Making Special Education “Special:” Ensuring Maximal Instead of Minimal Benefits

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Let’s Get Started!

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Author of over 100 book chapters and journal articles on scientifically sound basic skills progress monitoring and screening tests for use in MTSS/RTI decision making, including IEPs.

Editor of 5 books, including 3 editions of Research-Based PK-12 interventions for the National Association of School Psychologists.

Consultant to schools and state departments of education in 44 states over his career.

Invited Contributor to OSEP/OSERS/IES Conference on Research and Practice Needs for Students with Disabilities
I’d Like to Think I Have Some Credibility

1 of 6 members of Technical Review Panel, National Center for Student Progress Monitoring, USDE/OSEP 2003-2007

Author of More than 100 Refereed Journal Articles and Book Chapters on the Topic of CBM, Progress Monitoring, and Screening

Editor and Contributor to 2 Major Texts on CBM
Read This Book

Some Things to Read About IEP Goals and PM Practices


References on CBM and Goal Setting


1. Click on the Resources/Downloads Tab
2. Click on the 1. Presentations and Handouts Folder
3. Click on the CORE IEP Webinar Folder
Disclosure

• Mark R. Shinn, Ph.D. Serves as a Paid Consultant for Pearson Assessment for their AIMSweb product that provides CBM assessment materials and organizes and report the information from 3 tiers, including RTI

• Mark R. Shinn, Ph.D. Serves as a Consultant for Cambium/Voyager/Sopris for their Vmath product, a remedial mathematics intervention but has no financial interests

• Mark R. Shinn, Ph.D. Serves as a Consultant for McGraw-Hill Publishing for their Jamestown Reading Navigator (JRN) product and receives royalties

• Mark R. Shinn, Ph.D. Serves as a Member of the National Advisory Board for CORE (formerly the Consortium on Reading Excellence) and receives a stipend for participation
The Ground We Will Cover

• IEP Goals Provide Parents and Team Members the Platform to **Weigh the Potential Benefits of SE Against Its Costs**

• Progress Monitoring of IEP Goals Was Intended to **Provide Students Protections from SE from Which There Was Little Benefit**, Requiring the IEP to be Revised to Address ANY Lack of Expected Progress

• Unfortunately, IEP **Goal Setting Remains Yoked to Poor Practice**, Driven by **Procedural Compliance**
  - Goals Are **Trivial** and **Do NOT Drive** the Development Nor **Intensity of the SE Program**
  - Progress Monitoring is **Not Frequent**, Nor Scientifically Sound and As a Result, **IEPs are Not Modified**, Reducing Student Benefit

• The Recent Supreme Court Case, *Endrew F. v. Douglas County School District*, and an OSEP Dear Colleague Letter has Given Us the **Opportunity to Revisit Quality IEP Goals and Progress Monitoring Practices**
Big Ideas

1. The Endrew F. v. Douglas County School District Decision Now Suggests that More than “Minimal Benefit (better than nothing) is no longer the Standard by Which SE Benefit Should Be Judged. That’s a Good Thing!

2. The OSERS November 2015 Dear Colleague Letter is Intended to Communicate that IEP Teams Have High Expectations for Students with Disabilities (SWD). That’s a Good Thing!

3. However, Both Circumstances Could Replace Predominantly Lousy IEP Goals That Do Not Lead to Meaningful Progress Monitoring with Other Lousy IEP Goals That Do Not Lead to Meaningful Progress Monitoring!

4. IEP Goals and Frequent Progress Monitoring Are Critical Components to High Quality Special Education Practices that Are Intended to “Protect” SWD and Ensure that the Benefits of SE Outweigh the Risks.

5. There is a (Long-Standing) Solution that Allows for Substantive Compliance with Endrew and the OSERS November 2015 Letter, Facilitating “Better” IEP Goals, More Frequent Progress Monitoring and Increased Student Achievement!
Some Review… We Know the Rules of the Game…
There is a **Legal Requirement** for IEP Goals and Progress Monitoring

**Individualized Education Programs**

§ 300.320 Definition of individualized education program.

(1) A statement of the child’s **present levels of academic achievement** and functional **performance**, 

(2)(i) A statement of measurable **annual goals**, including academic and functional goals designed to—

(A) Meet the child’s needs that result from the child’s disability to enable the child to be involved in and make progress in the general education curriculum;...

(3) A description of—

(i) **How the child’s progress** toward meeting the annual goals described in paragraph (2) of this section **will be measured**; and

(ii) **When periodic reports** on the progress the child is making toward meeting the annual goals (such as through the use of quarterly or other periodic reports, concurrent with the issuance of report cards) **will be provided**;
And Here is the Most Common Outcome of Our IEP Goal Efforts: Weak Goals, Unrelated to Intervention, Impossible to Measure in a Scientifically Sound Way

<table>
<thead>
<tr>
<th></th>
<th>Objectives</th>
<th>Criteria</th>
<th>Evaluations</th>
<th>Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Frodo will decode words containing long vowel syllable patterns</td>
<td>80%</td>
<td>Documented Observation</td>
<td>Grading Period</td>
</tr>
<tr>
<td>2</td>
<td>Frodo will decode words containing the silent syllable pattern (CVCe)</td>
<td>80%</td>
<td>Documented Observation</td>
<td>Grading Period</td>
</tr>
<tr>
<td>3</td>
<td>Frodo will decode words containing inflected endings (ing, ed, er, y, ly, ful)</td>
<td>80%</td>
<td>Documented Observation</td>
<td>Grading Period</td>
</tr>
</tbody>
</table>
Is This SOUND PRACTICE?

Annual Goal: Frodo will increase his reading fluency skills.

<table>
<thead>
<tr>
<th>Objectives</th>
<th>Criteria</th>
<th>Evaluations</th>
<th>Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>Frodo will recognize sightwords at the fourth grade level</td>
<td></td>
<td>Documented</td>
<td>Grading Period</td>
</tr>
<tr>
<td>Performance</td>
<td>80%</td>
<td>Observation</td>
<td></td>
</tr>
<tr>
<td>Annual Goal: Frodo will increase his reading fluency skills.</td>
<td></td>
<td>Documented</td>
<td></td>
</tr>
<tr>
<td>1. A Series of VERY Specific Isolated Skills Out of Many Possibilities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. For Which Tests Would Need to Be Created</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. A Criterion That is Scientifically Unsound and/or Low Level of</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Impossible to Determine an Expected Rate of Improvement and/or Progress</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Frodo will read 55 CWPM at the fourth grade passage level</td>
<td>80%</td>
<td>Documented</td>
<td>Grading Period</td>
</tr>
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<td></td>
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</table>
IEP Goals Should Lead to Progress Monitoring and Promote Effective Intervention and Improvement to Ineffective Ones

(b) Review and revision of IEPs—(1) General. Each public agency must ensure that, subject to paragraphs (b)(2) and (b)(3) of this section, the IEP Team—

(i) Reviews the child’s IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and

(ii) Revises the IEP, as appropriate, to address—

(A) Any lack of expected progress toward the annual goals described in § 300.320(a)(2), and in the general education curriculum, if appropriate;

Without Good Goals, There is No Good Progress Monitoring

Without Good Progress Monitoring, There Cannot Be Revisions of IEPS When Appropriate
Would I See Evidence of Revision of IEPS In Your Schools Right Now?

![Progress Monitoring Improvement Report for Student X X from 02/04/2010 to 06/08/2010](image)

- **Expected ROI to Significantly Reduce the Gap**
- **IEP Revised to Address Lack of Progress**
The NORM, Not the Exception for IEP Practices

SE is Leading: IEP Goals and Progress Monitoring

- Lots of IEP Goals w 80% Criterion and Let SE Teachers Decide How to PM: 43%
- Lots of IEP Goals w 80% Criterion, But STANDARDIZE SE PM Practices: 16%
- We Write Fewer IEP Goals Using CBM and Standardize SE PM Practices: 27%
- Honestly Don’t Know: 14%
Teachers’ Perspectives on IEPS

Do you like these IEPs?
I do not like these IEPs
I do not like them Jeeze Louise
We test, we check
We plan, we meet
But nothing ever seems complete.
Would you, could you
Like the form?
I do not like the form I see
Not page 1, not 2, not 3
Another change
A brand new box
I think we all
Have lost our rocks!
Legal Experts Don’t Like What We Are Doing Now

"Sadly, most IEPs are horrendously burdensome to teachers and nearly useless to parents. Many if not most goals and objectives couldn't be measured if one tried and all too often no effort is made to actually assess the child’s progress toward the goal.

Bateman and Linden (2008, p. 63)
Nobody Likes What We Are Doing Now

Unfortunately, the IEP process operates poorly in many places ...For years, IEPs have been based on a mastery measurement framework, which creates

lengthy,

unmanageable documents, and

onerous paper work.

These mastery measurement IEPs, with their long lists of short-term objectives, also fail to provide a basis for quantifying outcomes.

For these reasons and more, IEPs promote, at best, procedural compliance without accounting for individual student learning or describing special education effectiveness.

Lynn S. Fuchs and Douglas Fuchs, Vanderbilt University
Testimony to the President’s Commission on
Excellence in Special Education,
Progress Monitoring, Accountability, and LD Identification
April 18, 2002
IEPs Are a Civil Rights Issue

Advantages of Special Education

Intensive, Specially Designed Instruction to Meet Students Unique Needs

Intervention(s) That Reduces the “Gap”

Required Parental Engagement and Reporting, including Progress

Disadvantages of Special Education

Potential Loss of Freedom of Association

Undue Stigmatization

The IEP Describes the Content and the Expected Outcomes of the SE Program to Enable People to Decide if the Advantages Outweigh the Disadvantages
You Decide

Grade 4 Student
Labeled SLD
Present Level of Performance = Grade 1

Goals and Program
Read Grade 1 Material Successfully in 1 Year
Small Group Instruction 3x per Week for 15 minutes each

Goals and Program
Read Grade 3 Material Successfully in 1 Year
Small Group Instruction 5x per Week for 75 minutes each

IEP Goals Drive Intervention Intensity
If We EXPECT MORE, the Intervention Must DELIVER MORE!
Opportunities to ReTHINK and Improve: Endrew

In a stunning 8-0 decision in the case *Endrew F. v. Douglas County School District*, the U.S. Supreme Court ruled in favor of a higher standard of education for children with disabilities.

Advocates and parents say the case dramatically expands the rights of special-education students in the United States, creates a nationwide standard for special education, and empowers parents as they advocate for their children in schools.

On Wednesday, Chief Justice John G. Roberts Jr. stated in the court opinion that a child’s “educational program must be appropriately ambitious in light of his circumstances” and that “every child should have the chance to meet challenging objectives.”
"When all is said and done, 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,” Roberts wrote.

Roberts wrote. “For children with disabilities, receiving instruction that aims so low would be tantamount to ‘sitting idly . . . awaiting the time when they were old enough to “drop out.”’"
Endrew Decision Echoes Other National Efforts

The Office of Special Education Programs (OSEP) has revised its accountability system to shift the balance from a system focused primarily on compliance to one that puts more emphasis on results.
“IEP goals must be aligned with grade-level content standards for all children with disabilities.”
And More—Higher Expectations

... IEP for a child with a disability, regardless of the nature or severity of the disability, is designed to give the child access to the general education curriculum based on a State’s academic content standards for the grade in which the child is enrolled...
And More

we expect annual IEP goals to be aligned with State academic content standards for the grade in which a child is enrolled. This alignment, however, must guide but not replace the individualized decision-making required in the IEP process.
Your Thoughts?

• Are You Aligning Your IEP Goals Appropriately Ambitious in Light of the Child’s Circumstances?

• Are You Aligning Your IEP Goals Right Now to Grade Level Standards?

• Is It Even Possible to Write Goals that Align to Grade Level Standards?

• If So, Is It Possible to Monitor Progress to Enable the IEP to be Revised to Address Any Lack of Expected Progress?
I Get It. I Believe in High Expectations…and WE CAN (and SHOULD) Do It!

And I Believe (KNOW) There is a Research-Based Technology to Meet This OSEP Expectation (with a little tweaking):

- Sound IEP Goals and Frequent Progress Monitoring Practices Consistent with OSEP Funded Research and Centers Such as the NCSPM, National RTI Center, and Center for Intensive Intervention

- Better, Time Efficient, and More Meaningful Goals and More Frequent Progress Monitoring

Find a Single Academic Task That Could Be Measured and Graphed Like This!

This Was the Hope
The Product of that Research on IEP Goals and Progress Monitoring? CBM—GENERAL Label for a “Family” of Assessments

www.aimsweb.com

dibels.uoregon.edu

Easy CBM
www.easycbm.com

http://www.fastbridge.org

www.corelearn.com
Improving Progress Monitoring Using Scientifically Sound Practices Has Been an OSEP Priority Since 2005
We Write Fewer IEP Goals, But They are Based on Scientifically Sound “Indicators” and Proven Progress Monitoring Practices

<table>
<thead>
<tr>
<th>Skill</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Reading</strong></td>
<td>In (#) weeks (Student name) will read (#) Words Correctly in 1 minute from randomly selected Grade (#) passages.</td>
</tr>
<tr>
<td><strong>Spelling</strong></td>
<td>In (#) weeks (Student name) will write (#) Correct Letter Sequences and (#) Correct Words in 2 minutes from randomly selected Grade (#) spelling lists.</td>
</tr>
<tr>
<td><strong>Mathematics Computation</strong></td>
<td>In (#) weeks (Student name) will write answers to (#) Correct Problems in 8 minutes from randomly selected Grade (#) math problems.</td>
</tr>
<tr>
<td><strong>Mathematics Problem Solving</strong></td>
<td>In (#) weeks (Student name) will write answers to (#) Correct Problems in 8 minutes from randomly selected Grade (#) math problems.</td>
</tr>
<tr>
<td><strong>Written Expression</strong></td>
<td>In (#) weeks (Student name) will write (#) Total Words and (#) Correct Writing Sequences when presented with randomly selected Grade (#) story starters.</td>
</tr>
</tbody>
</table>
Quality Goal Setting Practices

3 Important Questions That Make It Very Easy for Everyone to Understand

1. Where is the Student Now? The Present Level of Performance (PLOP).

2. What LEVEL of Performance (Curriculum Level) Do We Want the Student to Be At When the IEP Expires That We Believe Reduces the Performance Gap?

3. What is the CRITERION FOR ACCEPTABLE PERFORMANCE (CAP) That Defines SUCCESS? How WELL Do We Want the Student to Perform When the IEP Expires That We Believe Reduces the Performance Gap?
Goal Setting Steps

1. Determine the Present Level of Performance (PLOP) based on Survey-Level Assessment (SLA)

2. Know the Time Frame for the Goal (typically the “anniversary date”–1 year).

3. Determine the Level of Curriculum Performance That Defines Success and Reduces the Gap

4. Define the Criterion for Acceptable Performance (CAP)
SLA to Determine PLOP

Achievement Level of Average Students in Fall

PLOP in Grade 6

Expected Level of Performance
SLA in “Off Level” to Determine Where Students are Successful NOW

PLOP: Student Reads Grade 2 Material As Well As a Beginning Grade 2 Student

PRESENT LEVEL OF PERFORMANCE (PLOP)

EXPECTED GRADE-LEVEL PERFORMANCE

IEP Annual Goal
Historical Goal Setting Practices Using CBM

In 1 Year, Student Will Read 115 WRC When Given a Grade 5 Standard Reading Passage

Advantages
- Observable, Measurable
- Scientifically Sound
- Enables Judgments About Progress
- Logistically Feasible
- Easily Understood By Teachers, Parents, Students
- High Expectations
- Significantly Reduces the Performance Discrepancy

But NOT Aligned to Grade-Level Standards
Which of These Grade 6 Level Standards Would Teams Select?

<table>
<thead>
<tr>
<th>Standard</th>
<th>How Would We Measure This?</th>
<th>How Would We Define Success?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Cite textual evidence to support analysis of what the text says explicitly as well as inferences drawn from the text.</td>
<td>?</td>
<td>80%?</td>
</tr>
<tr>
<td>2. Determine the meaning of words and phrases as they are used in a text, including figurative and connotative meanings; analyze the impact of a specific word choice on meaning and tone.</td>
<td>?</td>
<td>80%?</td>
</tr>
<tr>
<td>3. Compare and contrast texts in different forms or genres (e.g., stories and poems; historical novels and fantasy stories) in terms of their approaches to similar themes and topics.</td>
<td>?</td>
<td>80%?</td>
</tr>
<tr>
<td>4. By the end of the year, read and comprehend literature, including stories, dramas, and poems, in the grades 6–8 text complexity band proficiently, with scaffolding as needed at the high end of the range.</td>
<td>?</td>
<td>80%?</td>
</tr>
</tbody>
</table>
Grade-Level Goal Solution: Add A Grade-Level Goal with a Standards Aligned CAP

Frequent Progress Monitoring Annual Goal
In 1 Year, Student Will Read 115 WRC Given a Grade 5 Passage
Grade-Level Aligned Annual Goal.
In 1 Year, Student Will Read 100 WRC Given a Grade 6 Passage
What’s a Standards-Aligned CAP?

A Grade 6 student who reads 62 WRC has less than 10% chance of passing the state standards test at the beginning of the year. Ginny read 20 WRC!

If Ginny improved to 100 WRC, her chances to meet standards would increase to 50%. Still low, but a significant improvement that reduces the gap!

Source: aimsweb Technical Manual
How to Ensure Alignment to Grade-Level Standards with Significantly Discrepant Students

Best Progress Monitoring Practices for Substantive Compliance (Doing the “Right” Thing)

Weekly Progress Monitoring Using a Single Passage of Grade 5 Materials 1x per Week

- Observable, Measurable, Scientifically Sound, “Best Practices” as Exemplified in OSEP Centers That Can Contribute to Revising the IEP When Appropriate

Link to Grade-Level Standards for Procedural Compliance

- Measures Are Single Rich Tasks Aligned to CCSS and Using Grade-Level Materials
- Progress toward GRADE-LEVEL Standards is Measured by Benchmark Assessment (Less Frequent, But As Often as Typically Developing Peers)
- CAP is Related to Likelihood of Passing a Standards-Based Test
Standards-Aligned IEP Goals and Frequent Progress Monitoring

Weekly Progress Monitoring Toward Annual Goal

Use Benchmark Score to Evaluate Grade-Level Standards Progress
## Summary

<table>
<thead>
<tr>
<th>Current Use of Lots of 80% Goals</th>
<th>Use of CBM Family for IEP Goals</th>
<th>Other Peer Reviewed Measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poor professional practices that likely will just add to more procedural compliance; Needs improvement for reasons beyond Endrew</td>
<td>Add a Grade-Level Standards-Aligned Goal Monitored Less Frequently</td>
<td>Wish I Knew</td>
</tr>
</tbody>
</table>

### Endrew Implications

Dear Colleague Letter

- Poor professional practices that likely will just add to more procedural compliance; Needs improvement for reasons beyond Endrew
- Add a Grade-Level Standards-Aligned Goal Monitored Less Frequently
- Wish I Knew
Questions?

Get in Touch with CORE!
info@corelearn.com
888.249.6155