

# THE EVER EMERGING IEP

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# REASONABLY DETERMINED GOALS AND FOCUS AREAS

- It's all about the funnels!

## §300.320 DEFINITION OF INDIVIDUALIZED EDUCATION PROGRAM.

(a) General. As used in this part, the term individualized education program or IEP means a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§300.320 through 300.324, and

that must include--

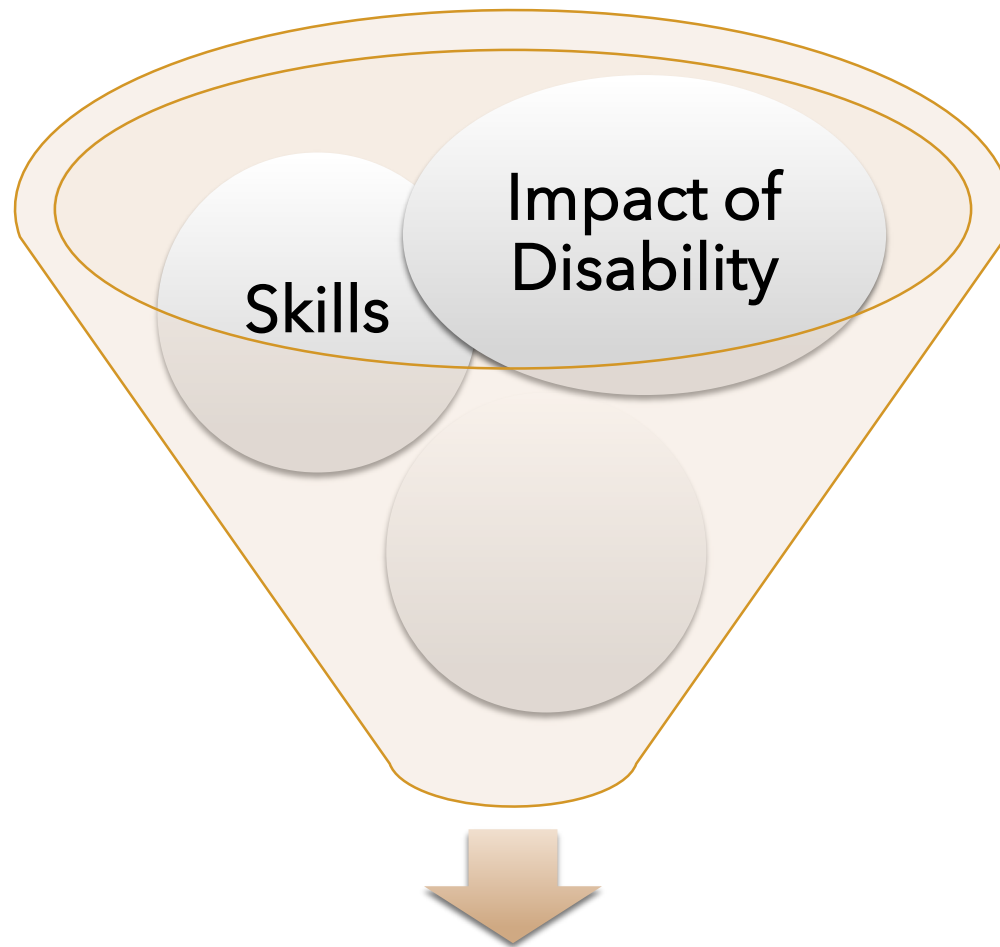
...

(2)

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

(A) **Meet the child's needs that result from the child's disability [Emphasis added]** to enable the child to be involved in and make progress in the general education curriculum;

THE IDEAL:

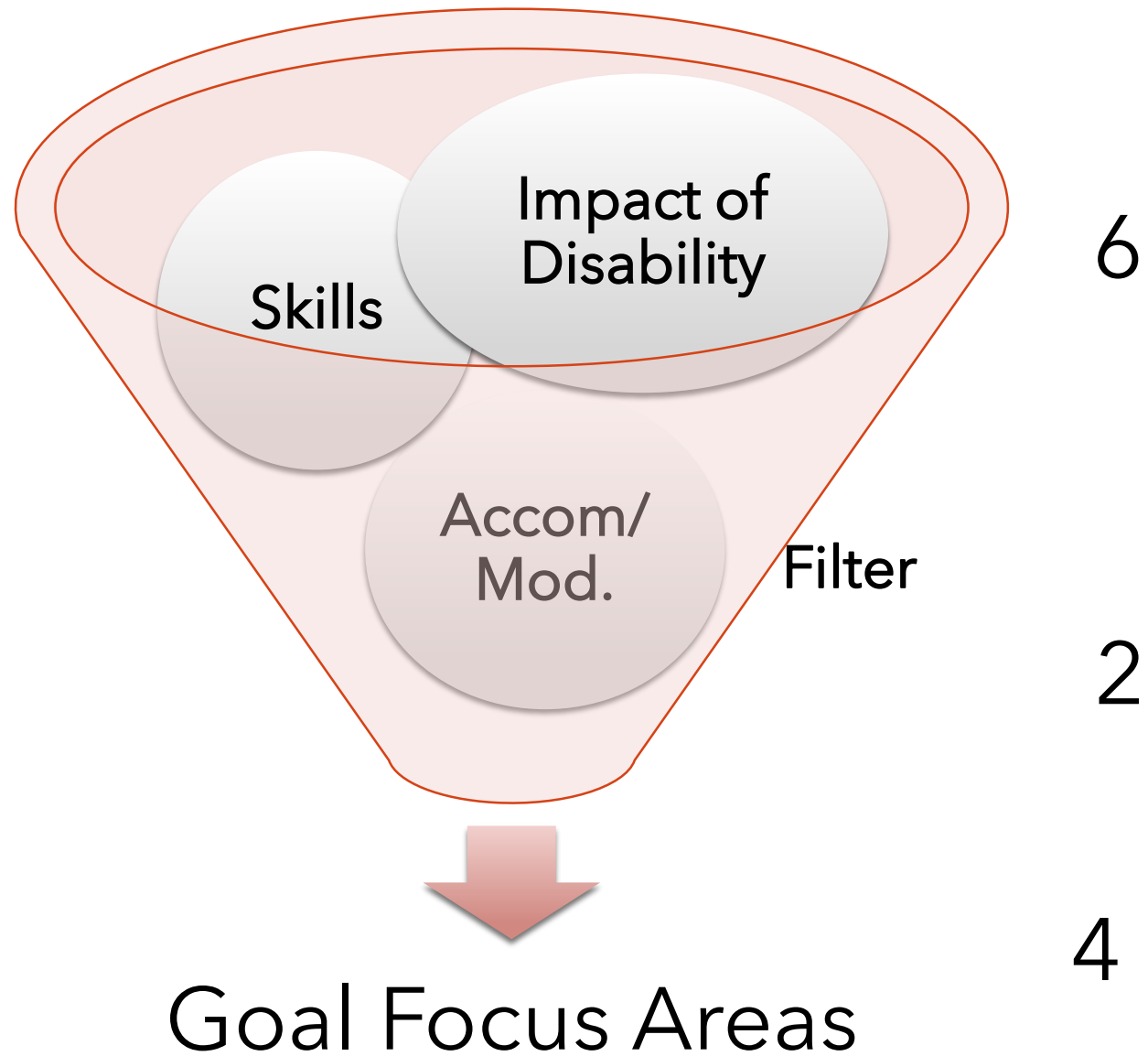


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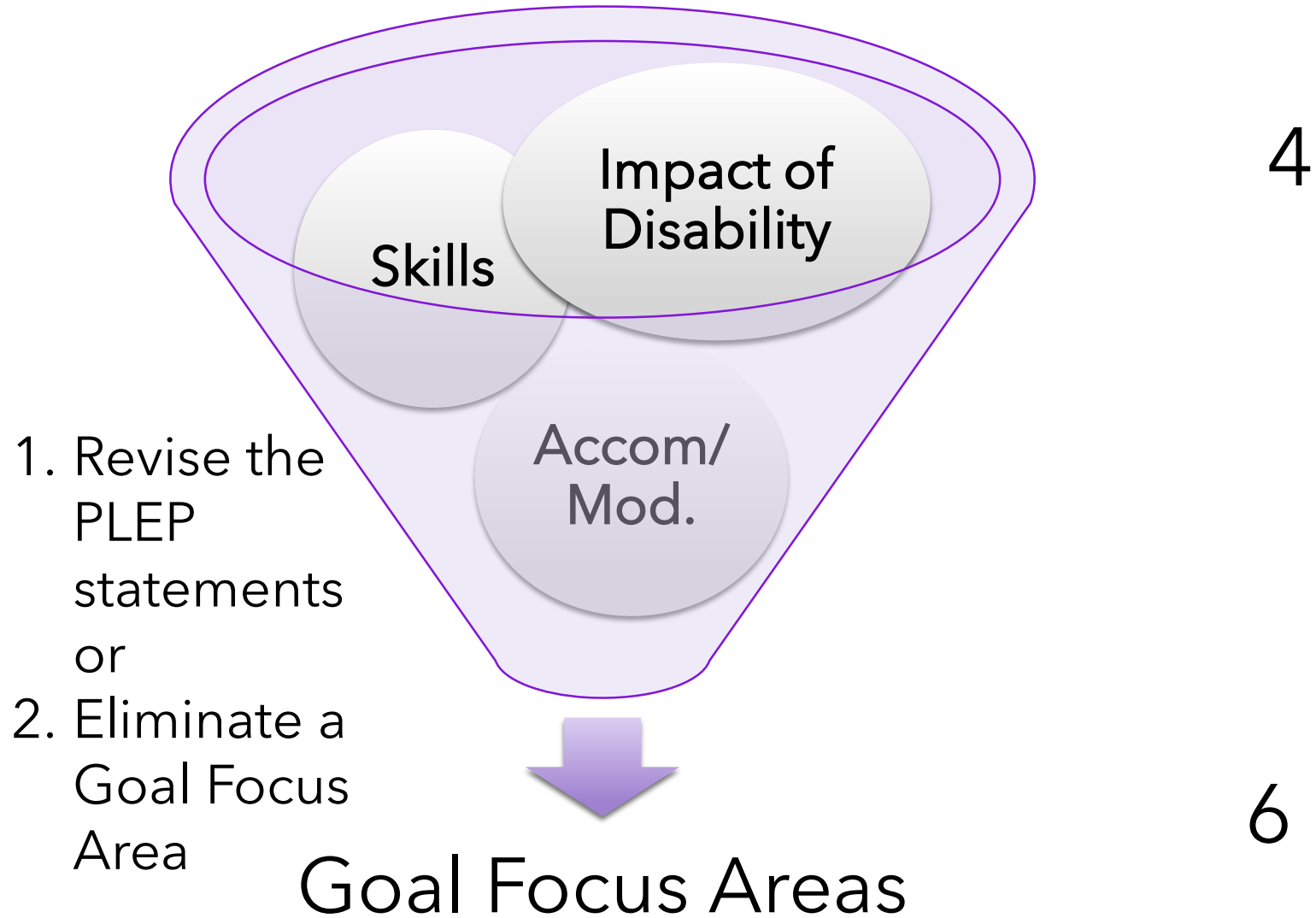
Goal Focus Areas

4

THE FILTER:



# REVISE OR ELIMINATE:



## SKILLS BECOME GOAL FOCUS AREAS

Skills often identified in this section: **Reading** (fluency, comprehension, basic skills, vocabulary, phonemic awareness, etc.), **Math** (calculation, problem solving, math reasoning, number sense), **Communication** (written, expressive, receptive, articulation), **Writing** (grammar, spelling, punctuation, written expression, fine motor), **Social** (pragmatic, anger management, social problem-solving, interpersonal, eye contact, body language, peer negotiation, etc.), **Motor** (fine, gross, visual/perceptual), **Executive Function** (attention, organization, planning, initiation, time management, self-advocacy, self-awareness, emotional regulation, task completion), **Academic** (reading, writing, math, language, study skills, etc.), **Daily Living Skills, Pre-Academic/Classroom readiness** (attending, turn taking, following routines/instruction, transitions, task initiation/completion), **Play Skills** (communication, gestural, body language independent/solitary play, parallel play, associative play, social play), **Vocational/Transition-related skills** (safety, technical knowledge, employability, career readiness, etc.), **Behavior** (self-regulation/lack of aggression, coping, self-monitoring, control, on-task, compliance, etc.)

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MA COMMISSIONER OF EDUCATION, JEFFREY C. RILEY  
ASE CONFERENCE  
OCTOBER 18, 2019

- “Married to the standards”





## THE NEED FOR:

- Accommodations only? - Special education? No.
- Accommodations AND Modifications – Special education? Yes
- In other words – the need for specially designed instruction



# WHERE TO BEGIN?

- Let's consider the entitlement to education...

## 14<sup>TH</sup> AMENDMENT

- Section. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

## EDUCATION AS PROPERTY

- Therefore, education can be viewed and has been interpreted as a property that links to the 14<sup>th</sup> Amendment. The Supreme Court in the ruling of Goss versus Lopez, 1975, indicated the concept of property in relationship to education. ... *and must recognize a student's legitimate entitlement to a public education as a property interest that is protected by the Due Process Clause, and that may not be taken away for misconduct without observing minimum procedures required by that Clause.* <https://www.law.cornell.edu/supremecourt/text/419/565>

## WHAT IMPACTS THE “PROPERTY” OF EDUCATION?

- **Accommodations** do not impact the property right because anyone can provide accommodations to any student at any time, but...
- **Modifications** do impact the property right because they are part of special education – they are linked to the due process requirements
- But the difference between accommodations and modifications all-too-often becomes co-mingled...

## MGL 71 B SECTION 2

...Prior to referral of a school age child for evaluation under the provisions of this chapter, the principal of the child's school shall ensure that all efforts have been made to meet such child's needs within the regular education program. Such efforts may include, but not be limited to: modifying the regular education program, the curriculum, teaching strategies, reading instruction, environments or materials, the use of support services, the use of consultative services and building-based student and teacher support and assistance teams to meet the child's needs in the regular education classroom. ..The principal of each school shall implement the district's curriculum accommodation plan created under section 38Q 1/2 of chapter 71 in developing strategies for serving children with diverse learning styles within the regular classroom. ...

# DISTRICT CURRICULUM ACCOMMODATION PLAN (DCAP)

Massachusetts General Laws, Chapter 71, Section 38Q1/2

“A school district shall adopt and implement a curriculum accommodation plan to assist principals in ensuring that all efforts have been made to meet the students’ needs in regular education. **The plan shall be designed to assist the regular classroom teacher in analyzing and accommodating diverse learning styles of all children in the regular classroom and in providing appropriate services and support within the regular education programming, ...**



## ACCOMMODATIONS AND MODIFICATIONS

- General Educator Role
- I have heard general educators say, “Accommodations are the responsibility of special education”
- Confusion because accommodations in IEP and IEP is a special education document.



## ACCOMMODATIONS FOR ANYONE

- *All staff may provide individual accommodations to students on an as-needed basis and specific to the content or situation*
- *While it lists best practices, sample strategies and other actions from which the teachers and collaborating staff may select for appropriate accommodations for individual students, in no way does the DCAP limit the accommodations that staff may choose to implement in order to meet a student's needs.*
- ***From Reading Public Schools DCAP, Page 4***



**BEST PRACTICES - ALL EDUCATORS**

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**ACCOMMODATIONS (504)- GENERAL EDUCATORS**

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**ACCOMMODATIONS (IEP) - GENERAL AND SPECIAL EDUCATORS**

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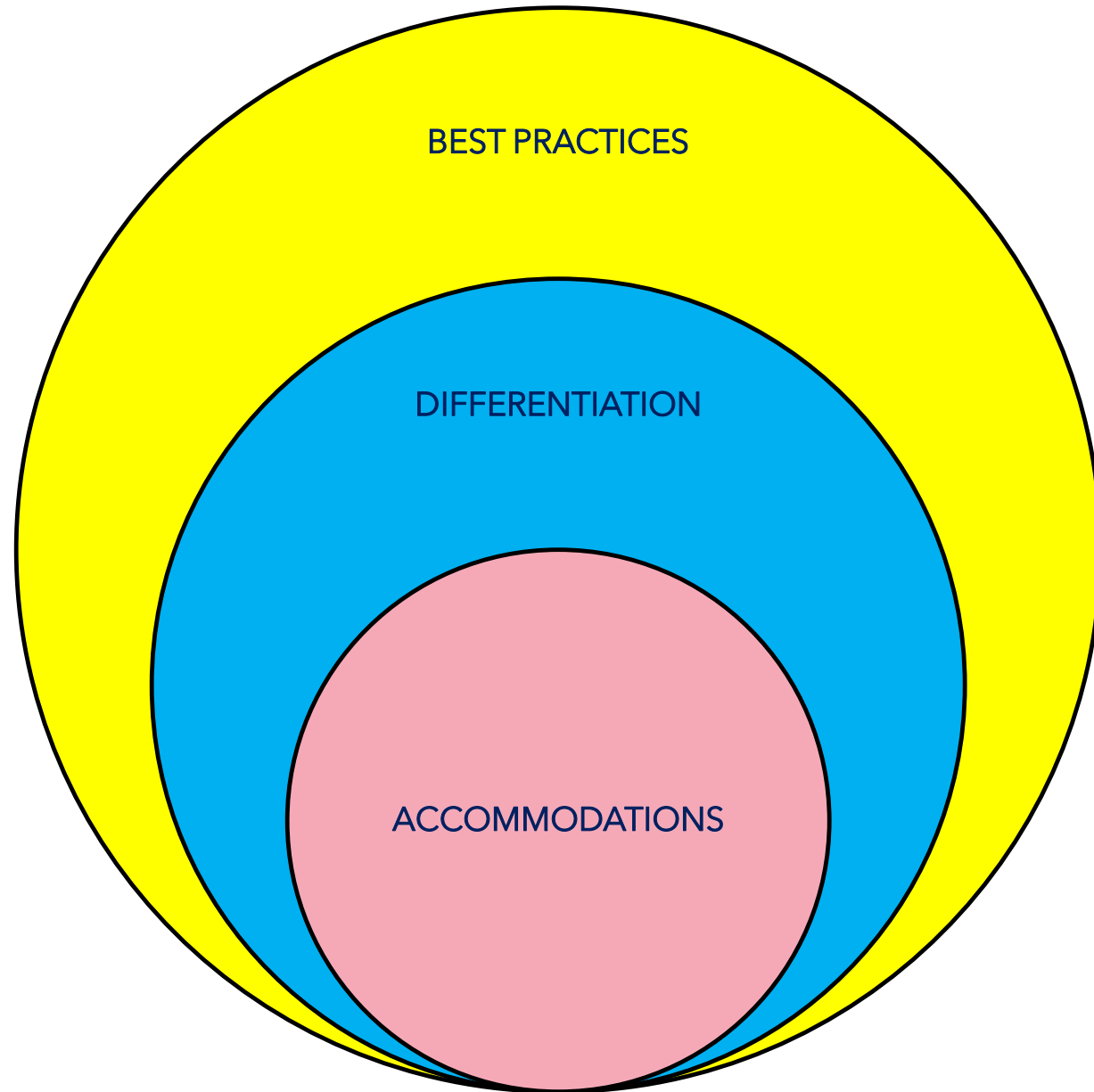
**MODIFICATIONS (IEP) - SPECIAL EDUCATORS**

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## ACCOMMODATIONS IN THE IEP

- Another quote from a general educator:
- “THE ACCOMMODATIONS SECTION OF THE IEP IS NOT USEFUL TO ME BECAUSE IT JUST LISTS GOOD TEACHING PRACTICES”




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**BEST PRACTICES**  
**DIFFERENTIATION/ACCOMMODATIONS**  
**DISTRICT CURRICULUM ACCOMMODATION PLAN (DCAP)**  
**DIFFERENCE BETWEEN SHOULD AND MUST**

- **Some Students**
- Section 504
- 504 Plan
- Accommodations
- **General Educators**

- **Some Students**
- Special Education
- IEP
- Accommodations
  - **General and Special Educators**
- Specially-Designed Instruction/Modifications
  - **Special Educators**

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- Accommodations
    - Can be part of best practices, in a 504 plan or in the IEP
    - First and foremost the responsibility of the **general educator**
  
  - Modifications
    - Only in IEP
    - First and foremost the responsibility of **special education**

## ACCOMMODATIONS

1. Often confused with modifications.
2. Assist the student in more effectively **accessing curriculum**.
3. Usually **available in a general education setting**, and could be made available **to any number of students**.
4. **Do not take the student off grade level**, nor do accommodations result in removal of the student from others without disabilities.

*[www.pent.ca.gov/acc/commondefinitions\\_accom-mod.pdf](http://www.pent.ca.gov/acc/commondefinitions_accom-mod.pdf)*

## ACCOMMODATIONS LISTS ARE TYPICALLY IN A “LAUNDRY LIST” FORMAT

- The “list” format requires the reader to search for specific necessary accommodations
- The “list” format can lead to frustration
- Let’s make the accommodations section more “user friendly”
- Categorize!



# ACCOMMODATIONS IN THE IEP

## ■ SETTING

- Making purposeful determinations for **change in the environment** for a student

## ■ PRESENTATION

- Making purposeful determinations for how **information is provided to a student** (this is statistically the most frequent accommodation)

## ■ TIMING/SCHEDULING

- Making purposeful determinations for **altering time allocations or the schedule** for a student (extra time, at a particular time of day, etc.)

## ■ RESPONSE

- Making purposeful determinations for **how a student will provide information** to the teacher or others

# SUGGESTIONS

It might be helpful to set up the four areas and begin with these sentence starters such as:

***Setting*** – *Allan needs the following setting accommodations:*

***Timing*** - *No Timing accommodations are necessary at this time.*

***Presentation*** - *Allan needs the following presentation accommodations:*

***Response*** - *Allan needs the following response accommodations:*

## ACCOMMODATIONS (THINGS ARE LIKELY TO CHANGE)

- Presentation, Response, Timing and Scheduling, Setting
  - Type
  - Provider
  - State or district wide assessment
  - Locations
    - Academic: Classrooms
    - Life of the school and non-academic environments
    - Extracurricular

(<http://www.doe.mass.edu/sped/improveIEP/representative-models.pdf>)

## SPECIALLY DESIGNED INSTRUCTION – SDI (MODIFICATIONS)

1. Specially Designed Instruction (modifications), **must be** identified on an IEP.
2. Result in **significant** changes to approaches, curriculum, setting or measurement.
3. Recommended or designed by a person who has **special credentials or license** to develop or monitor the approach.
4. Available to specially identified students
5. May result in the student doing off grade-level work.

## WHAT IDEA SAYS ABOUT SDI...34 CFR 300.39

### **Specially Designed instruction**

(a) (1) Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability,

(b) (3) Specially designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the **content, methodology, or delivery of instruction—[emphasis added]**

<https://sites.ed.gov/idea/regs/b/a/300.39>

## WHAT DOES MASSACHUSETTS SAY ABOUT SDI?

- Specially designed instruction is a **modification [emphasis added]** not regularly provided for students in the general education program  
<http://www.doe.mass.edu/sped/iep/proguide.pdf>
- Therefore: Specially designed instruction = Modification

## MORE THAN IDEA BUT NOT LESS

- Specially designed instruction includes modifications that affect **content, delivery of instruction, methodology and/or performance criteria [emphasis added]** and are necessary to assist the student in participating and learning. This instruction is designed by or with an appropriately credentialed special education teacher or related service provider. <http://www.doe.mass.edu/sped/iep/proguide.pdf>

## SPECIALLY DESIGNED INSTRUCTION

- This is the core of special education
- Provided to meet the unique needs of a student
- Modifying: **content, methodology/delivery of instruction, performance criteria**
- Organized and planned activities/interventions/strategies
- **Requires a licensed special educator or related service provider**
  
- **Appendix B**



# SPECIALLY DESIGNED INSTRUCTION – MASSACHUSETTS FORM



1. What type(s) of specially designed instruction is necessary for the student to make effective progress?
2. One, two or all three of the following areas must be identified for students determined eligible for special education services, either:
  - Content, (**what**)
  - Methodology/delivery of instruction, (**how**)
    - and/or
  - Performance criteria (**how we know, assess or evaluate**)

For a detailed description of modifications see <https://allansblume.weebly.com/accommodations-modifications-specially-designed-instruction.html>

## CONTENT

1. Example – If student is doing fewer math problems than peers – this is **not** a modification of content. But when doing fewer math problems, if the student is missing out on some of the content – then this **IS** a content modification
2. Example - Students do 20 Addition, subtraction, multiplication and Division problems, Allan does 10 – this is not a content modification – it is likely a **performance criteria modification or possibly a response accommodation**
3. But if Allan only does addition and subtraction where others do all of the functions - **this is a modification of content**
4. Or if Allan does lower grade level of all addition, subtraction, multiplication, division – **this is modification of content**

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# THE PROBLEM WITH IDENTIFYING “CURRICULUM MODIFIED TO STUDENT’S INSTRUCTIONAL LEVEL”

Grade Level	Gap	Instructional Level
8	4	4
9	4	5

# CONTENT IS ALL ABOUT THE FRAMEWORK STANDARDS

## 3 OPTIONS WITH CONTENT

Content Modifications represent WHAT needs to be modified; the curriculum/curriculum standards.

1. Do not modify - keep standards at grade-level
2. Narrow the focus of grade-level standards to key concepts
3. Modify content for level of complexity
  1. Entry points of grade-level standards
  2. Entry points of lower than grade-level standards

## A WORD OF CAUTION ABOUT CONTENT MODIFICATION:

The U.S. Department of Education said that all IEPs should conform to “the state’s academic content standards for the grade in which the child is enrolled.”

In cases where children are significantly behind grade level, IEP teams should establish goals that are “ambitious but achievable,” the letter states. While such children may not reach grade level within a year, “goals should be sufficiently ambitious to help close the gap,”

<https://www.disabilityscoop.com/2015/11/17/feds-ieps-grade-level/20972/>

## ENTRY POINTS TO CURRICULUM STANDARDS

- Curriculum is already modified for us via the entry points.
- Entry points can be used that describe academic outcomes that are linked with grade-specific standards, described at successively lower levels of complexity at which specific students may be able to achieve them.
- Students with disabilities are expected to achieve the same standards as their nondisabled peers. However, they may need to learn the necessary knowledge and skills differently, including their presentation at lower levels of complexity
- **Let's look at Entry Points...**
- <http://www.doe.mass.edu/mcas/alt/resources.html>



# ENGLISH LANGUAGE ARTS

- Grade 6
- Strand – Reading - Literature

## CONTENT AREA ENGLISH LANGUAGE ARTS

### STRAND READING - LITERATURE

#### GRADE 6

- **Grade Level Standard:** Cite textual evidence to support analysis of what a text states explicitly as well as inferences drawn from the text, quoting or paraphrasing as appropriate.
- **Key Concept:** Explicit - rather than inferences, citations, quoting, paraphrasing
- **Entry Points:**
  - More Complex - Identify details from a text to support an inference (i.e., a conclusion)
  - Mid Complex - Summarize what a text says, citing examples from the text
  - Less Complex - Summarize key events in a literary text



## SPECIALLY DESIGNED INSTRUCTION – CONTENT

**Content** – *options for IEP language:*

1. Curriculum modified for the provision of key facts or concepts of grade-level standards for the following curriculum area(s) \_\_\_\_\_

*and/or*

2. Curriculum modified for level of complexity to (less, mid, or more) complex entry points of grade-level standards for the following curriculum area(s) \_\_\_\_\_

(See the Resource Guide to the 2017 Massachusetts Curriculum Frameworks for Students with Disabilities at <http://www.doe.mass.edu/mcas/alt/resources.html>)

**See Appendix C**



## METHODOLOGY/DELIVERY OF INSTRUCTION

- Individualized strategies or approaches that are necessary for the student
- Different than those being used for non-disabled peers
- Methodology is at the heart of special education



## SPECIALLY DESIGNED INSTRUCTION – METHODOLOGY/DELIVERY OF INSTRUCTION

**Methodology/Delivery of Instruction** - represents **HOW** delivery of instruction will be modified.

*(identify the specialized, research-proven teaching methods, groupings, therapies or other methods of instruction that the district needs to provide to the student)*

Examples – Small group instruction, reduced student/teacher ratio, specialized instruction, specific interventions, therapies, related service provision, specialized reading program, direct instruction by special educator to student on how to use and implement accommodations, hands-on activities

**See Appendix D**

# PERFORMANCE CRITERIA REPRESENTS ASSESSMENT MODIFICATIONS FOR HOW IS THE STUDENT ASSESSED/HOW WILL YOU KNOW

- Individualized approaches for assessing and evaluating student progress – how the student demonstrates what has been learned (unique to that student)
- Ubiquitous - found in many IEPs
  - Formal and informal Assessment, Teacher observations, progress reports
  - Consider methods above and beyond the ubiquitous
- Individually designed rubrics, checklists
- Modifications to grading procedures

## SPECIALLY DESIGNED INSTRUCTION – PERFORMANCE CRITERIA

- **Performance Criteria** *how performance will be evaluated differently than for other students*
- **Examples –**
  - **Samples of student work will serve as the basis for the determination of student performance.**
  - **Data Collection based on (rubrics, checklists, observation, record of verbal responses, videotaped evaluation, portfolios, illustrations, hands-on performance, student self-evaluation)**
  - **Tests for Alternate subject material (based upon content modifications identified earlier)**
  - **Weighted grading system - *In the absence of how grading will be modified, it would be assumed that the student will be graded the same as all other non-disabled students.***

See Appendix E

## “ACCOMMODATION DRIFT”

- Be sure that modifications; content, methodology/delivery of instruction, performance criteria are indeed specially designed
- Watch out for “accommodation drift”
- Accommodation Drift – when accommodations have “drifted” into the modifications portion of the IEP
- For example: ‘multi-modal instruction’ or ‘sequential instruction’ under the methodology heading, or other good teaching practices listed in the modifications section
- Modifications require the skills or license of a trained special educator