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ST. LOUIS • APRIL 22-24, 2025

Weaving Together High Quality and Legally Defensible IEPs with the Golden Thread

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Introductions

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Session Learning Targets

1

Become familiar with The Golden Thread IEP development framework

2

Deepen your understanding of Special Education process as outlined in IDEA

3

Leave with practical tips to develop compliant and educationally relevant IEPs



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Acronyms We May Use

- IDEA: Individuals with Disabilities In Education Act
- 504: Section 504 of Rehabilitation Act
- IEP: Individualized Education Program
- MTSS: Multi-Tiered Systems of Support
- RED: Review of Existing Data
- PLAAFP: Present Levels of Academic Achievement and Functional Performance
- MAG: Measurable Annual Goals
- LRE: Least Restrictive Environment



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Finish This Statement...

Writing an IEP is like...

Share out your responses

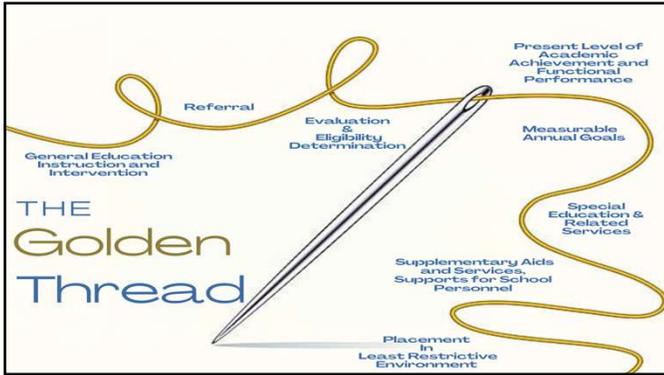


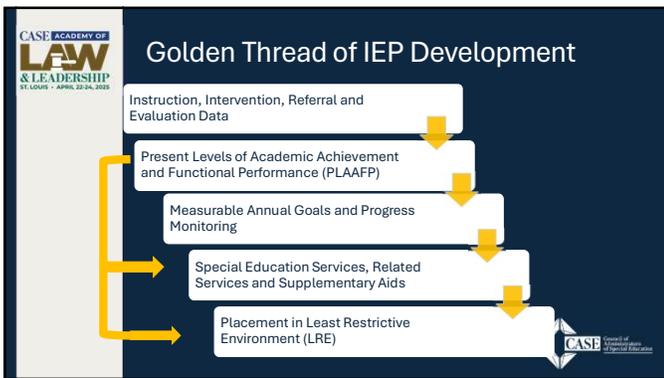

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Creating An IEP Is No Easy Task

- Complex and highly individualized process
- No two IEPs are alike
- Highly regulated and compliance-driven
- Distinct sequential process outlined in IDEA
- Multiple required IEP components
- Often components seem to be disconnected and disjointed







Golden Thread of IEP Development

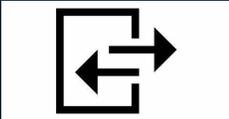
- Following the sequence of the special education process from pre-referral to IEP development, the Golden Thread offers a holistic perspective on the student's educational journey.
- The Golden Thread ensures internal consistency when developing IEPs.

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Before We Begin...

Underlying assumptions:

- Before being found eligible for special education services under IDEA, the child has been provided high-quality instruction and intervention prior to a referral for special education.
- A comprehensive evaluation is crucial for the development of an effective and compliant IEP.



“Through great input, you get great output” –RZA



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General Education Instruction: IDEA

(b)Special rule for eligibility determination. A child must not be determined to be a child with a disability under this part—

(1) If the determinant factor for that determination is—

(i) Lack of appropriate instruction in reading, including the essential components of reading instruction ;

(ii) Lack of appropriate instruction in math; or

(iii) Limited English proficiency

34 CFR 300.306(b)



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General Education Instruction: IDEA

Perez v. Weslaco Indep. Sch. Dist., 123 LRP 27639 (5th Cir. 2023):

“Recall that the IDEA is limited only to ‘*children with disabilities*,’ not every student who is struggling with something.”

The district is required to provide special education to the student only if the student “(1) had a qualifying disability and (2) ‘by reason thereof, need[ed] special education and related services.’”



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General Education Instruction and Intervention: IDEA

(b) To ensure that underachievement in a child suspected of having a specific learning disability is not due to lack of appropriate instruction in reading or math, the group must consider, as part of the evaluation described in §§300.304 through 300.306—

(1) Data that demonstrate that prior to, or as a part of, the referral process, the child was provided appropriate instruction in regular education settings, delivered by qualified personnel;

and

(2) Data-based documentation of repeated assessments of achievement at reasonable intervals, reflecting formal assessment of student progress during instruction, which was provided to the child's parents.

34 CFR 300.309(b)



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Practical Tips for General Education Instruction and Intervention

THEORY INTO PRACTICE

- Train educators on evidence-based instructional practices.
- Ensure instruction is aligned to grade-level standards.
- Collect, study, and act on district, grade, and student-level data.
- Identify student-specific deficits using multiple sources of data.
- Align instruction and interventions with individualized goals.
- Adjust interventions as directed by data.



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Compliance Considerations for General Education Interventions

- Multi-Tiered System of Supports (MTSS) / Response to Intervention (RTI) Process Cannot Be Used to Delay/Deny an Initial Evaluation (OSEP 2023)
- Districts may not use IDEA Part B funds to pay for special education services for a student who has not been found IDEA-eligible, even if services are provided as part of a response to intervention or multi-tiered system of supports framework. *Letter to Zirkel, 73 IDELR 241 (OSEP 2019)*




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Connection Point: Referrals to Evaluations

Referral concerns serve as the driving force behind the evaluation process

The concerns identified during the referral process direct the composition of the evaluation team, the selection of assessments, and the procedures for data collection



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Evaluation: IDEA Initial Evaluations

Each public agency must conduct a full and individual initial evaluation, in accordance with §§300.304 through 300.306, before the initial provision of special education and related services to a child with a disability under this part.

34 CFR 300.301



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Evaluation: IDEA Initial Evaluations

(2) Must consist of procedures—

(i) To determine if the child is a child with a disability under §300.8;

and

(ii) To determine the educational needs of the child.

34 CFR 300.301



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Evaluation: IDEA Evaluation Procedures

Conduct of evaluation. In conducting the evaluation, the public agency must—

(1) Use a variety of assessment tools and strategies **to gather relevant functional, developmental, and academic information about the child**, including information provided by the parent, that may assist in determining

(i) Whether the child is a child with a disability under §300.8; and

(ii) **The content of the child's IEP, including information related to enabling the child to be involved in and progress in the general education curriculum (or for a preschool child, to participate in appropriate activities);**

34 CFR 300.304



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Practical Tips for Conducting Evaluations

THEORY INTO PRACTICE

- Collaborating with assessment experts is crucial!
- Employ a wide range of assessment tools to address concerns identified in the referral.
- “When the only tool you have is a hammer, you treat everything as if it’s a nail.”
- Cast a wide net in your assessment approach but ensure intentionality in your practices.
- Provide training for staff on administering and interpreting assessment data.



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Practical Tips for Conducting Evaluations

THEORY INTO PRACTICE

- Follow publisher guidelines and instructions for using assessments.
- Examine assessment practices for potential cultural or racial biases.
- Ensure that assessment tools and data collection methods offer pertinent information that directly contributes to determining the child's educational needs.



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THEORY INTO PRACTICE

Practical Tips for Establishing Eligibility

- Follow state eligibility determination process and criteria
- Evaluation data must support the 3-legged stool of eligibility
 - Meets eligibility criteria
 - Documented adverse educational impact
 - Demonstrates the need for special education and related services




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Connection Point: Evaluation Process to IEP Development

The data gathered through the evaluation process serves as the foundation for creating the IEP.



Evaluation data should offer a clear picture of the student's current functioning levels.



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Present Levels of Academic Achievement and Functional Performance

- Common acronyms: PLAAFP, PL, PLP
- Foundation of the IEP



“If you don’t know where you are going, any road will get you there.” Lewis Carol, *Alice in Wonderland*



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Key Questions for Designing the PLAAF Statement

- What do we want for our **student**? *(described in the PLAAF statement and measurable annual goals)*
- What is the student's **current reality** and unique circumstances? *(described in the PLAAF statement)*
- What does the student **need** to be successful? *(described in the PLAAF statement and outlined in IEP aids/services)*
- How can we maximize our resources to support the student? *(described in the placement and implementation of the IEP)*

Essential for knowing the student and to collaboratively develop the PLAAF statement with the family, student, related service providers, and educators.



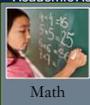
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PLAAF: Academic Achievement

Examples of Areas Covered by Academic Achievement

“Academic achievement” generally refers to a **child’s performance in academic areas**. It could vary depending on a child’s circumstance or situation; therefore, a definition of academic achievement is not included in the IDEA regulations.

Source: 71 Fed. Reg. at 46662







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What Is Functional Performance?

- “Functional performance” generally refers to activities that are not considered academic or related to a child’s academic achievement.
- “Functional” often is used in the context of routine activities of everyday living.




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Stranger Test: PLAAFP

- Translate test scores into everyday language
- Clarify special education terminology for all stakeholders
- Keep the use of acronyms to a minimum; always spell out the first time used
- Ensure descriptions are jargon free and clear
- Provide specific examples and easy-to-understand explanations of student's strengths, weaknesses, and needs
- Compare the student's performance to expectations of classroom or school setting



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Legal Tips For PLAAFP Statements

- If the statement of PLAAFP does not consider the unique needs of the child, establish a baseline for establishing goals and monitoring progress, or allow informed parental participation in the IEP process, then the IEP may be insufficient to provide FAPE. *Bear v. USD 512 Shawnee Mission, 82 IDELR 223 (D. Kan. 2023)*
- Be specific in PLAAFP regarding student "behaviors"
- Specify parent concerns
- Support descriptions of functioning with data



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Connection Point: PLAAFP to Measurable Annual Goals

IEP teams create annual goals to meet the specific needs identified in the PLAAFP.



The student's current performance, as detailed in the PLAAFP, sets the baseline for IEP goals and progress measurement



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Measurable Annual Goals: IDEA

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

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

(B) Meet each of the child's other educational needs that result from the child's disability

34 CFR 300.320




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Practical Tips for Developing Measurable Annual Goals

THEORY INTO PRACTICE

- Target needs from PLAAFP
- Set progress monitoring methods with goals
- Use clear, simple language
- Align goals with state learning standards
- Consider using a SMART goal format
- Does it pass the "Stranger Test"?



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Stranger Test: Measurable Annual Goals



Can I tell this goal was written specifically for this student?



Do I know how to instruct the student to achieve this goal?



How will I measure progress on this goal?



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SMART Goals

- Specific
- Measurable
- Attainable
- Relevant and results oriented
- Time bound




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BCCT Template: Measurable Annual Goals

B: Behavior	C: Condition	C: Criteria	T: Time
<ul style="list-style-type: none"> • What skill or behavior? • "Independently read third grade level sight and vocabulary words aloud" 	<ul style="list-style-type: none"> • Under what conditions will skill or behavior occur? • "When given a third grade reading passage containing 50 words" 	<ul style="list-style-type: none"> • What is the level of mastery expected for goal attainment? • "will independently read aloud at least 95% of the passage words correctly, on 4 out of 5 data collection trials." 	<ul style="list-style-type: none"> • What timeframe does the IEP team feel is appropriate for goal attainment? • "Over the course of this IEP cycle"

Over the course of this IEP cycle, when given a third-grade reading passage containing 50 words, Sophia will independently read loud at least 95% of the passage words correctly, on 4 out of 5 of the data collection trials.



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Legal Tips For Measurable Goals

- Demonstrate consideration of parent input
- Individualize to meet the needs of the child
- Reconvene team to revise goals if needed
- Document, document, document
- Data, data, data



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Progress Monitoring IEP Annual Goals

A statement of how the child's progress towards meeting annual goals will be measured

Description of when the periodic reports on the progress the child is making toward meeting the annual goals will be provided

IDEA § 300.347

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IEP Goal Development & Progress Monitoring Data

IEP Goal Development

↻

Progress Monitoring Data

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Progress Monitoring Redefined Review

IEP Goal Progress
– “Advance appropriately toward attaining annual goals”
(IDEA Sec. 300.320(4)(i))

➔

Grade-Level Progress
– “Make progress in the general education curriculum”
(IDEA Sec. 300.320)

➔

Performance on National and State Accountability Measures
– Academic proficiency and graduation
(SPP Indicators 1, 3B, & 3C)

➔

Postschool Success
– Enrollment in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment
(SPP Indicator 14)

Progress Comes, Preparing For Progress

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Practical Tips for Progress Monitoring

THEORY INTO PRACTICE

- Collect relevant data
- Determine data collection system while developing goals
- Act on data
- Communicate with parents




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Legal Tips For Progress Monitoring

- Communicate & deliver what was promised!
- Is this FAPE or “inching forward”?
- Hold teachers accountable for collecting data



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Connection Point: Measurable Annual Goals to Special Education and Related Services

Annual goals are crafted to meet the student's needs, driving the provision of special education and related services.

Special education and related services deliver specially designed instruction to assist the student in achieving their IEP goals.




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IDEA Definition: Special Education

- General
 - (1) Special education means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability
 - (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
 - (i) To address the unique needs of the child that result from the child's disability; **and**
 - (ii) To ensure access of the child to the general curriculum, so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children.

§300.39



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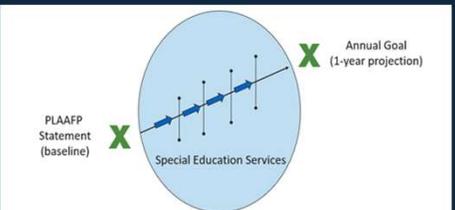
Let's Unpack Special Education...

- Specially designed instruction
- As appropriate, adapting content, methodology, or delivery of instruction
- Address the unique needs of the child that result from the child's disability
- Ensure access to the general education curriculum
- Meet educational standards that apply to all children
- What makes your special education services special?



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Connecting Goals to Special Education Services



PLAAPF Statement (baseline) X

Annual Goal (1-year projection) X

Special Education Services

Progress Center, Prepping For Progress



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IDEA Definition: Related Services

- Related services
 - (a) General. Related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education..

§300.304



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Related Services: Overused and Under-Utilized?

- What are typical related services utilized in an educational setting?
- Related services listed in IDEA not an exhaustive list
- Examine related services scope of practice
 - SLPs: Literacy assessment and support, communication support for social skills and behavior
 - OT and PT: Behavior regulation, sensory support, executive functioning, attention, assistive technology, vocational skills



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Practical Tips for Special Education and Related Services

THEORY INTO PRACTICE

- Align services with annual goals and needs identified in PLAAFP
- Maintain educational relevancy
- Individualized instruction based on student needs
- Collaborative decision making
- Explore the scope of practice for related services
- Regular review and adjustment





Legal Tips For Special Education and Related Services

O.P. v. Jefferson Co. Bd. of Educ., 82 IDELR 152 (N.D. Ala. 2023):

Hearing officer’s decision that the IEP for a first grader with significant physical disabilities contained appropriate PT and OT services is upheld.

At the due process hearing, the school’s physical therapist testified that she had reviewed the parent’s independent PT evaluation and noted that it was very similar to her own. However, she disagreed with the parents’ evaluator’s position that the school should provide two monthly sixty-minute sessions or pay for outpatient PT.



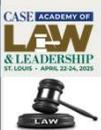


Legal Tips For Special Education and Related Services

While more PT would benefit the student, the school-provided PT of one monthly thirty-minute visit was sufficient to allow the student to be safe and independent in the school environment, especially when considered in conjunction with her adapted PE program, which also focused on gross motor skills in the areas of balance, strength, and hand/eye coordination.

The district’s OT testified that she had reviewed the parent’s private OT evaluation and also concluded that it was similar to hers but disagreed with the extent of school-based OT services recommended. Her recommendation of one sixty minute session per week, in conjunction with consultation with the classroom staff and special education case manager, was sufficient to address the student’s educational needs. She testified that outpatient PT and OT are aimed at medical improvement, but school-based occupational therapy is directed at reaching the goals set out in the IEP.





Legal Tips For Special Education and Related Services

“The court is deeply sympathetic to [the student’s] parents’ wish for [the student] to receive services that will maximize her educational opportunities and cause her to progress in school at the same pace as her classmates. Unfortunately, the IDEA does not require a school district to maximize a child’s potential, nor can it promise—or deliver—progress at any particular pace for any child. Because [the parents] have not shown that the Board denied [the student] a free appropriate public education based on its provision of occupational and physical therapy, the court will deny their motion for judgment on the administrative record and will grant the Board’s motion for judgment on the administrative record.”



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Legal Tips For Special Education and Related Services

- Is this needed to support FAPE?
- Be mindful of saying no and how to say no
- Bring/get input from needed personnel
 - Nurse
 - food service
 - transportation personnel



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Connection Point: Special Education and Related Services To Supplementary Aids and Services

Special education and related services, along with supplementary aids and services, work in tandem to help students access the general education curriculum.



The layering of these services and supports enables students with disabilities to learn alongside their non-disabled peers and make progress toward their annual goals.



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THEORY INTO PRACTICE

Practical Tips for Supplementary Aids and Services

- Data-Driven Selection
- Annual Review
- Complementary Support to Instruction
- Consistency in Instruction and Assessments
- Consider needs across all educational environments



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Legal Tips For Supplementary Aids and Services

- Is this needed for FAPE in the LRE?
- The need for supplementary aids and supports also extends to extracurricular and non-academic activities
- Don't make decisions based on cost or administrative concerns



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Connection Point: Services To Placement in Least Restrictive Environment (LRE)

Supplementary aids and services may be necessary for students with disabilities to engage in academic, extracurricular, and non-academic activities.

Supplementary aids and services, along with all other IEP components, work together to educate students with disabilities alongside their nondisabled peers to the maximum extent appropriate.



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IDEA Requirements: LRE

300.114 LRE requirements.
(2) Each public agency must ensure that—

(i) To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled;

and

(ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.



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Let's Unpack LRE...

- "Maximum extent appropriate",...are educated with children who are nondisabled?
 - How is this determined?
 - What data will you need to support your decisions?
- Removal from regular educational environment occurs only if...education in regular classes with the use of supplementary aids and services, can not be achieved satisfactorily?
 - What data do you have to show that supplementary aids and services were attempted but were not successful?
 - When should placement determinations be made during the annual IEP meeting?



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Practical Tips for Placement in Least Restrictive Environment (LRE)

THEORY INTO PRACTICE

- General education status always remains
- Consider and engage the power of assistive technology
- Placement determinations made with parent input
- LRE is highly individualized, driven by student need



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Legal Tips For Placement In LRE

- Demonstrate steps to keep student in LRE prior to moving on continuum
- Consider interaction with nondisabled peers
- Do not surprise parents with change of placement





What About Postsecondary Transition?

- Postsecondary considerations should be woven into the entire IEP for a transition-age student (and frankly, all students)
 - PLAAFP
 - Accommodations
 - Services
 - Annual Goals
 - Postsecondary transition IEP forms

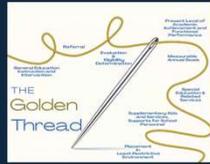




Weaving It All Together

When all components of the Special Education process are woven together the result is an IEP that...

is designed to provide the student with educational benefit and improved outcomes and meets regulatory compliance.





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