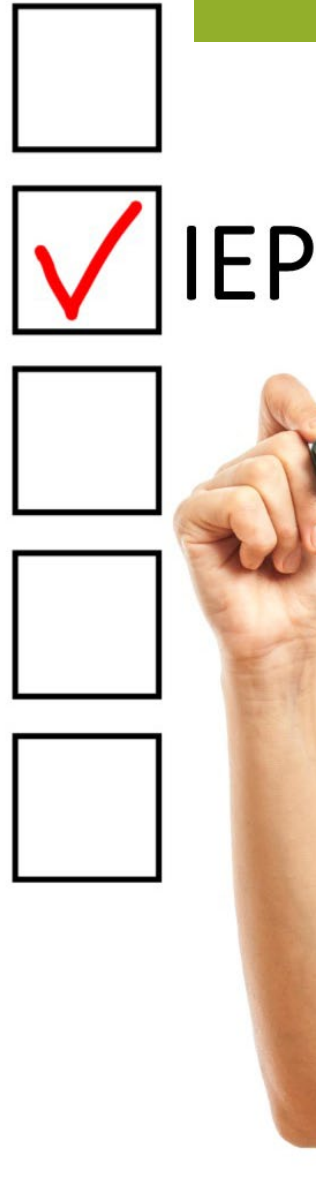




Avoiding Substantive Errors in Individualized Education Program Development

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Shannon was a seventh-grade student with serious difficulties in reading and math. When she entered middle school, her parents referred her for evaluation for special education services. After assessing Shannon for a learning disability in reading and math, the school psychologist decided that although Shannon was below average in reading and math, she did not qualify for special education services. The school's multidisciplinary team (MDT) was convened, and the psychologist informed the team that Shannon did not qualify for special education. Unfortunately, Shannon continued to perform poorly in school, and when she entered high school in ninth grade, her parents again requested she be evaluated. This time after assessment, the MDT decided that she qualified for services as a student with a learning disability in both reading and math. Shannon's scores on standardized assessments were at a 5.4 grade level in reading and a 6.4 grade level in math.

Shannon's IEP team was convened, and developed IEP goals that called for 4 months of growth in both reading and math in 1 school year (to 5.8 and 6.8 grade levels, respectively). In addition, the IEP included an itinerant teacher who was to provide Shannon with 3 hours per week of instruction in both subjects. Shannon's parents disagreed with the school's decision and requested that Shannon be placed in a self-contained classroom. The school refused to implement these suggestions; therefore, Shannon's parents placed her in a private school for students with learning problems and later sued for tuition reimbursement and attorneys' fees.

Does this scenario sound familiar? We hope not, because in this scenario, the school-based personnel made a serious error in developing Shannon's IEP. Unfortunately, this scenario is from an actual court case, *Carter v. Florence County School District Four* (1991), and the error was serious enough that a U.S. district court judge ruled that the mistake led to a denial of a Shannon's FAPE, thus violating the Individuals With Disabilities Education Act (IDEA; 2006). Our purpose in this article is to discuss major

substantive errors that school personnel may make when developing students' IEPs. School IEP team members need to understand the importance of the procedural and substantive requirements of the IEP, have an awareness of the five serious substantive errors that IEP teams make, and know how to avoid errors such as the one made by Shannon's school-based team.

Procedural and Substantive Requirements of IDEA

The major charge of IDEA is to provide eligible students with disabilities with a free appropriate public education (FAPE), which is defined as

special education and related services that (A) have been provided at public expense, under public supervision and direction, and without charge, (B) meet standards of the State educational agency, (C) include an appropriate preschool, elementary, or secondary school education in the state involved, and (D) are provided in conformity with the individualized education program. (20 U.S.C. § 1401[9])

In 1982, the U.S. Supreme Court heard the first special education case to reach the high court. In *Board of Education of the Hendrick Hudson Central School District v. Rowley*, the court interpreted the FAPE requirement of IDEA. In the majority opinion, Chief Justice Rehnquist noted that it "would have been an easier case if Congress had seen fit to provide a more comprehensive definition of the phrase 'free appropriate public education.' But Congress did not do so and our problem is to construe what Congress has written" (Rowley, 1982, p. 181). In construing the FAPE requirement, the Supreme Court handed down a two-part test to use when determining if the FAPE mandate has been met: "First, has the state complied with the procedures set forth in the Act? And second, is the individualized educational program developed through the Act's procedures reasonably calculated to enable the

child to receive educational benefits?" (Rowley, 1982, p. 191). Thus, the court essentially developed a procedural standard and a substantive standard to determine compliance with the crucial FAPE requirement of the IDEA.

The procedural, or process, standard requires that school districts follow the requirements of IDEA, such as (a) sending prior written notice of IEP meetings, (b) adhering to timelines, (c) involving a student's parents, (d) ensuring necessary team members attend IEP meetings, (f) completing all IEP components, and (g) implementing the IEP as written (Yell, 2016; Yell, Katsiyannis, Ennis, & Losinski, 2013). However, not all procedural mistakes made by school districts constitute a denial of FAPE. According to the IDEA regulations,

a hearing officer may find that a child did not receive FAPE only if the procedural inadequacies: 1) impeded the child's right to a FAPE; 2) significantly impeded the parents' opportunity to participate in the decision making process regarding the provision of FAPE to the child; or 3) caused a deprivation of educational benefits. (34 C.F.R. § 300.513[a][2])

Clearly, all procedural mistakes are to be avoided; however, great care must be taken to avoid serious procedural errors that violate a student's right to FAPE or impede a parent's opportunity to participate in the special education decision-making process.

The regulatory language establishes that when making decisions on a denial of FAPE, hearing officers are to weigh substantive issues more heavily than procedural ones (34 C.F.R. § 300.513[a][2]). The substantive mandates of a FAPE require that IEP teams ensure that the content of a student's IEP is relevant and appropriate to the student's needs. Content violations are very likely to lead to an inappropriate and ineffective IEP, thus resulting in a substantive violation of the FAPE requirement of the IDEA.

The substantive, or content, standards do not require that schools

deliver the best possible education or provide an education that maximizes a student's potential, but they do require that the education confers "meaningful educational benefit." Courts have interpreted *meaningful educational benefit* in different ways; however, what is certain is the educational benefits must be more than trivial. In fact, according to the U.S. Court of Appeals for the 3rd Circuit,

Congress did not write a blank check, neither did it anticipate that states would engage in the idle gesture of providing special education designed to confer any trivial benefit. . . . Congress intended to afford children with special needs an education that will confer meaningful benefit. (*Polk v. Central Susquehanna Intermediate Unit 16*, 1988, p. 12)

In another special education FAPE case (*Cypress-Fairbanks Independent School District v. Michael F.*, 1997), the U.S. Court of Appeals for the 5th Circuit devised a four-part test to determine educational benefit (Yell, Conroy, Katsiyannis, & Conroy, 2014):

1. Was the student's IEP individualized on the basis of a student's assessment and performance?
2. Was the program delivered in the least restrictive environment appropriate to a student's needs?
3. Were the services provided in an accurate, coordinated, and collaborative manner?
4. Were positive academic and nonacademic benefits demonstrated?

Avoiding Substantive Errors in IEP Development

Bateman (2011) asserted students' IEPs are so important that they are at the center of most special education disputes in hearings or courts. Thus, it is essential that special education teachers and administrators understand the IEP and the types of errors that can lead to ineffective and inappropriate IEPs. The particular errors we have chosen to highlight are the errors that, when committed, are most likely to lead to inappropriate IEP content

(Bateman, 2011; Bateman & Linden, 2012; Huefner & Herr, 2012; Yell, 2016; Yell & Crockett, 2011).

Error 1: Failing to Conduct a Complete and Individualized Assessment

The first test the U.S. Court of Appeals for the 5th Circuit used in *Cypress-Fairbanks I.S.D. v. Michael F.* (1997) to determine educational benefit was whether the IEP was individualized on the basis of the student's assessment and performance. The importance of assessment to the special education process cannot be overstated. In fact, Weatherly (2015) noted that school districts have lost cases based solely on failing to properly assess a student prior to developing the student's IEP.

IDEA requires that schools conduct a full and individual initial evaluation

that will assist the IEP team to plan a student's program of special education and related services (Bateman, 2011). A relevant assessment of all of a student's needs is the first step in program development, and the assessment of a student is the foundation for the rest of the IEP. To the extent that a student's assessment is incomplete, inaccurate, or outdated, the student's IEP will also be inadequate (Bateman, 2011).

Litigation and the evaluation. In a recent case, *Compton Unified School District v. A.F.* (2010), a U.S. District Court in California ruled that the Compton Unified School District had failed to provide FAPE to a young boy with attention deficit hyperactivity disorder and serious behavior problems when school personnel failed to conduct a complete and individualized assessment. The grandparents of the

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to determine (a) whether the student has a disability under IDEA and (b) the student's educational needs (20 U.S.C. § 1414 [a][1][C][i]). Moreover, the evaluation must address all areas of need, even if the area does not seem to be related to a student's suspected disability. According to a recent decision by the U.S. District Court in Pennsylvania (*Breanne C. v. Southern York County School District*, 2010), in order to confer meaningful educational benefit, an IEP must be designed to offer a student an opportunity to make progress in all relevant domains. It is through a complete, individualized, and relevant assessment of all of a student's needs that these domains are identified and addressed in the resulting IEP.

Unfortunately, too often the team's evaluation focuses on assessing a student for eligibility determination purposes without conducting assessments that relate meaningfully to the student's educational needs and providing the types of information

child had specifically requested that a functional behavioral assessment (FBA) be part of the assessment process. A school psychologist conducted an initial evaluation but did not conduct the FBA and, when the IEP was developed, no behavioral goals were included. The student's grandparents challenged the resulting IEP and placement in a due-process hearing. When the case reached the district court, the judge held that the school district did not "assess the student in all suspected areas of disability" (*Compton Unified School District v. A.F.*, 2010, p. 3), and the school's failure to conduct a comprehensive assessment that identified all of the student's needs prevented the IEP team from developing an appropriate IEP. The court went on to note that had the school conducted the FBA, the results would have been discussed at the initial IEP meeting and that would have enabled the team to address the behavioral issues.

Tips for ensuring the adequacy of the evaluation. The first step in ensuring all needed information for developing adequate IEPs is verifying that all necessary assessments have been conducted during the evaluation process. Many states and school districts have developed checklists to guide special education case managers in verifying they have collected all necessary pieces of information for each disability area that is being considered by the multidisciplinary team (i.e., tables for each disability with all corresponding assessments listed within and a location to check off when they have been completed). The use of such a checklist may help IEP teams ensure that substantive requirements of the assessment are being addressed.

Because checklists and tables may be slightly different depending on a state's laws and regulations, we recommend adopting a systematic way of confirming that all necessary assessments of a student's needs have been completed during the referral and reevaluation process (see Figure 1). This type of checklist can serve as a reminder to complete all necessary elements within the required timeline, which is especially beneficial if multiple evaluators (e.g., special education teacher, school psychologist) are involved in the process.

Error 2: Failing to Address All of a Student's Needs in the PLAAFP

The assessment of the student's performance reveals the unique educational needs that must be addressed in the IEP. These assessment data are then used to develop statements regarding the student's present levels of academic achievement and functional performance (PLAAFP; Bateman, 2011). If all of a student's needs identified in the assessment are not included in the PLAAFP statements, a serious content problem, and probable denial of FAPE, may have occurred. This is because the PLAAFP statements will become the basis of the goals and services that will follow. As Bateman (2011) aptly wrote, "The IEP must stand solidly and squarely on a

foundation of current, accurate assessments of the student's level of performance in academic and functional areas" (p. 96).

PLAAFP statements must include a statement of a student's current performance level and how his or her disability affects access to the general education curriculum. In essence, the PLAAFP is a statement that informs the IEP team precisely about the student's needs so the remainder of the IEP can address those needs. A well-written PLAAFP statement also allows IEP team members to measure a student's progress and compare it to previous levels, in effect becoming a baseline measurement by which the IEP team can determine whether or not a student's IEP is conferring meaningful educational benefit.

We believe that considering the PLAAFP statement as a baseline of a student's performance will result in more effective and measurable programming for students with disabilities and will certainly enable school districts to show that an IEP conferred meaningful educational benefit. The fourth part of the test for determining educational benefit and FAPE developed by the U.S. Court of Appeals for the 5th Circuit in *Cypress-Fairbanks I.S.D. v. Michael F.* (1997) was whether the IEP conferred positive academic and nonacademic benefits. The positive benefits can more readily be demonstrated if a school district can compare a student's current

performance and his or her previous baseline performance in the PLAAFP statements.

Litigation and present levels of performance. Cases in this area have emphasized the importance of relevant, comprehensive, and individualized PLAAFP statements as the essential foundation for the development of a student's annual goals and special education and related services. In fact, some courts have ruled that the school district's failure to develop adequate present-level statements may result in denial of FAPE. For example, a school district's failure to assess an 18-year-old student's academic achievement and functional performance before developing an IEP rendered the IEP inappropriate in *Kirby by Kirby v. Cabell County Board of Education* (2006). In making his ruling, the U.S. district court judge wrote,

If the IEP fails to assess the 'child's present levels of academic achievement and functional performance' the IEP does not comply with (the IDEA). This deficiency goes to the heart of the IEP; the child's level of academic achievement and functional performance is the foundation on which the IEP must be built. Without a clear identification of [the student's] present levels, the IEP cannot set measurable goals, evaluate the child's progress, and

Figure 1. Assessment Checklist

- ☐ The student's parents were involved in the assessment process.
- ☐ The assessment identified the student's IDEA related disability.
- ☐ The assessment led to the determination of the students need for special education and related services.
- ☐ The assessment documented the adverse effect of the students' disability on educational performance.
- ☐ The assessment addressed all of the student's unique educational needs.
- ☐ The assessment led directly to instructional programming.
- ☐ The assessment provided objective information that served as a baseline for progress monitoring.
- ☐ A person knowledgeable about the instructional implications of the assessment and evaluation results was included on the student's IEP team.
- ☐ All of the student's needs were included in the present level of academic and functional performance statements in the student's IEP.

determine which educational and related services are needed. (*Kirby*, 2006, p. 1)

Tips for ensuring the adequacy of PLAAFP statements. It is essential that special educators and administrators understand the importance of identifying all of a student's unique educational needs and including all of these needs in the PLAAFP statements in a student's IEP. Team personnel should make every effort to write PLAAFP statements that are readily understandable to parents and precise enough so that a goal can be developed and progress can be monitored (Bateman & Linden, 2012). One way to check whether PLAAFP statements are clear is to engage in a peer review process: ask a colleague to read the statement (if necessary, omit the student's name) and see if he or she can identify strengths and weaknesses for the student based on the description. This can also be done in the IEP meeting, where all individuals can verify whether or not the PLAAFP is written with adequate detail.

Error 3: Failing to Write Ambitious, Measurable Goals

IDEA requires that the IEP include

a statement of measurable annual goals, including academic and functional goals, designed to 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; and meet each of the child's other educational needs that result from the child's disability. (IDEA, Section 1414 [d][1][A][i][II])

Annual goals are intended to describe what the student is reasonably expected to accomplish in a 12-month period when provided with appropriate special education services.

Ultimately, a crucial element for ensuring that a student receives a FAPE is the development of meaningful and measurable goals. The purpose of measurable annual goals is to help IEP team personnel determine whether a

student is making educational progress and if the special education program is providing meaningful educational benefit. When goals are written correctly, teachers and parents are able to monitor a student's progress in a special education program and make educational adjustments when necessary (Bateman, 2011; Yell, 2016). As a hearing officer in *Rio Rancho Public Schools* (2003) wrote,

The purpose of measurable annual goals . . . is to enable a child's teacher(s), parents, and others involved in implementing that child's IEP, to gauge, at intermediate times during the school year, how well the child is progressing toward achievement of the annual goal. . . . This information allows the IEP team to determine whether a child is making adequate progress, and, if not, to revise the IEP accordingly. (p. 140)

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Unfortunately, many students' IEPs include goals that are neither meaningful nor measurable. As Bateman and Linden (2012) stated, "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" (p. 63). An IEP team's failure to write measurable goals can lead to a denial of FAPE and violation of IDEA.

As noted, the vignette at the beginning of this article was taken from an actual case, *Carter v. Florence County School District Four*, which was heard in the U.S. District Court for South Carolina in 1991. In this case, the court determined that the school district had not provided a FAPE as required by the law because the goals developed by the IEP team were so unambitious that they denied the student, Shannon Carter, FAPE. In

making his determination, Judge Houck wrote,

Even if all the goals [in the IEP] had been met, Shannon would continue to fall behind her peers at an alarming rate. The stated progress of only four months in her reading and math skills over the entire school year ensured the program's inadequacy from its inception. (p. 455)

Litigation and annual goals. A U.S. federal district judge in *Escambia County Board of Education v. Benton* (2005) colorfully summarized the importance of including measurable and meaningful goals in student's IEP. The case involved Jarred Benton, a 12-year-old student diagnosed with autism spectrum disorder. Jarred's parents contended that the school district had failed to provide him with FAPE, in violation of the IDEA.

A number of issues were raised, one of them being that the IEP team failed to write measurable annual goals. The court finding for Jarred Benton held that

without meaningful measurable objectives and goals, Benton's educators and parent were engaged in a futile endeavor to pin the tail on a moving donkey while blindfolded in a dark room. In other words a meaningful, measureable goal gives Benton a target to work towards and his educators and parents a way to evaluate his progress... a program cannot possibly confer an educational benefit to Benton if his teachers and parents do not know where they are trying to take Benton and how they will know when he has arrived. (*Benton*, 2005, p. 1264)

Tips for ensuring the adequacy of annual goals. Writing effective goals

to drive a student's special education and related services necessitates that the goals (a) address all areas of deficit and (b) are clear and measurable. To facilitate the development of goals that adequately address all areas of needs, the IEP team should closely consider all dimensions of the students' success—academic, behavioral, functional, social, and vocational (to name just a few). One way to be sure all areas are addressed is to closely evaluate students' PLAAFP in all content areas and related service areas (Bateman & Linden, 2012). This will include data from a student's 3-year evaluations as well as standardized tests, classroom grades, work samples, and observations from teachers and other service providers. The more comprehensive the data sources, the more confidence one can have that one is addressing all of a student's needs. Also, it is important to be mindful that as students age, their needs may change, so just because they do not have a goal in a given area in their current IEP does not mean they will not need a goal in that area in subsequent years.

It is essential that a student's IEP goals are ambitious, clear, and measurable. The peer review activity described earlier in tips for writing present levels can also be used to confirm that goals are written in a way that is both clear to anyone reading them and measurable so that progress can be assessed. In general, a goal should include the following components: condition, learner, behavior, and criteria. A sample reading goal written in this format is "When presented with a fifth-grade reading passage [condition], Andrew [learner] will orally read [behavior] 90 words correct per minute [criteria]." A sample behavior goal written in this format is "During organized playground activities [condition], Alden [learner] will stay within designated playground areas for three of three opportunities [criteria]." This format helps anyone who reads the goal understand when, where, and how the task should be performed (Bateman & Linden, 2012). Figure 2 is

a worksheet for developing annual goals to help ensure all components are included (i.e., condition, learner, behavior, criteria) and the data to monitor progress (see Error 5) are well aligned with the goal.

We also believe that special educators should be wary of the use of computerized goal banks. Certainly many schools districts use commercially available software and online programs to develop electronic IEPs. Such programs have a number of advantages for school districts (More & Hart Barnett, 2014). It is important, however, to recognize that such programs, when used incorrectly, may lead to more standardized rather than individualized IEPs (Bateman, 2011; More & Hart Barnett, 2014). Special educators and IEP team members must resist the temptation to use goals from prewritten electronic goal banks when developing students' IEPs and remember that the hallmark of an IEP is individualization. Moreover, computerized IEP software may limit the teams' ability to create goals that do not conform to the software's predetermined system (e.g., drop-down menus). According to Bateman and Linden (2012), the use of such goals raises serious concerns about how truly

will be provided for the child" (20 U.S.C § 1414 [d][1][A][i][IV]). The purposes of these statements are to clarify what a school will do to help the student (a) advance toward achieving his or her annual goals and (b) be involved in and make progress in the general education curriculum. These services must be designed to confer meaningful educational benefit. Essentially, the service statements detail what the school will do in response to the student's needs. Moreover, the service statements must be individualized.

There are a number of important components to the provision of special education services. First, the services must be individualized and based on the PLAAFP statements. The nature of this relationship between the PLAAFP and services offered was emphasized in a question-and-answer document issued by the U.S. Department of Education's Office of Special Education and Rehabilitative Services:

There should be a direct relationship between the present levels of performance statement and the other components of the IEP. Thus, if the (present levels) statement described a problem with the child's

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individualized an IEP is. In fact, in *Elmhurst School District No. 205* (2006), the hearing board in Illinois questioned the degree of individualization when computer-generated IEPs are used.

Error 4: Failing to Provide Comprehensive Special Education Services

IDEA requires that IEPs include "a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that

reading level and points to a deficiency in reading skills, the problem should be addressed under both goals and specific special education and related services provided the child. ("Questions and Answers," 2007, p. 36)

Second, the IEP team must clearly delineate the frequency, duration, and location of the services. The nature and amount of services listed in a student's IEP should be specific enough that the parents have a clear understanding of the services that will be provided by a school district.

Third, special education services, related services, supplementary aids

Figure 2. Individualized Education Program Goal Development Worksheet

Goal 1			
Condition	Learner	Behavior	Criteria
Data to be collected to monitor goal: _____			
Data to be collected every (e.g., day, week, semester): _____			
Goal 2			
Condition	Learner	Behavior	Criteria
Data to be collected to monitor goal: _____			
Data to be collected every (e.g., day, week, semester): _____			
Goal 3			
Condition	Learner	Behavior	Criteria
Data to be collected to monitor goal: _____			
Data to be collected every (e.g., day, week, semester): _____			
Peer Review Completed by: _____			

	Goal 1		Goal 2		Goal 3	
Clear?	YES NO	Notes:	YES NO	Notes:	YES NO	Notes:
Measurable?	YES NO	Notes:	YES NO	Notes:	YES NO	Notes:

and services, and program modifications should be based on peer-reviewed research. *Peer-reviewed research* refers to research vetted by qualified reviewers (i.e., through a peer review process) to ensure that the quality of the information meets the standards of the field before the research is published. Nonetheless, the Department of Education clarified that this provision does not mean that the service with the greatest body of research is the service

necessarily required for a child to receive FAPE; nor does it mean that failure to provide services based on peer-reviewed research automatically will result in denial of FAPE. Rather, the IEP team has the ultimate authority in determining what special education and related services are necessary to address individual needs (*Federal Register*, 2006). Fourth, the services must be implemented as written in a student’s IEP. All school personnel have a responsibility to

implement the IEP as agreed upon by the student’s parents and school personnel.

Litigation and special education services. The past few years have seen an increase in litigation regarding the question of whether a district is providing services based on peer-reviewed research. For example, in *Ridley School District v. M.R. and J.R.* (2012), the parents of a second-grade student with learning disabilities unilaterally placed their child

in a private school and filed a due-process complaint. The parents alleged that the school district denied their child FAPE because it did not use an instructional program that was based on peer-reviewed research. The U.S. Court of Appeals for the 3rd Circuit eventually heard the case and concluded that (a) the court did not need to decide if the lack of peer-reviewed research would be a denial of FAPE because the reading program used by school district was research based, (b) the IEP team retained flexibility to devise an appropriate program in light of available research, (c) courts must accord deference to choices made by the school district, and (d) IDEA does not require the school district to choose the program supported by the optimal level of research.

Tips for providing special education and related services. As

opportunities for professional development at state, regional, and national conferences. For example, the Council for Exceptional Children (CEC) holds its annual convention in a different locale each year where hundreds of peer-reviewed presentations highlight effective practices with research to support their effectiveness. In addition, many of CEC's special interest divisions, such as the Council for Children with Behavior Disorders, the Division for Autism and Developmental Disabilities, the Division for Learning Disabilities, and the Teacher Education Division, also hold annual or biennial conferences. Likewise, many state chapters of CEC host their own conferences with similar resources. The CEC and its special interest divisions also publish professional journals that contain peer-reviewed research.

monitor progress, there is no way of knowing whether students are actually benefiting from the special education services they are receiving.

The failure to clearly identify procedures for monitoring and reporting student progress is likely to result in a deficient IEP and denial of FAPE. Of course, if goals must be measurable and student progress must be monitored and reported on, clearly, teachers will need to collect data to ensure that these content requirements are met. There are a number of potentially serious problems that occur when students' progress is not monitored properly.

Litigation and progress monitoring. In *Escambia County Public School System* (2004), a hearing officer described the importance of progress monitoring: "Periodic review of progress . . . provides a disabled student's teacher with supportive data needed to make a determination of the success of an intervention" (p. 248).

Although there are no specific requirements to use standardized tests in order to measure a student's progress or to determine progress in light of comparisons to the student's peers, performance should be measured in light of the student's potential (*Jaccari J. v. Board of Education of the City of Chicago, District No. 299*, 2010). Decisions by courts and state educational agencies have also warned against substituting the following for actual monitoring of student progress: (a) grades from general and special education classes (e.g., *T.W. by McGulla*, 1995), (b) percentile scores where there is no starting or ending point (e.g., *Rio Rancho Public Schools*, 2003), and (c) vague references to "teacher observation" to measure student progress (e.g., *Board of Education of the Rhinebeck Central School District*, 2003).

Tips for progress monitoring. The first step in progress monitoring is to determine what type of data or assessments will be used. This information may come from multiple sources of data (e.g., standardized tests, teacher-made tests, observations).

Without a method to monitor progress, there is no way of knowing whether students are actually benefiting from the special education services they are receiving.

critical consumers of the services we provide to our students, it is important that teachers be able to distinguish between interventions that are supported by peer-reviewed research and interventions that are not. The academic peer review process is essential to verifying the quality of the research practices and, thus, the impact of the findings. Using research-based strategies in educational programs and implementing these strategies accurately is much more likely to result in educational benefit.

One way to determine if a strategy or program has research to support its effectiveness is to search an educational database (e.g., ERIC, EBSCO Host) available through most state and university library systems. These databases allow searches for research to support the use of a proposed program before it is implemented. Administrators and teachers should also seek out

Error 5: Failing to Monitor Student Progress

According to the National Center on Intensive Intervention (2016), progress monitoring is used to (a) assess a student's performance, (b) quantify his or her rate of improvement or responsiveness to intervention, (c) adjust the student's instructional program to make it more effective and suited to the student's needs, and (d) evaluate the effectiveness of the intervention. IDEA requires a description of how a student's progress toward meeting the annual goals will be measured and when periodic reports will be given to parents on the progress the student is making toward meeting the annual goals (20 U.S.C. § 1414 [d] [1][A][i][III]). Monitoring the student's progress is essential in determining whether the student is adequately progressing on his or her goals and receiving FAPE. Without a method to

Teachers should thoughtfully consider all ways in which they may draw data on a particular goal and note this plan in the IEP. One way to promote effective progress monitoring is to select assessment tools that are compatible with the type of data to be monitored. For example, if a student has a goal related to oral reading fluency, curriculum-based measurements (CBMs) can be used on a regular basis to document a student's gains in reading fluency, and CBMs include normative information providing details on how much growth one should expect within an annual IEP term (Fuchs & Fuchs, 1990). By identifying effective assessments, progress can be monitored regularly and efficiently. Many times, assessments for progress monitoring may be embedded within an instructional activity. For example, a student with a goal in reading comprehension may be working on identifying the main idea from a passage. Often, reading assessments have questions that involve main idea identification, and these data can be used to monitor progress. Other times, the teacher may orally quiz the student to have him or her demonstrate his or her ability to identify main ideas. It is also important that progress-monitoring tools be implemented systematically, frequently, and with a plan. For example, you may consider putting on your calendar days and class periods in which you plan to assess a student's progress toward meeting the IEP goals. Even if these assessments are embedded within instructional

activities, having a schedule will help you remember to record these data on a regular basis. If progress monitoring reveals that a student has met his or her goal well before the end of the IEP implementation dates (i.e., 12-month period), it may be necessary to

effective and based on the student's needs; and (e) monitor a student's progress toward his or her goals and make instructional changes when necessary.

Because of the crucial importance of the IEP, special education teachers and administrators need to understand how

Violations of either procedural or substantive requirements can be a denial of FAPE and a violation of IDEA. Understanding how these errors are made may help IEP teams avoid making them.

reconvene the IEP team to update the student's PLAAPF and set new goals. Figure 3 is an example of a progress-monitoring checklist. The use of such a checklist may help IEP teams ensure that substantive requirements of progress monitoring are being addressed.

Implications for IEP Team Members

The substantive requirements of IDEA compel schools to provide an education that confers meaningful educational benefit to a student. To ensure that IEPs confer meaningful educational benefit, the IEP team should (a) thoroughly assess a student's academic and functional needs; (b) write PLAAPF statements that reflect all identified needs; (c) develop goals that are complete, appropriate, measurable, and based on the PLAAPF statements; (d) determine and provide special education services, related services, and supplementary aids and services that are

to properly develop and implement an IEP, including following both procedural (Yell et al., 2013) and substantive requirements. As discussed in this article, violations of either procedural or substantive requirements can be a denial of FAPE and a violation of IDEA. Understanding how these errors are made may help IEP teams avoid making them.

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Figure 3. Progress Monitoring Checklist

- ☐ The method used to monitor a student's progress was discussed at the IEP meeting and included in his or her IEP.
- ☐ The method used to monitor a student's progress is user friendly and time efficient.
- ☐ The method used for monitoring a student's progress collects "real" data (numbers not words).
- ☐ The schedule and format for reporting a student's progress to his or her parents was discussed at the IEP meeting and included in the student's IEP.
- ☐ A teacher or teachers are assigned responsibility for monitoring the student's progress.
- ☐ When data indicates that a student is not progressing, instructional changes must be made.

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