

Andrew F. Standard and Considerations for Rule Changes

With Dr. Jacqui Kelleher
Vermont's State Director of Special Education
July 18, 2022

Transcript

Slide #1

Kelleher, Jacqui

Hi there. Can everybody hear me OK? Hearing none, I will take that as a yes and move forward and welcome. Welcome to everybody happy summer.

Due to summer break and the desire to archive our discussion on Andrew F this session will be recorded and we will have it posted by the end of the month. I really thank you for being here in person or checking out this topic at a later time. I am Jackie Kelleher and I will be your host for the next 60 to 90 minutes or so.

So sit back, relax, put questions or comments or feedback or ideas in chat. If you are listening to this later and have those same questions and comments, feel free to e-mail our allies special education team and we'll be happy to follow up with you.

Slide #2

We've been providing a series of trainings and information sessions to the field on rule changes since ohh September 2021. All of these are archived and our special Ed Rule site is a link that I'll share later in this presentation.

Uh, certainly. We encourage. UM, anyone from the field or parents and families to go and view the type of guidance and tools and checklists we've been providing in anticipation of rule changes, some of which went into effect July 1st, 2022. And the rule change with respect to adverse effect and specific learning disability will go into effect July 1st, 2023 and the AOE thought as part of our series. That it's important and appropriate now to take this opportunity to review the Andrew F standard. To highlight what this means for IEPs and particular in this new era of Andrew F. and as well as.

Contact Information:

If you have questions about this document or would like additional information please contact:
the [Special Education Monitoring Team](#).

Discussing the implications of Endrew F with the Vermont Special Education rule changes, I'm gonna share a lot of information and then we will have time for some dialogue. Following the presentation, I look forward to having that anybody I know we have some AOE staff on this call and perhaps some others from the public who would like to engage in that conversation. That's something that we really appreciate as part of these office hour opportunities is to. Have that connection and collaboration with you.

Slide #3

Who I am just sharing with everybody a wonderful reminder of all the folks that work tirelessly day in and day out on the rule changes as well as everything else with respect to special education, general supervision system and overall working with Elias to improve outcomes for children and youth with disabilities. I do want to recognize we have a new team member, Cassie Santo, who joined us July 5th.

And in addition to low incidence disabilities and inclusive practices, she'll also be supporting some of the indicator work and some of the dispute resolution work as well.

Slide #4

Our vision statement uh from the AOE and the AOE Special Ed team.

Slide #5

That's important for me that whenever I have the opportunity to do presentations with you, I share out the purpose of the AOE and the vision that the special Ed team put together in terms of ensuring access, equity and opportunity by providing solutions based oversight, leadership and support to build capacity and improve student outcomes.

Slide #6

So we'll get started. The basic rights under the IDEA and one basic right in particular that we're focusing on and as we know, there are over 800 rules within the IDEA, but when you get down to the bare bones, essentials to what our basic rights and there are several, but to name a few.

So free appropriate public education or FAPE least restrictive environment, parent rights, student rights child finds, which encompasses locate, identify and evaluate IEP and transition plans.

Slide #7

So the heart and soul of Endrew F and the conversation we're going to have revolves around this crucial obligation of providing FAPE free, appropriate public education. And I remember when I got started in this field and I was trying to find operational definitions for nearly every

word or phrase that was in the IDEA and appropriate. How was such a befuddlement? Did I actually had called our?

Oh, substate. Lead back in 2007 and says what is appropriate? What is this word? Like? What do you mean by this? And this was one of the many terms where OSEP tends to remain silent and leads it up to case law or federal law. How the interpretation under that type of structure?

Yeah, informs a standard of some of the language that is not defined. So for appropriate that is going to be a key point of what we are gonna cover today. Now I'm just gonna make this smaller for a moment so I can just refer to my own notes periodically. I don't have the luxury of two screens, so with Andrew.

Slide #8

The IDEA requires schools that receive federal funds to provide a free, appropriate public education faith to all children with disabilities in a case from 1982, Board of Education versus Rowley, the Supreme Court interpreted the FAPE requirement to mean that schools must provide, quote, some educational benefit, End Quote to students with disabilities who are meeting grade level.

Expectations, although the court indicated that it was not announcing a universal rule for what schools must do for all students with disabilities, lower federal courts have applied the quote UN quote, standard to deny thousands of students with disabilities and their families and their families who needed education and services in the Supreme Court drew in this Andrew F. case, drew and his parents are arguing. That the lower courts have misinterpreted the IDEA and Rowley.

Uh, Congress has changed the IDEA since the Rowley decision to incorporate the standards based school reform advanced through the federal the other federal education laws, including No Child Left Behind Act at the time.

Uh, the amendments are to the IDEA also recognize that the Americans with Disabilities Act passed in 1990, established a national goal of equal opportunity for individuals with disabilities.

With Congress's changes, the IDEA now requires public school to ensure that students with disabilities receive a quality education that provides equal opportunities for academic achievement. The high expectations for the achievement of students with disabilities that we have for all students, I'm merely more than de minimus benefit is not enough, which we will unpack a little bit further.

Slide #9

I'll put back on here the Endrew, one of the key document to refer to, which is linked at the end of this presentation, is a pretty thorough and comprehensive section from the Office of Special Ed programs around Q&A with respect to Endrew F versus the Douglas County School District. And so this takes us back to March 22, 2017 when the court.

Issued a unanimous opinion in Endrew F. in that case, the corporate the Court interpreted the scope of fate requirements within the IDEA in the court, overturned the 10th 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. And I've highlighted here I wanted to unpack it a little bit deeper, but the Endrew decision is important. Because it informs our efforts to improve academic outcomes for children with disabilities, so I strongly encourage you to look at this Q&A if you have it already.

Umm uh, it really, really does such a great job with providing us more. OSEP interpretation of what the court provided. So let me give you some context to refresh you or perhaps this is new to you, but the student, Endrew F in this case was diagnosed with autism at age 2. Endrew attended school.

Slide #10

In Respondent Douglas County school districts from preschool through 4th grade each year, his IEP team drafted an IEP addressed to his educational and functional needs. By interest. 4th grade year. However, his parents had become dissatisfied with his progress. Although Endrew displayed a number of strains, his teachers described him as a humorous child with a sweet discipline disposition, who showed.

Concern for all his friends. He still, however, exhibited multiple behaviors that inhibited his ability to access learning in the classroom. Endrew would scream and class climb over furniture and other students and occasionally run away from school. He was afflicted by severe fears of commonplace things like flies and spills and public restrooms, and as Ender's parents saw it, his academic in functional progress had essentially stalled.

Uh Endrews, IEP largely carry over the same basic goals and objectives from one year to the next, indicating he was failing to make meaningful progress towards his aims.

His parents believe that only a thorough overhaul of the school district's approach to Endrews behavioral problems could reverse the trend. But in April 2010, the school district presented Endrews parents with a proposed 5th grade IEP that was, in their view, pretty much the same as the past ones. So his parents removed Endrew from public school and enrolled him at Firefly Autism House.

Private school that specializes in educating children with autism. Andrew did much better at Firefly in November 2010, some six months after Andrew started classes at Firefly, his parents again met with representatives of the Douglas County School District. The district presented a new IEP in February 2012, Andrews parents filed a complaint with the Colorado Department of Education, seeking reimbursement for Andrew's tuition at Firefly.

And a LGJ denied relief Andrews parents sought review in Federal District Court, the District Court 6 affirmed. The parents appealed again, and the 10th Circuit affirmed, holding that a child's IEP is adequate as long as it's calculated to confer an educational benefit that is merely more than de minimis.

Slide #11

So I'll turn on this one now. In terms of the 10th Circuits Educational benefit standard. And uh prior. So yeah, the note I wanted to make was that prior to the Andrew F. decision, all court cited the Rowley standard as the law governing faith. And I'll remind us what those two prongs were in a moment. But some circuits run the requirement as some benefit, while other circuits read the requirement as meaningful benefit. And some saw this as a really important difference.

Slide #12

So on December 22nd, member we we're looking at like on at least year five you know since this particular issue like in 2010 when we were describing what the you know the parents were advocating for the parents appeal to the US Supreme Court in this was essentially the question that was presented and that was that was as follows. Whoops use me.

What is the level of educational benefits school districts must confer on children with disabilities to provide them with the free, appropriate public education granted by the IDEA?

Slide #13

Two more on small frame mode here. So in Rowley, the Rowley 1982 standard, the support ruling stated well, we declined to endorse any one standard for determining when students with disabilities are receiving sufficient educational benefit to satisfy the requirements of the Act. That more difficult problem is before us today. So the Supreme Court ruling. I continued on March 22nd, 2017.

Slide #14

The United States Supreme Court held that the nature of 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 first. By the time of any dispute, by the time any dispute reaches court, school authorities will have had the chance to bring their expertise and judgment to bear on areas of disagreement.

When a child is fully integrated in the regular classroom, providing a FAPE mean that meets the unique needs of a child with a disability typically means providing a level of instruction reasonably calculated to permit advancement through the general curriculum.

And so Supreme Court stated that concluding that a school district in order to meet its substantive obligation under the ID a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances, the court vacated the judgment of the court and remanded for further procedure proceedings, which we will also unpack this further.

In the upcoming slides, but you know some keywords in there, so the word appropriate again, as we're talking in the context of FAPE. Ah, it advancement of substance, substantive obligation, reasonable calculation in light of the child's circumstances. This was these were new words. These were new ways that a port was viewing the interpretation of the language within the IDEA, and gave us some standard. So consider.

Slide #15

Now, Andrew takeaways that I have here, I first wanna first wanted to comment and go back to Rowley, like skimming from the outcomes of the case. Here are some essential takeaways that are listed on this slide. But going back to 1982 core case, which first shaped the concept of what is appropriate in the acronym, fate was Board of Education versus Rowley 1982. They concluded. We therefore conclude. That the quote basic floor of opportunity quote consists of access to specialized instruction and related services which are individually designed to provide educational benefit to the handicapped child.

And there were two problems that emerged from Rowley that the courts were looking at that SA's state education agencies were encouraged to look at in doing things like reviews of local education agency policies, procedures and practices, and also for Elias to consider, as they are reviewing the number and nature of IEP, so that they have.

Within their, their team development and implementation. So those two questions were has the state complied with the procedures set forth in the law. So there was the compliance piece and is the resulting IEP reasonably calculated to enable the student to receive educational benefit?

The court applied those two parts to the case of Amy Rowley back in 1982. The school district had complied with the procedures of the law, thus meeting that first question, that part one of that test, if you will. Also, if you remember about the Amy Rowley case, the court held that Amy had received educational benefit because she was passing from grade to grade, thus meeting Part 2 of the test benefit.

Which apparently the problem Amy and IQ of 125 and was academically very able and the Supreme Court was essentially able to sidestep the second part of the test, and when applying the FAPE test to the individual cases, courts began to have different.

Interpretation of that second test, or the substantive part of the Rowley tests, and that that would make this is what makes the Endrew era so different and important to discuss is in the FAPE case, the US courts of appeals for the various circuits. They developed different standards to determine whether a student's education had conferred educational benefit. So look at what emerged through the Endrew.

Ask case in 2017 and thus we have our takeaways here about the Supreme Court rejecting the minimus or trivial Ed benefits standard. This room court rejected the maximizing standard. The court previously rejected in Rowley. OK, Endrew, have decision did not replace or overturn the rally decision rather it clarified its FAPE standard.

Umm. And then there were a couple of quotes from the Endrew case and that we find little significance in the courts language. In rowing 1982 concerning the requirement that states provide instruction calculated to confer some educational benefit.

And the full implications of the Endrew decision will not become clear until hearing officers and judges apply the Endrew standard to the facts presented in future FAPE litigation. So they knew right away this was brand new territory of clarifying some of this language around this standard, and that it would be evolving over the next several years, which it has and.

Many of you, many of us at the air, we, you know, we've been looking at, you know, different cases across the country and they're references to Endrew. We certainly look for references to Endrew. As you know, various guidance came out to us from the, from the Office of Special Ed programs during COVID. The past two, 2 1/2 years.

So the Endrew decision provides guidance to special education leaders and teachers in developing IEP's that meet the Endrew standard.

Slide #16

And I just put a little side by side of Rowley 1982. Now that I refreshed just a little bit just to show the differences with Endrew in a side-by-side format, this reasonably calculated is further defined, making progress, the child circumstances that's in light of the child circumstances is an interesting one, which we'll get to in a moment. But I want to unpack like in this interview era, what some of the expectations. Are particular around the IEP, but also as we are rolling out changes in our special education rules.

Slide #17

And then a reminder that the courts gave us a particularly in the Endrew case is that they were giving us a standard and not a formula. They gave us some guidelines, guidelines that are used in the program planning that we do at the state level guidance for those in dispute resolution who are considering cases, state complaints.

Mediation dispute resolution due process so on and so forth, and the courts reminded us that they were not going to attempt to elaborate on what appropriate progress will look like from case to case. It's really about the unique circumstances of the student and 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 as reasonably calculated.

Uh, you know all of this language that we've talked about before. So we're talking about Endrew F. as a standard. It's a high standard. It is an obtainable standard. It is a standard that we consider to be a good gold standard for how we look at the and IEP's policies, practices and procedures in implementing IEPs for children and youth.

Slide #18

So Endrew F and implications for IEP's.

Slide #19

So given those Endrew F. takeaways and the different the number and nature of documents and files and policies and guidance that were reviewed by the ports and how it's since been translated since March 22nd, 2017, I'm going to further go into some highlights. Specific two IEP, teaming and IEP processes. So we have the we have the procedural requirements that the substantive requirements.

But this is where, you know, the guidance that we are receiving is that insurance of attendance by all those required team members, including the necessary components and content implementing special Ed services as written, you know, implementing the IEP as written.

Umm, over the past several years, a few more procedural errors have having merged and have been shared with different within different legal outfits like LARP providing guidance that these seem to be items that continue to prop up so that failure to involve parents in the IEP process predetermining a student's placement or services like going in already.

Having decided that you were the location or the, you know particular methodology and so on and so forth, these four you've had that opportunity to meet and discuss those needs. And having had the parent provide that input. So that predetermination is something that is a procedural error, that is something that is it's not appropriate.

Either in Rowley or the Endrew F standards, determining a placement before programming. As we all know, placement comes last. Placement is the last thing that we consider. It's always programmed before placement and then these other two the failures to assemble an appropriate IEP team. Failure to include required components in a student's IEP. And really that's a little bit redundant from some of the other things that I've been saying, but let's just take that as reinforcement. Let me drive those home.

Slide #19

And then you know lastly around this, you know basic highlight overview developing educationally meaning high quality IEPs that meets the needs as soon as with disabilities. Again that involving parents in the IEP process and the IDEA wrote our parents in on purpose, our parents, our experts on their children, they are equitable partners and the extent to which we involve them makes a full IEP.

Process, but it's also something that is considered and looked through thoroughly by states who are using Endrew F as their gold standard. Individualized evaluation in adhering to required timelines and you know, speaking from like the monitoring perspective that many of you have to report your timelines for annuals and try annuals and evaluations within 60 days and so on and so forth that you know these are things that we need to do as a part of OSEP's interpretation of this standard and that the timelines. There are critical part of fully implementing an IEP or you know for the pre referral process for ensuring that transition plan has been done by the point of age that is required by the state.

Slide #20

So I wanted to do some illustrations about under the Endrew F standard in this era. You know, let's talk about the IEP in particular in the area of present levels of academic achievement and functional performance, functional performance has always been a part of our IDEA, always been a part of our obligation, but really gets highlighted under Endrew.

And being able to thoroughly summarize both academic and or functional skill areas and include how that students disability in those areas affects their involvement, their engagement, their experience in that general education curriculum.

Uh, your descriptive information under some seats call it plot, by the way. Fun fact present levels of performance. But the present levels that of course is required by law and is in everybody's IEP team. So also now with goals. We have challenging, ambitious and measurable goals and it is, you know, to the extent that those goals that the child is, it's what is the expectation for a 12 month period.

Within that annual cause, we are reviewing at least annually those goals and the goals help the

IEP team personnel determine whether the student is making gains and has meaningful educational benefit and like what was cited in the Endrew F case that my goodness, he had multiple years of IEPs and those goals remained the same. The objectives remain the same and at what point?

You know in, you know, Endrews case, should those goals have been reviewed, to determine what needs to be changed here? You know, how do we need to break this down further and the goals need to be, you know, backwards map to a more ambitious goals that we have or what other goals do we need to have in place to meet those current needs? And that wasn't evident. And that's something in my practice too. I've been, as I shared with you, I've been in.

State Department work on my work began in 2007 and I was part of the educational benefit training process through search in Connecticut that we do offer here at the agency of AD that I'll share at the end. But going through IEP's during our focused monitoring visits, that was that was such a challenge is you know, when you do a benefit, you look at one individual student.

And you look at three years of their IEP's and you look for the alignment and you look for that the relationships and I saw many IPS over and over with the same goals year after year and that's you know that might be something that does not is not applicable to anybody who's listening or who's on the call but it is a reality and it continues to be a reality and this is nationwide. This is not just unique to Vermont.

But these are things that we're looking for as we consider do we have challenging, ambitious and measurable goals.

Slide #21

So also in your IEP that was highlighted by Endrew as that description of Special Ed and related services and supplementary services. And these are statements in your IE P of all the educational services to be provided by the school in order to help meet those schools. Great, we've got these challenging, measurable, ambitious goals. What are those services? What are those strategies and approaches? What are those supports that are gonna help?

This individual child make progress towards those goals. The law doesn't say that they must meet the goal, that that is the law, but they need to be making progress. So what services do we need to help them get there? But I'm highlighting to what emerged in the end era is about services being based on peer reviewed research, scientific research based.

Practices in in in interventions, what is the science behind what you are proposing to the greatest extent possible and also to be provided in the least restrictive environment? Also, depending on the on the nature and severity of the child's disability and their. And again there

the, the, the, the, the location or the programming and the placement all needs to be based on need which is very individualized of course.

Another one that got further clarified is around methods for measuring and reporting progress and having in your IEP a description of how the students' progress towards those goals will be measured and how and when a school personnel will inform parents about that progress. And there's plenty of flexibility and agency that in how we do that with parents and we certainly want to.

Provide uh reporting and data in qualitative information in where's the parents understand to help them be informed in being better partners with their IEP teams and to understand how their student is progressing through their special education program. So parents is highlighted here as well.

Slide #22

With this reverse phrasing, explanation of the extent the student will not be educated with nondisabled students in the general Ed setting in our IEPs. You know at this is some of our kids it is not gonna be appropriate for them to be in Gen Ed. Having access to general education curriculum and standards. You know that that that absolutely is essential but where that child's location is for engaging with that information is that IEP team decision but the reverse phrasing of this requirement is purposeful and ID it requires the IEP team to justify.

That decision and just make that statement of why, given XY and Z, the programming is gonna be provided here, you know 80% in Gen Ed, 40 to 79% with Jeanette and special education or a separate classroom for some things and or it might be completely support classroom or homebound or specialized.

Learning environment through an Independent School that is up to the ISP, but it's gotta be justified and included in that IEP. Andrew also highlights the statement of participation and state and district wide assessment.

That's something that, you know, we've been working together as a state about, you know, determining what type of accommodations or modifications for students who are participating in the general education statewide assessment, if they qualify up to 1%, make qualify for an alternate assessment. But what's important to note here, too, is that if you have a district wide assessment.

That's required for all students in your district, your students with disabilities need access to that district wide assessment as mandated by your district. And that's something that we can

continue or will continue to connect with further as more districts are looking at interim assessments and benchmark assessments as part of their local.

They're local coordinated assessment system process for some students that are on the alt. There needs to be an alt type version of the interim or benchmark assessment and we know that that is a big lift on districts and are looking forward to finding some solutions if that is the case, especially under the recovery model, the SLA is exploring to what extent that might be a possibility.

School districts on their own have already decided as part of their own robust system, they might be putting implementing some of these practices. We just have to be mindful that our students with disabilities, that this information is all considered and implemented.

Uh, based on their needs and is included within your IEP as a procedural component to the design and implementation of your IEP.

Slide #23

So dates of service initiation frequency, duration, location so that service initiation, the date that the special Ed and related services identified in the IEP begins should start as soon as possible and the frequency and duration.

Uh, specifying the amount of services to be provided to the student, clarifying the level of resource commitment, the location where their services will be provided or placement cannot be determined until all of the other IEP components have been determined. Because we don't want predetermination, as we previously discussed. But this information is key within the IEP.

Me, as part of ensuring that your IEP is being reasonably calculated in light of the child circumstances and in case you hadn't noticed by one of the previous slides around Andrew F. in light of the child circumstances is another one where it's interpreted by the courts, the courts and OSEP have not clearly defined what that means, but we've got to consider.

The child's circumstances and we have also been asking that question of OSEP, particularly in light of a pandemic where all children had a very different circumstance. But we're talking about.

They're school experience, their home experience, environmental physical demands, like the whole experience that that child encounters just by the nature of being a student in our in our system. So that's another interesting term that turning to case law. But we do know in light of a child circumstance, it really comes down to what are the statements of individualized needs.

Slide #24

So another term that we or I highlighted in what was elicited from the Endrew F. language is reasonable calculation. So the standard is recognizing that developing appropriate IEP requires perspective judgment by the IEP team. Absolutely there is so much.

Trust and conviction that well functioning IEP teams and their judgments, as long as there's effective communication and collaboration and some of the considerations that I'm about to share with you, that judgment by the IEP team is critical in this case and there's a lot of authority and opportunity for the IEP teams, for the design development and implementation.

That around these decisions, these are some kind of wonky bullets. I apologize. Now I look at them, but the decisions are informed by expertise, progress of the student students, potential for growth and the views of the students, parents and also in determining whether IP is reasonably calculated to enable us soon to make progress. These other factors that need to be considered and documented as you consider them is the students previous rate of academic growth.

Whether the student is on track to achieve or exceed grade level proficiency, any behaviors interfering with the students progress and behaviors as a wide a wide word, there's externalizing behaviors, internalizing behaviors, there's behaviors like attendance, and the student being available to participate in instruction and also additional information and input provided by the students parents, I think you can start to see what the number and nature of references to parents, what led to Vermont's decision to implement parent input in the IEP.

Me as a new special education rule. Many of us captured it in different ways, verbally, by e-mail, through phone conversation. Just our new rule steps it up a bit by just being able to capture and document parents and put it within this. Within this document, the IEP is it's a legal document, IEP is also a process. The IEP is the blueprint. And so that is one of the Endrew, if was one of the, you know guiding points which led to that particular rule change.

Slide #25

So I'm going back to the court case itself. I just highlighted some of the quotes that came from the Supreme Court and the IEP is not a form document. It is constructed only after careful consideration of the child's present level of achievement, disability and potential for growth. And according to the Supreme Court, the educational benefit requirement of IDEA is satisfied and a student has received a fate if the students IEP sets out an educational program that is reasonably calculated to enable the child to make progress.

Appropriate in light of the circumstances. And ohh I did write in there exactly what I said before. It's the new gold standard for vape Endrew F. to meet its obligations under IDEA, as school district must offer an IEP reasonably calculated to enable a child to make progress in

light of the child circumstances. The court described this standard as a fact intensive exercise. The question is, what is reasonable? Not what is ideal.

Slide #26

So the other term progress to unpack within the next couple of slides or so, I think I'll go back and forth on progress, but again there in light of Endrew and the Supreme Court did not specifically define the phrase in light of the child's circumstances like no again, Jackie 2707, what do you mean by appropriate? Same thing in 2022, Sep. What's meant in light of the child circumstances. We have some big areas there, but again it comes down to documentation, database, individualized.

It needs and at three court emphasized, individualized decision making required in the IEP process in the need to ensure that every student with this ability should have the chance to meet challenging objectives.

And then also from the court cases, the line here that I had pulled, it wasn't a quote, but it was within the summary statement. But where a child is not fully integrated and regular education classes Gen Ed, the IEP need not aim for grade level advancement. So that whole advancement from grade to grade that Amy Rowley had in 1982, we can't say that passing grades are moving from grade to grade by, in and of itself is necessarily.

That the child is making progress. There could be other areas. There are other areas beside academic achievements that we need to consider under functional performance and functional skills. So anyway, instead the IEP must be appropriately ambitious and life of the child circumstances. The goals may differ, but every child should have the chance to meet challenging objectives.

Slide #27

Think I'm going back to some more of the I. Well, let me talk about ad benefit and then progress. So educational benefit. The other term that was driven home here talks about those not those procedural or those compliancy pieces. That was the test. One of the Amy Rowley of 1982. But Endrew talked about these substantive requirements in the content of the IEP. And this is like the first time we have folks talking about words like.

Aspirational in that it maintains high expectations while enabling the students to make meaningful progress. Ohh my goodness. When that came out aspirational hits septations meaningful progress in light of the students needs and at the minimum, those present levels of academic achievement and punk functional performance statements must contain information that describes the students' needs in academic and or.

Functional skills also like foreshadowing, where we went with the functional skill section of our special education rule changes. This was really highlighted by this Andrew F standard. Also the plaque statement states the impact of the student's disability on their involvement in the jet end curriculum. How does it impact access to Gen Ed? How does it? How does it impact performance in Gen Ed curriculum?

Uh documents the student's current levels of performance, which will serve as the baseline data to measure that progress within that 12-month period or try annually that we are using that we're using from baseline to where they're going at different reporting cycles during the year at the very least annually to help determine if educational benefit.

Is occurring for the child and that also that plaque statement informs the annual goals and the appropriate specialist services and supports required to meet those goals. So like in your plastic statement, your present levels statements we often have on our IEPs, we have areas of strengths, but we also have areas of concerns and needs and then perhaps some supporting details. And then what is the impact of Gen Ed?

And that's kind of like our PLAPF section. If there is a concern or need that is listed in that Plath, it better have a goal coming up within the measurable goal section of your IEP reverse. If you've got a goal in that measurable goal section of your IEP, it better map.

To our PLAAF or plop and connect and align with a need that was identified and that's, you know, something to to really look for in your IEP development is that alignment, is there a clear for the plastic, it's like the heart and soul of that, IEP how did how do your goals map on to concerns and needs? How do those services map on to supporting those goals that map on to those concerns and needs? And everything, you know that that you have throughout there should be a thread that that that aligns across the board. Uh, so the Platt is often considered like the backbone of this of your ISP document in light of our Andrew standards.

Slide #28

Oh, and so here's another visual for you. So student needs everything that I was just talking about. Again, academic and or functional needs. And it could be academic or functional needs. You know, we can be looking at functional needs themselves.

You know, we do hear that that that can be a challenge for some folks that might have students that have who are proficient or maybe even advanced in some or more academic areas. But the functional needs, the behavioral, the communication, the social and emotional daily living skills, those things that those are areas of concern that we need to.

Consider for students as part of our as part of our inquiry as part of our evaluation as far as

mapping out this blueprint and I just already went through all of these things with you. The strengths, concerns and needs.

How do they relate to district or state standards post-secondary interest parents concerns at saw also why we put that parent input section in the plot area. The present levels of performance areas. I know we had questions about why did we put it where we did or does it really matter to us? It mattered in light of Andrew F and this particular. Umm, you know, focus on present levels of performance also results from evaluations and ways in which the student's strengths can help address the identified area of concerns.

Slide #29

The effect on progress in general education, so this one I and I remember as a practitioner that that could be a little difficult for me and being able to consult and collaborate with my partners in Gen Ed or the curriculum coordinator, it's an important element. It's important aspect to be able to document and we're essentially asking for within that IEP, our IEP team to document how does the students disability affect.

Their involvement and access and progress, and that takes some dialogue that takes some cases are clear cut. Absolutely. Some might take some further inquiry and to what exactly is that need and how does it impact these three specific bullets that are laid out here?

Slide #30

I mentioned baseline information. That's something that we want to be looking at to determine how we monitor student progress. And so here are some of the guiding questions that we have in the Andrew F. standard era. Are the data being reviewed to determine whether the student is making progress? Is it specific, objective, measurable, actionable, timely, smart is important.

Not smart is the expectation. It's under this standard of being able to have written goals, but then the data so like each items in those goals and objectives we should be able to have some type of operational definition or understanding to have measures and data to help us understand if the student is making progress and the extent to which we check on it.

You know, are you sending out data around baseline a few times a year, several times a year? You only looking at it at least annually and reviewing the IP at least annually is the bare minimum of our federal and state requirements.

But you know are you collecting information frequently and that alignment piece about the data collection and the baseline information and how you're looking for progress, how does that loop back to that area of concern and how are you reflecting about state content standards or eqs in our case or?

And NCTM, if it's math standards or the other curriculum standards that you have within your district, that reflects the state expectations for content standards.

Slide #31

The connection to goals and or services. I mentioned that alignment key is piece and it is about bridging that present levels to that annual goal and things that we're asking ourselves in the Andrew F. era. Is there enough information in the present levels to develop challenging, ambitious, measurable annual goals? If not, what else do we need to collect?

If there is great now, is there enough information in the present levels to determine what special Ed and related service accommodations and modifications like does it speak to that service model we have for our kids? Are we arbitrarily throwing down? You know, being able to record lectures or audio books on tape. I wasn't books on tape back in my day, I'm dating myself again. But you know, having access to ought to audio books or, you know, for materials, for somebody with print disabilities. Or are we offering extended time because there's a reason? Because there's a relationship within this thread. Umm, it's just so important for us to be purposeful and intentional and be able to tell the story using that alignment thread to guide us through the process.

Slide #32

So measurable goals under Andrew, I'll just go through this real quickly. Essentially 12 month period, what is gonna happen? Academic in our functional guided by grade level content standards. So tied to that Gen Ed curriculum. Our kids, our Gen Ed kids first, the special education and related services because that like shroud of support around them inside additional layer to be able to help get them there, but it's about access to Gen Ed.

Uh, this is uh in, like reviews of the IEP's and light of Andrew F. there has been that focus on benchmarks or short term objectives. Those clear short steps that get us to that annual 12 month goal that we write for the students. We're writing goals in like 12 months in mind. So it's like backwards mapping about how are we going to get them there from baseline and that frames.

The base of your benchmarks and short term objectives and you know these are guideposts for us to be able to look at educational progress and whether there's meaningful educational benefit. It allows us as we're going from benchmark to benchmark rather than annually, just looking at the goal and lets us know earlier, hey, you know what, something's really maybe not working or maybe something isn't effective. What do we need to switch up or maybe you're measures are not correct.

What other data points are going to get us the information we need to know that the child is

making that educational progress and it's connected to a particular service that you as an IEP team select for your students. And so that writing measurable annual goals?

You know, taking your needs statement academic and functional, and the type of standards that we aspire to have. You know, based on the students grade, what's gonna happen in 12 months and how can we put those interim benchmarks steps that the rungs of a ladder that's gonna get us to that 12 month challenging and ambitious goal.

Slide #33

And although Ida requires IEP calls, the measurable courts have ruled they also must be ambitious and challenging. That's right, I said the 1st, 3rd of this conversation. This is incredible that these words have been coming out of the courts.

Uh, you know, these weren't words. These were words as a. As a practitioner, I certainly had and felt and believed. But now that it's in like court case language in the Endrew if era and it is about high expectations still goals should be realistic based on students, unique circumstances.

So, you know, coming directly from the Endrew F. case, you know, goals that were that were were talked about. We're goals that have these elements that target behavior. Ah, the condition of performance criteria and then a time frame for when this is all gonna take place from. From what point to one point will this target behavior under these conditions reach this performance criteria? In what time frame that those are considered the most complete and technical sense and.

Someone has who has reviewed IEP before Endrew F. And you know, goals like. Improve social skills. No, that. No, no, no, no, no, not anymore. That's that doesn't give you. It's like what social or social communication that would be another one that I would quote the social communication. There's like 20 books written on different types of social communication. What do we mean? It's about just aggregating that information to these measurable pieces. That real target behavior to have this complete. Uh goal? That's more likely to meet that substantive standard.

And then from the Supreme Court ruling, the educational program for student with disability must be a Prolia. Ambitious goals may differ, but every child should have the chance to meet challenging objectives, goals that are not ambitious and challenging, maybe readily achieved, but do not result in meaningful progress for the students. And such goals may render the IEP inappropriate. So that's another thing I had pulled from Endrew versus Douglas.

Umm so high expectations the last point on this slide too is also, however, goal should not be so

ambitious that there is a little chance that a student will actually achieve them. There is such an art and science in writing these measurable goals within the IEP and it's this amazing process when you can have that alignment from needs to goals and then backwards mapped by short term.

Objectives and then your services and supports and accommodations and modifications. Just tell this complete story. This this leads to you having an appropriate, individualized program for your kids, and the goal is not being so ambitious like zombies. Ambitious. Absolutely, to the extent appropriate, but not if you're setting up a kid for failure. If there is no chance they're going to achieve them. That goal might not be right, and that is a case where a goal may be rendered inappropriate.

Slide #34

Couple more on takeaways from Andrew F and this is where Andrew F also highlighted evidence based practices or ebps and also about a little bit about behavior and the so drew had some significant behavioral challenges, but he made progress in that Firefox Private School that had shared with you. And one of the evidence pieces was that behavioral intervention plan that was very successful in meeting his needs. And so the take away there is that.

Uh, the evidence based practices that were a part of that behavioral intervention plan. We're key and being able to cite. A type of EVP and being able to document that you have been able to implement it with fidelity, or if it's a particular practice or intervention that you haven't.

A learned as part of your professional development or as part of your teacher prep program. You know to what extent have you engaged in training on that approach, have done an understanding of the literature, perhaps have a mentor that's coaching you through that. That's important and a quote from USDOE that state school districts and school personnel must therefore select and use methods that research has shown to be effective. To the extent that methods based on peer reviewed research are available, so then there's that too.

Umm I've shared with everybody from the from the field uh as well that you know I'm a mom to four individuals with disabilities and I'm thinking particularly about my twins with autism and ADHD and other related disabilities. There were many peer review. There were many things that were available for the twins that we tried and this is their 24 now. So this was still even.

Autism really became on everybody's radar and like the mid 2000s and so that they were in birth to three in like 2000 or so. And I think that it's important to note that at our time, there wasn't a whole lot of peer reviewed research available with some of the interventions. But what

made things so successful with our twins and our IEP team collaboration is that people were willing to try.

People were willing to be flexible and to try something, and as long as we were documenting and just like keeping a measure on what we were trying our IEP. It would. Our ISP was in compliance, but we were also able to step outside of the box and find some solutions that did work. So I'm just pulling forward that how critical the peer reviewed research is. But some of our kids with some low incidence disabilities there might not be some information that's available. It may take some of our own action research as practitioners to be the data that promotes a particular service.

Or methodology or curriculum approach that you utilize. So I just wanted to share that that caveat is that EBP is definitely the standard and it's listed within our Federal Register, but there's also some flexibility when you find yourself in situations where you don't have information freely available.

Umm, so that's yeah, that's kind of what that last bullet says that, you know, clearly Ida has also said that however, due to inherent difficulties posed by research, limited time and lack of funding, not all educational practice and programs have been subjected to rigorous research. So it's looking at it, what's available? Are there things here that we can try? But it's not about limiting your creativity, just be prepared to document, document, document.

Slide #35

Just two things under behavior under Endrew. And IEP that does not address behavioral challenges may fail to provide FAPE to a student with behavior problems or disabilities or disorders challenges and litigation has clarified that faith is denied when schools or IEP teams failed to consider the inclusion of PBIS in response to the students behavior.

Schedule an ISP meeting to review the IEP to address behavioral concerns after a reasonable parental request or school based personnel become aware of behavior problems. So that's scheduling. When it comes to our intention, is key timestamping. When that schedule has been made and based on the rationale behind it.

Also, discussing concerns of parents or school personnel about student behavior and it's effects on the student learning during an IEP meeting. Umm, implementing the behavior supports and the IEP they can also be jeopardized when behavioral supports are not included in the IE P or that are not appropriate for the students. If that. If there are not appropriate things that are being implemented. This also is something that is considered in looking at a meaningful. Alright, IEP with educational benefit for students to make meaningful progress in light of their circumstances.

Slide #36

So progress and progress monitoring under Endrew, we have, you know conversations about what is progress, progress monitoring, is there a standardized way to do that? Well, we can look at the court case to see what they were considering in coming up with this gold standard and documentation about students' progress towards meeting each annual goal and how it's measured.

A periodic reports on that progress will be provided to parents. Just a note on that too. In doing some reviews of IEP's over the years that I have, you know we have a section. Yeah, we have a section where we know we can discuss what type of measure or evaluation we used. And we have a box where we might enter meets requirements.

Satisfactory or merging not emerged that whole section and I it was really distressing to me when I would do random audits of IEPs that often they would be blank. And I didn't know is it was it is this clerical error. Did people not have time to enter where students are periodically within their IEPs or was this something that was just filled out as annually as a way to just get that part completed within the IEP, so certainly not?

I'm not suggesting that that these are reasons why that these progress areas might be blank, but it was something very concerning and special Ed audits that I have done in the past. UM, objective numerical data. Yeah, yeah. I, I see the courts point in terms of like, you know, the numerical, the numbers matter. You know, you're showing how frequently you're correcting. They're really talking about being able to graphic do like a visual display of data. So that parents understand and that everybody at the table has an understanding and can analyze it together and then use that those data to make instructional decision.

Just did an "eh" sound because just in my practice I think that qualitative data gives stories and information behind the numerical data. So I believed a mixed methods approach is very important. But at the end of the day, the courts were saying what they were really looking for was this type of practice with a progress monitoring system and numerical data is key and they did go to say anecdotal data and other subjective procedures are not appropriate for monitoring student.

Progress and should not be the basis of like a formal progress monitoring system. That was the observation. You know, that's the guidance that we have now is your focus should be on that quantifiable information and the extent to which you work with it and then document what decisions were made as a result.

I'm a substantive standard, not focused on student progress. Will do little to remedy the

pervasive and tragic academic stagnation that prompted Congress to act, and that was another line lifted from Endrew F decision and also. And IEP teams are creating and implementing a high quality plan so that they're like you're frequently you're systematically you're all looking at the same things in a relatively predictable type way throughout the year to look at progress towards the annual goals. You know what is that plan? Do you have that plan for all students? Do you have a plan built into your data system? Hey, it's student a. It's time to do a check on their progress.

And to, you know, discuss if things need to be tweaked or changed or examined, if we need to have another meeting. So having that type of plan to look at to monitor and report the students progress is something else that came out as an expectation under the Endrew F standard.

Slide #37

Right. Another visual for you. How will the students' progress be objectively measured and used. Here's just a couple of dos and don'ts that came from the court case and other court cases subsequently using and applying the Under oath standard. You use objective measures, behavior, observation, checklists, progress monitoring probes. If you're using your own. If you're using an ABES web or some under curriculum based measurement unit or chapter test scores statewide data.

In their in performance historically or within that school year, certainly. And the reminder about subjective measures and that don't that these are things that can be not interpreted consistently doesn't necessarily stand up in a case law. Umm, you know, anecdotal reports teacher, student perception. Umm my job is to report this to you. My job is to share that I do see where there's value of positive measures, but I'm giving you the Endrew F standard.

Slide #38

Great. That was a huge, comprehensive overview in one hour and 15 minutes of the Endrew F standard. The case itself, some takeaways, and more importantly, how can we consider whether the IEPs were designing and developing are written to ensure meaningful, you know, meaningful educational benefit, progress. So and so forth. And I've alluded throughout this presentation a bit.

About the new rule changes that have been emerging and how Endrew F. has guided some of those rule changes. So.

Slide #39

These were so there were several rule changes that went into effect or have either gone into effect or will go into effect next year and not all of them are included here obviously. But there is a really great side-by-side document that's linked here that shows exactly what the 2013

special Ed rules on state and then on the right column, how the rule changes are in effect July 1st, 2022, or the ones that are going into effect.

2023 bolded so you can look visually at what is different, but these the what I have listed here probably were influenced the most by Andrew F and with the goal rioting and the use of pertinent data to not only develop goals, but to evaluate progress towards those goals. And I EP and our whole like content around.

I go writing definitely has that Andrew F. touch as does functional skills and the way that we now have them defined within our rules as one of those basic skill areas that we need to consider and in how functional skills will be written within the IEP upon assessment and identification of need. Certainly Andrew, if as I said parent input 100% right down to where it's juxtaposed.

Within our IEP documents adverse effect. Same thing where you are going to have a less prescriptive approach for determining if a child has a disability. If that disability adversely impacts educational performance, and if that child is eligible or requires specially designed instruction. A lot more reliance on professional judgment and data.

Collected in the way that you need to collect to make those decisions, but hopefully some of the guidance here certainly informed us in writing some checklists and tools for you to use that you're writing or making decisions rather about adverse effect with the Andrew standard in mind. And then also wanted to talk about our special education forms. We have done an overhaul.

On our on our forms over the past several months, some were, you know, in, in light of the special Ed rule changes to accommodate for those, but some was it's time to revamp our content in light of Andrew F which happened March 22nd, 2017 and some of our forums had not been revised since that standard. So in August of 2022 and so next month.

We will be doing some, we will be rolling out the forms absolutely on the website. We anticipate having a companion document that can talk you through the content in the forms and I think you'll recognize some of the language that might be coming from this presentation I just shared with you. But we want like annotated versions of these documents. So you know exactly in what paragraph and which page specific content should be.

You will find some IEP forms that have been revised to capture what I just shared with you about Andrew F around progress monitoring around how methods of evaluating progress, about those strengths and concerns, and input on guard we've tried to.

To, you know, change the formatting of a bit to really capture that alignment piece that I was sharing with you. That's just so critical for your practice, important for how you educate and support kids and to tell your story should there be questions about the type of programming that you are offering that child who's eligible for special Ed. So we look forward to rolling out those forms and we'll have a recorded training that you can access on your own.

And I'm pretty excited. We did get some feedback from some special Ed administrators and some from other community partners, and we look forward to getting these forms right and aligned with rule changes. But most importantly up to speed with the gold standard that our courts are using for what is appropriate.

Slide #40

I'm just gonna end with uh, some resources.

Slide #41

Uh for agency of education. Just some immediate supports. Is Ed benefit if you have not had that training opportunity or if it's been a while or if you had just wanna do it again. It is such a valuable staff opportunity to unpack the IEP and look for everything that was just described. Yeah. In the Andrew F era.

It is it you, you come to your workshop training with hopefully Janet and special Ed and related service personnel or paraprofessionals. Those that are involved in implementing an IEP and you look at individual students over you look at one individual like the alignment across the board and then you have a chance to look at three years worth and ask those questions and it's in a safe space where you can have that conversation.

The first time I did it, I was like, Oh my gosh, who wrote that goal. Ohh, it was me. I think I wrote that goal. It was not a good goal. As we went through that and but, you know, being with colleagues where we could go. Oops.

You know, how can we make it better and actually like support each other and learn together? It's a huge training. We have the curriculum, the materials and we actually learn from special Ed Resource Center Cirque from Connecticut that originated the curriculum for it. So reach out to Batty if that's something you can offer your district a plug for becoming part of our state systemic improvement plan.

A district that involves systems coaching and instructional coaching and taps into so much of what we discussed here because even when you're going through like an EDD benefit training, it has implications not only for the individual students who are serving, but for your entire

system and becoming an ESOP site or an app district gives you the support that you need to make some in to make to make some systemwide changes and also to have some instructional.

Umm, coaching expertise around evidence based practices. Uh Betty Roy is also that person. She's also that person for Co teaching of Co teaching is another way that you're exploring about maximizing staff capacity while implementing your IEP team.

As I said, forms training, we anticipate being in August and Tristan McNamara has been leading that work. Our evaluation manual that we contracted out with over the spring, many of you are aware of. It's the first manual that we have that's really focused on initial evaluations, but also try annuals and utilizing so much of what we talked about and utilizing so much.

What you can from your Vermont MTSS or early MTSS data collection systems to be able to make eligibility determinations. It is so user friendly it is step-by-step. Chris Kane has been leading that work.

A lot of folks have asked, hey, you know what? What happened to the evaluation manual that was being drafted several years ago before I got here specific to specific learning disability? Well, this evaluation manual does that only it is a manual that can be used across all categories of disabilities under the IDEA, including specific learning disability. So we're really excited to be able to. Share that manual. There will also be a recorded webinar training that goes there.

Umm, we do have a technical assistance and professional development form that you can you can reach out to us and tell us what your needs are. These might be like for specific staff like Group of teachers, your whole school and we can look at what we have available that's either universal intensive or targeted and connect with you on what type of supports and services are available from us or it allows us to track if this is a need going on across the state.

So we can leverage resources accordingly or maybe it's a regional need and we can look at partnering with our districts and bcsa and others about implementing some regional support and shared services. And then also very much related to the Android app standard and the expectations as we're working on our Vermont MPSS our early MTSS, our multi tiered systems of support and our using our data and looking at Fidelity implementation.

Tracy Watterson has been a wonderful collaborator with Special Ed Team and working with our districts and Kate Rogers and Katie McCarthy from our early MTS arm of our Student support services. Certainly willing and able and ready to help work with you on those supports. And then this particular webinar, I know it's a bit long. I've been talking for almost 90 minutes now, but there's some information in here that might be very helpful. For people and

you might want to point out some of the content within this webinar that might help improve your design, development and implementation of IEPs and finally.

Slide #42

Kelleher, Jacqui

These national oops goodness. Yes, I'm ending with these last resources here from our national TA providers. So hold on just a minute while it get some water.

Harris, Tracy

Jacqui, this is Tracy. Just let me know if you need me to take over.

Kelleher, Jacqui

Just. Yeah, Tracy, just a minute. I'll just pull up what I had for my notes.

Facilitation Guide/Questions

Kelleher, Jacqui

Thank you. I think you can hear me now a little bit better. I apologize. I've been out with strep for several weeks and it just decided to recap it on the finale of this Endrew F conversation so. Three documents I have listed here that will also be included in the on slide show when it's presented is the OSEP Q&A breakdown. In uh cadre, which is our national TA provider on effective dispute resolution systems and standards also has a very important breakdown of this particular case. And then COPPA, which is our organization for parent advocates and parent attorney has a like a parent friendly version of. How to interpret and your standards? There's not gonna be any surprises for many of these resources given the brief content that I shared with you. But one of those tools in your toolkit as well.

So I can't see anybody yet, but I'm wondering if one of my colleagues or if any of my colleagues would have conversations. I just wanted to know if there were any like reactions to what we just went over. Or any specific questions that either one of us could answer, or we can uh, take back to get you the information that you need. So if one of my team members could facilitate that for a moment. I'll be listening. I just need to get some more water. Tracy, can you take that?

Harris, Tracy

Absolutely. There were no questions posed in the chat throughout the entire 90 minutes.

But I had a comment when when Jackie was talking about anecdotal or other subjective measures not being appropriate and that quantitative.

UM measures are what the feds are looking for and what the Endrew F case spelled out I would. I would challenge anyone to say that. You can make a qualitative goal into an objective,

measurable one by operationally defining what you're looking at, and I can give an example. We all hear teachers talking about using an indoor voice. Well, what the heck is an indoor voice?

I had a student at one point who had great difficulty monitoring and modulating his voice, and it was quite problematic because he could be extremely loud to the point of disrupting even classes down the hallway.

So we were able we got a biofeedback device that gave him a visual graphic measure of his own volume. And so we defined for this student what was appropriate for classroom discussions. For example, we set on this on your little feedback thing here. Classroom discussion voice would be between a four and a six.

However, it however, when you're working in cooperative groups, we need to be more quiet so that each group can work. The words for the entire class were just above a whisper when you're working in quiet, cooperative groups, you speak just above a whisper, and we showed our student on his feedback device that that would be between A2 and A3.

And then we further described what an appropriate voice for him would be when he is angry because he got very volatile and could and could be explosive in his voice. T a particular point in time on an ISP we defined a what was appropriate for an angry voice would be.

Umm it he could start with a loud outburst, but then he would adjust his volume following a prompt. So we said when you're angry, OK, you can speak at a 7-8 or 9 or 10, but when you're given the prompt from miss so and so you need to be back between a four and a six. So that's just one silly example. But if you can operationally define.

What you're looking for then you can take data on it and you can quantify it. That's my input.

Kelleher, Jacqui

Thanks, Tracy. What do others think about either that that particular piece or? Like reactions. I think, Tracy, I was in a, uh, a schooling situation too where our, our, our, our report cards were narratives.

Harris, Tracy

Ohh yeah. Sure.

Kelleher, Jacqui

And one what one thing that we had to do, it was an extra. It was an extra step. But for narratives that got turned in, you know, from various, you know, teachers or related service

staff, as you know, we almost did our own qualitative coding analysis. You know the simple highlight method where we would like highlight color code, highlight certain trends. So we were able to say like 20% noted progress here or 30% of reports indicated.

Improvement here. You know that was that was one way, you know, taking to heart this whole like having like some type of measurable thing. But the narrative stuff was just it gave stories behind the numbers. So that's my bias that I've aired here. But my duty is to just talk about what the courts have found.

Any other AOE staff or folks who have joined us like and then also any new learning or it has it in reinforced which you already knew all this. And then I also ask, who else needs to be informed about the IP under up standards? I really wanna know.

Moreno, Linda

Thank you.

Harris, Tracy

Linda's got her hand up. Go ahead, Linda.

Moreno, Linda

Hey, the only thing I would like to add and I would like to give you a thank you shout out for the alternate assessment and the alternate interims. It's piece that is relatively might actually be new for some folks in the field. But I wanted just to reiterate that you're not alone and we're working on this at the state level. So we really encourage the, you know, the benchmarking and the formative assessment.

Process across your district and will be with you every step of the way as far as benchmarking and formative assessment across the district for students who take the alternate assessment.

That was my, you know, thumbs up there and then the other piece I would like to mention as I channel our Title 3 director, when you have students who are English learners, there needs to be IEP goals that resemble their language development and use your English language proficiency teacher as your resource. They have standards, they have scores on the annual English Language Proficiency assessment in Vermont. We use the access to access.

Pull them in, use them. I understand. Some are itinerant. They might not be there every day, but they need to have input as far as the assembling of an appropriate IEP team. They are a critical member, so don't forget your specialists when you're assembling that team. And there are.

Standards and there's, uh, very detailed assessment that will help you in writing those language

based goals. And I just those are the two things that really kind of resonated with me and the training and. I'm here if you need to get ohh and again, Linda Moreno, assessment coordinator for special populations. Thank you.

Kelleher, Jacqui

Thanks, Linda. I was thinking about you too. As I came up on that point and that no there is not.

Umm, a whole lot of guidance around English language learners specific to this case. There is plenty of guidance, but you are you're absolutely right. You know how we consider the needs of else in developing their IEP. We're grateful to have you as a resource, not only in assessment with English language learners and who's our new colleague who is working with English language learners over in student pathways. Could you give that name?

Moreno, Linda

Umm it's or? Well, our new.

Kelleher, Jacqui

Yeah.

Moreno, Linda

Title 3 director that replaced Jim McCabe is Stephanie Vogel.

Kelleher, Jacqui

Yes.

Moreno, Linda

And she is working with us. Umm, she is doing the same role as Jim did. She'll work with the title. Three group the grant monies as far and support with the English Language Proficiency Assessment. So that would be Stephanie Vogel.

Kelleher, Jacqui

Great.

Moreno, Linda

And then I will put her e-mail in the chat.

Kelleher, Jacqui

Ohh perfect excellent. Those in districts or those just coming out of districts, uh, Cassie, I'll put you on the spot if you're still here too, about.

The then the need to be informed about IE P development under the Endrew F standards. This is, you know, something that needs to be better promoted. Does everybody have all this learning and tell her why spending 2 hours covering something we already know? I'm very curious.

Santo, Cassie

No, I think one thing that you spoke about that really resonates with me is important is tying the ISP together. You're identifying those needs and building all your goals to come back to that need almost like a dog with a bone like that is the focus. How do you close the gaps and tie all the objectives back to that, all the goals back to the need?

Kelleher, Jacqui

Everything. It's this nice, tight, complete package that makes sense when you have all of those that that alignment throughout and. And again, I keep promoting add benefit like I like. I'm like, you know, selling something with a pyramid scheme, which I'm not. No, this benefit training is amazing. It is such an ah ha. When you get to like map that out look for the alignment and then evaluate like the strength of that alignment. It just said.

You just can't look at IEPs the same way ever again after that training.

Harris, Tracy

Great.

Kelleher, Jacqui

Yeah.

Santo, Cassie

Yeah. And once you have a cohesive document like that, anyone should be able to pick it up and know how to implement it. Should the student transfer to a different school or district, it should be seamless transition because the document is so cohesive.

Kelleher, Jacqui

Yeah, I used to say that to my students and my teachers too, that it should pass the stranger test. Not that we would ever want that to happen because it's a legal, confidential document. But say, you know, you picked it up. You don't know the student. You should be able to follow that and understand it and understand what those students individual needs are and how those things all make sense and then advocate for your training for areas that you do not have expertise or if you don't know how to.

Kelleher, Jacqui

You know, effectively work with the assistive technology or implement a particular accommodation or that whole modification piece, which is another conversation like who is making you know who is involved in that modification. And we've had many years where there will be a science test and a science teacher hands the special educator. Here's the test. Modify it for this student. That's not exactly how it works with the science teacher being in the content area expert.

And the special educator, being that learning strategist and that you know that learning about learning expert, it's about coming together and collaborating. But that will be for a future webinar for sure.

I did highlight here. I hope that people understand and recognize the difference between procedural requirements and substantive requirements for developing the IEP and you know how did the Andrew case clarify the substantive standards that we, that's what we spent the bulk of the time on, not the clerical errors? Or did your dates align and some of those other pieces? Is everything completed as it should be? Did you leave no blanks?

It really was like the heart and soul of that, you know, what makes something meaningful, what makes something challenging. What makes something relevant? That was the substantive component, and that's hopefully what we take from Andrew and I am highlighting.

And I'm a big fan of Vanderbilt University has the Iris Center, which is publicly funded by the Office of Special Ed Programs, has a series of modules, and they do have an module inspired by Andrew F on building these IEPs. But I was just highlighting, they also have a great section on common errors that people make. And what would make your IEP not stand up?

Under the Andrew F standards in that case. So that was another resource. And then I want to keep everybody here forever, but I just wanted to spend just a couple of minutes of uh.

You know, playing around with a I was just thinking about, you know, a scenario. So Bella is a 7th grader with a specific learning disability.

Her IEP includes the following present levels of academic achievement and functional performance statement for reading. Let's see what it says.

OK. Then move you out of the way here, friends. Put you up there.

So here's the statement that's written in her, IEP Bella reads at the 4th grade level at

approximately 100 words per minute orally, or Earl reading rate includes many incorrect words. When asked comprehension questions about fictional texts, she's able to identify broad concepts such as main characters and events. However, she has difficulty identifying me and ideas and supporting details and content area texts, science and social studies. She struggles with abstract concepts.

In inferences deductions and connecting what she has read to real world examples. So as I said, that was her IEP listed that in her present levels of performance. Any thoughts? Safe space.

Harris, Tracy

Are you asking us what we would? What's the question?

Kelleher, Jacqui

Here's Bella, 7th grade. This is what you see when you read her present levels of performance. Given like what we just talked about, do you see some concerns with this? Could you make some goals from this? Like what else? What else is missing?

Moreno, Linda

Hi, Jackie, this is Linda. What are they using to identify her 4th grade level reading? Are they using ludology quantiles? Are they using standardized tests? There's different just details that could be.

Added in there because if you're looking at lexile for example, the state has resources that they could use. To chart growth in that area, I'm that's just a stab for me as far as what I'm seeing.

Kelleher, Jacqui

Linda, that's great. And we were just talking about the stranger tests. When you pick up like an IEP and like one of the challenges that I have had when I've read like, you know that section in terms of like, you know, present levels of performance where they currently are, it'll be like spelling 94%. What does that mean?

It's as I you know 94 or, you know, writing expository writing score to five. What's a 5 mean like is that I have want zero to five. It's like 5 zero to 10. And so being able to. Ah, ah. You know, be more, more detailed and you know where your data are coming from or what does it mean.

It is important for somebody and especially like in and then you have a parent that might be reading 100 words per minute or what does that mean? Does that?

OK. Is that grade level, is that below like I don't know. So I think that's a great point, Linda.

Moreno, Linda

And if I were a parent, I would in a meeting, I would look at this and say, well, what is she doing, right? That's an awful lot there to unpack. She's not. Are identifying concepts such as I mean, so there are more because this is such as main characters and events will that's narrative she has or she is able to identify. Excuse me, broad concepts such as main characters and events. Well that's narrative. And as you mentioned, however, she has that difficulty identifying main ideas, supporting detail and expository text content area text. So what does that mean?

Kelleher, Jacqui

Mm-hmm.

Moreno, Linda

And how come she if every parent how? Why is she able to do this in storytelling and not an expository so?

Kelleher, Jacqui

Sure.

Moreno, Linda

I just.

Kelleher, Jacqui

And.

Moreno, Linda

The question I.

Harris, Tracy

Yeah, we thought we used to talk a lot about. Umm, you know around 4th grade is around the time when students go from learning to read to reading to learn and so if a kid has not mastered how to read their, they're probably going to have difficulty with more expository things.

Kelleher, Jacqui

Sure.

Harris, Tracy

And so they would need a lot more support with their content area classes.

Kelleher, Jacqui
Yeah.

Harris, Tracy

Such as pre teaching? Or did you know defining what those technical terms were in science, things like that.

Kelleher, Jacqui

Love that. And how do we know that she struggles with abstract concepts? What did we use? Is this anecdotal? Is this, you know, a standardized assessment? Is this part of the interventions that have been used as part of Vermont MTSS within the district, I mean?

Like, how do you know again, writing this for somebody, some of the author who wrote this probably has a very clear understanding in mind. What those concerns and needs are, but somebody else, you know, reading this, we're asking our as we go into aligning with goals and progress, measuring that specific, that measurable that observable, those component pieces that those present levels of performance need to be. Written clearly so we don't have to guess it. Make our own inferences.

So yeah, my then then the notice this is this is not an example of a high quality present level of performance statement and so some of you have been identifying elements that are missing or incomplete and some of the type of information that could be completed so further OK, so we have that present level of performance statement that we're like it's missing some key elements. But Bella's IEP team developed the following annual goal.

As a result of that statement, when given a textbook passage at the 4.2 well, you know, 4th grade, second month, grade level. Bella will read the passage aloud at a rate of 100 words per minute. By the end of the school year.

So my question was, does this annual goal contain all the required elements and doesn't meet a smart criteria? And is this goal sufficient given all those needs that we read in her present level statement?

Harris, Tracy

Well, and it sure isn't ambitious because. By the end of the year, they only want her to be at the 4th grade, 2 month level. Why not at the end of the year, wouldn't they want her to be at the 5th grade level?

Kelleher, Jacqui

That that thought. Thanks. Keep going. Yeah. She and I wasn't she already reading 100 words per minute. No.

Harris, Tracy

Yeah, she was, but with some incorrect words, yeah.

Kelleher, Jacqui

Yeah.

Harris, Tracy

So.

Kelleher, Jacqui

I will read the passes aloud and read of 100 words a minute will be with accuracy. Yeah, I guess that what?

Harris, Tracy

With what degree of accuracy? Accuracy.

Kelleher, Jacqui

So, like we talked about, like the targeted behavior, we talked about the condition like is this going to be? You know, in Group reading, is this gonna be at an individual setting? Is this gonna be whatever, whatever specific criteria. So we have 100 words per minute. We have got that. But what are we comparing it to?

And then the performance how will it be like measured and within that what time frame you know that's you know the T and smart that that time element we have? Umm by the end of the school year.

You know, between now and the end of this week, so there there's some, it's just not. It's just not very sufficient, but it might be like easy to gloss over really quickly and go OK, you know, it's got a grade level, OK. It's got a rate, it's got kind of a time frame. But if you go back to what this says.

You know, how is it unpacking? This girl's story. In her reading section, you know, does it? Does it cover these things? And it does say, you know, she is currently doing this at the 4th grade level, but.

Harris, Tracy

Well, in the gold doesn't identify which type of text because there's a difference between fictional tests, text and expository.

Kelleher, Jacqui

Yeah, yeah. Well, anyways, there are, uh, with the iris, UM, Vanderbilt iris modules. There's other different types of scenarios that you can use as part of professional development to work through together as a team.

I was also encourage us to like Bella's ISP team is ready to develop the statement of the individualized service and supports for her IEP list and briefly describe the six elements that should be included in the statement. That's another conversation point to have.

And then also working with your, your staff and teams. You could go through talking about the importance of student program, of monitoring student progress of those goals. And then yeah, finally I'm asking everyone collectively, this is aside from the iris modules that I'm showing, how else can the AOE be helpful in messaging the Endrew standard as applied to new specialized rules? Like what else to do folks need?

That was something that I was hoping to learn and it's something that we can continue to explore as people review this on their own and send in questions and comments.

Well, we are at 10:54. That's the content that I have. I thank you graciously for your time. This webinar will be posted. Hopefully editing my coughing fit out somehow you can see that in the transcripts. Tell her maniacally coughs. Uh, so I apologize for that, but I am healing from a virus as my team can attest to. I appreciate your patience.

Umm I'm excited as we continue the work on the rule changes, I'm excited to keep drawing connections to Endrew F and we are all eager to learn how we can help best support staff and team understand the standards and certainly consider their own policies, practices and procedures in ways that like fully support.

Ah, children with disability, children and youth with disabilities, and lead towards improving their outcomes. So everybody, thank you for your time. Good to see you on the call. And if you're listening later, feel free to reach out at any time. Thanks everybody. Have a great week and happy summer.