive weeks.*

Example Measure: count frequency of behavior based on an observation

Non-example Measure: teacher's subjective impression of the student's peer skills

VANDERBILT PEABODY COLLEGE

IDEAs that Work U.S. Office of Special Education Programs

The contents of this resource were developed under a grant from the U.S. Department of Education, #H325E170001. However, those contents do not necessarily represent the policy of the U.S. Department of Education, and you should not assume endorsement by the Federal Government. Project Officer, Sarah Allen.

- Be feasible for the context (e.g., brief; easy to administer on a regular basis; non-disruptive to the student, the lesson, or to other students).
- Be valid and reliable whether measuring academics or behavior.

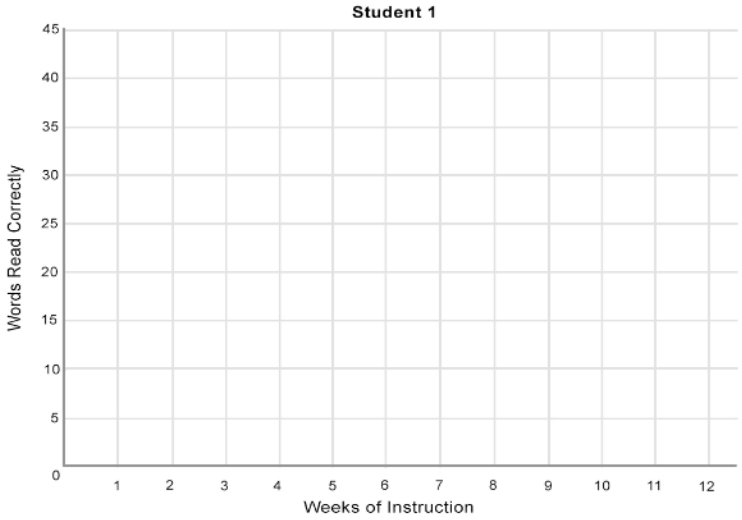
FYI

The National Center on Intensive Intervention's tools charts are designed to help educators select reliable and valid academic and behavioral progress monitoring measures.

Academic Progress Monitoring Tools Charts
https://charts.intensiveintervention.org/chart/progress-monitoring
Behavior Progress Monitoring Tools Charts
https://charts.intensiveintervention.org/chart/behavioral-progress-monitoring-tools

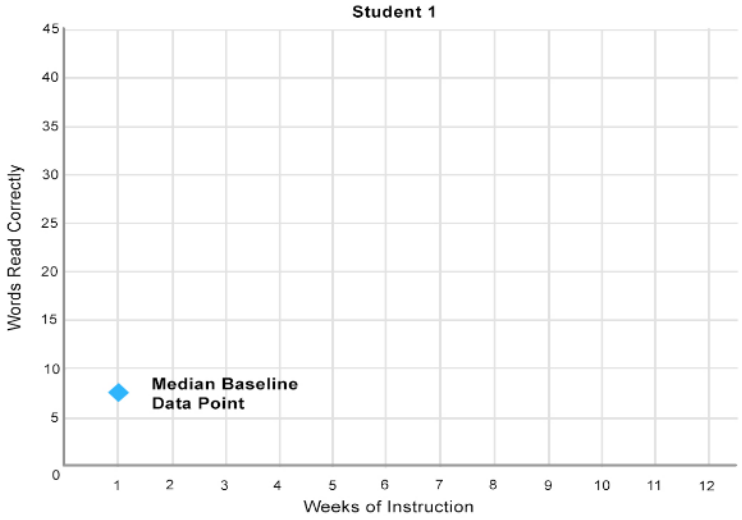
Step 2: Create a graph

Educators are more likely to use data when those data are easy to understand. When educators, students, and parents view a visual representation of the data, such as a graph, they can quickly and clearly see the student's progress. Note that on the graph to the right, the vertical axis represents the range of possible scores a student can obtain on the selected measure, whereas the horizontal axis represents the weeks of instruction.

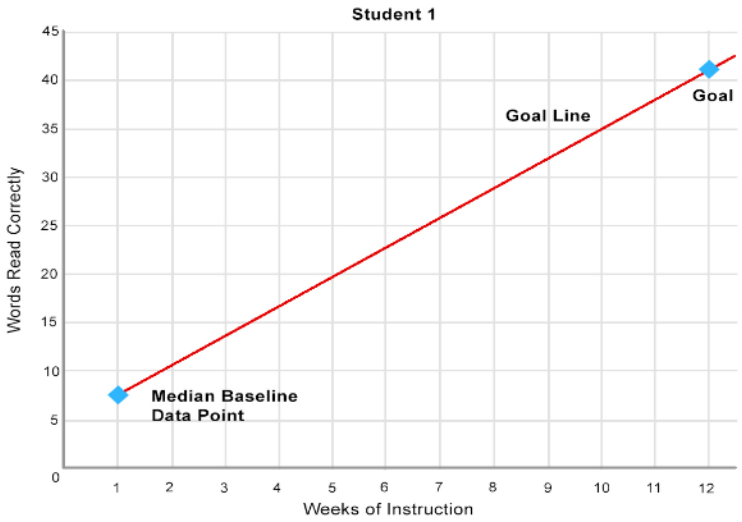


Step 3: Collect current baseline data

It is important to document a student's current level of performance. *Baseline data* is the measure of the level of a student's academic or behavioral performance before a change (e.g., one of the supports identified in the IEP) is implemented. An educator should collect enough baseline data to establish a stable, clear picture of the extent of the academic or behavioral problem. Baseline performance can usually be established with three to five data points. Once the data are collected, the teacher should identify the median score, the score that falls in the middle when scores are ordered from lowest to highest. For example, if a student receives scores of 5, 7, and 8, the median is 7. This score should be plotted on the graph.

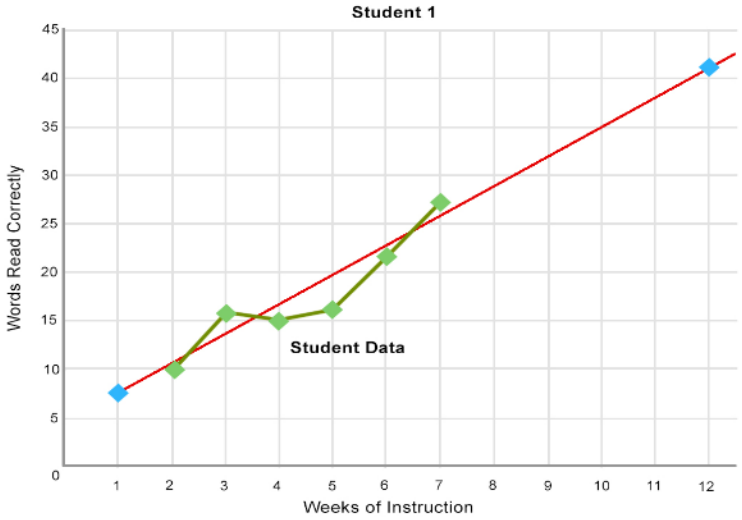


Step 4: Establish a goal line



Adding a goal line to a graph allows an educator to quickly determine whether the student is on target to reach the identified goal within the established timeframe. The *goal line* is a line drawn from the median baseline score to the expected end-of-year goal. Once an educator has plotted the median baseline data point, she can then plot the end-of-year goal (e.g., 115 words correct per minute) and draw a line between the two points. Often, educators identify and plot a short-term goal (e.g., a nine-week goal) and draw a line between it and the baseline data point. Doing so helps students gauge whether, in the short-term, they are on track to meet their end-of-year goal. Short-term goals also help keep students motivated to improve their performance.

Step 5: Collect data on each IEP goal regularly



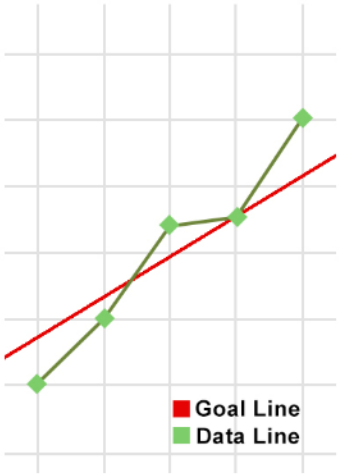
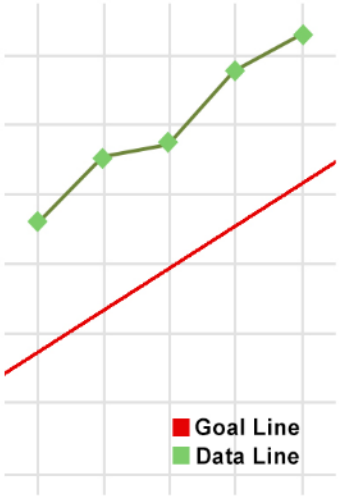
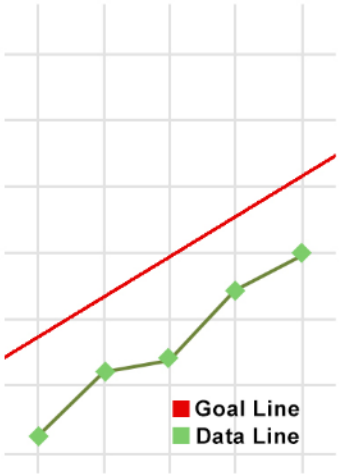
Educators should collect data on each IEP goal on a regular basis (e.g., every two weeks, monthly). Actually, IDEA regulations require that the IEP team document how frequently they will monitor this progress. Administrators can facilitate this process by making certain that an identified data-collection schedule is in place. Additionally, administrators should make certain that the educators responsible for data collection have the expertise necessary to use the measure, whether academic or behavioral. When applicable, administrators should make sure that educators receive adequate training.

As data are collected, educators should plot them on the student's graph to create a visual representation of her performance. Keep in mind that most commercially available programs have graphing capabilities.

Step 6: Review data often and make instructional decisions

One step educators frequently overlook when monitoring student progress is to create a plan for regular data review. By reviewing a student's progress throughout the year, school personnel, as well as parents, can reasonably predict whether the student will achieve the goals specified in the IEP by the end of the year. The administrator should make sure that there is a process in place to ensure that every student's performance is reviewed on a regular basis (e.g., every nine weeks).

Once a minimum of six data points have been collected, a student's performance can be evaluated. One way educators can do this is by using the Four-Point Method, which involves examining the relationship between the four most recent data points and the goal line on the student's graph. Using this information, educators can make a data-based instructional decision. This ensures that any necessary changes to instruction will be made in a timely manner. The table below illustrates how to use this method to interpret the student's data and make the corresponding instructional decision.

Student Graph	Interpretation of Student Data	Instructional Decision
	If most of the points are on or above the goal line, the student is making appropriate progress.	No instructional changes are needed.
	If most of the points are significantly above the goal line, the data indicate that the student is making more progress than expected.	It might be necessary for the IEP team to reconvene to review the student's goal to make sure that it is challenging and ambitious.
	If most of the points are below the goal line, the data indicate that the student is not making appropriate progress.	An instructional change should be made to help the student achieve the identified goal. If the student does not make appropriate progress across time, the IEP team should reconvene to discuss possible actions.

Step 7: Communicate Progress to Parents

IDEA regulations require that the IEP team not only document how they will measure a student's progress toward meeting her IEP goals but also that they must provide parents with periodic reports of their child's progress (e.g., quarterly reports, reports concurrent with the issuance of report cards). Graphs provide a visual representation of the child's progress. Having a visual representation, rather than a list of scores, makes it easier for parents to know whether their child is making progress.

Annual IEP Goal Compliance Rubric

The purpose of this chart is to assist in clarifying what elements MUST be present for annual IEP goals to meet compliance standards. This chart is not intended to provide examples for all of the best practice annual IEP goal elements that could be included, but rather it provides a few basic examples that do and do not meet compliance standards.

200.810 A statement of measurable annual goals, including academic and functional goals: The IEP includes goals that:

200.810.a Demonstrate consistency with the present level of academic and functional performance

200.810.b** Are written in terms that are:

- 200.810.b.(1) Specific to a particular skill or behavior to be achieved,
- 200.810.b.(2) Measurable,
- 200.810.b.(3) Attainable (can reasonably be accomplished within the duration of the IEP),
- 200.810.b.(4) Results oriented, and
- 200.810.b.(5) Time-bound (generally happen within one (1) year)

200.810.c Enable the child to be involved in the general education curriculum, as appropriate (for preschool children, participation in appropriate activities)

200.810.d Address the child's other educational needs resulting from her/his disability.

200.810.e Are present for each special education and related service (N/A for transportation as a related service).

200.810.f For children taking alternate assessments, description of benchmarks or short-term objectives aligned to alternate achievement standards. This information may be shown under goals or in the Present Level of Academic Achievement and Functional Performance

****For discussion purposes, indicator 200.810 is broken down by each of the parts to an annual goal. Please note 200.810 b (SMART goal format) is addressed in a separate SMART goal rubric. Please refer to this rubric for specific information regarding the compliance requirements for 200.810b.**

Requirement and Descriptors	Focus	Out of Compliance	In Compliance
200.810.a Demonstrate consistency with the present level of academic and functional performance (PLAAFP)	• Continuation of the "Golden Thread". Goals address specific skills or behaviors noted in the PLAAFP as a disability related need of the child based on their unique circumstances and individualized needs	● Goals address skills or behaviors that are not identified in the PLAAFP ● Goal address areas of need that are not identified in PLAAFP **Example:** 1. A goal addressing decoding is present but decoding skills (nor any other related basic reading skill) is not addressed in the PLAAFP 2. A goal addressing off task behaviors is present but there is nothing in the PLAAFP that speaks to concerns in the area of attention to task or off task behavior.	● Goals address skills or behaviors that are identified in the PLAAFP ● Goals address areas of need that are identified in the PLAAFP **Example:** 1. A goal addressing decoding is present and the PLAAFP details specific areas of concern and contains information related to the student's current functioning with decoding skills. 2. A goal addressing off task behavior is present and the PLAAFP details concerns and contains information related to the student's current functioning in the area of off task behavior or attention to task.

Does your goal contain the following element?	YES	NO
Evidence that the IEP goals address disability related needs stated in the PLAAFP		

200.810.b (1-5) Refer to the SMART goal rubric.

Requirement and Descriptors	Focus
200.810.c Enable the child to be involved in the general education curriculum as appropriate, (for preschool children participation in appropriate activities)	● The annual IEP goals should focus on skills or behaviors that are relevant to making progress in and being involved in the general education curriculum. ● Annual IEP goals should be aligned to the State standards for the grade in which the child is enrolled (MO Learning Standards or Essential Elements) ● Annual IEP goals align with the concerns noted in the PLAAFP's impact statement (Description of how the student's disability affects their progress and involvement in the general education curriculum) ● Endrew F: Each child with a disability must be offered an IEP that is designed to provide access to instructional strategies and curricula aligned to both challenging State academic content standards and ambitious goals, based on the unique circumstances of that child.

Does your goal contain the following element?	YES	NO
Evidence that the team aligned IEP goals to skills or behaviors the student needs to be involved in and make progress in the general education curriculum.		

Requirement and Descriptors	Focus	Out of Compliance	In Compliance
200.810.d Addresses the child's other educational needs resulting from her/his disability.	• Goals should address academic and functional needs that are a result of the unique disability related needs	• IEP goals only address disability related academic needs of the child when evaluation report and PLAAFP indicate the student has disability related functional needs that should be addressed by the IEP team • Example: The evaluation report and the PLAAFP of a student who is intellectually disabled indicates significant skill deficits in the area of adaptive behavior, yet the IEP does not contain goals to address identified adaptive behavior needs.	• IEP goals address both disability related academic and functional needs • Example: The evaluation report and the PLAAFP of a student who is intellectually disabled indicates significant skill deficits in the area of adaptive behavior, and the IEP contains goals to address identified adaptive behavior needs as well as academic needs.

Does your goal contain the following element?	YES	NO
Evidence that the IEP goals address the child's unique educational needs resulting from his/her disability.		

Requirement and Descriptors	Focus	Out of Compliance	In Compliance
200.810.e Are present for each special education and related service (N/A for transportation as a related service).	• To ensure that the district is providing FAPE, each goal should have at least one corresponding special education or related service. • Related services require at least one goal, if instruction is provided directly to the student. • An unfamiliar reviewer should be able to tell which services are addressed through which goals	• A special education service (specially designed instruction) is listed in the IEP but there is not a corresponding goal. • A related service is listed in the IEP but there is not a goal for the related service listed in the IEP (only applicable in situations in which the related service provides direct instruction is provide to the student) **Example:** • The IEP indicates the student is receiving services (specially designed instruction) in social skills but there are no social skills goals in the IEP. • The IEP indicates the student is receiving physical therapy as a related service, but the IEP does not contain any goals to be implemented during physical therapy.	• A special education service (specially designed instruction) is listed in the IEP and there is at least one corresponding goal. • A related service is listed in the IEP and there is at least one goal for the related service in the IEP (only applicable in situations in which the related service provides direct instruction is provide to the student) **Example:** • The IEP indicates the student is receiving services (specially designed instruction) in social skills and the IEP contains one or more goals addressing social skills. • The IEP indicates the student is receiving physical therapy as a related service and the IEP contains one or more goals to be implemented during physical therapy.

Does your goal contain the following element?	YES	NO
Evidence that the IEP contains goals for each special education and related service listed in the IEP.		

Requirement and Descriptors	Focus	Out of Compliance	In Compliance
200.810.f For children taking alternate assessments, description of benchmarks or short-term objectives aligned to alternate achievement standards. This information may be shown under goals or in the Present Level of Academic Achievement and Functional Performance	• For student's taking the MAP A, short-term objectives or benchmarks are required for all goals (including related service goals) • Student's who are instructed and assessed on alternate achievement standards are students with significant cognitive impairments. They typically make smaller increments of progress therefore benchmarks or objectives allow teams to see the progress more clearly. • The short-term objectives and benchmarks may be placed under the goals or in the PLAAFP.	• The IEP of a student who is taking the MAP A does not contain short-term objectives or benchmarks for the annual goals listed in the IEP. • The IEP of a student who is taking the MAP A contains goals for a related service but those goals do not contain short-term objectives or benchmarks. **Example:** Benchmarks or short-term objectives are not present for any of the goals listed in an IEP for a student who is taking the MAP -A. Benchmarks or short-term objectives are present for all goals except related service goals in an IEP for a student who is taking the MAP-A.	• The IEP of a student who is taking the MAP A does not contain short-term objectives or benchmarks for the annual goals listed in the IEP • The IEP of a student who is taking the MAP A contains goals for a related service but those goals do not contain short-term objectives or benchmarks. **Example:** Benchmarks or short-term objectives are not present for any of the goals listed in an IEP for a student who is taking the MAP -A. Benchmarks or short-term objectives are present for all goals except related service goals in an IEP for a student who is taking the MAP-A.

Does your Goal contain the following element?	YES	NO
Evidence that all of the annual IEP goals contained in an IEP for a student who will be assessed using the MAP -A contain benchmarks or short-term objectives.		

Plan for Data Collection

Determine	**Examples**
Type of data to be collected ● What are we measuring? ● Tools to use?	Number of times, reduced time frame, correct number, etc. Existing, contrived, observation, Progress Monitoring Resource
Where data will be collected	Gen Ed Classroom, Special Ed Classroom, Unstructured Setting (i.e., playground, hallway, lunch)
How often to collect data	Weekly, Monthly, Bi-Monthly, Bi-Weekly How often is enough to document progress or lack thereof? AND ensure the frequency meets the requirement within the IEP goal.
Who will collect data	SpEd Teacher, Para, Gen Ed Teacher, Others
When to review	Weekly, Monthly, Certain number of data points, How often to determine a need for instructional change?

Classroom Friendly Methods of Data Collection

Data Collection Method	Definition	Best For…	Example
Frequency	How many times a behavior occurs	Behaviors that do not last very long and are easy to count	How many times did Sally make an off topic remark during the 30 minute reading block?
Latency	The Amount of time between the signal for a behavior to occur and the behavior starting.	Behaviors that have a clear signal to begin and there is a delay to when the behavior actually occurs that you want to shorten.	It took 2.5 minutes from the time the teacher blew the whistle (signal) to when Sally lined up (behavior).
Duration	The period of time that a student engages in the behavior.	Behaviors that have a clear stop and start that you want to increase or decrease the amount of time that the student engages in them.	Robby cried for 16 minutes out of a 30 minute math block.
Permanent Product	A work sample or physical change in the environment as a result of a behavior that lasts long enough for you to take data on.	Academic behaviors, life skills behaviors, or other behaviors where you can physically see the environment change as a result of the behavior.	Robby completed a writing assignment with 20 questions. He got 10/20 correct. Henry completed ⅘ of his chores for today.

Can these be used to monitor IEP goal progress?
Yes, No, Maybe

Data Tool	**Yes, No, Maybe**
Daily behavior checklist	
Annual statewide achievement exam	
Unit quizzes from grade level curriculum	
Grade level screener administered 1-3x per year	
Published CBM probes administered weekly	
Familiar or Unfamiliar Read	

Can these be used to monitor IEP goal progress?
Yes, No, Maybe
Answer Key

Data Tool	**Yes, No, Maybe**
Daily behavior checklist	Maybe - if it includes the targets
Annual statewide achievement exam	No - not sensitive or brief
Unit quizzes from grade level curriculum	Maybe - if enough items measure the target and is frequent enough (hard to control the content)
Grade level screener administered 1-3x per year	No - not frequent and unlikely sensitive enough
Published CBM probes administered weekly	Maybe - if it includes targets and is used frequently
Familiar or Unfamiliar Read	Maybe - if target is recorded, is frequent, and is controlled text at the appropriate instructional reading level